



# 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: *Hilda M. Fernandez*  
Jorge M. Gonzalez, City Manager

DATE: February 8, 2012

SUBJECT: **REPORT OF THE JOINT MEETING OF THE NEIGHBORHOODS/COMMUNITY AFFAIRS COMMITTEE AND THE FINANCE AND CITYWIDE PROJECTS COMMITTEE HELD ON THURSDAY, JANUARY 19, 2012.**

A joint meeting of the Neighborhoods/Community Affairs Committee and the Finance and Citywide Projects Committee was scheduled for Thursday, January 19, 2012 at 5:30 pm and was held in the Commission Chambers, 3<sup>rd</sup> Floor of City Hall. **Commissioners in attendance:** Edward L. Tobin, Deede Weithorn, Jerry Libbin (departed meeting at 7:10pm), Jorge Exposito, and Jonah Wolfson (departed meeting at 6:20 pm). Members from the Administration and the public were also in attendance. Please see the attached sign-in sheet.

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

**1. FOLLOW-UP DISCUSSION REGARDING MEMORIAL DAY WEEKEND AND PLANNING FOR NEXT YEAR.** (Originally referred at June 1, 2011 Commission, Item C4E (requested by Commissioner Jonah Wolfson) and Item R9H (requested by Commissioners Michael Góngora and Jerry Libbin)).  
(6:01 PM)

Assistant City Manager Hilda M. Fernandez summarized the presentation on Memorial Day Weekend (MDW) Plan as a follow-up to the September 1, 2011 joint meeting of the Neighborhoods/Community Affairs and Finance and Citywide Projects Committees discussion. She referred to the matrix attached to the memorandum that details 53 items or suggestions that had been compiled by staff as a result of either the after-action, the debrief done by staff or as had been recommended in the various meetings that occurred after last year's Memorial Day Weekend. These 53 items were grouped as follows:

- **General Conditions** – This includes general issues that might impact traffic, crowd management, etc. Included in this section were potential solutions/recommendations regarding: dance/entertainment establishments, alcohol sales, sidewalk cafes, promoter ordinance, open container laws/to-go cups, scooters, and communications/information.
- **Public Safety/Crowd Management** – This includes potential solutions/recommendations regarding lighting, sky watch towers, illegally parked vehicles, loitering, occupancy levels, juvenile curfew and the re-deployment of the Goodwill Ambassadors.
- **Traffic/Mobility** – This includes cruising loops, extension of sidewalks, management of the MacArthur Causeway, DUI checkpoints, parking, etc.
- **Sanitation/Litter** – This includes sidewalk Sweeping ordinance enforcement, street sweeping, and beach cleanliness.
- **Special Events** – This deals with the issue of public/private property special events permits, and permitting a large scale event (to honor military, etc.).

Agenda Item     C6B      
Date     2-8-12

Subsequent to that meeting, the Mayor and Commissioners reviewed the items individually and indicated which concepts they supported and/or wanted further developed. The results were included in the agenda package and reflected thirty-one (31) concepts returned with at least four (4) responses (marked by a "Y" for yes or "M" for maybe) and were shaded for easy reference.

Ms. Fernandez stated that the Administration is requesting direction/authorization to proceed, in coordination with the City Attorney's Office, in developing the following ordinances for first reading consideration by the full commission, should these be determined to be permitted following review by the City Attorney's office.

- 1) Amendment to the City Code sections regarding Solicitation/Peddling to permit for alternative enforcement and penalties, including the ability to confiscate if necessary (year round)
- 2) Amendment to the City Code to require that Segways made available for rental in the City be set to the lowest speed setting (year round)
- 3) Amendment to the City Code to prohibit commercial handbill distribution in certain areas (during high impact periods)
- 4) Amendment to the City Code to prohibit exotic animals in certain areas (during high impact periods) to address public safety, health and welfare concerns
- 5) Amendment to the Promoter Ordinance to establish a new bond structure, including higher bonds for high impact periods and for out of state promoters, as well as a fine and penalty schedule.

Commissioner Libbin inquired as to limiting the speed on Segways as he is unfamiliar with the actual speed of Segways. Commissioner Weithorn stated that limiting the speed of Segways should be all the time and not just during high impact periods. Commissioner Wolfson stated that there should be a general discussion regarding Segways in that they should be prohibited from the Beachwalk and Baywalk. Ms. Fernandez explained that the City has been working to have Florida Statutes amended to allow municipalities to regulate Segways on sidewalks, as that is now a right reserved by the State.

