



# MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miami-beach.fl.gov

## COMMISSION MEMORANDUM

TO: Mayor Matti Herrera-Bower and Members of the City Commission  
FROM: Jimmy L. Morales, City Manager  
DATE: July 17, 2013  
SUBJECT: **REPORT OF THE NEIGHBORHOOD/COMMUNITY AFFAIRS COMMITTEE HELD ON WEDNESDAY JUNE 26, 2013.**

A meeting of the Neighborhood/Community Affairs Committee was held on Wednesday, June 26, 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 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 3:10PM.

#### **1. Consideration And Discussion Of Proposed Amendments To The City's Noise Ordinance. 3:50PM**

Jose Smith, City Attorney presented the item, stating that he is not recommending changing the ordinance.

Commissioner Libbin wanted to know what other Cities are doing regarding decibel standards.

Debora Turner also presented her opinion and does not recommend any proposed change to the Noise Ordinance.

Debora Turner explained that decibel systems pick up various sources of noise therefore it can be subject to challenge. In fact, the City previously had a decibel-based noise ordinance which was repealed in 1995 due to difficulties in enforcement.

Dr. Sunshine spoke. He referred to the Crowe Report.

Commissioner Libbin questioned why so many invalid complaints.

Robert Santos-Alborna spoke regarding the increase in validity rate from 22% last year to more than 30% for this current year. In addition, response time has improved. Another reason for invalid complaints is the fact that noise travels up and when officers are investigating the source of the noise, they do not have the proper access to witness the noise that the residents are experiencing. He also noted that the City of Daytona Beach is adoption the City's ordinance. They had problems with enforcing a decibel based ordinance.

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Commissioner Libbin wanted clarification as far as statistics of complaints being higher for residents vs. business.

Commissioner Exposito requested that Legal Department and Code Compliance to continue to work on the issue of noise standards.

Robert Santos-Alborna stated that Patricia Walker (CFO) mentioned that a committee is being created based on the Crowe report to review the noise issues.

**Motion:** Commissioner Exposito directed administration to discuss proposed changes to the noise ordinance at the new Crowe Horwath Report committee, once created, and bring back to Committee. Seconded by Commissioner Libbin.

**2. Discussion To Consider Leaving The Altos Del Mar Location As Passive Greenspace. 4:20PM**

Kevin Smith updated the Committee on the item and requested direction as to the next step. Currently, he would like to move forward in order to determine the future use, amenities provided, design criteria and park construction if any. He is seeking to re-organize a comprehensive group to create a Master Plan in collaboration with all stakeholders, in order to create a contemporary Basis of Design Report, (BODR). These actions will lead to the future development of this Park with the assurance of broad-based community support.

Commissioner Libbin wanted to ensure that the message was clear and that the City is looking to reach out to these stakeholders, who have good knowledge and a commitment to this project. The message should specify that the City do not have a Master Plan, but rather, the City is looking for the input and support of this comprehensive group.

No Motion was made. Commissioner Exposito expressed the desire of the Committee for the administration to move forward.

**3. Discussion Regarding Considering Hosting A Biannual Art Camp Held In Miami Beach In Cooperation With UNESCO. 4:25PM**

Commissioner Libbin **withdrew** the item as other agencies are already taking the lead.

**4. Discussion Regarding Bicyclist Safety Campaign With The Miami Beach Police Department, Deco Bikes And Local Bicycle Rental Companies.**

**Item Deferred**

**5. Referral of a Resolution Supporting The Efforts Of Miami-Dade County And The Miami-Dade County Public Schools' Joint Roundtable On Youth Safety to Neighborhood/Community Affairs Committee and Committee on Quality Education. 5:15PM**

The recommendations presented in the Joint Roundtable on Youth Safety Community Action Plan aim to ensure that the Miami-Dade County community comes together for the long haul to develop a safe envelope around our schools and other public places where children gather.

Gabrielle Redfern spoke regarding recommendations.

