



# 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: City Manager Jorge M. Gonzalez

DATE: January 28, 2009 *Bo for JMG*

SUBJECT: **REPORT OF THE FINANCE AND CITYWIDE PROJECTS COMMITTEE MEETING OF DECEMBER 16, 2008.**

### NEW BUSINESS

- 1. Discussion Regarding Requested Amendments to the City's Management Agreement with Live Nation for the Management and Operation of the Fillmore Miami Beach at the Jackie Gleason Theater.**

### ACTION

The Committee decided to allow Live Nation a six show sunset period were they can extend their hours of operation and liquor sales to allow only live acts with the six acts not counting towards the minimum number of shows that must be booked. Live Nation and the Night Life Task Force to come together and agree on blackout dates were Live Nation will not be allowed to extend their hours of operation.

Chairman Saul Gross gave a brief introduction and opened up the item for discussion.

Steve Polisar from the Night Life Task Force stated that he had had two meetings with Live Nation in reference to the issue. The task force had volunteered to provide assistance in the area of marketing and even suggested having a Rock and Roll weekend.

Chairman Saul Gross then asked Live Nation what issues they were facing.

Neil Jacobsen President of Live Nation stated that he would like to book shows past midnight, he suggested ten shows until three o'clock with alcohol sales stopping 30 minutes prior to the band finishing there act. He also stated that he was not in direct competition with the night life industry that Live Nation was not a night club and only had live attractions.

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Mitchell Robinson from Opium voiced his concerns about Live Nation, he did not want to see them rent to third party vendors and wanted to make sure that there were no DJ sponsored events.

Neil Jacobson reassured him that Live Nation would not sponsor any parties or DJ sponsored events. He also commented that he would let the night life industry advertise at his events.

David Wallack from Mango's commented on that he did not feel comfortable about having people stay at Live Nation events past midnight.

Commissioner Jerry Libbin commented about Live Nation and there programming schedule for the upcoming year.

After much discussion the Committee decided to allow Live Nation a six show sunset provision where they can extend their hours of operation and liquor sales to allow only live acts with the six acts not counting towards the minimum number of shows that must be booked. Live Nation and the Night Life Task Force to come together and agree on blackout dates where Live Nation will not be allowed to extend their hours of operation.

## **2. Discussion Regarding the Internal Audit Division's Audited Areas for Fiscal Year 2007/08.**

### **ACTION**

**Commissioner Deede Weithorn asked that the Internal Audit Division bring the copies of future audits with the related findings to the Finance Committee for review and discussion as part of the annual review.**

Director of Budget and Performance Improvement Kathie Brooks presented the item and gave a brief background on the audit division and the accomplishments of the 07/08 fiscal year audits. She also commented that this year they have audited 23 departments and not-for-profit areas with a staff of five, including four continuous monitoring audits in parking and sanitation by two of the staff. She went on to explain that while the number of completed audits increased over the prior year, it continues to reflect resources on-loan for continued assistance to the building department for review of permit fees prior to project close-out. In addition, although less than in prior years, some resources continued to be diverted for FEMA closeouts of prior hurricanes to ensure maximum recovery of FEMA grant revenues.

In reference to building close-out fees the number increased by \$2.6 million dollars in fiscal year 2007/08 and for the months of November and December for the current fiscal year there has been an additional \$2 million dollars collected.

Chairman Saul Gross asked if the City had scaled back the number of audits for building close-outs or if it was still auditing a 100% of the projects.

Ms. Brooks advised that they are still reviewing (but not auditing) 100% of all close-outs. Chairman Saul Gross stated that he was under the impression that only a percentage of all building close outs were to be audited, however he felt that all projects were being audited. Ms. Brooks stated that she would follow-up to verify the current process and report back to Commissioner Gross.

Commissioner Deede Weithorn stated that more importantly than the percentage of close-outs being reviewed or audited is how do we simplify the process and get the same results.

Commissioner Tobin inquired as to the audit of the building department and the deficiencies found in the software and what steps need to be taken so that this does not happen again.

Ms. Brooks advised that software requirements for replacing the existing Permits Plus system are being drafted for incorporation into a Request For Proposal (RFP) to be brought to the Commission. The goal is to bring the RFP to the Commission in January.

