



# 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: Jorge M. Gonzalez, City Manager

DATE: April 22, 2009

SUBJECT: **REPORT OF THE NEIGHBORHOODS/COMMUNITY AFFAIRS COMMITTEE MEETING HELD ON WEDNESDAY, MARCH 11, 2009.**

A meeting of the Neighborhoods/Community Affairs Committee was held on Wednesday, March 11, 2009 at 3:00pm in the City Commission Chambers, 3<sup>rd</sup> Floor, City Hall. **Commissioners in attendance:** Jerry Libbin, Edward L. Tobin, Jonah Wolfson, Victor M. Diaz Jr., and Saul Gross. **City staff in attendance:** Hilda M. Fernandez, Assistant City Manager; Tim Hemstreet, Assistant City Manager; Kevin Smith, John Oldenburg, John Heffernan, Jose Smith, City Attorney; Raul Aguila, Deputy City Attorney; Jean Olin, Special Counsel; Deborah Turner, First Assistant City Attorney; Gary Held, First Assistant City Attorney; Anna Parekh, Real Estate, Housing and Community Development Director; Ana Cecilia Velasco, Asset Manager; Ramiro Inguanzo, Human Resources Department Director, and Randi MacBride, Code Compliance Division.

THE MEETING WAS OPENED AT 3:14 PM.

### 1. DISCUSSION REGARDING CITY CODE PROVISIONS REGARDING LOBBYIST PARTICIPATION ON CITY BOARDS.

Jean Olin reviewed the language being proposed for this ordinance.

Commissioner Wolfson made the motion to approve the proposed language, Commissioner Tobin seconded.

David Kelsey spoke.

**ACTION:** The committee unanimously recommended the ordinance as proposed to be heard at the March 18, 2009 Commission meeting.

### 2. DISCUSSION REGARDING THE ISSUE OF DOGS OFF LEASH IN CITY PARKS AND OTHER PUBLIC PROPERTIES IN GENERAL.

Hilda M. Fernandez, Assistant City Manager, reviewed the information included in the agenda package. She also reviewed recent actions by Code Compliance with enforcement of the dogs off-leash as well as Police and Fire Rescue.

Commissioner Libbin stated that there will be two basic items discussed today including dogs off-leash in South Pointe Park and the possible creation of a dog beach somewhere in the City of Miami Beach. He opened the floor to public comment.

Agenda Item CGA

Date 4-22-09

Lucia Greer spoke.  
Roby Greer spoke.  
Maria Lucietti spoke.  
Danielle (??) spoke.  
Tammy Young spoke.

Commissioner Libbin asked about the Basis of Design Report (BODR) for South Pointe Park as it applies to a promise of a dog area. Commissioner Gross recalled that the BODR did include space for the dogs and that previously they had resolved to stagger the hours so they did not coincide with right after work or right before work. He added that the area discussed was to be the great lawn.

Tim Hemstreet, Assistant City Manager, spoke on the BODR and explained that during the design process they were asked to locate an area that could be used as an off-leash area however at that time there was no policy from the City Commission whether or not to allow it. So the BODR reflects the area suggested for dogs off-leash, should the commission decide to allow that activity.

Jose Smith, City Attorney, stated that there is County Law bearing on this issue which we may not be able to change as well as a City Code provision that may be able to be changed. Debora Turner, First Assistant City Attorney, explained that under County Law you are allowed to have dogs in certain authorized places, under General Law dogs are not allowed in parks or on beaches at all but you can designate areas in parks. The City Code has to be consistent with the County Code, and it is. We have allowed dogs in parks in designated areas by the City Manager. She continued that another section of County Code states the dogs are not allowed to run at large so this will need to be reviewed by the Legal Department to determine if the City has the ability to allow dogs off-leash.

Commissioner Gross stated that he would like to see the City keep its promise to the dog owners.

Jackie Lalonde spoke.  
Kent Culick spoke.  
Djuradj Babich spoke.  
Ilona Wiss spoke.  
Judy Robertson spoke.  
Kathy Anderson spoke.  
Karen Bromberg spoke.  
Officer Deborah Doty (MBPD) spoke.

