


MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMISSION MEMORANDUM

TO: Mayor Philip Levine and Members of the City Commission
FROM: Jimmy L. Morales, City Manager 
DATE: February 5, 2014
SUBJECT: **REPORT OF THE NEIGHBORHOOD/COMMUNITY AFFAIRS COMMITTEE
HELD ON THURSDAY JANUARY 30, 2014**

A meeting of the Neighborhood/Community Affairs Committee was held on Thursday, January 30, 2014 10:00 am, and was held in the Commission Chamber, 3rd Floor. Commissioners in attendance: Commissioners Micky Steinberg, Deede Weithorn, and Joy Malakoff. Members from the Administration and the public were also in attendance. Please see the attached sign-in sheet.

THE MEETING OPENED AT 10:06 AM.

OLD BUSINESS

**1. Discussion Of Old Business Items To Determine If They Should Remain On The Pending Items List:
10:38 AM**

- a) Discussion regarding consideration of creating a mural wall area in North Beach similar to the Wynwood Walls in the City of Miami Beach where artists would be able to express themselves.
Sponsored by former Commissioner Gongora
- b) Discussion Regarding How To Deal With Noise Abatement Issues Relative To Overhead Flights That Do Not Follow The Standards Set By The FAA.
Sponsored by former Commissioner Exposito

MOTION: by Commissioner Weithorn for items to be removed from the pending list.

2. Discussion Regarding The Continuation Of The Adopt-A-Beach Pilot Program. 10:36 AM

Eric Carpenter, Director of Public Works, presented the item.

At the April 17, 2013 Commission Meeting, Administration referred a discussion regarding the continuation of the Adopt-a-Beach Pilot Program to the Neighborhood/Community Affairs Committee (NCAC). At the April 29, 2013 NCAC meeting, the

Agenda Item C6C
Date 2-12-14

Committee made a motion to have the Environmental Coalition of Miami and the Beaches (ECOMB) develop a letter of intent for the continued administration of the Adopt-a-Beach program. At the September 30, 2013 NCAC meeting, the Committee asked that ECOMB revise the program model outlined in their letter of intent and return to the NCAC at a future date.

On September 9, 2009, the City Commission adopted a resolution approving and authorizing the establishment of the Adopt-a-Beach Pilot Program for a period not to exceed one (1) year. Through this program, various groups such as local businesses, volunteer groups, and non-- profit organizations adopted a specific section of beach to clean a minimum of four (4) times per year. The participation or sponsor fee of \$200 covered the cost of the clean-up materials (e.g. reusable buckets, biodegradable bags, cloth gloves, first aid kits, information booklets) and the program signage, to which a vinyl decal of the sponsoring organization's logo was affixed.

On December 9, 2009, the City signed a lease agreement with the ECOMB for the building located at 210 Second Street. Pursuant to the terms of the lease agreement (Attachment A - Portion of ECOMB's Lease Agreement), ECOMB agreed to coordinate the City's Adopt-a-Beach Pilot Program, whose operation and management was estimated to involve between 10 and 20 hours of staff time per week. ECOMB agreed to support this new initiative by relieving City staff of the time associated with implementing, coordinating, and monitoring this program. However, City staff was assigned the responsibility of coordinating with ECOMB, providing the program's signage, collecting the sponsors fees, and purchasing all program materials.

At the April 29, 2013 NCAC meeting, the Administration recommended either terminating the program or that staff support to the program be reduced and that, subject to the City's supervision, ECOMB be responsible for completely administrating the continuation of this program. The NCAC requested that ECOMB provide a letter of intent to administer the program, including any additional funding requirements needed from the City.

On August 14, 2013, ECOMB provided a letter of intent to completely manage and operate the Adopt-a-Beach program. ECOMB proposed that the City pay ECOMB an annual fee of \$20,000 "to pay for the services of staff responsible for coordinating the Adopt-a-Beach program, a portion of operating costs, and material costs for implementing the program." In addition, ECOMB will collect annual sponsorship fees of:

- \$200 - non-profit organizations and/or schools;
- \$500 -for-profit businesses and/or individuals; and,
- A tiered discount program will be offered for existing for-profit/individuals that commit to a long-term contract. For example, if a sponsor commits to a 3-year contract they will pay \$200 in year one, \$350 in year two, and \$500 in year three.

