

MIAMI BEACH

Neighborhood/Community Affairs Committee Meeting
City Hall, Commission Chambers, 3rd Floor, 1700 Convention Center Drive
September 25, 2019 - 9:00 AM

Commissioner Micky Steinberg, Chair
Commissioner Michael Góngora, Vice-Chair
Commissioner Joy Malakoff, Member
Commissioner John Elizabeth Alemán, Alternate

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A meeting of the Neighborhood/Community Affairs Committee (the "Committee") was held on Wednesday, September 25, 2019, at 9:00 a.m. in the Commission Chambers, 3rd Floor of City Hall. Commissioners in attendance: Micky Steinberg, Michael Góngora, Joy Malakoff, and Mark Samuelian. Members from the Administration and the public were also in attendance.

The meeting began at 9:03 a.m.

OLD BUSINESS

1. DISCUSSION REGARDING CRIME IN MIAMI BEACH

Paul Acosta, Assistant Chief of Police, presented this item. Chief Acosta updated the Committee on the Police Department's promotions and organizational changes. An overall description was provided to the Committee about the new Community Affairs Unit.

Chief Acosta also gave an update on the Homeless Resource Unit and the Florida Marchman Act. The Florida Marchman Act allows the Police to assist homeless individuals with substance abuse issues that are in danger of overdosing or being jailed. The police select individuals to participate in a treatment program for alcohol and substance abuse. The police prepare the paperwork and follow the progress of each individual selected. The program has a high success rate.

Commissioner Samuelian asked how the City can get the most out of the \$250K the City allotted for the Homeless Trust and the \$250K for Florida Marchman Act and what else could the City be doing. The Homeless Resource Unit feels the City should continue its efforts with the Florida Marchman Act and with additional beds, be able to treat more homeless that are in need of a treatment program

Commissioner Steinberg asked that the Homeless Resource Unit also watch over the middle and north corridors of the City. The Unit assured the Commissioner that their efforts are citywide.

Commissioner Gongora stated he was pleased with the Police updates because they help the Committee and the public understand what the Police Department is doing to keep the City safe. The Commissioner asked that this item return to Committee every two months. He asked the Chief to check in with the Committee a few weeks before the meeting to ask which topics they want to address.

DIRECTION: Return to the NCAC Committee every two months, starting with the December meeting.

2. DISCUSSION TO CONSIDER THE INSTALLATION OF THE BEAUTIFUL BARRIERS CONCEPT AS SECURITY BARRIERS AROUND THE CITY.

Adrian Morales, Director of Property Management, presented this item. Mr. Morales explained that a pilot program was implemented on Lincoln Road and that the Lincoln Road BID was not supportive of these types of security barriers at this time. The Lincoln Road project is developing, and they would like to implement bollards within their project design.

Mr. Morales stated that these types of barriers are not feasible for projects such as Lincoln Road and others who will customize their bollards based on their project design.

Commissioner Steinberg stated she likes the more artistic bollards and asked that staff keep that in mind when working on projects needing security barriers.

The Committee agreed there is no further action required and to remove the item from the agenda.

DIRECTION: Item to be removed from the NCAC agenda.

3. DISCUSSION REGARDING EXPLORING ADDITIONAL AVENUES FOR PUBLIC ENGAGEMENT.

Tonya Daniels, Director of Marketing and Communications, presented this item. Ms. Daniels began by introducing the Committee to Kevin Pulido, from her office, who is responsible for community outreach and attends HOA meetings.

Ms. Daniels updated the Committee on the success of the Engagement Toolbox on our City's website. She stated that the toolbox is in the top 10 most clicked links on our website. She also noted that her department will be increasing Facebook Live events by doing more Town Hall meetings, segments on our Homeless outreach and education on our Rising Above campaign. She is also working on streaming Commission meetings live on social media. Currently our Commission meetings are live on our website with a link to our website on our social media.

The Committee was satisfied by the update and the item's sponsor, Commissioner Samuelian asked for the item to be removed from Committee and for quarterly LTC's be sent out to continue to update the Commission.

DIRECTION: Remove item from NCAC agenda and send out quarterly LTC's with updates.

4. DISCUSSION REGARDING THE MAYOR'S 41 STREET BLUE RIBBON COMMITTEE'S MOTION ABOUT IMPROVING THE LIGHTING ON THE 41ST STREET CORRIDOR, SPECIFICALLY TO ALLOCATE THE 41ST STREET QUALITY OF LIFE FUNDS TOWARDS LIGHTING THE TREES ON THE 41 STREET CORRIDOR.

