

# MIAMI BEACH

## City Commission Meeting

### ADDENDUM MATERIAL 1

City Hall, Commission Chambers, 3rd Floor, 1700 Convention Center Drive

July 18, 2012

Mayor Matti Herrera Bower  
Vice-Mayor Jorge R. Exposito  
Commissioner Michael Góngora  
Commissioner Jerry Libbin  
Commissioner Edward L. Tobin  
Commissioner Deede Weithorn  
Commissioner Jonah Wolfson

Interim City Manager Kathie G. Brooks  
City Attorney Jose Smith  
City Clerk Rafael E. Granado

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#### ATTENTION ALL LOBBYISTS

Chapter 2, Article VII, Division 3 of the City Code of Miami Beach entitled "Lobbyists" requires the registration of all lobbyists with the City Clerk prior to engaging in any lobbying activity with the City Commission, any City Board or Committee, or any personnel as defined in the subject Code sections. Copies of the City Code sections on lobbyists laws are available in the City Clerk's office. Questions regarding the provisions of the Ordinance should be directed to the Office of the City Attorney.

#### ADDENDUM AGENDA

##### C4 - Commission Committee Assignments

- C4I Referral To The Land Use And Development Committee - Discussion Regarding The Commission Serving As The Evaluation Committee In Larger Significant Projects.  
(Requested by Commissioner Jonah Wolfson)
- C4J Referral To The Neighborhood/Community Affairs Committee - Discussion Regarding "Booting" Services And Raising The Allowable Rate Per Vehicle, Which Is Now \$25 each.  
(Requested by Mayor Matti Herrera Bower)

**R9 - New Business and Commission Requests**

- R9I Discussion Regarding North Beach Quality Of Life And Food Trucks.  
(Requested by Commissioner Edward L. Tobin)
  
- R9J Discussion And Update Regarding The Long Term Solution For Flooding On Star Island.  
(Requested by Commissioner Edward L. Tobin)
  
- R9K Discussion Regarding The Convention Center.  
(Requested by Commissioner Edward L. Tobin)
  
- R9L Commissioner Tobin's Request To Reconsider His Vote On Item R7I "A Resolution Relating To City Manager Jorge M. Gonzalez" From June 6, 2012 City Commission Meeting.  
(Requested by Commissioner Edward L. Tobin)



# MIAMI BEACH

OFFICE OF THE MAYOR AND COMMISSION

## MEMORANDUM

TO: Kathy Brooks, Interim-City Manager  
FROM: Jonah Wolfson, Commissioner  
DATE: July 12<sup>th</sup>, 2012  
SUBJECT: Agenda Item

Please place on the July 18<sup>th</sup>, 2012, Commission Meeting Agenda a referral to the Land Use and Development Committee for a discussion regarding the Commission serving as the evaluation committee in larger significant projects.

If you have any questions, please contact Leonor Hernandez at extension 6437.

JW/lh

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**C4 - Commission Committee Assignments**

- C4J Referral To The Neighborhood/Community Affairs Committee - Discussion Regarding "Booting" Services And Raising The Allowable Rate Per Vehicle, Which Is Now \$25 each.  
(Requested by Mayor Matti Herrera Bower)

Agenda Item C4J  
Date 7-18-12

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## **Introduction and Statement of Purpose**

This unsolicited proposal is in response to the City of Miami Beach's need for an alternative to towing in enforcement of both private and public (City-owned or operated) parking regulations and specifically to reduce storage needed for vehicles that are towed.

This proposal addresses the following:

- Existing challenges associated with current vehicle enforcement model
  - Booting verses Towing
  - City of Miami Beach's vehicle immobilization ordinance
- Proposed improvements to the current Vehicle Immobilization Ordinance
- Suggested development and implementation of an Alternative Debt Collection Service utilizing vehicle immobilization.
- Customer Service
- Support for parking planning and initiatives.

## **Background**

Within the past 2+ years, Advanced Booting Services has taken note of the current vehicle enforcement climate within the City of Miami Beach and offers this unsolicited proposal which will enhance enforcement, increase revenues , and decrease the need for storage of towed vehicles. With only one method of offering parking enforcement services within the City, citizens and tourists are not offered any recourse to parking enforcement related issues. Furthermore, at the current vehicle immobilization fee rate, a reputable enforcement alternative is not viable.

After careful examination, market research, and conversations with local citizens, ABS has determined the most effective means to introduce a competent, service-oriented alternative would be to strengthen the current vehicle immobilization ordinance and

introduce a fee that is more in line with the market. This would provide the proper incentive for licensed, insured and courteous vehicle immobilization (booting) companies to operate with the City.

As mentioned above, ABS has done a thorough market research study of the current vehicle immobilization climate and has determined that in order to operate effectively several regulatory items need to be discussed. This includes minimum operational items such as insurance, enforcement officer qualifications, and conflict of interest requirements.

This is not to say that booting is the answer to all of the parking enforcement and storage challenges currently faced by the City, but to be part of a bigger, more comprehensive parking enforcement program that benefits all parties involved.