Commissioner Weithorn stated that she would like to regulate Segways; however, until the City can regulate them on sidewalks, her fear is that if the City prohibits them on the Beachwalk, the result will be forcing them onto the sidewalk. She believes that the City needs to be patient and work with Tallahassee. She believes regulating speed should be addressed now.

Commissioner Weithorn made the motion to direct the City Attorney's Office begin working on a first draft to address the requested actions including:

- 1) Amendment to the City Code sections regarding Solicitation/Peddling to permit for alternative enforcement and penalties including the ability to confiscate if necessary
- 2) Amendment to the City Code to require that Segways made available for rental in the City be set to the lowest speed setting
- 3) Amendment to the City Code to prohibit commercial handbill distribution in certain areas during high impact periods
- 4) Amendment to the City Code to prohibit exotic animals in certain areas during high impact periods to address public safety, health and welfare concerns
- 5) Amendment to the Promoter Ordinance to establish a new bond structure, including higher bonds for high impact periods and for out of state promoters, as well as a fine and penalty schedule.

The motion was seconded by Commissioner Libbin.

City Manager Jorge M. Gonzalez confirmed his understanding that several members of the committee would like the regulation of Segways to be year-round and not simply limited to high impact periods.

Commissioner Libbin added that the Promoter Ordinance amendment should also be year-round and the remaining should be tailored around high impact periods.

Commissioner Wolfson expressed his concern with his understanding that Administration has already notified private property owners that they will not issue special events permits for private property this year. He believes that restricting permits during this specific weekend could be viewed as selective. The City Attorney assured that the City will follow the law. Commissioner Tobin agreed that this is an important issue to be discussed. Mr. Gonzalez reminded the Committee that, for the past ten years, the City has not issued special event permits on public property during Memorial Day weekend. There have been, from time to time, some private special events on private property. He clarified that a special event is allowing something to be done that is not normally allowed to be done.

Ms. Fernandez reviewed the items that were selected for the Administration to review:

- Strictly enforcing open containers laws
- Implementing improved lighting in pedestrian areas
- Securing 4 sky watch towers with lighting and video cameras
- Actively enforcing illegally parked cars in front of hotels
- Re-deploying Goodwill Ambassadors to provide information and education to visitors
- Using Professional "event staff" to assist police in crowd control
- Creating a "cruising loop" as part of the traffic management plan
- Providing Community education for residents to be able to maneuver without being overly inconvenienced
- Closing Ocean Drive to traffic and expanding Collins Avenue sidewalks
- Working with the City of Miami on coordinating DUI check points on the MacArthur Causeway
- Having DUI saturation within the City, with noticing to those entering the City on the causeways
- Creating a traffic management plan for the MacArthur Causeway
- Looking at borrowing some license plate recognition software from other municipalities to address anyone that comes into the City that may have open warrants
- Aggressively enforcing obstruction of traffic regulations
- Enforcing sidewalk sweeping in front of businesses where the business are the ones creating the trash
- Changing the Promoter Ordinance
  - Adjusting the bond amounts
  - Requiring a surcharge during high impact periods
  - Increasing bond requirement for out of state promoters
  - Creating a fine and penalty schedule
- Looking at whether the City can prohibit the distribution of handbills and flyers during the high impact periods

Ms. Fernandez continued to review some of the nine (9) concepts that cannot be implemented, or cannot be implemented for this MDW Major Event Plan (MEP):

- *Require Safety measures for scooter:* The City is pre-empted by State Law from imposing requirements, such as helmets, for all scooter riders. However, the City will continue to provide the safety notice to Scooter Rental Companies, which is provided to renters, and to enforce any moving violations relating to scooter use. The Administration is also working with the City Attorney's Office in determining whether scooters can be restricted from certain streets in the City during High Impact Periods to address concerns with safety and traffic. Should this be permitted, an ordinance amendment will likely be required.

