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COMMISSION MEMORANDUM

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

FROM: Kathie G. Brooks, Interim City Manager *Kathie G. Brooks*

DATE: October 24, 2012

SUBJECT: **REPORT OF THE NEIGHBORHOOD/COMMUNITY AFFAIRS COMMITTEE HELD ON MONDAY, SEPTEMBER 24, 2012.**

A meeting of the Neighborhood/Community Affairs Committee was scheduled for Monday, September 24, 2012 at 3:00 pm, and was held in the City Manager's Large Conference Room, 4th Floor of City Hall. **Commissioners in attendance:** Commissioners Ed Tobin, Jorge Exposito, Jerry Libbin (arrived at 3:26pm), Deede Weithorn (attended 4:13pm – 7:25pm) and Michael Góngora (attended 5:20pm – 7:20pm). Members from the Administration and the public were also in attendance. Please see the attached sign-in sheet.

THE MEETING OPENED AT 3:22 PM.

1. **Discussion Regarding The Ordinance that Amended Chapter 10 Of The Miami Beach City Code Entitled "Animals," By Amending Section 10-11, Entitled "Running At Large Prohibited," By Extending The Pilot Program Off-Leash Area For Dogs In South Pointe Park Through, And Including, December 31, 2012. (5:08 PM)**

Parks and Recreation Department Director Kevin Smith recapped the history of the pilot program for off-leash dogs in South Pointe Park and asked the Committee for guidance as to the future of this program.

Commissioner Weithorn stated that although the dog owners that come to these meetings are responsible, she has observed that the dogs have expanded beyond the off-leash area to the entire cut walk, and that she has been chased after at least twice.

Commissioner Libbin stated that there are three options, including:

1. Do nothing.
2. Curtail program completely.
3. Find a mechanism to allow the dogs to be off-leash in a controlled area.

He suggested bringing a new initiative for a hedge to the Commission.

Commissioner Libbin made a motion to recommend bringing the concept for a hedge for the off-leash area of South Pointe Park back to the commission and to extend the off-leash pilot program through January 31, 2013. Motion was seconded by Commissioner Exposito.

Acting Assistant City Manager Max Sklar stated that Administration will work as quickly as possible to get this through the Design Review Board. However, they may need to come back to Committee again to request another extension of the pilot program.

Paul Janas spoke.

Agenda Item C6D
Date 10-24-12

ACTION: The Committee (Commissioners Tobin, Libbin and Exposito present) unanimously moved to bring the concept of a hedge for the off-leash dog area of South Pointe Park back to the commission, and recommended extending the off-leash pilot program through January 31, 2013. Commissioner Weithorn, who was also present, expressed her strong agreement with the motion.

2. Policies Related To Storms, Hurricanes and Parking. (5:15 PM)
A. 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.

B. Discussion Regarding Review Of Hurricane Season And Seasonal Flooding Parking Policies.

Commissioner Tobin stated that he believes the City should not have a general standing rule to waive certain fees (Item A above). He believes it should be left up to the City Manager and Commission.

Kevin Crowder explained that that item "A" originally arose to address localized flooding when a state of emergency is not declared. It may be limited to just a few blocks.

Commissioner Tobin stated that this is an operations matter. He advised that Administration should do what is right when necessary.

Commissioner Weithorn expressed her desire to make available underutilized garages for residents to park their cars for protection from weather under certain criteria levels.

Interim City Manager Kathie Brooks suggested utilizing a pre-registration approach, by having residents register that live in areas that are known to flood. They could then be assigned to a specific garage to park when certain criteria levels occur.

Commissioner Góngora arrived at 5:20pm.

Commissioner Weithorn added that emails can be sent to notice those that are registered when their assigned garage is open for use.

Commissioner Tobin asked Administration to work with Commissioner Weithorn on a plan allowing residents to park their cars in certain garages, and thus removing them from harm's way, with a program for residents to pre-register for the program and provide the details in a Letter to Commission (LTC).