**Motion:** Commissioner Exposito made the motion to move forward with the recommendations of Miami-Dade County and Miami-Dade County Public Schools Joint Roundtable on Youth Safety and seconded by Commissioner Libbin.

Commissioner Libbin took this opportunity to thank Dr. Leslie Rosenfeld for her efforts.

Commissioner Exposito wanted to know what the City is doing to apply for grants to have safety studies.

#### **6. Discussion Regarding The Restoration Of Monument Island 4:40PM**

Kevin Smith introduced the item for discussion and update. There has been on-going discussion concerning the past, present and future uses of Flagler Memorial Island. It is presently an unsecured island beach used by boaters and jet skiers. The site is heavily used on weekends as a boater location for swimming, with limited shoreline access and few improved pathways leading to the Flagler Monument.

On April 17, 2013, the City Commission adopted a Resolution accepting a donation of \$25,000 from the Prentice Foundation to be used specifically by the City of Miami Beach for the restoration and conservancy of Monument Island and the Flagler Monument.

Mr. Smith indicated that the City is currently at an initial stage and the City is ready to move forward towards rejuvenating the project and move forward with organizing a comprehensive group to work towards a Master Plan.

Commissioner Libbin would like to see community outreach and get a true consensus. He would like to see these community meetings begin discussion in developing and gather input from the public and logical groups such as Marine Patrol, ECOMB, etc.

Luis Rodriguez, Executive Director of ECOMB presented ECOMB's proposal.

Commissioner Exposito expressed his concerns regarding noise and the over use of the Island and its ecological impact.

Commissioner Libbin cautioned the way the message is structured regarding a development of a Master Plan and perhaps emphasize in gathering input from stakeholders to create a Master Plan.

**Action:** Move forward with creating a logical group and gather input from various sources regarding a Master Plan for Flagler Memorial Island. Bring back to Committee for further discussion.

## **7. Discussion Regarding The Collins Park Garage Project (Collins Park Place) 3:10PM**

David Martinez and Thais Viera from CIP presented the item. Gustavo Berenblum of Berenblum Busch Architecture (representing Zaha Hadid Architects) also made a presentation. Items of concern were as follows:

- Construction Budget
- Possibility of a rooftop passive park
- Proposed concrete finish

Gustavo Berenblum made a presentation on behalf of the Zaha Hadid Architecture Firm, stating that such project has been considered as an urban piece of architecture which fulfills more than a simple functional role. Likewise, the City has a clear desire for an innovative design which breaks the mold of the typical building type. The architects would like to proceed as soon as possible with this highly ambitious project for the City and hope that the City favors the original design. The parking facility, designed to span two adjacent sites, will transform the existing, non-descript parcels into a truly urban environment and unique destination for the City. Additionally Collins Park Place will become a catalyst for the revitalization of the Collins Park Neighborhood. Careful consideration has been given to the development and integration of features for the project including the Collins Park Gateway” bridge over Liberty Avenue which simultaneously creates a canopy over the public plaza, the spiraling feature stair with scenic elevator that encourages movement and safety, and a retail component designed to attract high-end tenants.

Zaha Hadid Architecture and community groups such as Collins Park Neighborhood Association agree that the garage be kept as it was originally designed with no rooftop garden and no loss of parking spaces. As for exterior finish, it was agreed that either stucco or a white stain would be a costly long term mistake. Zaha Hadid strongly feels that the original proposed concrete finish would be the only way to go.

Commissioner Libbin commented about cost and how it compares to other recent constructed garages. He feels that the comparisons are not a true mirror of other garages as it is being presented.

Commissioner Exposito was concerned with the lights from incoming cars reflecting onto residents' homes and its effect on them. He also expressed his concerns with the permitting and zoning process. In addition, he wanted to clarify the lighting overall (building lights) being safe and sufficient. He stated that the Maxxi Project lighting was very effective.