All sponsorship proceeds would be retained by ECOMB. It should be noted, that any changes to the Adopt-a-Beach program will require amending ECOMB's lease agreement with the City for the 210 Second Street property.

On December 11, 2013, ECOMB provided an updated letter of intent (Attachment C) with all updates highlighted in yellow. The updated agreement builds upon the original agreement by adding a number of activities to make the program more efficient. ECOMB included the following proposal additions:

- Secure a maximum of two sponsors per section;
- Require sponsors to complete a minimum of four clean-ups per year;
- Provide online reporting system for sponsors to report collection data;
- Create online system for tracking events; and
- Conduct survey annually to evaluate program's impact.

Louis Rodriguez (Director of ECOMB) – Stated that ECOMB has resubmitted a Letter of Intent that would make the program more effective. It also includes the changes and recommendations made by the City such as, having ECOMB take on the majority of the responsibility. It also includes the new budget that will allow the program to run based on its specific needs.

Commissioner Malakoff- Directed a question to Eric Carpenter regarding the new Letter of Intent (LOI) from ECOMB. Asked if Mr. Carpenter was satisfied with the LOI.

Eric Carpenter- Stated some concerns with the Letter of Intent regarding the sponsorship dollars associated with it and the lease agreement and the budget. The Letter of Intent needs to be more detailed and have another revision.

Commissioner Malakoff- Requested that Eric Carpenter meet with ECOMB and Louis in order to ensure that the Letter of Intent meets concerns the City has.

Commissioner Weithorn- Inquired about the \$20,000.00 fee. Asked Louis if this was for hiring contractual work. Stated that ECOMB and the City need to get together in order to go over the new Letter of Intent and clarify some areas; if there is a lease amendment get with legal. Don't have a problem with concept to move forward to commission when it's ready.

Louis Rodriguez- Said yes, the \$20,000 fee is for contractual work.

MOTION: by Commissioner Weithorn for Public Works to negotiate areas of concern with ECOMB and send the item to Commission if the concerns are able to be addressed.

Seconded by Commissioner Malakoff.

3. Discussion Regarding A Resolution Approving An Amendment To The Flamingo Neighborhood Basis Of Design Report For 10-Foot Travel Lanes On Local Avenues And Streets As Well As Four (4) Feet Of Green Space And A 10-Foot Wide Path/Cycle Track Sidewalk Shared On Each Side In Lieu Of Bike Lane For 16th Street.

10:08 AM

Eric Carpenter, Director of Public Works, presented the item.

At its October 17, 2007 meeting, the City Commission adopted the Atlantic Greenway Network (AGN) Master Plan, which included bicycle lanes on Euclid Avenue and 16th Street the Flamingo Basis of Design Reports (BODR) and the AGN conflicted on Euclid Avenue. When the City moved forward with the Flamingo 10F Project (bound by 7th Street, Washington Avenue, 1st Street, and Meridian Avenue), the Flamingo Park Neighborhood Association (FPNA) objected to the bicycle lanes on Euclid Avenue, as it would have required a reduction in the 7.5- foot wide planting areas that were part of the BODR.

In exchange for support of the project and the bicycle lanes on Euclid Avenue, during a Historic Preservation Board meeting on August 10, 2010, the FPNA requested that all avenues designated as local have 10-foot travel lanes and that all sidewalks be a minimum of 6-feet in width. The Historic Preservation Board, per File No. 7192 and File No. 7232, approved the Flamingo 10F Project, including the 10-foot wide travel lanes on the local avenues, 6-foot wide sidewalks, and bicycle lanes on Euclid Avenue, during its August 10, 2010 and April 12, 2011 meetings, respectively. The Flamingo 10F project was then constructed per these criteria.

