



# MIAMI BEACH

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

## COMMISSION MEMORANDUM

TO: Mayor Matti Herrera Bower and Members of the City Commission

FROM: Jorge M. Gonzalez, City Manager 

DATE: April 16, 2008

SUBJECT: **REPORT OF THE NEIGHBORHOODS/COMMUNITY AFFAIRS COMMITTEE MEETING HELD ON WEDNESDAY, MARCH 26, 2008.**

A meeting of the Neighborhoods/Community Affairs Committee was held on Wednesday, March 26, 2008 at 2:30 pm in the City Manager's Large Conference Room. Commissioners in attendance: Ed Tobin, Jonah Wolfson, Jerry Libbin, and Deede Weithorn. City staff in attendance: Hilda M. Fernandez, Assistant City Manager; Robert Middaugh, Assistant City Manager; Tim Hemstreet, Assistant City Manager; Jose Smith, City Attorney; Raul Aguila, Deputy City Attorney; Max Sklar, Cultural Affairs and Tourism Development Director; Kevin Smith, Parks and Recreation Department Director; Julio Magrisso, Parks and Recreation Department Assistant Director; Saul Frances, Parking Department Director; Fred Beckmann, Public Works Department Director; Fernando Vazquez, City Engineer; Robert Reboso, Redevelopment Specialist; John Antona, Chief Elevator Inspector; Jose Alberto, Code Compliance Administrator; Dolores Mejia, Special Project Administrator; Officers Alejandro Bello, Julio Blanco, and Angel Vazquez of the Police Department; John Heffernan, A. C. Weinstein, Anthony Broad, and Anne Swanson of the Mayor and Commissioner's Office; and Randi MacBride, Neighborhood Services Department.

**1. DISCUSSION TO DEASSESS THE "RED SEA ROAD" SCULPTURE DESIGNED BY ARTIST BARBARA NEIJNA, AS RECOMMENDED BY THE ART IN PUBLIC PLACES COMMITTEE.**

Max Sklar, Cultural Affairs and Tourism Development Director, introduced the item, along with Mr. Joseph Z. Fleming, the attorney representing artist Barbara Neijna.

Mr. Fleming described the history of the work of art, including the efforts to try to obtain FEMA funds, insurance funds and other creative options to restore the piece since its destruction by a hurricane. The piece has been appraised at a value of at least \$500,000. Mr. Fleming reviewed the artist's proposal (Attachment A) distributed at the meeting.

Commissioner Tobin asked what this proposal would cost the City. Mr. Sklar stated the cost to the City would be for a new foundation.

Commissioner Wolfson asked where the piece would be placed. Commissioner Libbin stated that it is suggested either at its previous location or an alternate location. Mr. Sklar stated that its original location was in front of City Hall but there were issues in the past with skateboarders. He added that if the desire is to keep it at that location that the concerns can be addressed with a new foundation and how it is placed in that location, or an alternate location can be sought either around City Hall or another public place.

Agenda Item   C6D    
Date   4-16-08

Hilda M. Fernandez, Assistant City Manager, asked if there has been any discussion by the Art in Public Places Committee (AiPP) regarding the location of the work of art in front of this building. Mr. Sklar stated that it was only discussed in the context of the concern regarding the skateboarders.

Commissioner Tobin recapped the discussion and recommended referral to the AiPP committee, as this seems like a win-win situation.

Commissioner Libbin commended the artist for going out of her way to satisfy the issues that the City has and made a motion to go ahead and approve returning the work of art to the artist and in the interim while the artist is seeking funding and repairing it, the City would have discussions with AiPP as to where it should be placed, if and when, it is restored properly. Mr. Fleming responded that the artist does want to know, prior to her repairing it, that the City will take it back, including an agreement on its location.

Commissioner Libbin moved to refer this discussion to the Art in Public Places committee to discuss the location of the work of art. Motion seconded by Commissioner Wolfson.

**ACTION:** The committee unanimously moved to refer the item to the Art in Public Places committee to discuss the location of the work or art.

**2. DISCUSSION REGARDING AN ORDINANCE AMENDING CHAPTER 10 OF THE MIAMI BEACH CITY CODE ENTITLED "ANIMALS," BY AMENDING SECTIONS 10-1 THROUGH 10-5, 10-11, 10-13, AND 10-14 TO PROVIDE FOR THE ENFORCEMENT OF VIOLATIONS OF CHAPTER 10 VIA NOTICES OF VIOLATIONS AND SPECIAL MASTER PROCEDURES; AMENDING THE DEFINITIONS, FINES, PENALTIES, AND ENFORCEMENT PROVISIONS IN CHAPTER 10; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.**

Debora Turner, First Assistant City Attorney, explained that the only change made to the amendment at first reading by the City Commission was on page four of this item, paragraph (c) that talks about making the order a fine that would be recorded in the public record and would be a lien. An additional penalty would be that if the fine remains unpaid, for those people who rent or do not own property to which a lien can be attached, that they would also lose their residential parking decals.

