



# 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: March 13, 2013

SUBJECT: **REPORT OF THE NEIGHBORHOOD/COMMUNITY AFFAIRS COMMITTEE HELD ON FEBRUARY TUESDAY 19, 2013.**

A meeting of the Neighborhood/Community Affairs Committee was scheduled for Monday, February 19, 2013 at 3:00 pm, and was held in the City Manager's Large Conference Room, 4<sup>th</sup> Floor. **Commissioners in attendance:** Commissioners Ed Tobin, Jerry Libbin and Jorge Exposito Members from the Administration and the public were also in attendance. Please see the attached sign-in sheet.

### THE MEETING OPENED AT 3:17 PM.

#### **1. Discussion Regarding An Ordinance Amending Regulations Of Alcoholic Beverages In Public Places. (3:17 PM)**

Commissioner Libbin presented the item, indicating that the issue was more about To Go-Cups (plastic), and some regulations needed to be implemented.

Max Sklar, Acting Assistant City Manager indicated that this was an old item pending for a while, and the Administration was seeking policy direction regarding the sale of alcohol in approved beach concession areas.

Commissioner Libbin stated that that current beach concession agreements with hotels, does not allow the sale of alcohol but the practice has occurred for years.

Max Sklar indicated that administration is looking for direction before drafting City Code amendments. The current City Code prohibits the sale of alcohol in public property with (3) exceptions; a) Sidewalk Cafes having a valid sidewalk café permit, b) Public Property leased from the City by a private entity and licensed by the city for such use and c) Areas temporarily designed for such use by the City by the issuance of a valid event permit.

Commissioner Tobin made the motion to direct administration to formulate a plan on how to structure this issue and to contact the businesses impacted to develop the amendments, a method for charging the concessionaires and a timeline for implementing the changes. He also requested the item be placed on the March Commission Meeting, where administration will receive direction on how to proceed with it. Commissioner Exposito seconded the motion.

**ACTION:** The Committee (Commissioner Tobin, Libbin and Exposito present) unanimously moved to have this item discussed on the March Commission Meeting.

#### **2. Discussion Concerning The Flamingo Park Neighborhood Becoming Florida's Most Pedestrian Friendly Neighborhood. (5:25 PM)**

Agenda Item C6B  
Date 3-13-13

Public Works Department Director Fred Beckmann gave a background on the item and how the plan will help the neighborhood.

Commissioner Exposito asked the width of the streets on the neighborhood, so we are consistent with what we tell the neighbors.

Fred Beckmann responded that the streets were all have the same width and are consistent with the streets in the neighborhood.

Commissioner Tobin and Commissioner Libbin asked if there was a way to bring mass transit to the area and have the parking lot in the area utilized for the residents of the area, with a reduced fee for residents to alleviate the traffic congestion in the area.

Commissioner Tobin suggested utilizing parking garage at 6<sup>th</sup> street for the residents of the flamingo park area, and try it for about 6 months to see how this works, and discuss it then.

**ACTION:** The Committee (Commissioner Tobin, Libbin and Exposito present) unanimously recommended that the administration try the utilization of the garage at 6<sup>th</sup> street, as a trial period for six months at a further discounted rate, and then bring the item back to Commission Meeting.

**3. Discussion Regarding A Resolution To Establishing And Designating Tobacco-Free Zones In All City Parks And Outdoor Recreational Facilities. (5:13 PM)**

**ACTION:** Item withdrawn by Commissioner Libbin.

**4. Discussion Regarding Building A Guardhouse At East Entrance Of Normandy Shores (5:15 PM)**

Commissioner Tobin asked if notices were given to the neighbors.

Commissioner Libbin stated that he does not know what the Normandy Shores Homeowners Association position is in regards to the item, but he thinks that if the city is willing to support this, the Homeowners Association will be in favor, as long as the cost does not come from the City nor from the Association, but by the developers of the current projects.

Raul Aguila offered to meet with representatives from the newly formed homeowners association outside the gate to provide them with options on how to proceed with this project. He also informed the Committee that state statute governs this through the creation of safe neighborhood taxing district and there is a referendum requirement.

The Committee (Commissioner Tobin, Libbin and Exposito present), directed Legal to meet with the Homeowners Association and discuss details on the item.

**ACTION:** The Committee (Commissioner Tobin, Libbin and Exposito present) recommend bringing back this item to the April NCAC meeting

**5. Discussion Regarding An Update On Upper North Bay Road Drainage Project. (3:37 PM)**

Public Works Department Director Fred Beckmann gave an updated report on the item, stating that due to the change of groundwater and tailwater elevation, it was decided to go back with and plan and had two options, one to stay with Reynolds, Smith and Hills, Inc.

(RS&H) and redesign to the new criteria or go the Design Build Criteria Package (DCP) to which it was opted to go to, the package is ready to go and now legal is working in development of the design-build agreement.

Commissioner Tobin asked when DCP is already been done, what happens when somebody that bids on it, decides to have some changes, are they allow to do that?

Richard Saltrick, City Engineer answered stating that yes they do have the ability to add or change if needed, it goes to a process where City reviews it, approves it, and it is negotiated at the end in a Progressive Design-build, the City manages the design process, the city reviews it, approves it and at the end if needed price is negotiated with the firm.

Commissioner Tobin asked what if company does not like or needs to change the design, how that work, and what will the best process be for the City.

Public Works Department Director Fred Beckmann answered, stating as summary that the DCP the designer whoever the company selects will be the one making the decisions and if we think that something needs to be added it will be discussed, and if price needs to be negotiated, it takes place at the end of the project.