Since the development of the Flamingo BODR and the AGN Master Plan, the Flamingo neighborhood has evolved. At the February 19, 2013 Neighborhood/Community Affairs Committee (NCAC) meeting, the Committee endorsed the reduction in travel lane width and increase in minimum sidewalk width in order to achieve the goal of becoming the most pedestrian-friendly neighborhood.

There has also been additional research on alternative types of bicycle facilities such as cycle tracks wherein bicyclists are separated from vehicular traffic. Cycle tracks (off-street bike path) are particularly suited for corridors in which there are few driveways and cross-streets which create potentially unsafe conflicts. Public Works staff has evaluated the cycle track cross section for 16th Street and believe it could be a potential alternative to the bicycle lanes in this instance. There are still some outstanding concerns regarding the mingling of pedestrians and bicycle traffic at intersections. As a result, if we are unable to resolve these concerns, Public Works recommends defaulting back to the configuration that includes on-street bike lines on 16 Street.

Public Works proposed revising the BODR based on this resolution and will proceed with the construction per the FY 2016/17 Capital Budget. However, given the characteristics and standards for off-road bicycle facilities and the FPNA's desire to accommodate landscaping, further right-of-way constraints may be found during the design process. If right-of-way constraints are identified during design, and changes are required. Changes during the design process Public Works proposed sharing with the City Commission via a Letter to Commission.

Commissioner Malakoff- Inquired about the safety for pedestrians as well as bicyclists. Commissioner Malakoff wants to ensure that is safe for both the bicyclist and pedestrian. Eric Carpenter- There is some ability to avoid encroachments due to some additional feet of greenspace within the right-of-way. By moving the 5 foot bike lane from the street to the sidewalk, the area will still have 4 feet of greenspace.

Commissioner Malakoff- Inquired about the risk pedestrians are taking when walking on the sidewalk or pushing a baby stroller. By moving the bike lane to the sidewalk area, the pedestrians run the risk of getting hit by a bicyclist.

Eric Carpenter- Stated there would be some elevation change, or move the curve in order to accommodate this change. His biggest concern is the intersection where pedestrians are walking north and south as well as bicyclists going east and west. The question here is how is that going to come together and work safely. An idea that would like to be pursued would be that of bike signals. There are several large metropolitan areas that use them. However, it is still uncertain if we are at that point to make a decision on bike signals.

Commissioner Malakoff- Stated in California there are bike lanes right next to pedestrian lanes, however these lanes are 12 to 14 feet wide, but the City of Miami Beach does not have the adequate space to accommodate such large lanes.

Commissioner Weithorn- Stated the switching back and forth from a cycle track and bike lanes takes away the attractiveness of what cycle tracks were made for. A cycle track on a single street would not be wise. Putting a cycle track on this street would be an expensive experiment that would not yield good results. If Public Works wants to do a study regarding the cycle track on this street, than that is something that could be approved, but to actually put a cycle track is an expensive experiment.

Eric Carpenter- Informed the committee that somewhere between 20-35% of blocks cannot have a complete cycle track. Some segments, such as mid-blocks would have to be switched back to a bike lane. The worst areas are the two ends where it might not be a midblock. It is a work in progress and all possible recommendations are being looked into.

Commissioner Weithorn- Stated that 16th Street may not be the right street to put a cycle track on. The street to consider needs to have more room and flexibility. Another problem with this area is the residents that put their trash on the bike lane. If there were bike lanes that worked in the City, maybe cycle tracks could then be discussed. It would be better to put a cycle track on a street that doesn't already have a bike lane.

Eric Carpenter- Suggested having Public Works do all the blocks individually and bringing back to NCAC drawings and a better concept of what is being proposed, then bring it to commission.

Commissioner Weithorn-Asked how quickly Public Works could have this ready.

Eric Carpenter- Stated by next month it could be presented.

Commissioner Weithorn- Stated if this cannot be done, it is an issue that needs to be brought back to Historic Preservation.

David Carlson (resident) spoke.

Mary Thingalstad (resident) spoke.

Adam Shedroff (resident) spoke.

Commissioner Weithorn- Inquired if the greenspace is owned by the City.