ACTION: The Committee (Commissioners Tobin, Libbin, and Exposito present) directed the Administration to work with Commissioner Weithorn on a plan allowing residents to park their cars in certain garages, and thus removing them from harm's way, with a program for residents to pre-register for the program and provide the details in a Letter to Commission (LTC).

3. Discussion Regarding A Proposal For A Donation Of Art Pieces To Be Displayed On Lincoln Road. (4:19 PM)

Megan Riley, from the Art in Public Places (AiPP) Committee, explained the committee's recommendation against the issuance of a Call to Artists and/or an artistic intervention for the forty-five bollards located on Lincoln Road.

Commissioner Libbin asked if there is an issue with the existing bollards that look pretty bad. Mr. Beckmann explained that they are pressure washed on a regular basis, when Lincoln Road is pressure washed.

Commissioner Tobin asked Mr. Beckmann to take inventory of the condition of the existing bollards and report to the Commissioners.

ACTION: The Committee (Commissioners Tobin, Libbin, and Exposito present) accepted the recommendation of the AiPP Committee, and Commissioner Tobin requested a report of the condition of the existing bollards on Lincoln Road.

4. Discussion Regarding Proposed Amendments To The City's Film And Print Guidelines. (5:53 PM)

Acting Assistant City Manager Max Sklar recapped the background of this discussion and highlighted the suggested changes proposed for the Film and Print Guidelines.

Commissioner Weithorn asked for a provision to be added to address unpermitted activity with strict penalties.

Input was received from the public, including both residents and members of the film and print industry, including the following:

Terry Bienstock
Ray Breslin
Andres Asion
Prashant Sham
Maria Chavez
Andy Shifter
Gloria Bierman
Susanne Ragnarsson
Norma Quintero
Stephan Biwald
Laura Levey
Jane Losson
Stuart Dornfield
Irwin Friedman
Michael Grieco
Rudy Weisenberg
Joshua Mintz
Lily Hurtado
Henry Lowenstein
Sandy Lighterman
Noreen Legault Mendoza
Alex Tachmes
Marcy Orth
Michael Vinaij

Commissioner Góngora left the meeting at 7:20pm.
Commissioner Weithorn left the meeting at 7:22pm.

Additional speakers from the public included:
Amanda Ellison

Todd McPhail
Sheila Duffey-Lehrman
Ed Harris
Steven Ebner
Julie Isaacson
Adam Shedroff
Dr. Nixon
Jim Stamatis
Bruce Orosz
Arlene Weintraub
Ivan Parron
Julie Chang
Paul Janas
Christina LaBuzzetta
Edwin Sharlau
Stan Stuart

ACTION: The Committee (Commissioners Tobin, Libbin, and Exposito present) moved to refer this discussion to the full City Commission with no recommendation.

5. Discussion Regarding Requiring Miami Beach Restaurants To Post Scores Given By The Health Department. (4:25 PM)

Economic Development Division Director Kevin Crowder explained two (2) components to this discussion. One had to do with the State's preemption on the regulation of health standards in restaurants by the City. It was added to the City's legislative agenda to try and secure that authority as a local option. As of today there has been no success; it is one of the items that will be recommended for the 2013 legislative session again. The second piece is requiring restaurants to post their score or their letter grade as New York does. Florida does not issue scores, they issue a list of violations; critical and non-critical. This makes it difficult to establish a grade.

Commissioner Tobin suggested the City promote the restaurants that do a good job. Mr. Crowder advised that a link has been added to the City's website for the restaurant inspection results.

Commissioner Weithorn stated that she likes the idea of restaurants posting on a voluntary basis. She believes these reports should be posted somewhere in the restaurants.

David Kelsey spoke.

Commissioner Libbin stated he believes that if this is voluntary that only positive reports would be posted.

