

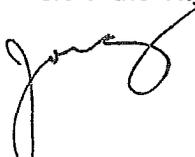


# MIAMI BEACH

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: September 10, 2008

SUBJECT: **REPORT OF THE NEIGHBORHOODS/COMMUNITY AFFAIRS COMMITTEE MEETING HELD ON WEDNESDAY, JULY 2, 2008.**

A meeting of the Neighborhoods/Community Affairs Committee was held on Wednesday, July 2, 2008 at 2:30 pm in the City Manager's Large Conference Room, 4<sup>th</sup> Floor, City Hall. Commissioners in attendance: Mayor Matti Herrera Bower, Commissioners Edward L. Tobin, Deede Weithorn, Richard L. Steinberg, and Saul Gross. City staff in attendance: Jorge M. Gonzalez, City Manager; Hilda M. Fernandez, Assistant City Manager; Robert Middaugh, Assistant City Manager; Jose Smith, City Attorney; Debora Turner, First Assistant City Attorney; Fred Beckmann, Public Works Department Director; Dolores Mejia, Special Project Administrator; Caroline Defreze, Community Resource Coordinator; Manny Marquez, Finance Department; Michael Gruen, Juan Sanchez, Bruce Songdahl, Alex Bello, and Tony Lamacchio, MBPD; John Heffernan; A. C. Weinstein, Anthony Broad, Marlene Taylor, Enid Rodriguez and Anne Swanson of the Mayor and Commissioner's Office; and Randi MacBride, Neighborhood Services Department.

### 1. DISCUSSION ON PEDICABS.

Hilda M. Fernandez, Assistant City Manager, introduced the item for discussion and distributed copies of the ordinance that was approved at first reading. She reviewed the matrix created to compare how different cities regulate pedicabs, explaining that there has been a movement over the last several years to regulate the industry countrywide.

Mayor Bower expressed concern as to why the city does not require the licensing of the individual operators in addition to the business owner.

Commissioner Weithorn expressed that she likes the Key West definition of pedicabs best. She asked why pedicabs were not approved on streets previously. Ms. Fernandez explained the history of this issue before the previous commission, where concerns were raised by the Public Works, Parking, Code Compliance, Police, and Fire Departments regarding traffic congestion, the impact they would have, and potential safety issues in having pedicabs in the city's entertainment district, which was the focus of the conversation.

Debora Turner, First Assistant City Attorney, explained the Attorney General opinion that states that under state law, local governments can regulate heavily traveled roads. She added that the city issued an administrative policy approximately two years ago to regulate the pedicabs on its heavily traveled streets.

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Commissioner Gross recommended allowing the pedicabs for six months to see how this might work. Mayor Bower expressed her concern with safety on the heavily traveled roads. Fred Beckmann, Public Works Department Director, reminded the committee that on a survey done last year, 40% of residents and business owners rated the flow of traffic on major streets on Miami Beach as very poor. He added that pedicabs will not help mobility; they will be for tourists that want to go between Lincoln Road, Ocean Drive and their hotels. He recommended keeping pedicabs off major roads and Lincoln Road which is a pedestrian mall.

Robert Middaugh, Assistant City Manager, explained the federal system that classifies the arterial and the collector roads which are designed to take the bulk of the traffic.

Mayor Bower stated that this committee does not know if the residents want this and that this is not alternative transportation; it is a tourism issue.

Commissioner Steinberg asked if the proposed regulations include requirements regarding the safety aspect and equipment of the vehicle. Ms Fernandez responded that safety requirements are included. Commissioner Steinberg asked if advertising on the vehicles has been addressed. Ms. Fernandez confirmed that advertising is prohibited.

Commissioner Gross asked for feedback from the Washington Avenue, Ocean Drive, and the Lincoln Road Marketing Associations.

Speakers from the public included:

Jay Alexander  
Leslie Feldman  
David Kelsey  
Gabrielle Redfern  
John Conrad  
Jo Manning  
Shuly Zimmerman  
Sonia Navarro

A lengthy discussion ensued and the following recommendations were made:

- No pedicabs on Lincoln Road, Collins Ave, or Alton Road
- No pedicabs on sidewalks
- License for drivers as well as business owners
- Review regulations that can be included with this ordinance
- Include fine schedule for drivers and owners
- Existing licensed pedicabs may continue to operate through September 30, 2008
- Establish a pilot program to begin October 1, 2008 through the end of the calendar year. Those interested in the pilot program must apply by August 1, 2008 for a lottery of three licenses for up to twelve vehicles, not to exceed a total of thirty (30) citywide.
- Prepare an RFP.

**ACTION:** The committee referred the item to the next city commission meeting for second reading to include the above listed recommendations.

## **2. DISCUSSION REGARDING NOISE ORDINANCE ADMINISTRATIVE GUIDELINES.**

Commissioner Tobin stated that he was very happy that the people in the hotel industry had come to the commission meeting to support the noise ordinance as written.