Eric Carpenter- Stated that yes it is.

MOTION: By Commissioner Weithorn to refer the whole concept of paving and taking away greenspace to the Flood Task Force Committee and to have Public Works bring back to committee next month some specification drawings of the blocks on 16th Street that detail the cycle track.

Seconded by Commissioner Malakoff.

NEW BUSINESS

4. Discussion Of Safety And Water Sports In Residential Areas. 10:45am

Javier Otero, Fire Chief, presented the item.

The issue of water sports activities was discussed during the November 19th, 2012,

Neighborhood/Community Affairs Committee (NCAC) meeting. During that meeting, the Fire Chief submitted proposed language to revise the code in an effort to implement prior guidance from the commission to allow water sports activities in the areas that are not designated as protected swim zones. During a subsequent meeting of the NCAC, the City Attorney clarified that the language proposed by the Fire Chief was not needed since the city code prohibits the use of water craft only within the restricted swim zones. The current practice of the Fire Department's Ocean Rescue Division is to enforce the code as per the legal interpretation rendered by the City Attorney.

Overall, the majority of waters sports enthusiasts are aware of the code and do not encroach into the protected swim areas. Encroachments occur seldom and voluntary compliance is not regularly a problem. Currently there is a tower with corresponding protected swim area at 21st street and 30th street. Kayaking in the unprotected area between the two towers is not prohibited by code.

Voluntary compliance with current code is the norm. Lifeguards are proactive and are normally able to keep vessels out of the protected swim zones through voluntary compliance.

Commissioner Weithorn- Ask Javier Otero if this was still an issue

Javier Otero- Stated that as long as they are out of the swim zone there is no problem. Currently, there have been no complaints.

MOTION: by Commissioner Weithorn to take no action.

No Second required.

**5. Discussion Regarding The Andree Juliette Brun Bust And Chuck Hall Bust Formerly On Display At The Jackie Gleason Theater.
10:39AM**

Kathie Brooks, Assistant City Manager, presented the item.

Andree Juliette Brun was an accomplished pianist who was born in Paris, France, and lived in Los Angeles, Miami, Buenos Aires and New York City over the course of her life. She was appointed President of the Miami Beach Community Concert Association, which was a resident company at the Jackie Gleason Theater for numerous years. Ms. Brun passed away in 1989. To memorialize her accomplishments, five bronze busts of Ms. Brun were commissioned to sculptor Frank Colson of Sarasota, Florida.

Chuck Hall was the first Mayor of Metropolitan Dade County from 1964-1970 and subsequently, Mayor of Miami Beach from 1971-1974. He also made an unsuccessful attempt to run for Governor of Florida, but passed away of a sudden heart attack In August 1974. As mayor of Miami Beach he hosted the Democratic and Republican National Conventions in 1972.

Busts were placed inside the Jackie Gleason Theater in honor of Mayor Hall and Ms. Brun. In 2007 Live Nation was awarded a management agreement for the Jackie Gleason Theater and immediately began a \$3.5 million renovation of the theater before rebranding the theater as the Fillmore Miami Beach at the Jackie Gleason Theater. At that time, the busts were removed and stored at the Miami Beach Convention Center.

Mr. Jim Anderson, widower of the late Ms. Brun, recently contacted the City requesting

the busts be placed back at the Jackie Gleason Theater. City staff began researching the history of both busts and was unable to find a resolution or any formal action from the then City Commission approving and authorizing the placement of these busts in honor of Mayor Hall and Mr. Brun.

Commissioner Weithorn- Asked Kathie Brooks if there was a location for the bust.

Kathie Brooks- Stated that no, there is no location for the bust. There has been no direction from previous commission regarding the approval and placement of the bust.

Commissioner Weithorn- Would like to look for an alternate location. However, feels that more residents should be notified that this item is being brought up. Did not feel that action should be taken without proper representation of community members. Information needs to be communicated to residents about the bust and what to do with it. There needs to be a policy in place about honoring people, a standardized form that can be followed in the future.

