



# 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 *Jorge*

DATE: March 21, 2012

SUBJECT: **REPORT OF THE NEIGHBORHOOD/COMMUNITY AFFAIRS COMMITTEE HELD ON MONDAY, JANUARY 30, 2012.**

A meeting of the Neighborhood/Community Affairs Committee was scheduled for Monday, January 30, 2012 at 3:00 pm and was held in the City Manager's Large Conference Room, 4<sup>th</sup> Floor of City Hall. **Commissioners in attendance:** Commissioners Edward L. Tobin, Jerry Libbin, and Deede Weithorn (arrived at 3:20pm). Members from the Administration and the public were also in attendance. Please see the attached sign-in sheet.

**THE MEETING OPENED AT (3:08 PM)**

**1. 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.  
(3:30 PM)**

Assistant City Manager Hilda M. Fernandez reminded the Committee that this discussion was deferred from the joint meeting of the Neighborhood/Community Affairs and Finance and Citywide Projects Committees held on January 19, 2012. Ms. Fernandez reminded the Committee of the problems that occurred with Funkshion event last year during Winter Music Conference and, as a result, Funkshion was told they would not be able to do live entertainment again during their March event and would not be able to use Lummus Park.

It has been the City's policy not to add additional events during these months. Hilda distributed the calendar of those businesses that have applied for Special Event permits but have not been approved yet. Concerns are primarily the high volume of people that these events bring during peak times. Some have been moved to alternative dates.

Commissioner Libbin stated that he placed this item on the agenda, because a local business had the perception that outside businesses were getting preferential treatment as opposed to local business. He further stated that the Opium Group was unable to apply for a particular event during Art Basel Miami Beach. Commissioner Libbin stated he is not advocating for any one business, however, he wants to be sure the City is being fair to everyone.

Ms. Fernandez stated that the Convention Center has a methodology that allows someone to challenge a held date, allowing a second hold, thus forcing whoever has the date to make a decision as to whether they will be using that date. This is going to be a recommendation in the amending of the Special Event Guidelines to incorporate that process.

Agenda Item CGE  
Date 3-21-12

Ms. Fernandez clarified for Commissioner Weithorn that although it is not specified in the title, the discussion is regarding special events on public property, not private property. Commissioner Tobin stated that the City should be as hospitable and welcoming as it can be.

Commissioner Weithorn raised a concern that the City might want to distinguish between a private event on public property that is not open to the general public as compared to a public property event open to the general public. Ms. Fernandez explained that the concern has been regarding a location issue and this is something that can be considered to the extent that it is not taxing City resources. Commissioner Weithorn stated that she wants to be sure the City does not create a policy that detracts from tourism.

Marlo Courtney spoke.

Cultural Affairs and Tourism Development Director Max Sklar stated that the City makes a concerted effort to accommodate those conventions coming in from out of town. Ms. Fernandez recapped that the issue is the distinction between private events, whether they occur on private or public property, and having the ability to accommodate private events versus public events on public property. She stated that the Administration will be reviewing.

Commissioner Libbin made the motion to send to the City Commission for approval any requests, made on a timely basis, to hold a private event on public property during a special event period. Commissioner Tobin disagreed. Commissioner Weithorn made a motion that the Special Event Guidelines be submitted annually to the City Commission for review and approval.

Mr. Sklar asked for clarification if Committee endorses the City proceeding with private events on public property during high impact periods on a case by case basis so long as the City can accommodate them, it makes sense during the time period, and that they are not a tremendous impact. Commissioner Weithorn concurred.

Ms. Fernandez mentioned that item #5 on this agenda is a discussion of proposed amendments of our Special Event Guidelines. Based on the direction the Committee is now giving, Administration will go ahead and incorporate this provision into the guidelines.

**ACTION:** The Committee, by consensus, directed the Administration to incorporate guidelines addressing private events on public property during high impact periods; to consider them on a case by case basis to allow for them so long as they the City can accommodate them, it makes sense during the time period and they are not a tremendous impact.

**2. DISCUSSION REGARDING THE LACK OF PARKING FOR PERMIT-PAYING RESIDENTS IN THE FLAMINGO PARK PARKING LOT P-10.  
(4:25 PM)**

Parking Director Saul Frances explained that Zones 2 and 3 are now able to use this lot and the pilot program seems to be working well. The question now is whether the program should be continued and/or expanded.

