



# 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: June 9, 2010

SUBJECT: **REPORT OF THE NEIGHBORHOODS/COMMUNITY AFFAIRS COMMITTEE MEETING HELD ON TUESDAY, APRIL 27, 2010.**

A meeting of the Neighborhoods/Community Affairs Committee (NCAC) was held on Tuesday, April 27, 2010 at 2:30pm in the City Manager's Large Conference Room, 4<sup>th</sup> Floor, City Hall. **Commissioners in attendance:** Vice-Mayor Libbin (left the meeting during the recess at 4:40pm), Edward L. Tobin, Jorge Exposito (joined the meeting at 3:10pm), and Michael Góngora (joined the meeting at 5:15pm). Members from the Administration and the public were also in attendance. Please see the attached sign-on sheet.

**THE MEETING OPENED AT 2:37 PM.**

**1. DISCUSSION REGARDING AN ORDINANCE REQUIRING AUTOMATED EXTERNAL DEFIBRILLATORS (AED) IN CERTAIN PUBLIC FACILITIES. (2:38PM)**

Eric Yuhr, Fire Chief, explained that since the February meeting of the NCAC, as directed, an AED has been procured and placed in City Hall on the fourth floor. They are currently monitoring two bills, one in the house and one in the senate. He recommended waiting to see what the state does, if anything, that may or may not compel or curtail what the committee may want to do with regard to AEDs. Chief Yuhr strongly recommended identifying those City locations where you expect large occupancies and would want to see an AED placed such as tennis centers, the Bass Museum, North Shore Youth Center, those places where you might have physical activity or large gatherings. He added that the Assistance to Firefighters Grant opened yesterday and in that grant we will be pursuing a series of AEDs with a target number between six and ten. Pending that he explained that he is waiting for guidance from the Commission as to what is desired.

Vice-Mayor Libbin asked if there were more than four locations being recommended since they are seeking six to ten AEDs through the grant. Chief Yuhr stated that essentially, placeholders were being left for the desires of Administration and the Commission. Vice-Mayor Libbin asked Commissioner Tobin if he had any location that he would like to see added. Commissioner Tobin stated not at this juncture however he hopes that everyone knows that we have them, wherever they are.

Chief Yuhr suggested the New World Symphony building, although it is currently still under construction. Vice-Mayor Libbin suggested the senior center in the north beach area which would also make it available to the bandshell.

Hilda M. Fernandez, Assistant City Manager, suggested for the future looking at Furniture, Fixtures, and Equipment (FF&E) budgets include an AED in facilities like that.

Vice-Mayor Libbin agreed with Chief Yuhr that the City not go the route of Coral Gables and telling our businesses that they have to put them in and he thinks it is wise to wait and see what the State does. He suggested having the Chief report back via LTC on what the State's decisions to determine whether to bring this back onto the agenda. Vice-Mayor Libbin stated to apply for eight AEDs or thereabouts. There were four recommended, the committee added the senior center, and maybe consider one for old City Hall.

Jose Smith, City Attorney, suggested having some training for the use of the AED on the fourth floor of City Hall. Chief Yuhr stated that he has contacted Dolores Mejia and Bruce Lamberto to arrange training session(s) for those interested.

**ACTION:** The committee, (Vice-Mayor Libbin and Commissioner Tobin present), gave direction for Chief Yuhr to apply for the grant for eight AEDs, add the Senior Center to the recommended list of location to have an AED and to report back via LTC on the State's decisions to determine whether to bring this back onto the agenda

**2. DISCUSSION REGARDING THE ISSUE OF THE MIAMI BEACH MARINA'S AGREEMENT WITH THE CITY. (5:15PM)**

Commissioner Góngora stated that he had spoken with Raul Aguila, Deputy City Attorney, and he recommended the item be pulled from the agenda and not be discussed.

**ACTION:** The item was not discussed and was pulled from the agenda.

**3. DISCUSSION REGARDING THE MIAMI-DADE COUNTY HOMELESS TRUST'S CAMPAIGN TO USE REFURBISHED PARKING METERS IN MIAMI BEACH IN AN EFFORT TO GIVE PEOPLE AN ALTERNATIVE TO GIVING MONEY TO PANHANDLERS. (2:43PM)**

Vice-Mayor Libbin explained that this is about the meters to collect change for the Homeless Trust (Trust), with a design by Britto. He explained that there had been a discussion regarding whether we should or shouldn't have Britto design; this design is what the Trust has approved and is being installed in other parts of the County. The design was reviewed by the Art in Public Places Committee (AiPP). The discussion today is whether we want to go ahead and allow ten of these to be put in.