The architect stated that they have made modifications to correct the design so this is no longer an issue with car lights reflecting onto residents' windows. In addition, they are working with a consultant to modify and apply best options for overall lighting and safety.

Ray Breslin, Collins Park Neighborhood Association president spoke.

Luis Rodriguez from ECOMB spoke

George Kousoulas, Architect spoke

Cristine Florez spoke

All of the above in favor of moving forward with approved design.

**Motion:** Commissioner Exposito to forward the Collins Park garage project to Commission for approval and move forward as soon as possible and to ensure all pertinent permits and modifications are solidified. Seconded by Commissioner Libbin.

**Action:** Commissioner Libbin directed Administration to get details on cost ROI and comparisons and its sources.

**8. Discuss The Enforcement Components Of The Recycling Ordinance. 4:27PM**

Commissioner Libbin opened the item.

The City Commission adopted an ordinance mandating multi-family residential and commercial establishments implement a single-stream recycling program by July 1, 2013. Per the ordinance, multifamily and commercial establishments that do not provide a recycling program serviced by a licensed recycling contractor or that fail to separate recyclable material from the solid waste stream have been subject to warnings since January 1, 2013. In April 2013, Courtesy Warning letters were provided by the City to the franchises waste haulers for distribution to properties that, despite the informational letter, remained non-compliant. Properties were asked to submit compliance confirmation forms to the City.

Commissioner Libbin was concerned that the approved Sustainability Officer whose focus would be to provide education and guidance rather than issuing fines, has not been filled.

Commissioner Libbin shared his thoughts regarding what the Sustainability Committee would like to see. He understands that they want to move forward with immediate fines and penalties. He would like to see the position of the Sustainability Officer filled. In addition, he wants to know why this position has not been filled. He would like for administration to move forward and provide the service as budgeted last FY.

**Motion:** Commissioner Exposito would like to hold off on penalties for compliance with the recycling ordinance and extended the education component an additional six months. Second by Commissioner Libbin.

**9. Discuss An Amendment To The Special Event Requirements And Guidelines To Include Recycling Requirements For All Special Events That Require A Sanitation Plan. 4:35PM**

**Motion:** Commissioner Libbin made the motion that if it requires a sanitation plan than it must have a recycling sanitation plan. Seconded by Commissioner Exposito.

**10. Discuss An Amendment To The Energy Economic Zone Ordinance To Include Miami-Dade County's Green Business Certification Program As An Eligibility Criteria To Receive The EcoZone Program Tax Incentives. 4:37PM**

Commissioner Libbin opened the item.

One of the main reasons that the City of Miami Beach was designated EcoZone was due to the comprehensive efforts to create and implement the Sustainability Plan and its associated initiatives. The Sustainability Plan also serves as the Energy Economic Zone Work Plan.

Commissioner Libbin is very happy that the City has this program. However, he has concerns that the City does not have staff or process such as Miami-Dade County. He would like to recommend that the County manage the program for the City.

**Motion:** Commissioner Libbin made the motion to allow the County to handle the green Business Certificate Program as eligibility criteria for the Energy Economic Zone program. Seconded by Commissioner Exposito.

**11. Report From City Staff On The Traffic Calming And School Zone Expansion Initiative For 41<sup>st</sup> Street Between Meridian Avenue And Garden Avenue To Improve School Safety At Nautilus Middle School. 4:54**

Jose Gonzalez, Transportation Manager presented the item.

Pursuant to motions passed by the Committee for Quality Education regarding concerns with the safety of students from Nautilus Middle School crossing 41<sup>st</sup> Street, City staff requested that the Florida Department of Transportation (FDOT) conduct a signal warrant analysis to determine if a new signal is warranted at the intersection of Jefferson Avenue and 41<sup>st</sup> Street. A traffic signal warrant analysis was conducted by FDOT District Six Traffic Operations/Safety Office. Based on data collected and observations during school pick-up/drop-off periods, the study concluded that a traffic signal is not warranted at the intersection of 41<sup>st</sup> Street and Jefferson Avenue as the intersection failed to meet the criteria (signal proximity, pedestrian volume and accident volume). Currently, the FDOT draft safety study is being reviewed by the City of Miami Beach, Miami-Dade County, and the Miami-Dade County School Board.