- *Prohibit loitering on public/private property:* Police will continue to enforce loitering under State Law. However, the provisions of State law impose conditions for such enforcement, including that the loitering is associated with prowling. As such, while enforcement will continue for any individuals found in questionable circumstances on public or private property, individuals simply standing in the public right-of-way, in plain view and not engaged in questionable activities would not be subject to enforcement under State law.
- *Strictly enforce occupancy levels:* The Fire Marshal has jurisdiction over occupancy levels in common areas of hotels, and will enforce such. However, there is no specific occupancy requirement for individual hotel rooms, and as such, enforcement of hotel room occupancy is not possible.
- *Enforce juvenile curfew:* While the Police Department can enforce the County's Juvenile Curfew, and will do so as necessary, there is not a sufficient prevalence of juveniles subject to the curfew in the City that weekend to merit the impact on resources from strict enforcement (e.g. separate supervised holding areas, one-on-one supervision, etc.).

Ms. Fernandez explained that during the September 1, 2012 Joint Committee meeting, several members were in favor of working with an event producer to develop alternative programming for the weekend, but preferred to wait a year for the development of any public property special event to ensure that it is done correctly and can be properly managed. She explained that the Administration is looking for confirmation from the committee to proceed with planning a major public special event for 2013 so the planning process may begin. The categories that were considered were:

- *Disperse public property special events, if allowed, throughout city:* At present, no public property special events are contemplated during this MDW MEP.
- *Encourage/Seek event that honors the military:* The City produces a Memorial Day event on Monday, but it has been suggested that a large event be coordinated. However, at present and following previous discussions on the matter, no public property special events are contemplated during this MDW MEP.
- *Create more activities; re-brand the weekend:* At present, no public property special events are contemplated during this MDW MEP. Events on private property (or at the Convention Center or the Fillmore) have not been contemplated to be developed for this year's MDW MEP.
- *Require that any major public event include hotel block, parking, etc.:* At present, no public property special events are contemplated during this MDW MEP. Should a large public event be considered for the future, this could be included as a component.

Commissioner Tobin suggested a Memorial Day parade be considered. Commissioner Libbin stated that when he mentioned a parade to the Veterans of Foreign Wars (VFW), the feedback he received was that a parade is not appropriate for Memorial Day as it is a day to remember those that have lost their lives as opposed to Veteran's Day which is a celebration of those that have served. Commissioner Tobin corrected himself in that he meant to suggest a memorial service. Ms. Fernandez stated that the City already has a memorial service at the police station and has done so for approximately the last ten years. She added that it has not been well attended; however, the City could do a better job of promoting the ceremony. Additionally, the Administration is reaching out to the organization that, with the exception of last year, had been placing tombstones in Lummus Park in honor of those lost in the Gulf Wars to see if they will be doing that again.

Commissioner Exposito commented that this is all very nice, but this will bring an additional cost and asked if the City, given the financial difficulties other communities are experiencing, expected to receive the same participation under our reciprocal agreements with other municipalities for law enforcement assistance. He stated that the City can be planning all of this, however, without the

manpower via the reciprocal agreements and the funding sources, it would be difficult, and felt it needed to be discussed.

Ms. Fernandez agreed in that the plan being considered is one that requires a number of resources. She explained that there have been conversations with Miami-Dade County specifically the Vice-Mayor who oversees public safety, and he is meeting with his staff to determine what it is that they can provide. The support that the City generally receives from them is not only police but also Miami-Dade Corrections support. The City is asking no less than the level of support that was received last year. She noted that last year the City received the same level of support from Corrections; however, the City received a reduced level of support from Miami-Dade Police. Mayor Bower will be sending a letter to Governor Scott requesting further assistance from Florida Highway Patrol beyond what they currently provide.

Commissioner Tobin requested a Letter to Commission (LTC) regarding staffing and funding when the information is ready. Mr. Gonzalez added that Resort Tax will fund a good amount of this.

Assistant Chief of Police Ray Martinez explained that Memorial Day weekend is a challenge, every person in the Police Department works an Alpha/Bravo schedule, and that support from the County is critical. He added that they have reached out to other smaller municipalities for both personnel and resource support and is awaiting responses.

Lieutenant Eduardo Yero reviewed the preliminary traffic plan to address safety, discourage cruising, and maintain the ability to provide effective service. The plan is to balance the resident's needs and safety issues. Communication will be critical to the City's residents to ensure their ability to enter their neighborhoods.