Commissioner Steinberg combined item's number 4, 8 and 9. Adrian Morales, Director of Property Management updated the committee on the 41st Street Committee's recommendation for improving lighting on the 41st Street corridor. The committee and the Administration recommend issuing an RFP for enhanced lighting options for the 41st Street corridor.

The Committee agreed and asked that the item be removed from the NCAC agenda.

DIRECTION: Adrian Morales to return to the City Commission with a procurement item to issue the RFP.

Commissioner Samuelian addressed the 41st Street Committee's motion listed on agenda item #8, to expand the scope of work and take a district wide approach from 40th to 42nd Street.

MOTION: The Committee approved this item by acclamation.

5. DISCUSSION REGARDING THE RECOMMENDED DESIGN CONCEPT PROPOSED IN THE CHASE AVENUE AND 34TH STREET FROM ALTON ROAD TO PRAIRIE AVENUE PEDESTRIAN AND BICYCLE FEASIBILITY STUDY.

Lynda Westin, Transportation Manager, presented this item. Ms. Westin stated to the Committee that the Administration has incorporated community input into their recommendations and is seeking the following approvals:

1. Intersection improvements for Alton, Chase Avenue and North Bay Road.
2. Intersection improvements for Chase Avenue and 34th Street, excluding the trellis. The community has voiced that they would not like to see the trellis portion move forward.
3. Triangular traffic calming concepts recommended by the community for Chase Avenue and 34th Street. Staff is supportive of a study for this recommendation and a review by the County will be necessary.

Commissioner Steinberg read into the record an e-mail from residents with their recommendations and she stated that staff was moving forward with the community's input.

Commissioner Malakoff asked staff about the tree concepts, requesting there be canopy trees. Ms. Westin stated that they are working with Urban Forestry for the type of trees and their locations.

Commissioner Gongora stated he was supportive of the item and moved with a positive recommendation to the full Commission.

MOTION: The item was approved and moved to Commission by acclamation.

6. DISCUSSION REGARDING ILLEGAL DUMPING ON PRIVATE PROPERTY AND RELATED CITY FINES.

Tom Curitore, Assistant Director of Code Compliance, presented this item. Mr. Curitore presented three solutions the City has incorporated to stop illegal dumping:

1. Cooperation and reporting of illegal dumping through the City's e-gov app or by calling 305-604-CITY.
2. Enforcement - Identifying locations with the assistance of the Police Department and through security cameras.
3. Education and Awareness - Publicizing successes and public service announcements highlighting the phone number to call to report dumping. Attending HOA meetings and having NEET on the streets.

Mr. Curitore suggested a rewards program that is being used by other cities and counties.

Commissioner Steinberg liked the idea of a rewards program and would like to see what that type of program would look in Miami Beach.

DIRECTION: Return to the October 23, 2019 NCAC meeting with examples of what other cities are doing and what Miami Beach's program would entail.

7. DISCUSSION REGARDING AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 46 OF THE CITY CODE, ENTITLED "ENVIRONMENT," BY AMENDING ARTICLE IV, ENTITLED "NOISE," BY AMENDING SECTION 46-152, ENTITLED "NOISES; UNNECESSARY AND EXCESSIVE PROHIBITED," BY AMENDING THE HOURS PROHIBITING POWER TOOLS AND LANDSCAPING EQUIPMENT; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

Commissioner Gongora introduced the item. Commissioner Gongora explained that this item is meant to alleviate residents of dealing with noisy power tools like leaf blowers.

Commissioner Malakoff stated she was not supportive of changing the hours for residential areas to 10:00 a.m. because it causes a burden to the workers who now have to begin mowing lawns when the sun is at its strongest.

Commissioner Samuelian addressed the public on the two issues at hand regarding leaf blowers. He explained that the issue of banning gas leaf blowers will be heard at the Sustainability and Resiliency Committee. The item being decided now is whether single-family homes hours for leaf blowers can be later than all areas of the City.

Commissioner Steinberg moved for single family homes to be exempt from the current ordinance amendment. She stated that staff should monitor complaints and revisit if complaints rise.

MOTION: The item was approved by acclamation.

8. DISCUSSION FROM THE MAYOR'S 41ST STREET BLUE RIBBON COMMITTEE FIVE (5) MOTIONS MADE ON MAY 15, 2019.

This item was heard along with agenda item #4.

9. DISCUSSION FROM THE MAYOR'S 41ST STREET BLUE RIBBON COMMITTEE THREE (3) MOTIONS MADE ON JULY 13, 2019.

This item was heard along with agenda item #4.