Hilda M. Fernandez, Assistant City Manager, explained the locations (which are actually eleven) spread throughout the City. These locations were based on recommendations by Neighborhood Resource Officers as to where panhandling occurs most.

Commissioner Tobin stated that he does not believe this is going to raise money however he does think that it will raise awareness about homelessness.

Ms. Fernandez explained the recommendation is to go with the locations and if desired have the Trust report back on the collections from these meters six months after implementation to see how it is going. Vice-Mayor Libbin added to have whoever monitors the homeless, to note whether this has an impact on the homeless themselves as to whether they relocate or vandalize the meters.

Commissioner Tobin made the motion to proceed with the project and go ahead with the recommended locations with a change to the location on 13<sup>th</sup> Street to the west side of 11<sup>th</sup> Street. Motion seconded.

Commissioner Tobin spoke of his concern to not create additional obstacles on the sidewalks. Ms. Fernandez stated that Administration is working very carefully with Public Works to place these in locations where they create the least obstacles in the sidewalk.

David Raymond, Miami-Dade County Homeless Trust expressed his gratitude for the City's support and spoke of the upcoming homeless awareness campaign.

**ACTION:** The committee moved to proceed with the project and go ahead with the recommended locations with a change to the location on 13<sup>th</sup> Street to the west side of 11<sup>th</sup> Street. (Vote: (2-0) Vice-Mayor Libbin and Commissioner Tobin)

**4. DISCUSSION REGARDING PEDESTRIAN SAFETY FOR RESIDENTS IN SOUTH OF FIFTH NEIGHBORHOODS. (5:17PM)**

Fred Beckmann, Public Works Department Director, reported on the status of the items as outlined in the memo included in the agenda package.

Commissioner Exposito asked if stop signs can be installed in the interim at those locations that will ultimately get them rather than wait until the projected work is done (possibly a year from now at these intersections).

Mr. Beckmann agreed to revisit that possibility with the County.

Commissioner Góngora made the motion to encourage the County to expedite the installation of the stop signs and to report back to the next NCAC meeting. Motion seconded by Commissioner Exposito.

**ACTION:** The committee moved to encourage the County to expedite the installation of the stop signs and to report back to the next NCAC meeting. (Vote: (3-0) Commissioners Tobin, Exposito, and Góngora)

**5. DISCUSSION REGARDING STREET CONDITIONS ON 6TH STREET NEAR LAS OLAS CAFÉ. (2:52PM)**

Hilda M. Fernandez, Assistant City Manager, reviewed the update as presented in the LTC.

Vice-Mayor Libbin would like additional status as to what has happened since the 58 violations were issued by Code Compliance. He would like to know if things have gotten better or are we back to the same old, same old.

Ms. Fernandez stated she will provide information on what violations were issued prior to these 58, plus these 58 and provide the dispositions; whether they have complied, and if not, why, and if they are in Special Master.

Vice-Mayor Libbin wants the information on the 58 including their status and what they were for as well as what additional violations have been issued since those 58.

Commissioner Tobin explained that he is more interested, from a methodological point of view, in whether this is what is needed to be done to make this neighborhood clean and safe.

Ms. Fernandez stated her belief that the key is to be more consistent in our enforcement effort, to be able to ensure that we are going into the neighborhoods as often and as frequently as possible. The Police Department does this through the neighborhood Resource Officer model.

Code Compliance is trying to emulate that as well by having their code officers walk the zones that they are responsible for.

Commissioner Tobin asked if there is a formula that is applied to make neighborhoods clean and safe and can this formula be applied in this neighborhood. Ms. Fernandez explained that the formula typically includes lighting and street improvements.

Vice-Mayor Libbin described the poor condition of the floors of the public restroom he observed recently on Ocean Drive by the new Ocean Rescue building. Commissioner Tobin stated that when you go into a public restroom in many places in Europe, you put a coin in and you will hear the cleaning process happening when you leave. He asked if, on a side issue for someone to do some investigation into options for public restrooms; possibly pay restrooms. Ms. Fernandez stated that a self service one is being put into Lincoln Park.