Commissioner Malakoff- Something that should be looked at now that the City will be turning 100 years old is a museum or a building to house memorabilia. This would be something to discuss further with Max Sklar.

Commissioner Weithorn- Ask if that would be more of a policy discussion.

Commissioner Malakoff- Directed a question to City Attorney Jose Smith. She asked if there was already a policy in place regarding the acceptance of busts or memorials.

Jose Smith- Stated that there is an ordinance on how to establish memorials and honoring individuals, however, the City does not have a policy regarding the criteria for the acceptance of a bust. This is something that could be looked at by the City Attorney and brought back to the Committee in the future.

Jimmy Anderson (resident) spoke.

Motion: by Commissioner Weithorn to take no action.

No second required.

**6. Discussion Regarding An Ordinance Of The Mayor And City Commission Of The City Of Miami Beach, Florida, Amending Chapter 2 Of The City Code, Entitled "Administration" By Amending Committee's" To Streamline The City's Boards By Expanding The Powers, Duties, And/Or Membership Of Certain Agencies, Boards And Committees And Abolishing Those That Are Boards, And Committees; Providing For Repealer, Severability, Codification, And An Effective Date
11:15 AM.**

Raul Aguila, Deputy Chief City Attorney, presented the item.

The attached Ordinance (Exhibit "A") resulted from Commissioner Malakoff's review of all of the current standing City boards and committees created by ordinance and codified in Chapter 2, Article III of the City Code. As she read through the mission statements, powers and duties and membership compositions of these many boards and committees, she identified areas where we could either 1.) Abolish certain board and committees that are no longer active and/or have outlived their original purpose and/or

are doing the same work as another committee; or 2.) Consolidate certain board and committees which deal with similar (or related) subject matters and/or have oversight over similar (or related) issues. (See Exhibit "B"). She has subsequently met with members of the City Manager and the City Attorney's Office and together they have drafted the attached Ordinance for the full Commission's consideration.

This is a particularly opportune time to consider the proposed changes to our City board and committee legislation; not only because we haven't conducted an overall review for many years (at least ten years), but also in light of the fact that the term of many direct appointees to our City boards and committees (i.e. those made by former commissioners) expired as of December 31, 2013, and our new Mayor and City Commissioners will have their first opportunity to make their own appointments to fill these resulting vacancies.

Commissioner Malakoff- Boards have increased exponentially over the years. After careful evaluation and speaking to various people, streamlining the boards and committees would be best.

Commissioner Weithorn- Brought up concerns in regards to the Fine Arts Board, if they are still jurying artists.

Max Sklar- Clarified that the Fine Arts Board no longer over sees the Festival of the Arts but they do jury the artists to ensure the work is done by them. That is their only function.

Commissioner Malakoff- Asked if jurying the artists is something staff can do.

Max Sklar- There needs be an alternative. Code Compliance is responsible for code enforcement.

Commissioner Weithorn- Would like the board to stay on the next cycle of jurying to see how the process goes and after the fiscal year, the board can be removed.

Raul Aguila- The Fine Arts Board would have to be brought to a resolution.

Commissioner Weithorn- Stated that the Affordable Housing Committee does not have enough participation from those in the housing arena.

Raul Aguila- Explained what Commissioner Weithorn was saying, that currently the board has to have half the members to either reside in target areas or have businesses in target areas. Those target areas are identified in the Consolidated Plan on page 38, under the composition. There are 18 members on that committee. Seven of the members are direct appointments.

Commissioner Malakoff- Stated that it makes sense for those in the committee that are appointed to be members that fall in the target areas.

Raul Aguila- Can carry over this requirement to second reading.

Commissioner Weithorn- There needs to be the right caliber of people on these committees.

Raul Aguila- Spoke to Maria Ruiz and the caliber of people that are on the AHC are more than qualified to absorb the responsibilities of the other boards. The amendment to require that the appointed positions live or have businesses in the target areas.

Commissioner Weithorn- Wanted to know what happened to the Beautification Committee.

Raul Aguila- After looking at the powers and duties of the committee, the powers were limited to approving landscaping.