Mr. Mark Derr spoke regarding his concern with security guards and that this ordinance does not address animal behavior. Commissioner Wolfson asked Mr. Derr what he would like to see addressed. Mr. Derr responded that he would like to see a way to handle dogs that are aggressive and threatening to people and other dogs.

Commissioner Libbin explained that Mr. Derr had approached him with suggestions and he had told Mr. Derr that he was willing to pursue a trial program. Commissioner Libbin stated that he is ready to go to the neighborhood board meeting to discuss a program that they would like to try, such as the "Sight and Sound" project out of Boulder, Colorado that was discussed at a previous meeting of this committee.

Commissioner Libbin made a motion to move the ordinance as-is. He added that he will continue to work with Mr. Derr about a potential pilot program for off-leash walking outside of the enclosed bark park area and bring that back for discussion at a Neighborhoods/Community Affairs Committee meeting when the neighborhood is ready.

**ACTION:** The committee moved to bring the ordinance back as-is to the next meeting of the City Commission for second reading.

**3. DISCUSSION REGARDING RENAMING OF THE NORTH SHORE YOUTH CENTER.**

Raul Aguila, Deputy City Attorney, clarified that he had provided this committee with erroneous information at its previous meeting when discussing the issue of renaming the North Shore Youth Center after Mr. Joe Fontana. He advised that he had stated previously that a unanimous vote of this committee was required to refer the item to the next step, which is for discussion at a meeting of the City Commission when in fact a unanimous vote is not required.

Commissioner Libbin confirmed with Mr. Aguila that only a simple majority of the Commission is needed to name an interior portion of the building and that a referendum is needed at some point if the desire is to rename the entire facility after Mr. Fontana. Commissioner Libbin made a motion to name the gymnasium after Joe and Flora Fontana. Commissioner Wolfson stated he would rather not designate the room at this time. Commissioner Libbin made a motion to name some room in the North Shore Youth Center after Joe and Flora Fontana. Motion seconded by Commissioner Wolfson. Commissioner Tobin voted against the motion.

**ACTION:** The committee moved to recommend to the City Commission the naming of a room within the North Shore Youth Center after Joe and Flora Fontana.

**4. DISCUSSION REGARDING THE CURRENT AVAILABILITY OF DISABLED PARKING SPACES IN THE VICINITY OF CITY HALL.**

Commissioner Wolfson explained that this item was brought to him for discussion by a handicapped resident.

Saul Frances, Parking Department Director, explained that the spaces in front of City Hall on 17<sup>th</sup> Street which are currently reserved for the mayor and commissioners were previously handicapped spaces. They had been moved there when the parking lot west of City Hall was closed for construction.

Commissioner Tobin asked how many disabled parking spots are within walking distance of City Hall. Mr. Frances stated that there are six spaces on Convention Center Drive right in front of City Hall which is the same amount that was previously on the 17<sup>th</sup> Street side.

Commissioner Weithorn asked if there is an enforcement issue as it seems that when some one needs a handicapped spot, you can't seem to find one. Mr. Frances answered that over the years spaces have been added. The requirement by the code is one disabled space for every 150 parking meters and in this area there are a little over 300 meters so the requirement is only three disabled spaces. Right now the City has nineteen disabled spots in this area so the City exceeds the requirement by sixteen locations. Mr. Frances added that the point made by Commissioner Weithorn is very well taken, there is always a need for disabled parking and their availability is sometimes scarce. Commissioner Weithorn added that these spaces are scarce not because they are being used by disabled people but are being used by people that are illegally parked. Mr. Frances concurred that that concern was an enforcement issue and stated that the department has a parking enforcement officer present during major events when there is high traffic in the area.

Commissioner Wolfson asked that enforcement be monitored and he will present the resident with the information and there is no need to bring it back to the committee. No motion was made.

**ACTION:** The committee made no motion on this item.

## **5. DISCUSSION REGARDING BICYCLE LANES ON ALTON ROAD.**

Commissioner Weithorn stated that she requested this discussion because the Florida Department of Transportation (FDOT) is in the planning stages to consider bike lanes and she thought it was prudent to have this discussion now rather than further down the line.

Fred Beckmann, Public Works Department Director explained that the Alliance for Reliable Transport (ART) has made a recommendation to install bike paths on Alton Road and he has asked FDOT to send the project manager for the Alton Road reconstruction project for a discussion. Mr. Adebayo Coker is here to give a quick overview of the alternatives and the timeline of how this project is developing and also comment on the recommendations made by ART.