Commissioner Exposito expressed his concern that the City must preserve the safety of single family homes and neighborhoods. He wants to be sure that the City does not lose sight of the fact that while we are concentrating efforts into the entertainment district, we are also conscious of the fact that the residents need to be protected and feel safe in their homes. Ms. Fernandez stated that the plan is still preliminary and that options are being considered to prevent people going into residential neighborhoods to get around. Some options include placement of staff on Dade Boulevard, Alton Road and 41<sup>st</sup> Street and placement of "local traffic only" barricades on 41<sup>st</sup> Street.

David Wallack of Mango's Café asked for help from the City to make safe parking available for staff that will not be able to park close to their workplace within the entertainment district. He is willing to arrange for pickup of his staff from the Convention Center lot. Commissioner Tobin asked that Mr. Wallack work with Police and the Administration to see what can be done and if Mr. Wallack has problems, to please send him an email.

Dr. Morris Sunshine spoke.

David Wallack spoke.

David Kelsey spoke

John Conrad spoke.

Josh Wallack spoke.

Roman Jones spoke.

Commissioner Tobin asked if the Committees agreed for the Administration bring back ideas for alternative events.

After some discussion regarding alternative events, Commissioner Libbin suggested trying to develop a high quality event in the Convention Center. While it is probably too late for 2012, he suggested

After some discussion regarding alternative events, Commissioner Libbin suggested trying to develop a high quality event in the Convention Center. While it is probably too late for 2012, he suggested planning for 2013. Commissioner Tobin asked Police, while considering its traffic plan to look at providing taxis and other mass transit some accessibility as an incentive for visitors to use alternate transportation. Commissioner Libbin suggested working with the Hotel Association and Chamber of Commerce to disseminate information to the City's guests so they will understand our local laws, and maybe provide information in hotel rooms.

Jeff Borg spoke.

City Manager Jorge M. Gonzalez explained that while there is outlined criteria that prompts a Major Event Plan, the City still must tailor its response to the activities and the nature of the event.

Paul Janas spoke.

Tim Nardi spoke.

Frank Del Vecchio spoke.

Ms. Fernandez clarified that there were only six (6) Special Event permits for events on private property issued last year during this weekend and they were primarily for small hotels wishing to place a DJ in their lobby or on their pool deck, or to increase their occupancy. There was concern raised when the Committee met in September regarding issuing any special event permits on private property, so in response, the Administration is recommending not issuing any special event permits during this period. Commissioner Tobin stated that this recommendation needs to be discussed further, as some of the Committee members were uncomfortable with restricting private property. Mr. Gonzalez reminded the Committee that some concern had been raised previously that those six (6) permits were even issued last year, so this is something that has to be discussed. He added that a special event permit is to allow something to be done that is normally not allowed and the Committee should consider why, in a period when resources are already stretched, the City would extend rights that otherwise do not exist on any other day.

Commissioner Tobin thanked the Administration and asked that they keep the Committee informed and hopes that they will do their best to protect the public while allowing everyone to have all the freedoms that they possibly can enjoy, keeping it safe for the residents and guests for Memorial Day weekend. He asked that the Administration come back with progress reports.

Mr. Gonzalez stated that with the direction given on some of the ordinances, those will be coming forward as a package and will keep the Committee in the loop as things move forward.

**ACTION:** The Committee moved to direct the City Attorney's Office to work with staff to begin working on a first draft of ordinances to address the requested actions including:

- 1) Amendment to the City Code sections regarding Solicitation/Peddling to permit for alternative enforcement and penalties including the ability to confiscate if necessary,
- 2) Amendment to the City Code to require that Segways made available for rental in the City be set to the lowest speed setting (year-round),
- 3) Amendment to the City Code to prohibit commercial handbill distribution in certain areas during high impact periods,
- 4) Amendment to the City Code to prohibit exotic animals in certain areas during high impact periods to address public safety, health and welfare concerns, and
- 5) Amendment to the Promoter Ordinance to establish a new bond structure, including higher bonds for high impact periods and for out of state promoters year-round, as well as a fine and penalty schedule.

**NEW BUSINESS**

**2. DISCUSSION REGARDING A REVIEW OF THE CITY'S SPECIAL EVENT PERMIT POLICY, WHICH DOES NOT ALLOW FOR ANY NEW EVENTS DURING SPRING BREAK AND ULTRA FESTIVAL.** (Referred at December 14, 2011 Commission, Item C4K (requested by Commissioner Jerry Libbin)). (7:25PM)

Assistant City Manager Hilda M. Fernandez explained that this item for discussion is specifically related to another major event period, Winter Music Conference Spring break. Last year, after issues that occurred related to the Funkshion Fashion Show that occurred in Lummus Park, there was some discussion at the Neighborhoods/Community Affairs Committee that the intention would be to not permit any more events of that nature in Lummus Park because of the issues that had occurred.