Julio Magrisso Assistant Director of Parks and Recreation- The committee does give out the awards once a year and they have been meeting. They have not been approving landscaping.

Commissioner Malakoff- Does not believe that there needs to be a committee to give out awards once a year.

Commissioner Weithorn- Agreed.

Raul Aguila- Refers to the after-action proposing a provision for up to 3 months, proposed by the Mayor.

Commissioner Malakoff- Thinks that 3 months is more than enough for committees that are being abolished. The main discussion that was heard was that of appointment. She does not think there should be appointment to committee that are going to be abolished.

Commissioner Weithorn- There needs to be direction regarding what to do with the Fine Arts Board and jury process, 3 months is not enough time. Suggests that in the next 3 months to have a joint meeting with the committees that are going away. It would be useful to let them have their inputs on issues to be discussed. Asked if that can be done in 3 months?

Commissioner Malakoff- Informed that yes it can be done.

Commissioner Weithorn- Stated that the setup is great; however the transition needs to be better.

John Rebar Director of Parks and Recreation- Stated that at the next Parks and Recreations Advisory Board meeting, the discussion on how to move along this process will be discussed.

Raul Aguila- Following up on that point once approval on second reading, send a letter to the members of the committees that are being absorbed or being eliminated they can reapply to another committee or participate in the weekly meetings if they want to as public participation.

Commissioner Steinberg- Stated to let them keep their parking until the end of their term.

Rafael Granado City Clerk- Informed the committee that some terms are 2 years. Asked the committee if the parking pass would just be used until the end of the year or the term.

Commissioner Steinberg- Clarified it would be until the end of the year.

Commissioner Weithorn- Restated that the end of the year is fine.

Frank Del Vecchio (resident) spoke.

Robert Rabinowitz (resident) spoke.

Raul Aguila- Clarified that the parking decals would have to be physically removed by staff.

Commissioner Weithorn- Stated that they deserve the right to keep their decal until the end of the year.

Raul Aguila - Clarified Mr. Del Vecchio's point, stating that the commission has set precedent by letting outgoing commissioners and officials keep their parking decal in honor of their service.

MOTION: by Commissioner Malakoff to accept the ordinance.

Seconded by Commissioner Weithorn

Mayor Levine- Stated that when the City asks great people to work with the City, giving them a perk of a parking permit is not unreasonable. In order to get someone really qualified to give them a little thank you, there is nothing wrong with that.

7. Discussion Regarding The Establishment Of The City's Ticket Policy
10:47 AM

Kathie Brooks, Assistant City Manager, and Jose Smith, City Attorney, presented the item.

The discussion on a ticket distribution policy stemmed from an initial investigation by the Miami-Dade Commission on Ethics and Public Trust (COE) and State Attorney's office (SAO) in response to a complaint by the New World Symphony (NWS) about the inclusion of a complimentary ticket program as part of the negotiations of proposed revisions to the "public benefits" section of the NWS's lease with the City for the NWS use of public land. The proposed inclusion of the complimentary ticket program was in keeping with established, negotiated public benefits in other City agreements, subsequent to both a State Commission on Ethics opinion, as well as a City resolution on the concept.

More specifically, in 1992, the Florida Commission on Ethics issued its Opinion No. 92-33, holding that City of Miami Beach elected officials could legally accept complimentary tickets from the City (obtained via negotiated 'public benefit' clauses in City contracts) to performances taking place at City-owned venues, subject only to the requirement that public disclosure of such ticket receipt be made by the recipient/Officials on quarterly gift disclosure forms (see Attachment F, Opinion No. 92-33). In reliance upon the opinion of the State Ethics Commission, the City of Miami Beach adopted its Resolution No. 93-20694, in which the City Commission formally established a procedure for the City's distribution of its tickets to performances taking place at City-owned venues, whereby designated municipal officials and deserving members of the community would receive complimentary tickets to such productions (see Attachment G, COMB Reso. No. 93-20694). A complimentary ticket program has been negotiated as part of resulting public benefits programs for other venues with management and/or lease agreements, including the Miami City Ballet, Jackie Gleason Theater and Byron Carlyle Theater.

