



# 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: February 3, 2010

SUBJECT: **REPORT OF THE NEIGHBORHOODS/COMMUNITY AFFAIRS COMMITTEE MEETING HELD ON TUESDAY, JANUARY 19, 2010.**

A meeting of the Neighborhoods/Community Affairs Committee was held on Tuesday, January 19, 2010 at 10:00 am in the City Manager's Large Conference Room, 4<sup>th</sup> Floor, City Hall. **Commissioners in attendance:** Jerry Libbin, Edward L. Tobin, and Michael Góngora. **City staff in attendance:** Hilda M. Fernandez, Assistant City Manager; Jose Smith, City Attorney; Jean Olin, Special Counsel for City Attorney's Office; Fred Beckmann, Public Works Department Director; Max Sklar, Cultural Affairs and Tourism Director; Barbara Hawayek, Customer Service Manager; Debbi Turner, First Assistant City Attorney; Gary Farmer, Cultural Affairs Program Manager; Manny Marquez, Finance Manager; Ben Torter, John Heffernan, and Rebecca Wakefield of the Mayor and Commissioner's Office and Randi MacBride, Code Compliance Division.

**THE MEETING OPENED AT 10:17 AM.**

**1. SELECTION OF A CHAIR AND VICE-CHAIR FOR THE NEIGHBORHOODS/COMMUNITY AFFAIRS COMMITTEE FOR A TERM OF ONE YEAR. (10:17 AM)**

Commissioner Góngora made the motion for Commissioner Libbin to hold the position of Chairperson; Commissioner Tobin seconded. Commissioner Góngora made the motion for Commissioner Tobin to hold the position of Vice-Chairperson; Commissioner Libbin seconded.

**ACTION:** The committee moved to have Commissioner Libbin hold the position as Chairperson and Commissioner Tobin to hold the position of Vice-Chairperson of the Neighborhoods/Community Affairs Committee for a period of one year. **(Vote: 3-0)**

**OLD BUSINESS**

**2. DISCUSSION REGARDING THE ISSUANCE OF A REQUEST FOR PROPOSALS (RFP) FOR THE MANAGEMENT AND/OR DEVELOPMENT OF THE BYRON CARLYLE THEATER COMPLEX. (11:34 AM)**

Harold Rosen spoke to bring to the attention of the committee that he represents a client, Rudy Perez, who has expressed his desire to purchase the Byron Carlyle Theater Complex for a recording studio and noticed that he did not see that discussed in the RFP as proposed.

Commissioner Libbin expressed that the desire is to find a resident company for at least the functioning portion of the theater, to provide community programming and to make the facility available at a reasonable price to other groups in the community, and still seek out a partner for the development of the other portion.

Max Sklar stated that an RFP is the route to go.

Hilda M. Fernandez, Assistant City Manager, asked if the committee desires that the administration take a parallel path to look at opportunities for commercial lease or sale in the market while we do the RFP, so no option is discounted.

Mr. Sklar stated that they would give anyone proposing the ability to bid on any one portion or the full property. He added that Commissioner Weithorn recently expressed to him that she would like to see more credit or points given in the RFP to companies with an established track record and experience.

Harvey Burnstein spoke on his desire for a resident theater company.

Mark Weithorn of North Beach Development Corporation spoke regarding Stage Door and his concern that if property is sold it would not help the community.

Carol Housen spoke of the need for this in the community.

Commissioner Góngora made the motion to explore all opportunities and include a company's track record as part of the measurement by the RFP. Commissioner Tobin seconded.

**ACTION:** The committee moved to explore all opportunities, included issuance of an RFP for Management of the facility, as well as commercial lease or sale options, and include a company's track record as part of the measurement by the RFP. (Vote: 3-0)

**3. UPDATE REGARDING THE STATUS OF EFFORTS MADE BY THE ADMINISTRATION TO ENCOURAGE FDOT TO RESTRIPE THE LANES IN THE MID BEACH AREA ALONG ALTON ROAD. (10:18 AM)**

Commissioner Libbin recapped the history of this request.

Fred Beckmann, Public Works Department Director, reviewed the current status of the efforts to restripe areas of Alton Road. The current in-house estimate of cost to restripe from 41<sup>st</sup> Street to 63<sup>rd</sup> Street is \$291,000.

Commissioner Libbin asked that the City include Alton Road from 21<sup>st</sup> Street to 41<sup>st</sup> Street in the estimates. Commissioner Tobin stated that the committee needs to see estimates prior to making decisions.

Gabriel Redfern spoke.

Mr. Beckmann stated that the City could press the issue with FDOT for a safety project and would need a resolution by the City and a resolution by the County expressing the need to make the road safer.

Commission Tobin made the motion to continue discussion at the next meeting of the Neighborhoods/Community Affairs Committee with Mr. Beckmann returning with some funding alternatives and estimates from striping companies. Additionally, Legal is to

draft a resolution urging FDOT to make Alton Road safer by striping and providing adequate parking spaces and have staff contact the County requesting them to draft a similar resolution. Commissioner Góngora seconded the motion.

**ACTION:** The committee moved to continue discussion at the next meeting of the Neighborhoods/Community Affairs Committee with Mr. Beckmann returning with some funding alternatives and estimates from striping companies. Additionally, Legal is to draft a resolution urging FDOT to make Alton Road safer by striping and providing adequate parking spaces and have staff contact the County requesting them to draft a similar resolution. (Vote: 3-0)

#### **4. DISCUSSION REGARDING SOUTH BEACH LOCAL. (10:31 AM)**

Resident Josh Fisher spoke and presented options for the route of the South Beach Local.

