



# 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: Kathie G. Brooks, Interim City Manager

DATE: January 16, 2013

SUBJECT: **REPORT OF THE NEIGHBORHOOD/COMMUNITY AFFAIRS COMMITTEE HELD ON MONDAY DECEMBER 17, 2012.**

A meeting of the Neighborhood/Community Affairs Committee was scheduled for Monday, December 17, 2012 at 3:00 pm, and was held in the City Managers Large Conference room 4<sup>th</sup> floor. **Commissioners in attendance:** Commissioners Ed Tobin, Jerry Libbin, Jorge Exposito. Members from the Administration and the public were also in attendance. Please see the attached sign-in sheet.

### THE MEETING OPENED AT 3:27 PM.

#### **1. Discussion Regarding A Request Related A Plaque Being Placed At City Hall In Honor Of Rose Weiss, As The Rose Weiss Park Is Now Known As The Washington Park & Community Garden. (4:11 PM)**

Acting Assistant City Manager Max Sklar recapped the background of this discussion, and informed that the Weiss family did not want the plaque to be reinstalled at the Washington Park, because it was now a dog park. Instead they requested to place the plaque within the Miami Beach City Hall. Administration however, is concerned about any number of requests for plaques at City Hall and thinks it is not appropriate to have it at City Hall as this may set precedence.

Commissioner Exposito understands the concern of the administration and suggested that consideration be given for the plaque to be placed near the City Hall's flag pole, since Rose Weiss was the creator of Miami Beach flag.

Commissioner Libbin agreed that the plaque should be placed next to the pole where the flag is currently at City Hall.

**ACTION:** The Committee (Commissioners Libbin and Exposito present) recommended that the plaque be placed at City Hall by the pole where the flag is. Motion seconded by Commissioner Libbin.

#### **2. Discussion Regarding Amending The City Code To Provide For Alternative Enforcement Means And Establish A Fixed Fine Schedule For Certain Provisions. (5:00 PM)**

Commissioner Libbin recapped the background on the discussion, and felt uncomfortable about the fine schedule. Specifically for violations issued for consumption of alcohol in public.

Code Compliance Director Robert Santos-Alborna gave an overview of the item, to which he clarified that Code Compliance does not fine individuals, but rather cites businesses who knowingly allow patrons to leave the premises with alcohol, and gave examples on how the fine schedule operates during different scenarios.

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Commissioner Libbin used the example of Memorial Day holiday, to which he reminded that during that time, all the business are packed, and if a customer walks away with a drink, the Code Compliance officer would use their judgment to give a citation to the owner of the establishment. Perhaps that is not the right approach, since the establishment is not at fault.

Code Compliance Director Robert Santos-Alborna stated that City Code was very specific regarding regulations. By giving businesses a citation it will create an incentive for the business to comply with regulations.

Commissioner Libbin suggested that something needs to be done, since some businesses sell souvenir cups, and if a customer is walking with a drink in a souvenir from an establishment, how does the officers determine who's responsible.

Code Compliance Director Robert Santos-Alborna stated that it is a challenge to determine who is at fault with that type of situation.

Commissioner Exposito commented on an incident the previous year, where an employee of an establishment was selling shots by the sidewalk of the business. A Code Compliance officer went to warn the establishment about the situation; but minutes later the same employee was selling the shots again on the sidewalk by the establishment. That showed that the establishment was not making an effort to comply with regulation.

Code Compliance Director Robert Santos-Alborna stated that the idea was to create a more consistent process, and the fine will create set violation that could not be reduced by the Special Master.

Commissioner Tobin agrees with the process of the fines, because he feels that Special Master is not working.

Commissioner Libbin agreed with Commissioner Tobin in regards of Special Master, he also commented on General Advertisement signs, to which he indicated that the process was not working.

Code Compliance Director Robert Santos-Alborna cited an example from a few months earlier, and in that case the sign was up nearly a month, due to the process, and all the violations should have a courtesy cured period.