Based on this longstanding City policy (approved as a resolution by the City Commission) and State Commission on Ethics opinion, upon which the City relied in negotiating complimentary ticket programs as part of public benefits clauses, the SAO

closed its case on October 18, 2011, with a finding of no wrongdoing, but referred the matter to the COE for further review on the policy elements of the issue.

On March 1, 2012, the COE released a DRAFT "Guidelines and recommendations regarding 'public benefit' clauses in certain government contracts." The focus of the guidelines was on complimentary ticket programs in those public benefits clauses, and what they perceived to be "flawed" policies by several municipalities relating to such. Cities that were researched to develop these recommendations included the City of Miami Beach, Miami, Homestead, Coral Gables and Hialeah. While acknowledging the City of Miami Beach's prior ethics opinion on the matter, and the City of Miami Beach Resolution that has existed since 1993, the COE raised concerns with the methodology of distribution, in particular when elected officials re-allocate tickets provided to them through complimentary ticket programs in public benefits clauses, as this may appear to serve a personal or political agenda, rather than meet the intended purpose. The recommendations did acknowledge, as well, that elected officials and other City staff may need to attend events in their official capacity. On March 27, 2012, the COE issued an "Addendum" to the guidelines that specifically address the latter (see Attachment H, COE Draft Guidelines and Addendum).

The City Attorney reviewed the COE's recommended guidelines and on February 28, 2012, he submitted a Memorandum of Law to the COE addressing the issues raised by their guidelines, and challenging the authority of the COE to issue such standards/guidelines. In his opinion, these are matters of public policy and not subject to review by the COE (Attachment 1).

In response to the COE's recommended guidelines, the City Attorney's Office developed a proposed resolution establishing a policy for the distribution of tickets received pursuant to a complimentary ticket program in a negotiated public benefit clause. In summary, the key recommended policy points are:

- Delineates the applicability of the policy (when it would apply);
- Establishes what "public purpose" is served by the distribution of tickets;
- Recommends a process for the distribution of tickets received by the City; and
- Delineates disclosure requirements (by the City and by the recipient).

Pursuant to this policy, elected officials and certain City Staff would receive tickets on a limited basis (e.g. only for opening night events), with the balance of the tickets distributed to "deserving organizations or groups" that are identified, through a Committee, once a year as being eligible to receive tickets for their participants. In addition, the proposed resolution provides for a process for tickets to also be distributed to other parties by the City in other circumstances (e.g. visiting dignitaries, to meet contractual obligations relating to a municipal marketing program, to recognize employees).

The Administration was asked to review the attached DRAFT to ensure that the procedures for distribution included in the proposed resolution could be implemented without any administrative difficulty. Many of the elements of the administration of the ticket distribution process being proposed are already in place today.

The attached Resolution has been amended to reflect a reference to an exhibit (Exhibit A) for the full listing of allowable public purposes and to reflect the reference to administrative guidelines for the distribution of tickets. This also reflects language in

disclosures referencing the responsibility of the receiving party to know which public purpose they will use the tickets under. This also includes Exhibit B which is an addendum to the guidelines and recommendations regarding "public benefit" clauses in certain government contracts: Public Purpose.

The Administrative Guidelines for Distribution are also now attached as a stand-alone document (Exhibit C), as requested at committee, and further amended to include the recommendations of the Committee in terms of flexibility.

The City Commission discussed the matter at their October 24, 2012 meeting. City Attorney Jose Smith explained that the resolution conforms the City's ticket policy to the recommendations by the Ethics Commission. Mayor Bower expressed a concern with how tickets received at the last minute are distributed and how tickets are distributed geographically throughout the City. A motion was passed referring the item to the Neighborhood/Community Affairs Committee to establish a Ticket Policy methodology.

Attached in Exhibit "J" is the draft process for distribution of additional tickets not distributed to officials, along with a list of the organizations currently contacted when extra tickets are available.