Commissioner Tobin asked Commissioner Weithorn if she would like a pop-up window on the City's website to access the City's restaurants' reports. Commissioner Weithorn stated that she would like to see that. She believes these reports should be available upon request at the restaurants and she would like this to stay on the City's legislative agenda. Commissioner Tobin suggested recognizing or highlighting restaurants that have met inspection standards. Commissioner Libbin made a motion to recommend adding to the MB magazine recognition of those Miami Beach restaurants that meet inspection standards. Commission Exposito seconded the motion.

ACTION: The Committee (Commissioners Tobin, Libbin, and Exposito present) moved to

recommend adding recognition of Miami Beach restaurants that meet inspection standards to the MB magazine.

6. **Discussion Regarding An Ordinance Of The Mayor And City Commission Of The City Of Miami Beach, Florida, Amending Chapter 82, Of The Code Of The City Of Miami Beach, Entitled "Public Property," By Amending Article VI, Entitled "Naming Of Public Facilities And Establishment Of Monuments Or Memorials," By Amending Section 82-504, Entitled "Monuments Or Memorials," By Adding Criteria To Provide That: A) Only The Mayor Or A Member Of The City Commission May Propose The Establishment Of A Monument Or Memorial; B) The Mayor And City Commissioners Shall Each Be Limited To Proposing The Establishment Of One Monument Or Memorial Per Term Of Elected Office; C) Any Person To Be Recognized By The Establishment Of A Monument Or Memorial Must Be In Good Standing In The Community And If, After The Honor Is Bestowed, The Person Is Convicted Or Adjudicated Guilty Of A Felony, The Name Of The Person Shall Be Removed From Such Monument Or Memorial Or The Monument Or Memorial Itself May Be Removed, Without Any Resulting Liability To The City; And Providing For Repealer, Severability, Codification, And An Effective Date.**

ACTION: Discussion of this item was deferred.

7. **Discussion Regarding "Booting" Services And Raising The Allowable Rate Per Vehicle, Which Is Now \$25 Each. (3:38 PM)**

Parking Department Director Saul Frances referred to the memo in agenda package that outlines the current requirement in the City Code as it pertains to booting. Commissioner Tobin asked if there is a recommendation from the Administration. Mr. Frances explained the difference in the common uses of booting on private versus public property.

Commissioner Libbin stated that there are two (2) things to consider, and they would be whether the City wants to allow people on private property to do this, and does the City want to have booting as an option for itself for enforcement. If the City is in favor of either, then raising the fee must be considered. He suggested raising the fee to \$75 with the City receiving \$25 of that.

Commissioner Tobin requested the Administration provide a recommendation when this item is discussed at the next Finance and Citywide Projects Committee meeting.

State Representative Luis Garcia spoke against booting by the City.

Manny Diaz spoke.
Gus Alfonso spoke.
Ralph Andrade spoke.
Paul Janas spoke.
Carol Hoffman spoke.

Commissioner Libbin stated that he is in favor with booting for private property and, in that case, the current fee does not make sense.

Commissioner Tobin passed the gavel to Commissioner Libbin and made the motion to allow booting for private lots only, regulate the amount of companies allowed to boot, and have some type of impact fee when police officers are called to respond. Commissioner Libbin seconded the motion, however, with a request for legal staff to look for an option that includes some fee paid to the City.

Commissioner Exposito asked how this would impact the signs that have been put up in the private lots. Mr. Frances explained that there is a requirement for signage in the Code. City Attorney Jose Smith requested of Mr. Frances some information regarding what other cities have done.

Commissioner Exposito voted against the recommendation, stating the he needs more information regarding the issue and the legality before he would vote in favor.

ACTION: The Committee (Commissioners Tobin, Libbin and Exposito present) moved to recommend allowing booting for private lots to regulate the number of companies allowed to boot, and have some sort of impact fee when police officers are called to respond. Additionally, legal staff is to provide information regarding the legality of an option for some fee to be paid to the City. **(Vote: 2-1; Commissioner Exposito opposed)**

8. Discuss Bringing A New Festival Of The Arts To North Beach. (4:05 PM)

Acting Assistant City Manager Max Sklar referred the committee to the memo in the agenda package for the history of this discussion. He also explained that a Letter to Commission (LTC) has been released explaining that the Fine Arts Board has recommended to discontinue the Miami Beach Festival of the Arts.

