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City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMITTEE MEMORANDUM

TO: Finance and Citywide Projects Committee Members

FROM: Jorge M. Gonzalez, City Manager

DATE: April 19, 2012

SUBJECT: **Discussion regarding assigning funds for placement of a fence around South Pointe Park Tot Lot area**

This matter was referred by Commissioner Exposito and the Mayor and Members of the City Commission to the Finance and Citywide Projects Committee at the March 21, 2012 Commission meeting.

BACKGROUND

In November of 2011, South Pointe Park had a new playground, shade system and safety surface installed. This playground replaced the original playground installed during the construction of South Pointe Park; that playground was removed due to problems with quality and safety. As you are aware, the City remains in litigation on that matter. The cost for the replacement playground equipment, safety surface and Shade System was \$275,000. The funds were included in a city capital budget project approved by the City Commission during the annual budget process.

At the time the South Pointe Park design was being developed, a fence around the children's playground area was never requested or discussed by the City, the designers, the community or the Design Review Board. The South Pointe Park Basis Of Design Report (BODR) makes no mention of fencing requirements. The common theme of the South Pointe Park reconstruction focused on the openness of the park. The BODR included the minutes of two community design workshops. The only community comments associated with the playground address provision of shade and the cost of the playground.

The playground as presented in the South Pointe BODR did not include a fence around it. However, the seating and tables for parents were completely built into the design for the Playground Area to provide for a safe and clearly defined environment for the children, with integrated areas for parents to closely supervise their play.

During the 2010 community meetings that were held with residents to discuss the proposed playground replacement options, several parents requested that a fence be installed when the new playground was constructed. No funding had been identified at that time for a fence, and in an effort to replace the playground equipment as expeditiously as possible (since the inclusion of a fence would require, at a minimum Design Review Board approval, which would have created a delay), and the fact that a fenced-in tot lot is currently located at Marjory Stoneman Douglas Park on Ocean Drive and 3rd street, the project proceeded without a fence. Following the December 16, 2010 community meeting, the City received a letter from south of fifth residents indicating their support for the placement of a fence around the playground; sixty (60) signatures were attached.

The playground, which is located in the north-eastern quadrant of the park, is bordered to the east by the community building/concession facility, the elevated sidewalk to the north and west, and a busy pathway to the south. Because of its proximity and use of this sidewalk by bicyclists, Segway riders, rollerblade skaters, joggers, pedestrians walking dogs etc., parents have expressed safety concerns. As you are aware, the City is proposing legislation to prohibit Segways from using internal pathways of South Pointe Park, including this adjacent pathway.

Based on a preliminary discussion with the Planning Department about the concept of the placement of a fence, they have confirmed that Design Review Board approval would be required. Further, any proposed fence design would be expected to be reflective of and compliment the other similar design elements (such as the handrails) in the park, including the use of similar materials, which is stainless steel. A very preliminary estimate of the cost of the fencing to meet these design standards is between \$185,000 to \$190,000.

CONCLUSION

Under the City's current process for developing the annual capital budget, proposals for new capital projects (as well as proposals for modifications to existing projects) go through a comprehensive review which allows all projects to be prioritized as a whole prior to appropriation action by the Commission. Under the process, proposed new projects and proposed existing project changes are first reviewed by an internal staff committee, then reviewed by the Finance and Citywide Projects Committee (FCWPC), and then reviewed by the City Commission as a whole at time of adoption of the City's capital budget. The review by FCWPC typically occurs in early summer, and is consistent with the process for Commission input regarding operating budget priorities. This process allows early input by the Commission regarding priorities for funding, subject to availability. The proposed capital budget is available for review prior to the 2nd budget hearing in September each year, and is subsequently adopted by the Commission. It is recommended that all proposals impacting capital projects, including this one, go through this process rather than referring each project to the FCWPC individually. The process would be similar to the current, except that, rather than a referral to Finance and Citywide Projects on the City Commission agenda, there would be a referral to the Annual Capital Budget Process.

JMG/HMF/KS

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