## **Specific Challenges**

### **Booting vs. Towing**

Booting and Towing both have specific advantages, but many of the disadvantages of towing can be addressed.

#### **Booting's Impact on the City of Miami Beach**

Using booting to enforce parking fee scofflaws, for example, greatly reduces the impact on residents of the City of Miami Beach. Booting allows for a less offensive, less intrusive method of enforcement, and makes the enforcement transaction more tolerable for all parties involved. The vehicle remains where the scofflaw parked it, and prevents the "My car has been stolen" response. The scofflaw immediately knows that they did not pay for parking and that some other nefarious circumstance has not taken place. Towing creates an air of ambiguity that is solved by simply immobilizing the scofflaw's vehicle with a booting device. The vehicle enforcement officer can now explain why the vehicle was immobilized, and the scofflaw can see precisely why they were booted. This minimizes consumer protection issues, customer service complaints, and makes the incident as pleasant as possible. At a minimum, this is an alternative which can result in significant benefits to the City if immediately implemented on private properties.

### **Towing's Impact on the City of Miami Beach**

Conversely to booting, towing creates a chain reaction of events that could otherwise be avoided with booting enforcement. The scofflaw cannot immediately ascertain what has happened to the vehicle and their first response is not to determine where their vehicle has been taken, but to call the police to report the vehicle stolen. This assumption now involves City resources that would be better utilized elsewhere. Additionally, due to the removal nature of towing, the scofflaw cannot determine the nature of their infraction. The "evidence" has been removed from the scene before any other party can determine if the enforcement is valid. This leaves the resident/scofflaw in a situation where they cannot be protected from false claims, and are at the mercy of honesty of the towing provider. This honesty, or dishonesty truly, has been documented and publicized to a large degree in articles written by the Miami Herald, and picked up by national news organizations such as the New York Times, and USA Today. <sup>1</sup> Finally, and of significant importance to the City, towing results in an immediate need to store and park the vehicle elsewhere, draining a precious limited resource in a City where parking and storage are at a premium.

## **Current Vehicle Immobilization Ordinance Recommendations**

### **ABS's Recommendations**

After careful review of the current, in force vehicle immobilization ordinance, Advanced Booting Solutions has constructed recommendations that it feels are pertinent to curb the abuses of the current enforcement model and allow greater consumer protections to the City's residents, guests and tourist.

### **Minimum Insurance Requirements**

ABS recommends all companies permitted to enforce parking within the City of Miami Beach hold a required level of liability insurance. Advanced Booting Solutions ensures that all employees are covered by the following coverage:

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<sup>1</sup> <http://www.nbcmiami.com/news/local/Miami-Beach-Towing-Company-Denies-AnyTheft-84628812.html>

WORKERS COMPENSATION	\$500,000 or State specific requirements
GENERAL LIABILITY	\$1,000,000
PERSONAL & ADVERTISING	\$1,000,000
PRODUCTS & OPS LIABILITY	\$2,000,000
FIRE LEGAL LIABILITY	\$100,000
AUTOMOBILE LIABILITY	\$2,000,000

**Minimum Experience Requirements**

ABS recommends that the City of Miami Beach require all applicants for a Booting Enforcement permit or business license to be able to demonstrate a minimum of 3-5 years experience within the Parking Enforcement field. This will prevent the inclusion of “fly-by-night” enforcement companies that will not provide the level of customer service required by City of Miami Beach residents, guests and tourists.

**Conflict of Interest Clause**

ABS recommends inclusion of a clause preventing the abuse of consumer protection interests by requiring Booting Enforcement companies to abstain from becoming involved in Towing Enforcement activities. Conversely, Towing Enforcement Companies should abstain from engaging in Booting Enforcement activities. This unilateral separation protects consumers from abuse by clearly separating what can and cannot happen to their vehicles should they park illegally.

**Fee Increase**

Finally ABS recommends that the City increase the boot removal fee from \$25.00 to \$89.00. This increase will allow reputable companies to operate within the City of Miami Beach by allowing for the increased costs of doing business since the ordinance’s implementation in 1999. In order to prevent the type of behaviors seen recently in the Towing Enforcement field, Booting Enforcement companies need to employ better trained staff, dedicated customer complaint representatives, and hire quality, honest, and through employees. Additionally, due to the increase in fuel prices, and unit costs of immobilization equipment, this increase in fees would help offset the increases.

ABS proposes in accordance with the current language of the ordinance, that \$25.00 of the increase in removal fees will continue to be paid directly to the City of Miami Beach.

## **Prominent Examples**

Advanced Booting has studied how increases in City-mandated immobilization fees have allowed other municipalities to better serve their citizens, tourists, and business owners alike. In the following examples, the cities increased the mandated fees to a level that allowed competent private businesses to enforce parking/parking fees. Note: the fee maximums are congruent with business costs in the respective cities. ABS would request the City take COL, increased liability and operational costs, and Living Wage differences when reviewing the proposed \$89 maximum.