Commissioner Libbin stated that he would like to have an RFP issued, and if there is no one able to do it, then to see what is out there.

Carol Housen spoke.
Deborah Ruggiero spoke.

Mr. Sklar explained that if the Committee desires having a festival during the season, then the RFP would need to be issued relatively soon.

Commissioner Tobin reminded the committee of the suggestion to add an art component to the food truck events.

Commissioner Libbin suggested Administration return to the Neighborhood/Community Affairs Committee in a month with some ideas to integrate art and have more events. This would still allow time to do an RFP for a festival, if that is what is eventually decided.

ACTION: The Committee requested Administration return to the Neighborhood/Community Affairs Committee in one month, with some ideas for more events and how to integrate art into the food truck events.

9. Discussion Regarding The Upper La Gorce Stormwater Drainage, Specifically, The Budget And Design Criteria Package. (4:35 PM)

Public Works Department Director Fred Beckmann reviewed the background and analysis of the Stormwater plan.

Interim City Manager Kathie Brooks asked Mr. Beckmann if additional elements can be added to the design being discussed, should they be needed in the event that sea level rise is more aggressive than what is in the plan. Mr. Beckmann stated he believes so. More reports and data will be coming out over the next few years regarding sea level rise and then these models can be adjusted.

A lengthy discussion ensued regarding planning, design and construction process involving both Public Works and CIP.

City Engineer Richard Saltrick spoke on the design process. Commissioner Tobin stated that when these plans are done he is going to have an engineer review them and if there is a significant mistake in these plans he will hold staff responsible.

Commissioner Tobin expressed his concern with the continued plantings of swales on North Bay Road. He suggested putting a stamp on plans for new homes or renovations that will let people know that this roadway is going to be redone soon and if they plant or repave in the right-of-way they are going to have to take it out.

Commissioner Weithorn expressed her concern with noticing residents during neighborhood projects. Her feeling is that noticing is not consistent.

CIP Director Fernando Vazquez described the process for encroachments. He also mentioned that a new website will be coming online by the end of the year that will provide a tremendous amount of information for the residents. He agreed with the Commissioner and said his office will be ramping up communication and will work with the contractor and advice.

ACTION: The Committee made no motion.

10. Discussion Regarding A Resolution Directing That An Application For A Sidewalk Café Permit For The Drexel Avenue And 16th Street Sidewalks In Front Of The Retail Spaces Of The Park @ 420 Garage, Located At The Corner Of 16th Street & Drexel Ave. (5:25 PM)

Assistant City Manager Jorge Gomez reviewed the background on this situation.

Lucia Dougherty spoke.
Adam Shedroff spoke.

Commissioner Tobin suggested allowing the sidewalk café to be open until 10:00pm on weeknights and 12:00am on weekend evenings.

Commissioner Góngora stated that he plans have his aide refer a discussion that when an item is referred to a committee, it stays with that committee and it does not bounce between multiple committees.

Commissioner Tobin recommended sending this to commission to solve. The major differences are the one-hour on weekdays and the twenty (20) feet on outside tables.

Jane Losson spoke.
Ray Breslin spoke.

ACTION: The Committee (Commissioners Tobin, Libbin and Exposito present) referred this discussion to the full commission with no recommendation.

11. Discussion Regarding The Various Types Of Water Sports Activities That Exist Today To Amend The 1964 Ordinance.

ACTION: Discussion of this item was deferred.

12. Discussion Regarding The Water Feature At The Washington Avenue Entry Of South

Pointe Park.

ACTION: Discussion of this item was deferred.

13. Discussion Concerning The Timing Of The Usage Of The City Of Miami Beach's Leaf Blowers.

ACTION: Discussion of this item was deferred.