Commissioner Tobin requested that this discussion be deferred to the January 30, 2012 meeting of the Neighborhoods/Community Affairs Committee, as it was requested by Commissioner Libbin and he is not present at the moment.

**ACTION:** The discussion was deferred to the January 30, 2012 meeting of the Neighborhoods/Community Affairs Committee.

**THE MEETING ADJOURNED AT 7:29PM.**

  
JMG/HMF/SS/KT/BH/rfm



MIAMIBEACH

JOINT MEETING OF  
NEIGHBORHOODS/COMMUNITY AFFAIRS COMMITTEE AND  
FINANCE & CITYWIDE PROJECTS COMMITTEE

January 19, 2012

SIGN-IN SHEET

PLEASE PRINT LEGIBLY

NAME	ORGANIZATION / DEPT.	PHONE NO.	EMAIL
SOPHIA SIECZKOWSKI	RESIDENT	312 315 6638	SOPHIASIECZ@yahoo.com
MARIA RICARDO	Shelborne Hotel	305 606 6729	Maria@shelborne.com
Nili Galbut	Shelborne Hotel	786-271 2828	NGalbut@meninhotels.com
Paul Janas	Resident		paul.janas@hotmail.com
Tim Nardi	Shore Club		Tim.nardi@meninshores.com
Mike PALMA	Cleveland		m.palma@briodest.com
Josh Willich	Mango's	786-246-2621	STW@mangos tropical cafe.com
Liebe Gadin	resident	786-543-5721	liebe8@aol.com
RICHARD COTTER	RALEIGH HOTEL	305 612 1143	RICHARD.COTTER@BRILLA GROUP.COM
Christine Peña	Resident	305 801 0088	CP62@catt.net
Louis VEGA	Visitor		louisvega@bellsouth.net
Robert Santos	CODE		

94



MIAMIBEACH

JOINT MEETING OF  
NEIGHBORHOODS/COMMUNITY AFFAIRS COMMITTEE AND  
FINANCE & CITYWIDE PROJECTS COMMITTEE

January 19, 2012

SIGN-IN SHEET

PLEASE PRINT LEGIBLY

NAME	ORGANIZATION / DEPT.	PHONE NO.	EMAIL
MORRIS Sunshine	—		wisecontrol@thebeach.net
John Lane	Resident	305 532 4785	lane.john3@gmail.com
Miriam Levine	Resident	305-532-4785	miriamlevine@comcast.net
Timothy Wilson		305-532-5999	TW1828@aol.com -
Debbie Turner	Legal	x16441	
Alex Fernandez	Resident	786-999-5662	
Jessie Kane	Asst Commissioner	x7107	ed@miamibeachfl.gov
Jo Murray	NO Data	305-532-3270	drmunk@juno.com
Mitch Novick	Resident/Business Owner	305 532 0958	Mitch@shookmodel.com
David Kelsey	ES Hotel + Real Care	677-0440	
John Comas	Resident	305 4672-1378	
Helen Henric	Resident	(305) 244-3482	helenhenric@yahoo.com

05



MIAMIBEACH

JOINT MEETING OF  
NEIGHBORHOODS/COMMUNITY AFFAIRS COMMITTEE AND  
FINANCE & CITYWIDE PROJECTS COMMITTEE

January 19, 2012

SIGN-IN SHEET

PLEASE PRINT LEGIBLY

NAME	ORGANIZATION / DEPT.	PHONE NO.	EMAIL
Vanessa Menkes	Opium Group		vanessa@theopiumgroup.com
Roman Jones	Opium Group		roman@theopiumgroup.com
Bernard Adell	The OMIAMI Group	(786) 226-6599	BernardAdell@omiami.com
George Dukes	Opium Group		G. Dukes@HOTMAIL.COM
DIANA FONTANI	CMB		dianafontani@miamibeachfl.gov
Jeff Borgs	ACLU Miami	1.305.588.2839	aclo2012@artborgs.com

96