Commissioner Diaz stated that there needs to be a balance between the people that want to use the park and the dog owners, and suggested the administration look at where an appropriately large area can be carved out and fenced in at South Pointe Park.

Commissioner Tobin made a motion to direct Administration to search in South Pointe Park for an appropriately sized area for an enclosed dog park and return to the next meeting of this committee to report their findings. Commissioner Wolfson seconded.

Ms. Fernandez reviewed the information on the consideration of a dog beach provided in the agenda package. She explained that the committee had asked Administration to identify alternative locations for the dog beach because of concerns about access and the extent of regulation on the dog beach. She described three options including a very regulated process, a self regulated process or a middle ground where there would be

some level of enforcement that could include the hiring of a security guard. Code would need to monitor during the hours that the dogs are not permitted to ensure compliance.

Commissioner Libbin stated that the area needs to be sectioned off, monitoring must be done when it is authorized for use as well as when it is not authorized. He is not opposed to a regulated area that is enclosed and has fees and penalties when rules are not followed. He added that he is opposed to a self regulated format.

Commissioner Wolfson doesn't think the beach area could be sectioned off. There should be signs notifying people they are coming up to a dog beach. He thinks this is doable by using security guards during the authorized hours and spot checks can be done in off-hours. He is not in favor of self regulation.

Commissioner Diaz added that he is willing to try this however he is skeptical of its efficacy because usually dog beaches are shallow areas. He recommended a trial program and have lifeguards report any incidents of problems or complaints they receive.

Commissioner Gross suggested weekday hours instead of weekend hours because beach is busier on weekends and there should be a method to mark off the area. He is willing to try this.

Commissioner Libbin reviewed what he believes is the consensus to have a trial period of three months on 86<sup>th</sup> Street, appropriately marked, create a fee system to cover cost of monitoring, and outline penalties.

Roby Greer spoke.

Commissioner Libbin stated to keep in mind that if County does not allow this, the City cannot do this. Commissioner Diaz asked the City Attorney to look into whether the City can charge for using the beach. Mr. Smith will review again.

Tammy Young spoke.  
Karen Bromberg spoke.  
Lucia Greer spoke.  
Edgar Pavaus spoke.

Ms. Fernandez stated that Administration will work with Legal to be sure the City has the legal permissions to do this and whether amendments are necessary to allow this. Commissioner Libbin asked the Administration to also look at whether a temporary fence could be placed on the beach and come back to the next meeting of this committee with their findings along with the discussion on South Pointe Park.

**ACTION:** The committee moved to direct Administration to search in South Pointe Park for an appropriately sized area for an enclosed dog park and return to the next meeting of this committee to report their findings. Additionally, Commissioner Libbin asked the Administration to also look at whether a temporary fence could be placed on the beach and come back to the next meeting of this committee with their findings along with the discussion on South Pointe Park.

### **3. DISCUSSION REGARDING REQUESTS OF THE ALTON ROAD HOMEOWNERS ASSOCIATION REGARDING DESIRED UPGRADES.**

**ACTION:** Item was deferred at the request of the Homeowners Association.

**4. DISCUSSION REGARDING A REQUESTED LEASE AGREEMENT RENEWAL BETWEEN THE CITY OF MIAMI BEACH AND SUNRISE COMMUNITY, INC. FOR THE LEASE OF THE "CLASSROOM BUILDING" AND/OR "TRAINING CENTER", A 2,500 SQUARE FOOT ONE-STORY BUILDING THEREON LOCATED AT 8128 COLLINS AVENUE, MIAMI BEACH, FLORIDA.**

Hilda M. Fernandez, Assistant City Manager, provided a recent history of the Log Cabin and explained that the Administration is asking for direction from this committee where one of the options is to issue a competitive process for the entire property, renew the Log Cabin Enterprises which is under Sunrise and do a non-competitive process for Sunrise on the training center or consider an alternative use of the facility.

Leslie W. Leech, Executive Director of Sunrise Community Incorporated spoke.

A lengthy discussion ensued regarding the lease history of both Log Cabin Enterprises and the Sunrise Training Center and the waiving of the competitive bid.

Commissioner Libbin spoke in favor of the program however feels more comfortable with a public process for best use of the property. Commissioner Wolfson added that if this is to be put out for competitive bid, it should be for a similar use. Commissioner Tobin added that he likes the idea of having a property for this use.