NEW BUSINESS

10. DISCUSSION REGARDING THE PROCESS FOR AFFORDABLE HOUSING WAITLIST.

Commissioner Gongora introduced the item. Commissioner Gongora asked if Miami Beach residents and workforce can receive preferential placement on the waitlist and for the process to be explained so that the public understands.

Maria Ruiz, Director of Housing and Community Services explained that the process for creating the waitlist was transparent and ensured equity and fairness and complies with the Fair Housing Regulations. She further explained that applicants are waitlisted through a lottery system.

Commissioner Gongora motioned to prioritize applicants who already live, work or have family in Miami Beach.

Ms. Ruiz stated that she could prioritize Miami Beach residents and workforce but would have to research the family member aspect.

MOTION: Prioritize applicants who already live, work or have family in Miami Beach on the affordable housing waitlist. Item was approved by acclamation.

11. DISCUSSION REGARDING THE ANTI-BULLYING TASKFORCE COMMITTEE AND THE LGBTQ ADVISORY COMMITTEE ANTI - BULLYING PRACTICES REVIEW AND RECOMMENDATIONS.

Commissioner Gongora introduced the item and the Anti-Bully Task Force and LGBTQ Advisory Committee recommendations. Commissioner Gongora stated he wanted to meet with the Task Force and the Legal Department to find ways to implement the recommendations.

Eric Carpenter, Assistant City Manager, advised the Committee that the City's Human Resources Department has already incorporated the recommendations into the Employee handbook. He also stated that the Parks and Recreation Department is working on amending their department policy to reflect the Task Force's recommendations.

MOTION: Commissioner Gongora motioned to accept the Anti-Bully Task Force and LGBTQ Advisory Committee recommendations. Commissioner Malakoff seconded the motion.

12. DISCUSSION REGARDING IGUANA REMEDIATION STRATEGIES WITHIN THE CITY OF MIAMI BEACH.

Adrian Morales, Director of Property Management, presented this item. Mr. Morales stated that the pilot program that the City implemented at five of our facilities has removed 200 iguanas. He stated that the Administration would like to expand the program to other facilities throughout the city.

MOTION: Commissioner Malakoff moved the item to the full Commission with a positive recommendation. Commissioner Gongora Seconded the motion.

13. DISCUSSION REGARDING THE NAMING OF THE NORTH SHORE BANDSHELL.

This item was deferred to the October 23, 2019 NCAC meeting.

14. DISCUSSION REGARDING AMENDING THE SIDEWALK CAFE ORDINANCE TO REQUIRE THE MASSING OF ALL OUTDOOR FURNITURE AT THE CLOSE OF BUSINESS.

Amy Mehu, Special Assistant to the City Manager and Adrian Morales, Director of Property Management, presented this item. Ms. Mehu stated that the recommendation for the massing of outdoor furniture at close of business came from the Ocean Drive Panel, Safety and Security subcommittee.

Mr. Morales explained that in the last few months his team along with the Police Department have completed overnight details and have found that late night club attendees and the homeless converge on the sidewalk cafe furniture and loiter. Mr. Morales explained that this late-night behavior is hard to control and creates several issues including safety and difficulties with early morning maintenance. He recommends amending the ordinance.

Commissioner Samuelian Supports amending the ordinance.

Commissioner Gongora asked how many years the cafes have been allowed to keep their furniture out. Ms. Mehu responded it's been this way from the beginning of sidewalk cafes. Commissioner Gongora stated that he had not heard of any problems related to the furniture staying out all night.

MOTION: The Committee, by acclamation, recommended stacking and securing the sidewalk cafe furniture and moved to the full Commission for their December meeting.

15. DISCUSSION REGARDING AN ORDINANCE AMENDING THE SIDEWALK CAFE CODE OF CONDUCT, AS SET FORTH IN SECTION 82.389(j), TO EXTEND THOSE PROHIBITIONS PERTAINING TO THE SOLICITATION OF PEDESTRIANS ON THE PUBLIC RIGHT OF WAY TO LINCOLN ROAD AND ESPANOLA WAY.

Robert Rosenwald, Assistant City Attorney, presented this item. Mr. Rosenwald stated that this is a fact finding hearing to consider whether objective evidence supports the enactment of the proposed sidewalk cafe code of conduct, including a restriction that sidewalk cafes not solicit pedestrians on Lincoln Road and Espanola Way.