Commissioner Weithorn- Stated that this was something that should be passed and then inform the Ethics Commission that the details are being discussed.

Kathie Brooks- Agreed that it should be passed and sent to Commission. Between now and Commission the details can be worked out.

Commissioner Weithorn- Asked if the Ethics Commission could work quickly on this.

Jose Smith- Stated that yes it can be done; it is being moved in the right direction.

Commissioner Malakoff- Ask Jose Smith about the distribution process and who is responsible for it.

Jose Smith- Stated that there has to be a point person in Administration to handle the distribution. It cannot be done through the Mayor and Commission office.

Kathie Brooks- Stated that under the current process the City has a list of community organization the City offers the tickets to. Administration is asking the Commission to formally adopt the organization and amend it from time to time.

Jose Smith- The intent was for NCAC to establish which nonprofit and which individuals would be worth of receiving tickets, and then the administration would carry out the mechanics of sending the tickets out

Commissioner Weithorn- Asked if the committee was supposed to put out a guideline. Stated that she was not sure if this committee should be so specific in creating a guideline.

Kathie Brooks- Stated that Exhibit C does list the type of organizations that can receive tickets. It recommends an advisory committee to review it on an annual basis.

Commissioner Weithorn- What would be ideal is that the organizations let administration know how they are handling these tickets, if they still have their nonprofit status. No one has the intent to do anything wrong, but there needs to be staff to move this along.

Administration needs to ensure there is adequate information about the organizations that receive tickets.

Commissioner Malakoff- Stated that her main concern is distributed tickets being resold.

Commissioner Malakoff- Stated that is covered in the last point, that the City Manager's Office will keep track and create a system.

Commissioner Weithorn- Suggested that administration provides that data.

Frank Del Vecchio (Resident) spoke.

Commissioner Weithorn- Asked Frank if by transparent he meant the organization to be open about who they are distributing the tickets.

Frank Del Vecchio (resident) spoke.

DIRECTION: by Commissioner Weithorn to have legal and administration work with the Ethic Commission by the next meeting.

MOTION: by Commissioner Weithorn to move to the next Commission meeting.

Seconded by Commissioner Malakoff.

Commissioner Weithorn- move to recess until 11:15 AM.

Seconded by Commissioner Malakoff.

MOTION: by Commission Weithorn to adjourn the meeting following the presentation of item 6.

Seconded by Commissioner Malakoff.

11:59AM

NEIGHBORHOOD/COMMUNITY AFFAIRS COMMITTEE
JANUARY 30, 2014
SIGN-IN SHEET
PLEASE PRINT LEGIBLY

NAME	ORGANIZATION / DEPT.	PHONE NO.	EMAIL
Eric Carpenter	CMB PW	305 673-7080	ericcarpenter@miamibeachfl.gov
Elizabeth Wheaton	CMB PW Environment	305 673 7090	ewheaton@miamibeachfl.gov
JAY FUNK	CMB Public Works	x6319	jayfunk@miamibeachfl.gov
JULIO MAGRISSE	CMB Parks & Rec.	6960	JULIO MAGRISSE e ✓ ✓ ✓
GARY FARMER	CMB - CAC	6740	garyfarmer@miamibeachfl.gov
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Javier Otero	Fire	7120	jotero@miamibeachfl.gov
DWAYNE DRURY	Fire	2880	ddrury@miamibeachfl.gov
John Rubee	Parks	7730	jrube
FRANK DEL VECCHIO	301 OCEAN DRIVE CONDO	305-672-2486	fdelvecchio@atlanticbb.net
Robert Rabinowitz	CMB resident	705-986-3946	erimarc@earthlink.net

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MIAMI BEACH

NEIGHBORHOOD/COMMUNITY AFFAIRS COMMITTEE

JANUARY 30, 2014

SIGN-IN SHEET

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Adam Shedroff	Resident	786-267-7720	AMS33139@yahoo.com
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JUDY WALKER	RESIDENT ANDRAGE	305-756-8249	PIERCECONTACT@LY 11 AM or 7 PM ET
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	BRUNO, RESIDENT		
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