Gabrielle Redfern spoke.

**ACTION:** The committee, (Vice-Mayor Libbin and Commissioner Tobin present), directed the Administration to report back to this committee on what violations were issued for the year prior to the recent 58 issued by Code Compliance, plus these 58, and provide the dispositions; whether they have complied, if not, why, and if they are in Special Master as well as what has been done since then.

Additionally, Administration is to report back to this committee information on:

1. What can be implemented to methodically make our neighborhoods clean and safe
2. Research public toilets and options for pay to use
3. Provide the service schedule for the public restrooms

**6. DISCUSSION REGARDING THE PLACEMENT OF A PLAQUE AT THE FLAMINGO PARK TENNIS FACILITY COMMEMORATING MR. MORRY MOSS AND HIS TREMENDOUS CONTRIBUTION TO TENNIS ON MIAMI BEACH. (3:06PM)**

Vice-Mayor Libbin confirmed the process of this referral and stated that, based on what he has read about Mr. Moss, giving him a plaque of some kind in the new Tennis Building seems to be okay with him.

Kevin Smith, Parks and Recreation Director, stated that the caveat that the committee may want to add is that it not be done until the new Tennis Center is complete. Vice-Mayor Libbin agreed.

Commissioner Tobin added that currently in the Tennis Center there is a large plaque, that lists all the winners and runner-ups of the Orange Bowl and it is in horrible shape and would like to know if anyone has thought about putting that in better shape. Mr. Smith stated there has not been discussion however he believes it can be done as part of the project and he believes we want to make sure it is part of the new center. Commissioner Tobin asked that this be looked in to as the tennis professionals that are on that plaque is awe inspiring. He asked if there is a desire to do the type of plaque where names of other contributing tennis players from the City of Miami Beach. Vice-Mayor Libbin was okay with the idea. Commissioner Tobin added that he does not want to diminish the plaque that is to be given to Mr. Moss so he suggested just recommending the plaque for Mr. Moss for now. Vice-Mayor Libbin suggested that whoever is designing the plaque come up with it however the suggestion that there is an opportunity to recognize other great tennis players from the past and the future at the same time so maybe the plaque could be designed in such a way that it recognizes Mr. Moss and can have additional recognition available.

Commissioner Tobin made the motion to refer the plaque to AiPP with the caveat that Administration consider a design that allows for recognitions of others in the future. Motion was seconded by Vice-Mayor Libbin.

**ACTION:** The committee moved to refer the plaque to AiPP with the caveat that Administration consider a design that allows for recognitions of others in the future. (Vote: (2-0) Vice-Mayor Libbin and Commissioner Tobin)

**7. UPDATE REGARDING THE STATUS OF EFFORTS MADE BY THE ADMINISTRATION TO ENCOURAGE FDOT TO RE-STRIPE THE LANES IN THE MID BEACH AREA ALONG ALTON ROAD. (3:10PM)**

Fred Beckmann, Public Works Director, reviewed the long history of this discussion item. At the last meeting there was a suggestion of actually moving the curb to make more room for the parking lanes. Mr. Beckman explained that the problem with that idea is that there are some very mature trees and between the cost and the lost of canopy this would not be a good alternative.

Vice-Mayor Libbin described his meeting with the Secretary of Transportation for FDOT along with the Mayor and the City Manager. At that meeting they discussed the safety issue on Alton Road parking lanes and the dotted lines in front of the Blue and Green Diamond where they agreed to look into these issues. Mr. Beckman stated that he has not heard anything at this point as a result of the meeting. Vice-Mayor Libbin suggested giving a reasonable period of time (next NCAC meeting) for a response from FDOT as a result of his meeting and complaint, and report back to this committee with an update.

Commissioner Exposito asked about the price of re-stripping. Mr. Beckmann stated it would be in the area of \$300,000 if we are allowed to just re-stripe.

Gabrielle Redfern spoke.

There was additional discussion regarding bike lanes.

Vice-Mayor Libbin stated that the action is to wait at this point for Mr. Pego's response to Mr. Beckmann's request to allow us to just do the re-stripping and then we can argue over the \$300,000, or we are going to wait to hear back from the Secretary's Office to see what they come up with.