14. Discussion Regarding The Need For Attended Bathrooms In The City Of Miami Beach. (3:23 PM)

Public Works Department Director Fred Beckmann reviewed the history of this discussion. He added that recently the cleaning of the restrooms has been outsourced. Mr. Beckmann stated that he believes the issue has been a resource problem and now with the contractor having more personnel deployed and actually being a janitorial contractor versus sanitation employees, the level of service has increased significantly. He shared photographs of the restrooms taken in the morning after having been serviced and several hours later. Previously there were only two (2) employees staffed to take care of the restrooms and now the contractor deploys six (6) people to maintain the restrooms.

Commissioner Libbin stated that he believes that most important is to have the restrooms serviced throughout the day and the restrooms are open later hours.

Commissioner Exposito recalled discussion regarding standards for maintenance of the restrooms. Mr. Beckmann stated that some discussions have occurred related to actually having bathrooms attended full-time. However, while the current contractor is not providing full-time attendants, he believes that they are providing service that meets the City's standards. He added that the janitorial contractor is responsible to report daily to Property Management any damages to the restrooms. Commissioner Exposito believes the intent was to have attendants staffing the restrooms, maybe on a rotational basis. Mr. Beckmann stated that the contractor does, in fact, visit the restrooms every few hours throughout the day.

Commissioner Libbin stated that he thinks some time can be given to see how this new process works out.

Commissioner Exposito asked if there have been any reports by the new contractor of any problems with people bathing in the restrooms or anything else that makes the public uncomfortable with using the facilities. Mr. Beckmann did not have any information on that, however, he said he would report back in a few months with an update on the status.

Commissioner Tobin stated that the condition is very important for the hundreds of thousands of guests that visit the City.

Commissioner Exposito requested Administration to return to the Neighborhood/Community Affairs Committee with cost estimates for having an actual attendant in these restrooms, with consideration given to staffing on a rotational basis.

Commissioner Tobin stressed that the committee believes this is very important, and asked Mr. Beckmann to speak with the contractor to let them know that if they see anything happening on the beach, they should report to a point of contact. He would like an update back to the committee in November. He added that Mr. Beckman should advise if any additional resources are needed when he returns to the committee in November.

ACTION: The Committee directed the Administration to return to the November meeting of the Neighborhood/Community Affairs Committee with a report on the progress of the new janitorial contract for the restrooms, provide cost estimate for having an actual attendant in the restrooms, and detail any additional resources needed.

DISCUSSION NOT ON ORIGINAL AGENDA

15. Discussion Regarding A No Wake Zone Ordinance. (4:15 PM)

*Commission Item C4C, September 12, 2012
(Requested by Commissioner Exposito)*

Commissioner Tobin explained that, while this topic was not on the agenda, he has heard from a number of people that have a desire to establish a no wake zone behind Sunset Harbor. He stated that he is bringing this up to see if the committee would like to vote to make a recommendation for such a no wake zone, or if the committee would like to study it for a while.

Commissioner Exposito made the motion to authorize the City Attorney's Office to look into the possible establishment of a no wake zone behind Sunset Harbor and bring it to the Marine Authority. Motion seconded by Commissioner Libbin.

ACTION: The Committee (Commissioners Tobin, Libbin and Exposito present) unanimously moved to authorize the City Attorney's Office to look into the possible establishment of a no wake zone behind Sunset Harbor and bring it to the Marine Authority. **(Vote: 3-0)**

(4:15 PM) Commissioner Libbin asked the commissioners that were present for an expression of sentiment for renaming Eighth Street as Tony Goldman Way. Commissioner Tobin stated his concurrence.

Chief Deputy City Attorney Raul Aguila advised that the Commission has no authority to name streets. Commissioner Tobin stated that it must be done through the state legislature and the City's lobbyists are to take care of that.

THE MEETING ADJOURNED AT 7:58 PM.

KGB/MAS/BH/rfm



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NEIGHBORHOOD/COMMUNITY AFFAIRS COMMITTEE

September 24, 2012

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Fernando Vazquez	CMB		

~~Max Sklar~~
MAX SKLAR

120