Commissioner Libbin asked if the cured period could be shortened; allowing us to issue a fine if not resolved within the compliance time period.

City Attorney Jose Smith gave an example regarding the graffiti ordinance. The City worked to shorten or extended the time to resolve the issue, it was in a case by case basis.

Commissioner Libbin then asked how noise ordinance was was handled, first the warning then the fine, and then if not in compliance business was closed down, so how can Code Compliance work something similar with other cases.

Code Compliance Director Robert Santos-Alborna indicated that it could be done the same way, but it will require an amendment for each one of the violations.

City Attorney Jose Smith indicated that for the Noise ordinance it was specifically written in the ordinance.

Commissioner Libbin indicated that he was in favor of having the ability to instantly issue a fine.

**ACTION:** The Committee (Commissioners Tobin, and Exposito) accepted as recommended, and forwarded the item to the City Commission, pending a review of cure period on some sections presented. Commissioner Libbin opposed as he did not have enough information.

**3. Discussion Regarding Enhancing The Entrances Of The Beach Walk. (3:40 PM)**

**ACTION:** Item was deferred as a request by Commissioner Gongora (not present)

**4. Discuss Naming 8<sup>th</sup> Street After Tony Goldman. (3:40 PM)**

**ACTION:** Item was deferred as per request of the family not present at the meeting.

**5. Discussion Regarding Criteria For Calling Special Meetings of The City Commission. (4:43 PM)**

Commissioner Libbin recapped the background of the item.

Frank Del Vecchio spoke

City Attorney Jose Smith indicated that the original draft did not have the emergency provision, and on a previous commission meeting when this issue was raised Mayor Bower raised a concern that a particular lobbyist wanted the commission to have a special meeting concerning Sunset Harbor, the Mayor suggested as a matter of policy that a special Commission meeting be called only in the event of an emergency.

Commissioner Libbin commented on the item, and stated that if the public voted for it, and if only four commissioners were present and not all seven and an emergency meeting was called, it should be respected, and the four can discuss any subject needed to be discussed.

Commissioner Exposito asked how binding was the position with the four commissioners, is it consider an official Commission Meeting?

City Attorney Jose Smith answered, yes, like any other City Commission meeting.

Frank Del Vecchio spoke

**ACTION:** Commissioner Tobin moved with the deletion of emergency requirement to make this a resolution, Commissioner Libbin and Commissioner Exposito were in favor and recommended to forward the draft Resolution to the January 2013 City Commission agenda.

**6. Discussion Regarding A Resolution Urging The Florida Legislature To Exempt From Public Records Disclosure Absentee Ballot Requests And Personal Information Included On Such Requests. (4:57 PM)**

Commissioner Libbin asked what authority did the Commission have on the item, and what could be done during this meeting.

City Attorney Jose Smith indicated that we weren't able to do anything on the issue.

Commissioner Tobin indicated that he would like to listen to Commissioner Welthorn's opinion on this issue.

**RECOMMENDATION:** The Committee asked Administration to invite someone to attend a future NCAC meeting and explain the pros and cons regarding this resolution.

**7. Discussion Regarding Traffic Flow On 1<sup>st</sup> Street, In The Area East Of Alton Road And West Of Washington Avenue (3:40 PM)**

Parking Department Director Saul Frances presented the item, and gave reported the current traffic flow on 1<sup>st</sup> street. He specified the various projects currently taking place and how it affects the area residents. Parking Department requested Parking Enforcement and Police department's assistance to better manage the congestion in the area. Strategies have been placed and it has been working better. Two projects are completed, part of the road is still closed and will be closed until the end of the year.

Tatiana Tagiyel spoke- Yourn Lamem spoke

Commissioner Exposito also commented on the item, stating that the problem cars dropping people off at local businesses without the proper space. This creates traffic to back up.