**ACTION:** The committee, (Vice-Mayor Libbin, Commissioners Tobin and Exposito present), requested an update at the next NCAC on Mr. Pego's response to Mr. Beckmann's request to allow us to just do the re-stripping and then we can argue over the \$300,000 or whether we are going to wait to hear back from the Secretary's Office to see what they come up with.

**8. DISCUSSION REGARDING THE BAYSHORE NEIGHBORHOOD G.O. BOND AND CHANGES TO THE ORIGINAL BODR SPECIFICATIONS, AS WELL AS REVIEW CURRENT PLANS. (3:23PM)**

Jorge Gomez, Assistant City Manager, stated that it is now a matter of analyzing the documents to see how we can achieve the goals and purposes of the Bike Master plan and advised that the concern of the neighborhood was traffic calming.

Commissioner Exposito spoke on the concerns of the neighborhood and that the discussion and the comments made during the BODR meetings were not taken into consideration when the final drawings came about.

Mr. Gomez explained that CIPOC is currently in the middle of working through all of this.

There was some discussion as the committee began to review the requests from the Bayshore Homeowners Association Community to CIP.

Vice-Mayor Libbin stated that he saw this item as only a report and that he is inclined to let CIPOC finish, get their report with their recommendation and have that referred back to this committee and then we will deal with it.

Commissioner Tobin asked Mr. Gomez for status via LTC in the next week or two on the status of the eleven items listed.

Vice-Mayor Libbin added that the committee should be asking for where does the actions that are either being taken or discussed intersect and interfere with the connectivity of the Atlantic Greenway which is a policy directive that the commission has said that we want to implement. He stated to identify the critical junctures where we are having conflicts and then focus on those.

**ACTION:** The committee, (Vice-Mayor Libbin, Commissioners Tobin and Exposito present), directed CIPOC provide the committee their final report, for administration to provide an LTC in the next two weeks on the eleven points and where we stand on them, and administration to give the committee some indication of where the critical junctures are that we are not following through on the Atlantic Greenway; where are the conflict points in the implementation of connectivity and restrictions that do not allow it on a case-by-case basis. Additionally, if this all cannot be completed by the next meeting, there is to be a report on the status.

**9. DISCUSSION REGARDING A REQUEST BY THE SHANE WATERSPORT CENTER TO HOLD BINGO EVENTS, FOR THE PURPOSE OF FUNDING NEEDED CAPITAL REPAIRS/IMPROVEMENTS TO THE CENTER. (3:50PM)**

Vice-Mayor Libbin described and thanked Dr. Shane for all he has done for this community.

Raul Aguila, Deputy City Attorney, introduced the item for discussion explaining that Shane leases property from the City and reviewed their current lease. He reviewed the Florida State Statutes regulating Bingo activities, which is very detailed and includes the requirement of the City's approval if the not-for-profit is leasing the property from the City. Mr. Aguila recommended amending their lease to permit this use to satisfy the statutory requirement and would amend the lease to allow this additional use.

Dr. Shane spoke.

Vice-Mayor Libbin encouraged support of this request.

Commissioner Exposito asked for a memo on details of the Florida statute.

Commissioner Tobin made the motion to recommend to the commission to modify the lease in such a way to allow Shane Watersport Center to have these games. The request is that when this goes to commission, that the agenda item includes from the State Statute, the relevant points of the statute. Motion seconded by Commissioner Exposito.

Commissioner Tobin added to the motion asked administration for an LTC on the status of the drainage and the seawall at the site and report back to the NCAC.

**ACTION:** The committee moved to recommend to the commission to modify the lease in such a way to allow Shane Watersport Center to have these games. The request is that when this goes to commission, that the agenda item includes from the State Statute, the relevant points of the statute. Additionally, administration is to provide an LTC on the status of the drainage and the seawall at the site and report back to the NCAC. (Vote (3-0), Vice-Mayor Libbin, Commissioners Tobin and Exposito)

**10. DISCUSSION REGARDING WHETHER MIAMI BEACH SHOULD REQUIRE NAMING RIGHTS WHEN IT GIVES A SUBSTANTIAL GIFT TO AN ORGANIZATION. (4:08PM)**

This item was not discussed and was deferred to the next NCAC meeting.