Commissioner Weithorn asked if there has been a usage check to see whether those spaces are being used. Mr. Frances stated that they had not checked for turnover. Commissioner Weithorn would like to know if the 21 spots were the right amount or if it possibly should be fewer. Mr. Frances will do some turnover checks and license plate surveys over a period of time to see how many spaces are actually being used.

**ACTION:** The Committee directed Mr. Frances to do a usage study of the number of spaces allocated for the pilot program to determine if fewer are needed.

**3. FOLLOW-UP REGARDING A PROPOSAL TO HONOR THE EXTENSIVE COMMUNITY LEGACY OF STANLEY LEVINE WITH A MEMORIAL BENCH ON LINCOLN ROAD.  
(3:50 PM)**

Cultural Affairs and Tourism Development Director Max Sklar explained that this proposal originally was submitted as a bronze statue of Mr. Levine. It has since gone to the Art in Public Places Committee (AiPP) where they encouraged the Levine family to look at more contemporary artists for this project. The Committee recommended the design by artist Augustina Woodgate. The Historic Preservation Board (HPB) reviewed and approved the proposal submitted and deleted the maintenance condition from the Motion to Approve, as the Committee felt the City should be responsible for long-term maintenance. The Administration recommends the donor establish a maintenance fund for the project, as required in the City's Art in Public Places Guidelines, and requests the Committee reconsider this matter. An estimate on maintenance cost will be approximately \$7500 annually. Assistant City Manager Hilda M. Fernandez questioned the decision by the HPB within its purview. This is a recommendation, although made in good faith by the HPB, contradicts City Code and it is ultimately up to the City Commission as to whether to accept this public donation and, if accepted, whether to follow the requirements of the current code which requires the establishment of maintenance fund.

Rhonda Mitrani spoke about the concerns with graffiti and the high pedestrian volume on Lincoln Road.

Commissioner Tobin asked for someone on staff to make a site visit with him to see where this is intended to be placed and how much space it will be taking.

Commissioner Libbin stated that he likes the project and asked for the family's position on the maintenance of this piece. Tina Levine-Fitch stated that she believes the maintenance costs will be an issue with the family.

Commissioner Weithorn stated that she believes there is a distinction here as this is a piece of art that has a function. People will be sitting on it. It seems to her that the estimated costs are high.

Commissioner Libbin made a motion to recommend accepting the donation with a \$1,500 annual family commitment for the repairs with the additional understanding that, if the piece falls into disrepair, it must be repaired by the family or it will be removed. Commissioner Weithorn requested that before the item it comes to Commission, that someone take a hard look at the estimates provided. Commissioner Libbin added that he believes that the cleaning of the piece should be handled by the contractors that keep Lincoln Road clean. Ms. Fernandez asked if the committee is recommending the establishment of an endowment that is strictly for repairs. Commissioner Tobin preferred sending to Commission without a recommendation for further discussion. Commissioner Weithorn agreed. Chief Deputy City Attorney Raul Aguila explained that the discussion cannot go to Commission without a recommendation.

Ms. Fernandez recapped her understanding of the motion to be to approve the acceptance of the donation of this public art piece and the establishment of an endowment by the family only for the costs associated with repairs with a caveat that, if the piece falls into disrepair, the family is to repair it to the City's satisfaction or remove the piece. Commissioner Tobin asked the Committee to defer this item until next month so he can have time to visit the site with Mr. Sklar and Dennis Leyva. Commissioner Weithorn is okay with the deferral as was Commissioner Libbin.

**ACTION:** The Committee moved to defer discussion until a future meeting of the Neighborhood/Community Affairs Committee to allow Commissioner Tobin time to visit and review the site.

**4. QUARTERLY CRIME STATISTICS (RECURRING ITEM ON A QUARTERLY BASIS).  
(3:09 PM)**

Police Major Angel Vazquez introduced Lieutenant Alex Carulo to report regarding the crime statistics. Commissioner Tobin explained the reason for the quarterly reports is to keep informed of any trends and to stay in touch with the Police Department. Lt. Carulo summarized successful efforts and arrests made during the previous quarter. In particular, he highlighted the arrest of the person responsible for an extremely violent rape in the South end.

Commissioner Tobin asked if there is anything that the Police Department would need to help them do their job. Major Vazquez suggested that the department could use a mobile command center that would help during critical and major incidents.

Commissioner Tobin asked if there are units assigned to the causeways, in general. Major Vazquez explained how the causeways are handled.