Hilda M. Fernandez, Assistant City Manager, opened the discussion explaining the item being considered is the administrative guidelines that are being developed as directed with the implementation of the noise ordinance. The administrative guidelines are to be approved by resolution and be heard at the next commission meeting on July 16, 2008 concurrent with the second reading of the noise ordinance and would become effective with the noise ordinance itself. Ms. Fernandez noted that the section relating to the 100 foot plainly audible standard during the day has been deleted.

Speakers from the public included:

Henry Stolar  
David Wallack  
Stuart Blumberg  
Steve Polisar  
Frank Del Vecchio  
Angel Caso  
Shaun Hanauer  
John Conrad  
Joe Jiménez  
Jo Manning  
Fran Garante  
Morris Sunshine  
Marco Lerra

A lengthy discussion ensued regarding the following areas of the Administrative Rules with the following results:

- Section IV (Processing Noise Complaints), item 2, the industry suggests the wording should be changed from “the call taker will make a good faith effort”, to “the call taker will make every effort”. Debora Turner, First Assistant City Attorney, stated that the legal department has a problem with “every effort” feeling that it is too strong and puts too much burden on the administration. This will be left for the legal department to make the final decision on the wording.
- Section VI, (Investigating a Complaint), item 4, the stakeholder group suggests to remove “if possible” so that the city would always be issuing violations to all parties and the discretion as to who would receive the violation would be removed. Commissioner Tobin stated that this section needs to be cleaned up to limit the amount of people that need to be noticed otherwise the city’s enforcement may be defective if the city fails to notice every single person listed. Legal department to review this section.
- Section VI, (Investigating a Complaint), Item 5, would be reworded to read similar to “As a courtesy to assist violators in correcting noise producing activities and after complying with any applicable guidelines of this section and whenever possible, the code inspector may also provide to the violator the street address from which the code inspector observed the violation”.
- Section IX, (Responsibility for Compliance), will be broken down to five (5) categories to include: Apartments, Commercial businesses, Hotel and Hotel/Condo, Condo, and Single Family homes.
- Changes to categories to include the following:
  - Apartments – Legal department will review whether to issue the violation to owner and/or property manager and to provide notice to the owner.
  - Condo – will be similar to Single Family homes in terms of who is issued a violation and receives notice.
  - Hotel – Hotel guests will not be issued violations.
- Hilda Fernandez will review with the legal department the wording on Section IX, (Responsibility for Compliance).

- Section XI, (Technical Assistance), this section to be removed.
- Section XIII, (Application of Administrative Guidelines), Legal department will work with the city manager and Hilda Fernandez on this section.

**ACTION:** The committee referred the item to the next meeting of the city commission for second reading with the above recommendations.

**3. DISCUSSION REGARDING THE SHARED CAR CONCEPT IN THE CITY OF MIAMI BEACH.**

Commissioner Weithorn stated that she believes there is no better service that can be done in terms of mobility than talk about the shared care / shared bicycle concept. Commissioner Weithorn made the motion to have staff develop a Request for Proposal (RFP) for the shared car and shared bicycle program. Commissioner Tobin seconded.

**ACTION:** The committee moved to direct staff to develop an RFP for the shared car and shared bicycle concepts.

**4. DISCUSSION OF PLACING A TOT LOT ON ONE OF THE BISCAYNE POINT GRASS TRIANGLES.**

**ACTION:** Item deferred to the next meeting of the Neighborhoods/Community Affairs Committee.

**5. DISCUSSION REGARDING HOW THE CITY CAN ASSIST OUR ELDERLY OBTAIN EXTRA INCOME THROUGH PART-TIME JOBS.**

**ACTION:** Item deferred to the next meeting of the Neighborhoods/Community Affairs Committee.

**6. DISCUSSION REGARDING AN ORDINANCE CREATING A STANDING COMMITTEE FOR COMMUNITY SUSTAINABILITY (GREEN COMMITTEE).**

**ACTION:** The committee moved, by acclamation, to pass the item and recommend the creation of a standing committee.

**7. DISCUSSION REGARDING CO-NAMING OF STREETS IN HONOR OF FALLEN MIAMI BEACH POLICE OFFICERS.**

Commissioner Weithorn moved to have the Legal Department review and amend the ordinance as needed to allow the co-naming of streets in honor of fallen Miami Beach police officers. Commissioner Tobin seconded.

**ACTION:** The committee moved this item to the city commission after the legal department reviews the proposed resolution to amend the ordinance.

JMG/HMF/rfm



# MIAMI BEACH

## NEIGHBORHOODS/COMMUNITY AFFAIRS COMMITTEE

JULY 2, 2008

### SIGN-IN SHEET

PLEASE PRINT LEGIBLY

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JULY 2, 2008

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JULY 2, 2008

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## NEIGHBORHOODS/COMMUNITY AFFAIRS COMMITTEE

JULY 2, 2008

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JOSE SMITH	CITY ATTY		
MATT BOWER	MAYOR		

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