



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: *Hilda M. Fernandez*
Jorge M. Gonzalez, City Manager

DATE: October 27, 2010

SUBJECT: **REPORT OF THE NEIGHBORHOODS/COMMUNITY AFFAIRS COMMITTEE (NCAC) MEETING HELD ON TUESDAY, AUGUST 31, 2010.**

A meeting of the Neighborhoods/Community Affairs Committee (NCAC) was held on Tuesday, August, 31 2010 at 2:30pm in the City Manager's Large Conference Room, 4th Floor, City Hall. **Commissioners in attendance:** Mayor Matti Herrera Bower (2:49pm – 3:59pm), Vice-Mayor Jorge Exposito, Commissioners Jerry Libbin, Edward L. Tobin, and Jonah Wolfson (3:00pm – 4:24pm). Members from the Administration and the public were also in attendance. Please see the attached sign-in sheet.

THE MEETING OPENED AT 2:43 PM

1. DISCUSSION REGARDING WHETHER THE CITY SHOULD HAVE A GENERAL STANDING RULE TO WAIVE CERTAIN FEES, SUCH AS PARKING AND OTHER, RELATED TO RECONSTRUCTION OF PRIVATE PROPERTY DAMAGED DUE TO A SEVERE STORM EVENT OR SIMILAR NATURE EVENT. (3:18PM)

Mayor Bower stated that she referred this item because she believes the City needs a plan that contains some very strict criteria. Commissioner Libbin stated that he would support a plan that would allow the Mayor or the City Manager to declare a state of emergency with a limited timeframe based on some specified criteria.

Kevin Crowder, Economic Development Division Director, described some of the criteria suggested to be considered. Commissioner Libbin stated that he is looking for a plan that would establish a mechanism that would allow the Mayor or City Manager to say what the situation is and what would come into place at that time.

Hilda M. Fernandez, Assistant City Manager, explained that what is presented in the supplemental agenda could be the basis for such a program and what the Administration needs is to make sure they are going in the right direction.

A lengthy discussion ensued regarding what to include in the criteria and types of assistance to be included in such a program.

Commissioner Libbin suggested detailing a menu of catastrophes and if any of those catastrophes befall a particular area based on specific criteria, then the Mayor or City Manager would declare something like a 48-hour state of emergency. This would trigger something to possibly include cars not to be towed from the middle of the street; people could park in a particular parking area. He would like the Administration to come back

with something clear and succinct. Jorge Gomez, Assistant City Manager, suggested suspending parking enforcement for a period.

Vice-Mayor Exposito stated that would like to see a plan for significant events; however, he does not want to see the City stepping in and acting as an insurer, providing benefits or paying for tows, as this is something that individuals should be handling through their insurance companies.

Commissioner Tobin stated that although he knows that the desire is to come up with a solution, if there isn't an ordinance stating otherwise, the City Commission could still give the City Manager the authority to grant some relief.

ACTION: The committee (Commissioners Libbin, Tobin, and Exposito present) directed staff to return this item to the NCAC with a plan.

2. DISCUSSION REGARDING WHETHER MIAMI BEACH SHOULD REQUIRE NAMING RIGHTS WHEN IT GIVES A SUBSTANTIAL GIFT TO AN ORGANIZATION. (3:33PM)

Mayor Bower explained her desire for the City to have naming rights in certain circumstances.

Commissioner Tobin stated that this is usually worked out during negotiations. If the City codifies this, it will remind the City Attorney's Office that they cannot negotiate a deal without taking care of this aspect.

Commissioner Libbin suggested some flexibility to still allow non-profits to still raise funds privately.

Vice-Mayor Exposito moved to direct the Administration to draft an ordinance that would require that the name "Miami Beach" be required when a substantial contribution is made by the City, whether land or cash, and then provide the Commission with the right to modify or waive that requirement. This motion was seconded by Commissioner Tobin.

Hilda M. Fernandez, Assistant City Manager, stated that there is a section in the Code on naming rights, and that staff will look at how that section can be modified to add in this request.

Commissioner Libbin asked for a trigger of a certain amount of gift value. Jorge Gomez, Assistant City Manager, stated that the Administration would come back with recommendations.

ACTION: The committee (Commissioners Libbin, Tobin, and Exposito present) moved to direct the Administration to draft an ordinance for the Commission's approval that would require that the name "Miami Beach" be required when a substantial contribution is made by the City, whether land or cash, and then provide the Commission with the right to modify or waive that requirement.

3. DISCUSSION REGARDING RENAMING AND RESTRUCTURING THE SAFETY COMMITTEE AS THE CERT COMMITTEE. (3:43PM)

Commissioner Wolfson expressed his desire to expand the Safety Committee to include Citizen Emergency Response Team (CERT) members.