Commissioner Weithorn arrived (3:20 PM)

Commissioner Tobin commended Captain Mark Causey on his efforts regarding Washington Avenue. Captain Causey advised the Committee of the upcoming Washington Avenue public meeting scheduled for February 22, 2012. Captain Causey also spoke of the efforts to address the pedestrian safety on West Avenue. He added that beach thefts are way down and that utilizing ATVs and bicycles have made a difference.

**ACTION:** This is a quarterly report. Next report will cover January – March 2012.

**5. DISCUSSION CONCERNING THE SPECIAL EVENTS ORDINANCE.  
(4:08 PM)**

Assistant City Manager Hilda M. Fernandez stated that Commission has made several recommendations to make changes to the guidelines. Cultural Affairs and Tourism Development Director Max Sklar reviewed the proposed amendments to the guidelines as detailed in the agenda package, some of which include:

- The creation of additional special event permits types in order to streamline application processing for smaller, less impactful, special events
- Security deposit changes
- Updated list of Major Event Periods

Commissioner Weithorn requested these amendments be taken to the neighborhoods for review and input. Mr. Sklar asked if the monthly Special Event Community Meeting where the general public is invited to attend be sufficient. Commissioner Weithorn stated that would be sufficient.

Hilda clarified that special event permits are not necessary for private events.

Marlo Courtney spoke.

Commissioner Libbin asked for clarification of the security deposits noted in the memo. Mr. Sklar noted there is a typo on the security deposits. It should read as \$10,000 instead of \$5,000 and \$20,000 instead of \$10,000.

Ms. Fernandez highlighted some of the changes including the booking policy that was discussed earlier in the meeting, as well as the fees for weddings and late payment fees for special events.

Commissioner Libbin wants to clarify language that the deposit shall be forfeited at a certain point even if the event does not take place.

Commissioner Weithorn made the motion to take these amendments to the City Commission after it is vetted at a public meeting. Motion was seconded by Commissioner Libbin. Commissioner Tobin agreed.

**ACTION:** The Committee unanimously moved to take these amendments to the City Commission after it is vetted at a public meeting.

**6. DISCUSSION REGARDING ENFORCEMENT OF LITTER LAWS RELATING TO THE DISTRIBUTION OF HANDBILLS ON OCEAN DRIVE, POSSIBLE HANDBILL-FREE ZONES, AND POSSIBLE AMENDMENTS OF SIDEWALK CAFE REGULATIONS TO ADDRESS THE SOLICITING OF RESTAURANT BUSINESS IN THE PUBLIC RIGHTS OF WAY, AND POSSIBLE REQUIREMENTS FOR ALCOHOLIC BEVERAGE ESTABLISHMENTS REGARDING OPEN CONTAINERS.  
(3:25 PM)**

Marlo Courtney spoke.

Assistant City Manager Hilda M. Fernandez clarified how this subject will affect multiple sections of the City Code, and advised that discussion will be back in February/March 2012. This will involve a proposed amendment to the Litter Ordinance to address the handbill issue, a proposed amendment to the Peddling and Solicitation sections of the Code to address solicitation and peddling which might include the sidewalk cafes, and Administration is looking at whether the Sidewalk Café Ordinance needs to be amended to establish further restrictions. Commissioner Libbin added that alcohol with "to-go" cups would be included in this topic. Ms. Fernandez explained that "to-go" cups will require the creation of a new section of Code and will require some discussion. Marlo Courtney stated that progress is being made on the issue of "to-go" cups because the restaurants on Ocean Drive have agreed to put signage and do what they can to address the issue.

Commissioner Tobin asked if Administration may want to send letters to businesses regarding these issues. Code Compliance Division Director Robert Santos-Alborná advised that letters have already gone out and outreach will continue.

Commissioner Libbin stated that he hopes this will be addressed prior to the Memorial Day Weekend.

**ACTION:** The Committee made no motion as this discussion and proposed amendments will return to the Neighborhood/Community Affairs Committee in March.

**7. DISCUSSION REGARDING A POTENTIAL SIGNAGE PROGRAM ESTABLISHING MIAMI BEACH AS A HATE FREE ZONE.**

No discussion, item deferred.