Commissioner Tobin inquired as to what other control deficiencies are out there and how to transmit this information to the Commission so that we do not have these problems in the future

Discussion ensued.

Commissioner Deede Weithorn asked that the Internal Audit Division bring the copies of future audits with the related findings to the Finance Committee for review and discussion as part of the annual review.

Commissioner Weithorn reminded the Commission, as presented earlier, that there are only 5 staff members available for internal audits, two of which are fully dedicated to Parking and Sanitation Audits. Of the 3 remaining positions, 2 are also involved in oversight for Resort Tax audits. Commissioner Weithorn stated that with these limited resources the best approach is to audit areas identified through Risk Analysis, which the Department currently does; increasing the level of internal audits would require additional staff.

### **3. Discussion Regarding the Renewal of the Residential Solid Waste Agreement with Waste Management or the Issuance of RFP.**

## **ACTION**

**Commissioner Ed Tobin made the motion to extend the contract for the remaining year of the contract, seconded by Commissioner Weithorn; all were in favor.**

Director of Public Works Fred Beckmann presented the item and gave a brief description of the services provided by Waste Management.

WM services provided to the City under the terms of the current contract are:

1. Back door trash collection twice weekly to all single-family residences and multi-family units of eight (8) or less. Total number of accounts serviced are 6,407.
2. Curbside yard trash collection twice weekly to all single-family residences and multi-family units of eight (8) or less.
3. Four (4) scheduled bulk trash (household furniture, household trash, remodeling and home repair trash, white goods, and/or yard trash- bulk, which cannot be cut for placement into a container, bag, or bundle) pick-ups per calendar year.
4. Operations and management of the Green Waste facility located at 2800 Meridian Avenue.
5. Disposal of all solid waste collected under the WM's residential contract.
6. Provides five (5) 20 cubic yard containers at no cost to the City for the Neighborhood Pride Weekend (first weekend of the month).
7. Provides roll-offs and cardboard boxes for different City sponsored special events throughout the year.
8. In the event of a storm, WM is required to provide equipment and manpower to respond

Mr. Beckmann went on to state that as agreed upon in the original contract, WM provided four (4) new trucks which are inspected by the City on a regular basis. That monthly meetings are held between the Administration and management to discuss any operational issues.

Al Zamora Director of Sanitation commented that Waste Management maintained a complaint level of less than the 2% that is required in the Agreement. When a complaint is filed with the City, WM has always resolved the complaint in less than the 24 hours required by the Agreement.

Commissioner Ed Tobin made the motion to extend the contract for the remaining year of the contract seconded, by Commissioner Weithorn; all were in favor.

#### **4. Discussion Regarding Options for Recycling Services.**

##### **ACTION**

**The Committee recommended allowing the Administration to approve the recycling service inter-local agreement with Miami-Dade County incorporating any legal changes deemed necessary and making it effective retroactively.**

Assistant City Manager Robert Middaugh presented the item for residential recycling services. He stated that the cost for the recycling service through the County contractors is \$2.47 per household per month for the basic service, \$.75 per household per month for the added weekly collection and \$.40 per household per month to offset the cost of the recycling container.

He stated that the cost to the resident in their monthly sanitation bill would be \$3.22 per household per month. This cost is slightly more than the current amount paid by residents for recycling services of \$3.14 per household per month.

He also stated that the City has two other options:

- Waiving competitive bidding and selecting a vendor to provide the service.
- Issuing a request for proposal for recycling services and selecting a vendor in that process.

Commissioner Ed Tobin asked how we know that in fact the garbage is being recycled.

Jeanmarie Massa from Miami-Dade County stated that she had been to the recycling facility July of this year and that she was the representative from the county responsible for the recycling contract.

Commissioner Tobin wanted to see if there was a sentiment to form a promotional program for people to recycle

Chairman Saul Gross mentioned that the Green Committee would be the ones responsible for that, and that they were waiting to see how much recycling increases when the City went to single stream form of recycling.

The Committee recommended allowing the Administration to approve the recycling service inter-local agreement with Miami-Dade County incorporating any legal changes deemed necessary and making it effective retroactively.

JMG/PDW/rs

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