Hilda M. Fernandez, Assistant City Manager, explained the goal of the Safety Committee has been to protect the safety and wellbeing of the citizens and visitors of the City, focused primarily on risk management and assessment. Its 14 members are appointed; two (2) by the Mayor and each Commissioner.

Commissioner Libbin suggested that one (1) of the two (2) appointments made by each of the Mayor and Commissioners be required to be CERT certified. Commissioner Wolfson concurred that would solve the issue that he had brought up.

Jeff Gordon spoke.

Vice-Mayor Exposito suggested reducing the Safety Committee to seven (7) members and creating a new committee for CERT members. Commissioner Wolfson reminded the NCAC members that the Commission has expressed a desire to try to reduce the number of committees.

Commissioner Tobin made a motion to require that as appointments for the Safety Committee come due, that one (1) of the two (2) members that are appointed by the Mayor and each Commissioner be required to be CERT certified. This motion was seconded by Vice-Mayor Exposito.

ACTION: The committee (Commissioners Libbin, Tobin, and Exposito present) moved to require that as appointments for the Safety Committee come due, that one (1) of the two (2) members that are appointed by the Mayor and each Commissioner be required to be CERT certified. **(Vote: 3-0)**

4. DISCUSSION REGARDING A BOTTLE AND CAN DEPOSIT ORDINANCE FOR THE CITY OF MIAMI BEACH. (2:43PM)

Jose Smith, City Attorney, explained that the City is preempted by the State so the City cannot legislate in this area.

Commissioner Tobin made a motion to recommend adding this subject to the City's State Legislative Agenda at the September Commission meeting. This motion was seconded by Vice-Mayor Exposito.

Commissioner Libbin suggested asking Commissioner Weithorn, as the City's representative at the League of Cities, to carry this forward to the League.

ACTION: The committee (Commissioners Libbin, Tobin, and Exposito present) moved to recommend adding this subject to the City's State Legislative Agenda at the September Commission meeting. **(Vote: 3-0)**

5. DISCUSSION REGARDING THE PLACEMENT OF A PLAQUE ON THE JOSE MARTI BUST COMMEMORATING MR. LUIS HERNANDEZ FOR HIS TREMENDOUS CONTRIBUTION TO THE LOCAL HISPANIC COMMUNITY. (4:20PM)

Commissioner Wolfson opened the discussion regarding the placement of a respectfully-sized plaque commemorating Mr. Hernandez for his contribution to the local Hispanic community.

Jose Argote spoke.

Vice-Mayor Exposito made the motion to recommend the placement of this plaque to the Art in Public Places Committee and return to the NCAC prior to going to the City Commission. This motion was seconded by Commissioner Tobin.

ACTION: The committee (Commissioners Libbin, Tobin, and Exposito present) moved to refer recommend the placement of the plaque to the Art in Public Places Committee and return to the NCAC prior to going to the City Commission. (Vote: 3-0)

6. DISCUSSION REGARDING WEST AVENUE TRAFFIC. (2:48PM)

Fred Beckmann, Public Works Department Director, reviewed the information included in the agenda package that details the recommended crosswalk and pedestrian curb ramp improvements. He added that the County should complete its work by the end of the calendar year.

Danielle del Toro spoke.

Commissioner Libbin asked for a status on the City's West Avenue project. Mr. Beckmann stated that the project is fully funded and one of the things he is waiting for is the Stormwater Master Plan.

Vice-Mayor Exposito asked if landscaping is part of the West Avenue project which may mitigate residential noise concerns. Mr. Beckmann stated that he is uncertain how much landscaping is included in the project, but that he would review it.

ACTION: The committee took no action as this was an informational report only.

7. REVIEW AND DISCUSS THE APPROVAL AND ADOPTION OF A MIAMI BEACH TRAFFIC CALMING MANUAL. (2:57PM)

Commissioner Libbin introduced the item.

Fred Beckmann, Public Works Department Director, explained the criteria. He stated that the target is that this manual will be brought to the City Commission in October with interagency agreement.

Mayor Bower expressed her concern with costs to the City and suggested sending this to the Finance and Citywide Projects Committee for further discussion prior to sending to the City Commission.

Commissioner Tobin stated that the City needs a Parking, Transportation Master Plan.

Vice-Mayor Exposito made the motion to recommend approval of the manual and refer it to the Finance and Citywide Projects Committee for further discussion. This motion was seconded by Commissioner Tobin.

ACTION: The committee (Commissioners Libbin, Tobin, and Exposito present) moved to recommend approval of the Traffic Calming Manual and refer it to the Finance and Citywide Projects Committee for review. **(Vote: 3-0)**

8. DISCUSSION REGARDING BANNING OR RESTRICTING SMOKING ON SOME OR ALL OF THE CITY'S BEACHES. (3:55PM)

Hilda M. Fernandez, Assistant City Manager, presented the item for discussion, reviewed the information in the agenda memo and suggested that an option was the creation of certain areas of public beaches to be designated as non-smoking areas.