Commissioner Tobin mentioned that he has been receiving calls regarding traffic conditions in the area at 16<sup>th</sup> Street and Alton Road where the McDonalds is located now that the City has installed a bike lane. Mr. Beckmann stated that they are currently doing a study on the conditions at that intersection. Commissioner Tobin asked that this be added as an item for discussion on the next Neighborhoods/Community Affairs Committee agenda. Mr. Beckmann said the study is under way and he will have a report on the intersection related to the bike path at 16<sup>th</sup> Street and Alton Road ready for the next meeting.

Mr. Coker explained the scope of the project. Mr. Beckmann explained the detail of the project.

Commissioner Libbin asked whether there is funding ready when the two-year study is completed regarding this Alton Road project. Mr. Beckmann recommended that the City Commission pass a resolution encouraging FDOT to advance this project as early as possible in their work program.

Commissioner Weithorn explained that this is a very important project that ART has a proposal for bike lanes, she had not seen what FDOT had proposed, and she thought that if there were any conflicts or differences it should be discussed as part of this committee. Mr. Coker explained the different options proposed by FDOT.

Commissioner Libbin suggested not having the bike lane between the parking lane and the traffic lane but between the sidewalk and the parking lane as a much safer option. A discussion ensued regarding the options and placement of the bike path. Commissioner Weithorn stated that the reason she brought this item for discussion is because this stage would be difficult in that to obtain a bike path, either parking or sidewalk would be lost. She added that everyone can recognize that in South Beach a bicycle corridor is necessary, however the question is where to put it and how to make it happen.

Judy Robertson representing the Flamingo Park Neighborhood Association spoke on the importance of bike paths and suggested removing parking on one side of Alton Road and replace it with a bi-directional bike path.

Commissioner Weithorn asked Mr. Coker if the proposals made by ART are not possible. Mr. Coker stated that the ART proposal does not conform with their standards or with national standards.

Commissioner Libbin suggested widening sidewalks to accommodate bicycles and pedestrians. Mr. Beckmann added that it is important to note when considering widening sidewalks that there are a lot of utility systems and it is preferable to not have these systems covered by concrete.

Commissioner Weithorn reminded everyone that bicycles are very important to the residents of this neighborhood and probably used more here for day-to-day activities than in any other neighborhood in the City. Commissioner Wolfson added that if the sidewalks are widened, bicycle traffic would be encouraged there and it may prove to be a more dangerous situation than it is now by combining pedestrians and bicycles.

**ACTION:** The committee made no motion. However, FDOT and ART will meet to discuss possible options and provide a report to the Commissioners prior to the April 16, 2008 meeting of the City Commission. Additionally, the Committee requested that a report from Mr. Beckmann regarding the intersection related to the bike path at 16<sup>th</sup> Street and Alton Road be added as an item for the next Neighborhoods/Community Affairs Committee meeting in April.

#### **6. DISCUSSION REGARDING RENAMING 71<sup>ST</sup> STREET TO HENRI LEVY BOULEVARD.**

Kevin Crowder, Economic Development Division Director explained that at the March 12, 2008 meeting of the City Commission, Ms. June Levi Newbauer, daughter of Mr. Henri Levy requested the Commission pass a resolution supporting the co-designation of 71<sup>st</sup> Street as Henri Levy Boulevard. He added that the bill is currently working its way through the state legislature and the state does like to see resolutions of support from the community.

Commissioner Libbin made a motion to recommend to the Commission to pass a resolution supporting the co-designation of 71<sup>st</sup> Street as Henri Levy Boulevard. Motion seconded by Commissioner Wolfson.

**ACTION:** The committee unanimously moved to recommend to the Commission to pass a resolution supporting the co-designation of 71<sup>st</sup> Street as Henri Levy Boulevard.

#### **7. DISCUSSION REGARDING A RESOLUTION REGARDING WHEELCHAIR LIFT MAINTENANCE.**

Tim Hemstreet, Assistant City Manager, explained that staff was asked to take a look at how the elevator section of the City Code is enforced with respect to wheelchair lifts. There is an ongoing problem, particularly with the older buildings that have either a single elevator or a wheelchair lift that are often not working. It was determined that the City does not have the authority to adopt its own rules regarding wheelchair lifts. However, the City can provide its own enforcement. Staff is recommending the amending of the City Code on the enforcement side. Currently, if there is a problem with a wheelchair lift or elevator, an inspector will issue a violation that has a timeframe for compliance which would be between 15-30 days. If it is not in compliance, it is sent to special master to be adjudicated. If there were a violation today, it would not be scheduled for special master until September based on their calendar. The recommendation is to change the enforcement to a citation and fine system.

Commissioner Libbin stated that he believes the staff recommendation makes sense and he made a motion to move it to the City Commission. Motion seconded by Commissioner Wolfson.