**ACTION:** The committee did not discuss this item and it was deferred to the next NCAC meeting.

**11. DISCUSSION REGARDING BELLE ISLE TRAFFIC AND PARKING CONDITIONS. (4:08PM)**

Mr. Beckmann, Public Works Department Director reported that all work, to his knowledge is completed.

There was discussion regarding some monies due the City by Miami-Dade County Public Schools from a drainage problem. Commissioner Tobin asked Mr. Aguila for an update at the next meeting of the NCAC on the status of the amount due.

Vice-Mayor Libbin stated that he would like to have notification when disputes arise that impact the community and require repair but will involve delays while issues are resolved to allow decisions to be made by the commission to go ahead and repair the problem while the financial responsibility is being resolved.

Commissioner Tobin moved to direct Legal Department to come back to the NCAC with a resolution incorporating, in a very clean fashion, that the commission will be notified in the event of a repair necessary that diminishes service to the community where the City could cure pending resolution of a claim. This would enable the commission to have the option to give direction to the administration to move forward at the City's expense in the interim. Mr. Gomez suggested including a threshold amount.

**ACTION:** The committee, (Vice-Mayor Libbin, Commissioners Tobin and Exposito present), by acclamation, moved to direct Legal Department to come back to the NCAC with a resolution incorporating, in a very clean fashion, that the commission will be notified in the event of a repair necessary that diminishes service to the community where the City could cure the issue pending resolution of a claim. This would enable the commission to have the option to give direction to the administration to move forward at the City's expense in the interim, including a threshold amount.

**12. DISCUSSION REGARDING AN ORDINANCE TO PROVIDE THAT ADULTS, ONLY WHILE SUPERVISING CHILDREN, BE ALLOWED IN PLAYGROUNDS OR TOT-LOTS. (4:25PM)**

Debora Turner, First Assistant City Attorney reviewed the signage requirement of the County Ordinance.

Commissioner Exposito explained what prompted this item's referral.

Ms. Turner explained the ordinance from New York, which requires adults be accompanied by a child has not been challenged. San Francisco's ordinance states that any sign in City parks must be obeyed. Her recommendation is to go the route similar to San Francisco so we are not opening ourselves up to a challenge on what the ordinance says. The sign can go up, the sign can go down, and we can say whatever is thought to be appropriate to say on such a sign.

Vice-Mayor Libbin stated he would like the strongest measures possible to be used.

Mr. Smith stated that he believes that the San Francisco version is the better approach. He added that if the City is going to be challenged, it is going to be challenged one way or the other. If the committee wants an ordinance, Legal will draft an ordinance however the City has other signs that don't have a provision in the Code and cannot be enforced so we thought we would "kill two birds with one stone," like the fishing issue.

Commissioner Exposito made the motion to have Legal to prepare both options; an ordinance as well as the "obey all signs" resolution for consideration by the commission. Motion seconded by Commissioner Tobin.

**ACTION:** The committee directed Legal to prepare both options; an ordinance as well as the "obey all signs" resolution for consideration by the commission. (Vote (3-0), Vice-Mayor Libbin, Commissioners Tobin and Exposito)

**(THE COMMITTEE RECESSED FROM 4:40PM – 5:15PM)**

**13. DISCUSSION REGARDING FIELD RENTALS IN SOUTH POINTE PARK. (5:25PM)**

The item was deferred to the May 25, 2010 NCAC meeting because of concern regarding lack of attendance by the neighborhood.

**ACTION:** The item was deferred to the May 25, 2010 NCAC meeting.

**THE MEETING ADJOURNED AT 5:35PM**

**Note:** The next meetings of the Neighborhoods/Community Affairs Committee are scheduled for Tuesdays, May 25 and June 29, 2010.

JMG/HMF/rfm



# MIAMI BEACH

## NEIGHBORHOODS/COMMUNITY AFFAIRS COMMITTEE

April 27, 2010

### SIGN-IN SHEET

PLEASE PRINT LEGIBLY

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# MIAMI BEACH

## NEIGHBORHOODS/COMMUNITY AFFAIRS COMMITTEE

April 27, 2010

### SIGN-IN SHEET

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