Commissioner Libbin suggested creating a smoke-free zone by allowing smoking in certain areas (possibly the hard-pack) with appropriate disposal receptacles made available, leaving the areas east of the trash cans to be smoke-free.

Jose Smith, City Attorney, stated that there is an Attorney General Opinion that the issue is preempted to the State. A lot of cities have taken issue with that, and that there is a difference of opinion as to whether cities can or cannot do it. He expressed his caution.

Ms. Fernandez noted that if people are identified smoking in the area not designated for smoking, in terms of enforcement, the City would only be able to do something about it only to the extent that staff is there and available to do something about it. Commissioner Libbin reminded the Committee that in the recent budget proposal, it was recommended to increase staffing by eight (8) to ten (10) part-time Code Compliance Officers to work specifically on issues on the beach on the weekends.

Ms. Fernandez said that what may be considered is a resolution on policy versus a codification. She also suggested the alternative of putting up a sign with the City policy and citing violators under the sign ordinance.

Vice-Mayor Exposito moved to direct Administration to work with Legal to develop appropriate resolution or policy regarding smoking on the beach. This motion was seconded by Commissioner Tobin who expressed his desire to establish rules that include enforcement mechanisms.

Ms. Fernandez asked if this is to include the concession areas which are east of the hard-pack. Discussion continued regarding the areas to be designated for smoking areas and subsequently the enforcement. Commissioner Libbin suggested setting policy for designated smoking areas for all the beaches and enforce in the areas where staff can patrol. He asked the Administration to review the beaches and determine the best place to define the smoking area. He added that he is also open to a pilot program.

Ms. Fernandez clarified that the lounge chairs of the concessionaires are all east of the trash cans on the beach so if the smoking area is limited to the area west of the trash cans, people renting chairs behind hotels will not be able to smoke. Commissioner Libbin suggested limiting to public beaches. Mr. Smith suggested limiting this to the beaches where the City is the upland property owner.

ACTION: The committee (Commissioners Libbin, Tobin and Exposito present) moved to direct Administration to work with Legal to develop appropriate resolution or policy regarding smoking on the beach. (Vote: 3-0)

9. DISCUSSION REGARDING THE BANNING OF COOLERS MADE FROM EXTRUDED POLYSTYRENE FOAM (AKA "STYROFOAM") FROM THE CITY'S BEACHES. (4:23PM)

Hilda M. Fernandez, Assistant City Manager, introduced the item explaining that Administration's question is whether the committee would like to consider going beyond just banning polystyrene coolers to banning all polystyrene products on the beach. The City's current concession agreements do not allow serving anything in polystyrene, whether take-out food containers or cups, and this would basically be saying no one else could come onto the beach and use these products; the concern being that these are products that are designed and intended to be disposed of and frequently are. Many times, even when they are put in the trashcan, the wind will catch them and blow them onto the dune or into the ocean and it becomes an environmental issue. Mr. Smith stated that there is no State preemption in regulation of these products. Ms. Fernandez added that the City Manager recommended adding signage at the parking pay stations that are located near beach areas listing what to expect when visitors get to the beach.

Commissioner Tobin added his concern with adding ordinances and the need for enforcement.

Ms. Fernandez explained that penalties will fall under the Litter Ordinance.

ACTION: The committee (Commissioners Libbin, Tobin, and Exposito present), by acclamation, recommended the ban on any polystyrene products on the City's beaches.

Unscheduled Business (4:13PM)


Discussion was held on the subject of the possibility of a "How's My Driving?" program. This was previously referred at the request of Vice-Mayor Jorge Exposito at the July 14, 2010, City Commission meeting as item number C4B and scheduled for discussion at the July 27, 2010 NCAC meeting, which was subsequently canceled. Hilda M. Fernandez, Assistant City Manager, stated the City Manager suggested taking this idea beyond just driving but to report more of a "How Am I Doing?" program to report any behavior that is inappropriate by employees.

Lori K. Davis spoke.

Vice-Mayor Exposito made the motion to recommend implementation of this program for employees. He would also like to include keeping a record of the complaints that have been filed so that when contract negotiations come around for contractors, this type of information may be used. Ms. Fernandez stated that this program can start with employees and staff can look at how it can be incorporated in the future for contractors with their renewals. Vice-Mayor Exposito amended his motion to recommend implementation of this program for employees and plan the expansion to include contractors when negotiating new contracts. This motion was seconded by Commissioner Tobin.

ACTION: The committee (Commissioners Libbin, Tobin, and Exposito present) moved to recommend implementation of this program for employees and plan the expansion to include contractors when negotiating new contracts. **(Vote: 3-0)**

THE MEETING ADJOURNED AT 4:34PM


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