**ACTION:** The committee moved to recommend this item to the City Commission.

## **8. DISCUSSION REGARDING PANHANDLING/SOLICITATION IN SCHOOL ZONES.**

Commissioner Weithorn explained that she had received a call from a mother of a child at Fisher-Fienberg Elementary regarding a homeless man who had essentially camped out in front of the school. She wanted to commend the police department because by the time she had arrived at the school herself it had been taken care of. The mother was very pleased also. The mother, however, is still unhappy because she is frightened that if this person is a predator and homeless no one will know and this scares the mother.

Ms. Fernandez asked what issues the mother would specifically want to be addressed. Commissioner Weithorn answered that the mother is concerned about loitering on the public sidewalk around the school. Ms. Fernandez stated that it is complicated to regulate people on the public sidewalk. Jose Smith, City Attorney stated that there is a narrow piece of property between the fence and the sidewalk that belongs to the school board so he believes it would be prudent to ask the school board to join in on this discussion and added that one of the ideas that is being considered is expanding the panhandling/solicitation ordinance to include specific school zone areas. Ms. Fernandez clarified that expanding that ordinance will not cover the simple issue of someone walking on the sidewalk, who is homeless and is not panhandling.

Officer Julio Blanco stated that this can be made a hot area for the police patrols to monitor.

Commissioner Wolfson made a motion to direct the Legal Department to tighten up the panhandling/solicitation ordinance to include school zone areas. Motion seconded by Commissioner Libbin.

**ACTION:** The committee unanimously moved to direct the Legal Department to tighten up the panhandling/solicitation ordinance to include school zone areas.

### **ADDITIONAL DISCUSSION**

Commissioner Libbin asked for a clarification on the process to approve minutes for this committee meeting as he noted the minutes are not part of the agenda. Hilda Fernandez, Assistant City Manager explained that as a commission committee, the minutes for this meeting are approved during commission meetings as part of the consent agenda. Commissioner Libbin requested to bring up an item that he believes was discussed at a previous meeting of this committee regarding the issue of noise violations and his request for answers to some his questions that were raised. Ms. Fernandez explained that the discussion he was referring to happened during a Land Use Committee meeting and the information he had requested will be ready and presented at the next meeting of that committee.

JMG/HMF/rfm

## ATTACHMENT A

This is a conceptual proposal for the restoration of "Red Sea Road" and its reinstallation at the City Hall of Miami Beach.

This proposal is not binding on the City, or to the Artist, and can be modified or changed by any of the foregoing and may require further discussion, before any further ability to proceed can occur.

It is understood that until a formal written contract is mutually accepted and signed, with the provisions desired, there is no obligation on the City or the Artist.

If the City is interested in agreeing to it, the Artist and the City, through their respective counsel, can negotiate to reach and agree on a mutually acceptable arrangement, to be incorporated into a signed and formal written agreement.

Without waiving any rights, it is the artist's intention to request that the City of Miami Beach sell the damaged sculpture parts and pieces, "Red Sea Road", to artist, Barbara Neijna for the sum of \$10.00. Once in the artist's possession, the work will be restored at no expense to the City. The restoration process will be in keeping with the original intent of the work of art. The foundation for the sculpture will remain the responsibility of the City.

To proceed with this idea the artist requires a formal commitment from the City of Miami Beach that the City will agree to accept the reinstallation of Red Sea Road and return it to its original location on the plaza (at City Hall and 17th Street) upon the completion of the restoration process. It is the artist's intention to help the City to facilitate this by redesigning the entry plaza site at City Hall, also, at no charge to the City. This redesign will update and beautify the plaza and also impede use of the artwork by local skate borders who have damaged the work of art in the past. The artist will present the plaza renovation plan to the city for approval. Construction and renovation of the plaza site implementing the new site plan will remain the responsibility of the City of Miami Beach. The 17th Street plaza location is "Red Sea Road's" rightful place. This signature piece has been instrumental in identifying the structure of the City Hall and recording the history of Miami Beach. If, in the event there cannot be consensus for this City Hall location, the artist agrees that a secondary location, which the artist will suggest and which will meet with the City approval will be implemented. Please advise if this concept is of interest to the City.

Thank you.

Barbara Neijna

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# MIAMI BEACH

## NEIGHBORHOODS/COMMUNITY AFFAIRS COMMITTEE

MARCH 26, 2008

### SIGN-IN SHEET

PLEASE PRINT LEGIBLY

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MARCH 26, 2008

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ALEJANDRO BELLO	MBPD	x5037	ALEJANDRO BELLO @ MIAMI BEACH FL. GOV
Julio Blawo	MBPD	x5680	Julio Blawo @ Miami Beach FL. GOV
ANGEL VAZQUEZ	MBPD	x5154	-
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MARCH 26, 2008

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