Dwight Kraai spoke in regards of tides for which he distributed a chart of 2012 monthly average MHW, Ft. NAVD and questioned that the standard groundwater and tailwater elevation is too low.

Commissioner Tobin suggested to discuss this issue in another meeting.

Commissioner Libbin suggested that we should consult with the Netherlands engineers about this issue, since they are widely recognized as experts we should have their advice or input on this issue.

Kathie G. Brooks, Interim City Manager agreed with the suggestion, indicating that the City was already in the process of meeting with them .

Richard Saltrick, City Engineer indicated that they have already met with some representatives from the Netherlands, and that they will meet again to discuss on the matter.

**ACTION:** The Committee (Commissioner Tobin, Libbin and Exposito present) directed administration to have in the DCP, as an alternative, the difference to go from Pump and Alpha system to an Injection well system.

**6. a. Discussion Regarding A Sanitation Plan During Spring Break 2013.  
b. Discussion Regarding The Status Of The Major Event Plan For Spring Break.  
(4:09 PM)**

Acting Assistant City Manager Max Sklar presented the item.

Commissioner Libbin asked how to ensure we have clean beaches, clean streets, parks, how is service delivered, are we prepare to host the number of visitors coming to our city for Spring break.

Acting Assistant City Manager Max Sklar provided an overview of the Major Event Plan for Spring Break.

Commissioner Exposito asked, when was going to start the increase of enforcement? Also commented that in the past starting early was very effective, and by starting earlier will set precedence and started to see fewer issues.

Acting Assistant City Manager Max Sklar stated that Spring Break already started and that the City was already active, having different departments already working on the issue, already have the dates for the Variable Message Signs (VMS) to be placed at various locations, also temporary real estate-type signs in the right of way and along the parks, also created pamphlets with different information and key phone numbers for the visitors to be distributed to the public by our GWA.

Carla Probus (City resident) spoke, questioning the effectiveness of Code Compliance citation for litter violations.

Robert Santos-Alborna, Code Compliance Director gave an overview of the plan Code Compliance has with the Police Department, to which he indicated that for the past two years, the plan has worked perfectly, and at this point his office is ready for this year.

**ACTION:** The Committee (Commissioner Tobin, Libbin and Exposito present) requested a Letter to Commission (LTC) regarding the GWA program for Spring Break.

**7. Discussion Regarding Items That Are Referred To Commission Committees To Be Reviewed If Not Heard By That Committee Within (6) Six Months Of Its Referral Dates. (5:43 PM)**

Commissioner Libbin presented the item, and suggested that items which have not been discussed in Six (6) months should be removed from the agenda.

Commissioner Tobin made the motion that all items referred to various City Commission Committees should be heard as soon as possible regardless of whether the referring City Commissioner is present for the discussion and the Commissioner should be noticed of the discussion item. He also felt there could be one courtesy deferral if the commissioner is out of town, to move it to the next month, and after six months that the item be printed on the Commission Agenda as an informational notice that it has been withdrawn.

**ACTION:** The Committee (Commissioner Tobin, Libbin and Exposito present) unanimously moved for the pending items to be removed after six months with a report of withdrawn items on the monthly City Commission agenda.

**8. Discussion Regarding Considering The Removal Of The Four (4) Public Parking Spaces On Sunset Drive At The Entrance Of Sunset Harbor Island. (4:29 PM)**

Parking Department Director Saul Frances presented the item, indicating that Parking Department does not have an issue on the matter and spaces could be removed.

Commissioner Exposito moved with the item, seconded by Commissioner Tobin.

**ACTION:** No action was taken.

**9. Discussion Regarding Relocation Of The Maintenance Vehicles From The Sunset Harbor Neighborhood. (4:32 PM)**

Public Works Department Director Fred Beckmann presented the item.

Commissioner Tobin questioned how many parking spaces were needed and why not utilize the parking garages that the City already operates.

Public Works Department Director Fred Beckmann gave an overview of how many employees are in Public Works and Property Management, plus number of work vehicles and equipment utilized by city employees daily. Additional spaces are needed to accommodate shift changes.

Commissioner Libbin stated he believes some of the City garages are underutilized, indicating that it would be cost effective for the City, have the employees park at the 42<sup>nd</sup> Street garage and bus the employees to their work location.

Jose Smith City Attorney indicated that Legal will look into the matter to see the legal obligations the city has towards the employees.

Mr. Luria spoke.

Commissioner Libbin made a motion to direct administration to explore the utilization of vacant spaces in the 41<sup>st</sup> / Sheridan Avenue garage and 5<sup>th</sup> Street garage to our greatest advantages for our City vehicles, seconded by Commissioner Exposito

**ACTION:** The committee (Commissioner Tobin, Exposito and Libbin present) referred the item to the next Commission Meeting, with a plan of utilization of vacant parking spaces at the Sheridan street garage and the 5<sup>th</sup> street garage.

**10. Discussion Regarding Amending Procedures For Appeals To The Special Master For Certain Frequent Code Enforcement Violations. (6:00 PM)**

**ACTION:** Item was deferred to the March NCAC meeting.

***THE MEETING ADJOURNED AT 6:00 PM.***

KGB/MAS/BN/jen





NEIGHBORHOOD/COMMUNITY AFFAIRS COMMITTEE  
February 19, 2013

SIGN-IN SHEET

PLEASE PRINT LEGIBLY

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