Mr. Rosenwald continued by stating that several written online responses to an online poll, conducted by the City, indicated that pedestrians on Lincoln Road and Espanola Way

have felt harassed, annoyed, coerced and scammed by the solicitors for the sidewalk cafes on Lincoln Road and Espanola Way.

Several witnesses gave their testimony to the Committee on their experiences with solicitors on Lincoln Road and Espanola Way. A court reporter was present and documented all the testimonies.

After the witness testimonies, Mr. Rosenwald stated that there are two considerations that the Committee needs to examine when making their decision if this ordinance is supported by evidence:

1. Is there a legitimate governmental interest in this and is it supported by evidence?
2. Whether lesser restrictions can meet that goal?

Mr. Rosenwald explained that other restrictions were considered like permits or lotteries to allow a small number of establishments to solicit pedestrians. The City's Legal Department does not recommend these options because as shown by a study done for Ocean Drive, these options do not work and do not correct the problem.

Commissioner Gongora stated that as Ocean Drive is getting better, Lincoln Road and Espanola Way are getting worse. He stated he supports the Ordinance.

Commissioner Malakoff stated that our online reviews are an embarrassment to the City and that this type of behavior must stop citywide.

Commissioner Samuelian stated that what's happening on Lincoln Road and Espanola Way is determinantal to the City. He feels our city should be consistent and the code implanted for Ocean Drive should also be applied for Lincoln Road and Espanola Way.

Commissioner Steinberg agreed with her colleagues and feels this ordinance is necessary to protect our residents and visitors.

MOTION: Commissioner Gongora motioned to move forward with the ordinance amending the sidewalk cafe code of conduct, as set forth in section 82.389 (j), to extend those prohibitions pertaining to the solicitation of pedestrians on the public right of way to Lincoln Road and Espanola Way. Seconded by Commissioner Malakoff.

DEFERRED ITEMS

16. DISCUSSION REGARDING THE 23 STREET AND 63 STREET COMPLETE STREETS FEASIBILITY STUDIES.

STATUS: Deferred pending community meeting.

17. DISCUSSION REGARDING THE POSSIBILITY OF INSTALLING A TURNING LANE WHEN YOU ARE DRIVING EAST ON I-195 HEADING ONTO 41ST STREET AND TURNING SOUTH ON ALTON ROAD.

STATUS: Deferred pending petition results from St. Patrick Catholic School.

18. DISCUSSION REGARDING THE REVIEW AND ANALYSIS OF EXTRANEIOUS AND POTENTIALLY OUTDATED LEGISLATION IN MIAMI BEACH.

STATUS: Deferred pending recommendations from each department. City Attorney to bring back comprehensive multi-department recommendation to NCAC meeting when ready.

19. DISCUSSION REGARDING THE INTEREST OF THE COMMISSION IN OPERATING ELECTRIC SCOOTERS AT ALL AND THE POSSIBILITY OF A FUTURE PILOT PROGRAM.

STATUS: Deferred to the October 23, 2019 NCAC meeting, pending discussion at the Transportation, Parking and Bicycle-Pedestrian Facilities Committee.

20. DISCUSSION REGARDING CLEANLINESS IN MIAMI BEACH.

STATUS: Deferred to the October 23, 2019 NCAC meeting.

21. DISCUSSION TO CONSIDER CONCEPTS FOR THE NORTH BEACH NEIGHBORHOOD GREENWAY.

STATUS: Deferred pending completion of traffic study.

22. DISCUSSION REGARDING THE LONG WAIT TIMES FOR THE SOUTH BEACH TROLLEYS.

STATUS: Deferred pending completion of ridership data assessment and meeting with Belle Isle trolley Committee.

23. DISCUSSION REGARDING FINES LEVIED AGAINST PROPERTIES AND A POLICY DECISION AS TO WHEN THE CITY SHOULD MOVE FORWARD WITH FORECLOSURE PROCEEDINGS.

STATUS: Deferred to the October 23, 2019 NCAC meeting.

24. DISCUSSION REGARDING PEDESTRIAN SAFETY CONCERNS ON ALTON ROAD FROM 10TH STREET TO 16TH STREET.

STATUS: Deferred to the October 23, 2019 NCAC meeting.

25. DISCUSSION REGARDING THE INTERSECTION AT 44 STREET AND CHASE AVE AND PRAIRIE AVE AS IT RELATES TO SAFETY AND THE POSSIBILITY OF ADDITIONAL STOP SIGNS.

STATUS: Deferred to the October 23, 2019 NCAC meeting.

Meeting adjourned at 11:28 a.m.