Mr. Bob Pearsall, representing Miami-Dade Transit, discussed the route.

Mark Weithorn, chairman of the Transportation and Parking Committee (TPC), explained concerns with the headway changes and that they must be approved by the City Commission. He added that previously changes were made from 10 minutes to 12 minutes, and now discussion is about increasing from 12 minutes to 14 minutes.

Mr. Pearsall stated that the County does not have funding to add busses at this time. Commission Tobin asked for information on the cost of additional busses.

Commissioner Góngora stated that people have expressed their unhappiness with the route going through Belle Isle since there is little use there. He added that the route should be changed before any discussion of adding busses.

Jo Manning spoke.  
Gabriel Redfern spoke.

Commissioner Tobin asked for an update on the discussion of a circulator for Mid and North Beach. Mr. Pearsall stated that he is fairly confident the City will get a North Beach Local and he will provide some numbers.

Commissioner Góngora made the motion to move the discussion to the TPC and then to the City Commission on February 3, 2010, including information on changing the Belle Isle route, moving the route into the Collins Park area and adding a stop in that area. Commissioner Tobin seconded.

**ACTION:** The committee moved the discussion to the TPC and then to the City Commission on February 3, 2010 including information on changing the Belle Isle route, moving the route into the Collins Park area and adding a stop in that area. (Vote: 3-0)

#### **5. DISCUSSION REGARDING AMENDMENTS TO THE NON-PROFIT VENDOR ORDINANCE. (11:08 AM)**

Hilda M. Fernandez, Assistant City Manager, explained the goal of the proposed amendments that were referred to the committee by the administration so that the ordinance would more closely resemble the ordinance that is already on the books for the Artists Vendors and Street Performers. Most changes address the appearance of the space where the vendors set up. Other changes amend the definition of message

bearing merchandise for the purpose of clarifying what "message bearing" is. The concern is that often the message for which the merchandise is being sold is the least visible portion. The amendment establishes that only message bearing text or graphics can be on whatever is being sold and must be permanently affixed to the item. Most other changes are changes in the wording to ensure the mirroring of these ordinances that cover the constitutionally protected activities.

Mr. Harold Rosen spoke, representing Mr. Samy Perez who himself represents a number of rabbis. He asked why the fee structure is not split up.

Commissioner Libbin asked why the fee structure is not segmented as it is for Artist Vendors and Street Performers. Manny Marquez, Revenue Manager, reviewed the fee discussion during the budget process.

Samy Perez spoke.  
Jakob Alkov spoke.  
Carol Housen spoke.

Commissioner Góngora stated that he does not want to see commercial t-shirts and other items being sold in competition with our businesses. He added that he would like to have the fees split. Ms. Fernandez explained the cost to the City for non-profit vendors is more up-front because there are many applicants and only five permits are issued as compared to the costs to the City for Artist Vendors and Street Performers which is more costly at the back-end because so many permits are issued and processed. She asked to be allowed to come back with a recommendation as to how to split the fee to prevent taxpayers from subsidizing the cost of the program. Commissioner Libbin stated that rather than bringing this back to committee, if the committee is in favor of splitting the fee, to bring it to the Commission with that recommendation. Commissioner Góngora stated that would be his motion.

Commissioner Tobin stated that he was one of the people that voted to make fees closer to what the City expends on projects and he still stands with that position.

Jose Smith, City Attorney, explained that in his opinion the spirit of the Federal Court decision was not that by simply placing an American flag on a shirt that would be sufficient to constitute messaging.

Commissioner Libbin seconded Commissioner Góngora's motion for the administration to come back with an alternate recommendation to split the fee sending directly to the City Commission. Commissioner Tobin voted against.

**ACTION:** The committee moved to have the administration move the proposed amendments to Commission, including the staff recommendation of how the fee should be split. (Vote: 2-1; Opposed: Commissioner Tobin)

6. **DISCUSSION REGARDING AN ORDINANCE AMENDING MIAMI BEACH CITY CODE CHAPTER 2, ARTICLE VII, DIVISION 2 THEREOF BY CREATING SECTION 2-463 ENTITLED "PROHIBITION OF CERTAIN POST-SERVICE/EMPLOYMENT RELATIONSHIPS" PROHIBITING CERTAIN POST-SERVICE/EMPLOYMENT ACTIVITY OF CITY ELECTED OFFICIALS AND CITY EMPLOYEES FOR A PERIOD OF TWO YEARS AFTER LEAVING CITY SERVICE/EMPLOYMENT; PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND EFFECTIVE DATE. (11:54 AM)**

After some discussion, Commissioner Góngora made the motion to defer this decision to the full City Commission without a recommendation from the Committee. Commissioner Tobin seconded that motion.

**ACTION:** The committee moved to defer this discussion to the next meeting of the City Commission without a recommendation. **(Vote: 3-0)**

**THE MEETING ADJOURNED AT 12:14 PM.**

**Note:** The next meeting of the Neighborhoods/Community Affairs Committee is scheduled for Tuesday, February 16, 2010 at 2:30pm in the City Manager's Large Conference Room, 4<sup>th</sup> Floor, City Hall.

JMG/HMF/rfm

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