Commissioner Libbin asked if all the parking spaces on the opposite side (residential parking) are occupied, and also asked Miami Beach Police Department Captain Mark Causey what his intake on the issue was.

Captain Causey confirmed that traffic west bound was not an issue only traffic traveling eastbound is where the problem is.

Tatiana Tagiyel spoke

Commissioner Libbin asked to find more parking spaces in the area to free parking where the issue is.

Parking Department Director Saul Frances indicated that his department will look to find new parking spaces in the area.

**ACTION:** Commissioner Libbin suggested that item be brought back to the February 2013 NCAC meeting.

**8. Discussion Regarding Bringing V-Day To Miami Beach (4:04 PM)**

Commissioner Exposito presented the item

Lisa Schejola Akin spoke

Commissioner Libbin asked administration what exactly the Committee was being asked to do regarding the One Billion Rising organization.

Acting Assistant City Manager Max Sklar explained that the majority of their programming will be SoundScape and on the New Work Symphony Wall, a small stage and booths or tables in the area for some of their sponsors. He further stated that the application and permit fees can be waived administratively for a 501 non-profit

Commissioner Libbin supports the event, but it can't be considered a City event as requested by the event organizer. He supports the event, but they should secure sponsorships to cover the costs and let the City know afterwards if all costs were not covered.

Frank Del Vecchio spoke

**ACTION:** No action taken

**9. Discussion Regarding A Potential Signage Program Establishing Miami Beach As A Hate Free Zone**

Acting Assistant City Manager Max Sklar indicated that this item is considered to be discussed on the Land Use Committee and no longer needs to be considered by the NCAC.

**ACTION:** CLOSED OUT

**Addendum**

**1. Discussion Regarding The Need For Attended Bathrooms In The City Of Miami Beach (4:32 PM)**

Public Works Department Director Fred Beckmann gave an updated report on the item.

Public Works Assistant Director Jay Fink presented some pictures showing the status of the bathrooms on various locations within the City. Before and after pictures were shown, indicating major improvements.

Commissioner Tobin asked who was responsible on overseeing the performance of the contract on cleanness of public bathrooms.

Public Works Assistant Director Jay Fink indicated that Herman Fung was the contract administrator responsible overseen contracts, and he reports to Jay Fink, Public Works Assistant Director.

Commissioner Tobin then questioned how Herman Fung was able to manage so many contracts, and how was the schedule to check the performance of each one of the contracts.

Public Works Department Director Fred Beckmann clarified that Herman Fung does not manage over one hundred contracts, and that it was not a good idea to have a schedule to check performance on the bathrooms, and now that the City had a contractor to take care of the public bathrooms, they bathroom are clean, and they will continue to be clean.

Commissioner Tobin also requested the number of contracts Herman Fung was managing.

Public Works Department Director Fred Beckmann promised to have all the information needed by the end of the week.

**ACTION:** No Action Taken.

**2. Discuss An Update On The Citywide Dunes Maintenance Plan (4:17 PM)**

Public Works Department Director Fred Beckmann gave an updated report on the Dunes maintenance plan.

Elizabeth Wheaton, Environment Research Manager gave a more detailed update on the item, pictures were shown indicating improvement.

Commissioner Exposito wanted to know if the program is going to be established to maintain the dunes as a long term plan.

Public Works Department Director Fred Beckmann responded by indicating that they are going to issue a Request For Proposal (RFP) or an Invitation to Bid (ITB) for a City Wide contract to take care of all the areas where Dunes Maintenance is required. The process should start around May or June of 2013.

Elizabeth Wheaton, Environment Research Manager also mentioned the community workshops currently taking place with regard to the Beach and Dunes maintenance. City staff has been presenting better ways to treat our Dunes and Beaches to local residents and businesses.

Cristine Florez spoke.

**ACTION:** Recommendation was for administration to come back in 90 days for a quarterly report.

KGB/MAS/BH/jen