It is important to note, that as an interim safety measure for the upcoming 2013-14 school

year, the Administration recommends that the City of Miami Beach Police Department, Miami-Dade County School Police Department, and the Nautilus Middle School new administration collaboratively participate in making recommendations as to how to effectively deter Nautilus Middle School students from crossing at un-signalized mid-block locations, including discouraging students arriving before 9:00am from leaving the school premises to get breakfast at Burger King.

Commissioner Libbin shared his thoughts on the current MBPD resources. Instead of having this Miami Beach Police Officers direct traffic, have one in the area of concern for approximately 20 to 30 minutes.

Assistant Chief Overton stated that he would like to work with the school to take a holistic look at the issue.

Dr. Leslie Rosenfeld explained the issue of students crossing at Jefferson Avenue is a result of the attraction to Burger King and the gap of time between students being dropped off by bus/parents and the opening of the school at 9:00 a.m. Students have also been routed around the school to 42 Street to enter the cafeteria, and leave campus to go to 41<sup>st</sup> Street. Dr. Rosenfeld then introduced Ms. Sally Alayon, MDCPS Region II director.

Ms. Alayon spoke regarding the discussions currently taking place with the new Nautilus Middle School Principal, Mr. Bellmas. The issue regarding children crossing at Jefferson and 41<sup>st</sup> Street will be discussed with the principal. In addition, the idea of opening the school earlier to allow children to enter on the North side of the school where the drop off is located will be discussed as well, and perhaps allowing them to remain supervised in the cafeteria.

Commissioner Libbin mentioned that he would like to meet the new Principal.

Gabrielle Redfern spoke on behalf of Mayor Mattie Herrera-Bower. She wanted to note the incident in June 2013 where a student was side swiped on 41<sup>st</sup> Street and the child was cited. Mayor Herrera-Bower has drafted a letter to Superintendent Carvalho and would like to receive feedback after this NCAC meeting to finalize the letter.

Commissioner Libbin directed Assistant Chief Overton to work with school and have a Police Resource Officer at the crosswalk and that it would be a good alternative if the Nautilus opened the cafeteria earlier to give students a healthier option.

Gabrielle Redfern stated that the study did not include extending the school zones. Therefore, we should work with the County and School Board to see if this can be done.

**Motion:** Commissioner Exposito made the motion to look at studies and proceed with recommendations from Assistant Police Chief to expand the speed zone and work with Nautilus. Seconded by Commissioner Libbin; Although he does not agree with yet another study.

**12.A Resolution Accepting The Recommendation Of The Neighborhood/Community Affairs Committee Not To Name The New Tennis Center At Flaming Park (The Center) The "Flamingo Park Tennis Center," As Proposed By The Flamingo Park Neighborhood Association And, Further, To Keep The Existing Proposed Name Of The Center As The "Flamingo Park/Holtz Tennis Center," In Accordance With The Intent Of The Prior Agreement(s) Entered Into By The Tennis Center," In Accordance With The Intent Of The Prior Agreement(s) Entered Into By The City. 5:20PM**

The issue of the naming of the tennis center in Flamingo Park was heard at the June 5, 2013, City Commission meeting. Following extensive public comment and further discussion by the City Commission, the City Commission voted not to accept the Committee's recommendation, and further expressed its desire to name the new tennis center the "Flamingo Park Tennis Center". An additional motion was made by the City Commission to refer the matter back to the NCAC for further discussion.