**ACTION:** Discussion deferred.

**8. DISCUSSION REGARDING AN ORDINANCE GRANTING TO FLORIDA POWER AND LIGHT COMPANY, ITS SUCCESSORS AND ASSIGNS, AN ELECTRIC FRANCHISE IMPOSING PROVISIONS AND CONDITIONS RELATING THERETO, PROVIDING FOR MONTHLY PAYMENTS TO THE CITY OF MIAMI BEACH, AND PROVIDING FOR AN EFFECTIVE DATE. (4:28 PM)**

Chief Deputy Raul Aguila reviewed the history of the FPL Franchise agreement and the result of the discussions since First Reading.

Mr. Aguila explained that a deal has been reached with Sunset Islands III (3) and IV (4) on the Memorandum of Understanding. He added that the terms of the Franchise have not changed since First Reading; however the City has made significant additional public benefits which will be outlined in a Consent item at Commission at the same time as Second Reading.

Aletha Player from FPL spoke.

Commissioner Tobin expressed his desire to have a clear process outlined regarding undergrounding.

Terry Bienstock spoke.

Peter Luria spoke.

A lengthy discussion ensued regarding contract renewal. Commissioner Libbin stated that the City is in no way restricted from doing something in the future that is in the best interest of the public. There is no reason not to move forward. On the other hand, if the City does not move forward, there is the question as to what happens with the fee the City charges.

Commissioner Weithorn explained her concerns are with the unknown future. And who is to say if the City will want to go into the electricity business thirty years from now because producing electricity will not be as involved as it is today. She has trouble voting for something that is going to probably outlive her.

Commissioner Libbin stated that the City is not prohibited from going into the business, but they will have to play by the same rules as FPL.

Commissioner Tobin asked Raul to share what happens in the event we have a disagreement.

Raul reviewed the agreement as it pertains to the City going into business for itself and the impact on the City.

Peter Luria spoke.

**ACTION:** The Committee took no action; this was a status update between First and Second Reading.

**9. DISCUSSION REGARDING INCORPORATING CHILDREN WITH MASTER ARTISTS (IE: WYLAND AND BRITTO) TO RAISE FUNDS FOR THE CULTURAL ARTS COUNCIL AND COLLEGE SCHOLARSHIPS.  
(5:05 PM)**

Commissioner Libbin explained this discussion is just for information, as no action will be taken. He explained that the Chamber of Commerce is hosting an event May 3-4, 2012 on Lincoln Road. The event will have 4<sup>th</sup> grade Miami Beach students working with Artist Wyland over a two-day period on Lincoln Road to do two different murals. Wyland will be requiring that the City have a citywide water conservation project. The Chamber will donate rain barrels to the schools where the art teachers will be decorating the barrels in their classes, and the science teachers will be retrofitting the barrels with hoses to water their gardens. The art pieces will be sold with proceeds being shared by the Arts Council, the Chamber's scholarship fund and the Wyland Foundation.

**ACTION:** The Committee needed no action. This was informational only.

**10. DISCUSSION REGARDING ONE OR MORE SATELITE ART FAIRS FROM MID-TOWN TO NORTH BEACH DURING THE WEEK OF ART BASEL MIAMI BEACH  
(5:08 PM)**

Commissioner Libbin would like to know if the City can look at other options during Art Basel Miami Beach with regards to satellite art fair locations in the North Beach area. He would like to add some synergy to the NADA Art Fair.

Commissioner Tobin would like to know how Art Basel Miami Beach feels about these programs and wants to be sure this is not something that will upset Art Basel Miami Beach.

Commissioner Libbin stated that he believes this is a great opportunity and is looking for an expression of consensus, in principal. Commissioners Tobin and Weithorn agreed, in principal.

Assistant City Manager Hilda M. Fernandez will come back with suggestions on incentives.

**ACTION:** The Committee recommended Administration work with Commissioner Libbin to attract satellite Art Fairs to North Beach and come back to the Neighborhood/Community Affairs Committee with an update.

**THE MEETING ADJOURNED AT (5:15 PM)**

  
JMG/HMF/SS/KT/BH/rfm



MIAMIBEACH

NEIGHBORHOODS/COMMUNITY AFFAIRS COMMITTEE MEETING

January 30, 2012

SIGN-IN SHEET

PLEASE PRINT LEGIBLY

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Alex Carulo	Police / CID	EXT 5663	Alex Carulo @ MIAMI BEACH FL.GOV
SAUL FRANCES	Parking Dept	X6483	SAULFRANCES " " " " "
Max Sklar	TCD / CMB	X6116	
Robert Santos	CODE	6684	
TINA LEVINE-FITCH			
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