Additional discussion occurred regarding the use of the property.

Commissioner Tobin suggested renewing for three years with the understanding that at the end of the three years there would be a competitive process.

**ACTION:** The committee moved to forward to the City Commission, with no recommendation.

**5. DISCUSSION REGARDING THE CITY'S APPLICATION FOR NEIGHBORHOOD STABILIZATION PROGRAM FUNDS.**

Hilda M. Fernandez reviewed the information included in the memo and explained that the City must submit its plan for the use of these funds to the State by April 6, 2009. There is concern now with regard to using the bulk of the money for a home buyer program at this time. The recommendation is to make this money available to purchase one or more buildings that would be rented out to persons that qualify with the eligibility requirements. These buildings to be purchased would have to be foreclosed buildings or buildings defined as abandoned by the Federal Government. Any remaining funds would be made available for home buyer opportunities.

Commissioner Tobin asked if the funds can be used for land banking. Ms. Fernandez responded that it can be as long as the transaction is completed within the ten months. There is a concern as to the cost of maintaining those properties while they are idle.

Commissioner Tobin moved to put out a Request for Proposals (RFP) with a preference for proposals that intend to serve families and reserve City's right to land bank and reject all bids. Commissioner Libbin seconded.

**ACTION:** The committee moved to put out a Request for Proposals (RFP) with a preference for proposals that intend to serve families and reserve city's right to land bank and reject all bids.

**6. DISCUSSION REGARDING PROPOSED AMENDMENTS TO CITY'S HUMAN RELATIONS, DOMESTIC PARTNERSHIP AND EQUAL BENEFITS LEGISLATION.**

Commissioner Diaz reviewed the information included in the memo in the meeting agenda. He added that it would be very meaningful to complete this process by April, which is Pride Month.

A discussion ensued regarding the handling of complaints based on the Human Rights Ordinance. Jose Smith, City Attorney, suggested looking at how the County handles complaints before instituting the same procedure here, or alternatively the responsibility could be delegated to the County.

Raul Aguila, Deputy City Attorney, explained that the Mayor's Ad-hoc committee met yesterday and Mayor Bower, Commissioner Libbin and Commissioner Diaz wanted to see the commission adopt a resolution prior to Gay Pride Day, which is on April 18, 2009, directing the City Attorney's office to do a thoughtful analysis and come back with some draft legislation on the Human Rights ordinance. Other municipalities encompass the power to investigate and to hear discrimination complaints not just based on sexual orientation but those of race, gender, minority, physical handicap; everything that is encompassed by our ordinance are delegated to a committee which is, in most cases, appointed by the elected officials. He added that what would be desired is to bring a recommendation affirming the recommendations included in the memo, and directing the City Attorney's office to bring to the commission at a future date, possibly May 2009.

Commissioner Tobin made the motion to direct Legal and Administration to draft something in response to the recommendations in the memo and bring to the May Commission meeting. Commissioner Wolfson seconded.

**ACTION:** The committee unanimously moved to direct Legal and Administration to draft something in response to the recommendations in the memo and bring to the May Commission meeting.

THE MEETING ADJOURNED AT 6:22 PM.

  
JMG/HMF/fm



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## NEIGHBORHOODS/COMMUNITY AFFAIRS COMMITTEE

March 11, 2009

### SIGN-IN SHEET

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KAREN BROMBERG	RESPONSIBLE DOG OWNERS OF MIAMI BEACH	305-761-2107	

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Alison Mack	Responsible Dog Owner	305 582 3750	alisonmmack@yahoo.co
Ricardo Raudez	Responsible Dog owner	3056758404	RicardoRaudez@yahoo.com

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Djuradj Babich	Sunrise Comm Log Cabin	305-273-3064	childs@sunrisegroup.com
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	Responsible Dog Owner	786 853 5888	LICORT@AOL.COM



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Sunny Stafford	Responsible Dog Owners	954 249 9247	sunnyb03@gmail.com
JENNIFER CAINE LEILA	RESPONSIBLE DOG OWNER	917-841-9636	jencaine@gmail.com
MARIAH REYNOLDS	RDOMCS	305-415-3416	



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March 11, 2009

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