Raul Aguila, Chief Deputy, City Attorney's Office presented the item. When asked by Commissioner Libbin what the status of the new tennis center name was, Mr. Aguila stated that currently there is no recommendation on the name. Mr. Aguila stated that following the June 5, 2013 Commission meeting, he and members of the administration met with Mr. Holtz and his attorney Mr. Cliff Shulman to discuss a compromise which would enable the City to proceed with naming the new tennis center the "Flamingo Park Tennis Center", while acknowledging the Holtz family's contribution through the establishment of a monument or memorial. The administration had identified a sculpture of a tennis ball which was included in the original project rendering (at the entrance of the pro-shop), but which was value engineered out at the beginning of the project. A recommendation was made (as a settlement and compromise) to re-introduce the tennis ball sculpture, with the inscription at the base, acknowledging the Holtz family's contribution to tennis in the City (or other similar language which would be mutually agreeable to the City and the Holtz family).

Consensus was reached to have a plaque at the bottom of the Tennis Ball sculpture instead of naming of the tennis center.

Mr. Shulman spoke on behalf of the Holtz family and he stated that this is a good compromise. He further stated that he wants to ensure that the City's next steps happen in order.

Commissioner Libbin expressed his pleasure with the resolution.

Rebecca Boyce with the Miami Beach Tennis Association spoke.

Stefan Zachar Member of Miami Beach Tennis Association spoke, and requested that the July 14<sup>th</sup> Ribbon Cutting Ceremony be postponed until there is a resolution and a name.

Commissioner Libbin directed administration to postpone the Ribbon Cutting ceremony.

**Motion:** Commissioner Exposito made the motion. Pursuant to the compromise settlement reached between the City administration, Legal and Mr. Holtz to move forward



with the establishment of the monument (with reasonable input from the Holtz family), and send to AIPP for approval on the tennis ball sculpture. To name the facility "Flamingo Park Tennis Center" and as agreed to a plaque at the bottom of the tennis ball sculpture. Seconded by Commissioner Libbin.

**Action:**

- Move item to Commission
- Legal to amend naming of the Ordinance, with 2<sup>nd</sup> reading at the September 13<sup>th</sup> Commission Meeting
- AIPP for approval of monument at the next AIPP Meeting

**13. Discussion Regarding The Issue Of The Use Of Medical Marijuana 5:45**

Debora Turner presented the item. Subsequently, the City Attorney's Office met and corresponded with counsel for Mr. Steven's committee to assist in drafting a resolution, as an alternative to a ballot initiative, that would address the Committee's concerns and be acceptable to the City Commission. A preliminary resolution was drafted that proposed a City policy whereby the possession of less than an ounce of marijuana would be given the lowest law enforcement priority in the City and urged State and Federal lawmakers to enact legislation to decriminalize the possession of less than an ounce of marijuana and to permit the use of marijuana for medicinal purposes. However, the draft resolution did not receive support for placement on a City Commission agenda. As an alternative, the Resolution adopted by the City of South Miami is submitted for consideration.

**Action:** No recommendation from Committee. Send item to Commission for consideration of a straw ballot question on the November 5<sup>th</sup> ballot, whether the City Commission should adopt a resolution urging State and Federal lawmakers to permit the use of marijuana for medicinal purposes.

Marcia Monserrat, Special Projects Coordinator with the Office of the City Manager spoke regarding outreach efforts to the Homeowner Associations and PTA.

Commissioner Libbin agreed that outreach efforts must be conducted.

**14. An Ordinance Amending Miami Beach City Code Chapter 2 Entitled "Administration," Article VII Entitled "Standards Of Conduct," Division 2 Entitled "Officers, Employees, And Agency Members," By Amending Section 2-446 Thereof Entitled "Declaration Of Policy" To Provide For Limited Standards Of Conduct Applicable To The City's Special Masters, And Creating City Code Section 2-461 Establishing Special Master Lobbying Prohibitions; Providing For Repealer, Severability, Codification, And An Effective Date.**

Item was deferred

**THE MEETING ADJOURNED AT 6:00PM.**  
JLM/KGB/bh