### **City of Hapeville, Georgia**

Faced with a "Wild West" approach to parking management, the City of Hapeville, Georgia enacted clear legislation in order to curb misconduct among unlicensed booting companies. This amended ordinance dictates specific criteria in order to immobilize a vehicle, certain time-sensitive consumer protections, and a new fee limit. This increase in fees allows more reputable, insured, and licensed companies to operate within the City.

This is a clear example of how effective and thought-conscience legislation benefits all parties involved. (Property owner, consumer, and booting company) Additionally, by allowing a booting enforcement company to consult in the construction of this legislation, the City better understood the mechanisms involved with vehicle enforcement.<sup>2</sup>

### **City of Memphis, Tennessee**

The City of Memphis, faced with budget shortfalls, turned to vehicle immobilization in order to collect additional parking fees. One major hurdle in starting a City-wide parking fee enforcement program was with the prior immobilization fee of \$25. By raising the fee

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<sup>2</sup> <http://www.ajc.com/news/atlanta/hapeville-council-adopts-booting-935098.html>

to \$75 dollars, 3<sup>rd</sup>-party private parking enforcement companies could provide the level of service needed to accomplish this task. <sup>3</sup>

#### Synopsis

These examples highlight how simple changes in the regulatory environment of parking enforcement can allow a previously challenging situation to mature into a viable business opportunity for outside vendors. These companies bring stability, and accountability as well as a more pleasant experience to the end-user.

The City of Hapeville curbed the rampant outlaw mentality associated with parking enforcement by taking an in-depth look at the situation and the City of Memphis found a self-sustaining revenue center by adjusting the fees paid by the scofflaws. These small adjustments to current ordinances could be emulated by the City of Miami Beach to present a more unified and clear parking enforcement plan.. Opening the market to additional companies will help to self-regulate the industry, as it did in Hapeville.

No one is ever happy about any parking enforcement incident, but by allowing more freedom of choice by private property owners, ABS feels that booting can reduce the number of complaints registered with different consumer agencies.

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<sup>3</sup> <http://memphis-news.info/memphis-top-stories/failure-to-enforce-new-memphis-ordinances-costly-for-city-budget.html>

## **Company Background**

Advanced Booting Services, Inc. is a full service vehicle immobilization and debt collection company established in 1998 in Atlanta, Georgia. The company currently operates in three market segments: vehicle immobilization, alternative debt collection services, and municipal parking management through its' partnership with National Parking Solutions, Parking Company of America, and Standard Parking.

ABS has grown steadily over the past 12+ years, and we currently operate in multiple markets within the Southeastern United States. Our range of clients includes office buildings, surface lots, parking garages, condominium buildings, fine restaurants, city and privately run parking facilities, churches, sports complexes, and upscale retail shopping complexes.

As our brands awareness has grown, ABS has expanded its service offerings to include alternative debt collection services through vehicle immobilization. ABS currently enjoys the reputation of being one of the Southeast's premier vehicle immobilization companies. ABS strives to exceed the vehicle immobilization industry standards by providing innovative ideas and state-of-the-art technology to clients, tailoring our services to their concerns.

ABS works closely with its clients to help them realize the financial potential of their property. It offers a broad range of immobilization management services backed by dynamic training, stringent internal controls, up-to-date technology, and responsive customer service.

## **Expertise**

In Vehicle Immobilization, ABS has provided enforcement services, cashiering and collections, on-site supervision, professional accounting for the client and daily inspection services for the last 12+ years. Our services are designed to make optimum use of the vehicle immobilization and to yield the greatest possible profit for the client, offering complete profit & loss statements and custom reporting.

## **Corporate Structure**

ABS's corporate structure is laid out in a bottom-up method, allowing "in the field" employees unprecedented access to company decision makers. This allows employees at the operational level faculties to report directly to, not only their supervisors, but also all levels of corporate governance. Our senior level executives, from CEO through CFO, combine for over 20 years of vehicle immobilization experience. ABS's operational philosophy is to hire exceptional people from within. The immobilization business is highly specialized, and requires a great deal of creative intelligence. Each of our company officers, at one time or another, were operational employees doing the tasks of the employees they currently oversee.

## **Office Location**

Our corporate office is located at:

Advanced Booting Services, Inc.  
8725 Roswell Road, Suite 179  
Atlanta, GA 30350

## **Corporate Point of Contact**

Chief Executive Officer Mike Jacob would be the corporate point of contact for the City of Miami Beach. He would serve at the contact relating to overall operational issues and questions. He may be reached at 770.650.0659, and is located in the corporate office.

## **Operational Point of Contact**

For all questions and issues relating to operations of the parking enforcement, the City of Miami Beach's contact would be the on-site manager who would be located in Miami. He or she would report directly to our Chief Operations Officer, Jeff Phillips. This reporting relationship would allow direct pass-through of operational issues directly to the CEO.

## **Alternative Debt Collection Services from ABS**

### **License Plate Recognition (LPR) and Debt Collection**

Advanced Booting Services have developed a debt collection model that utilizes vehicle immobilization and can be utilized in order to collect delinquent balances owed to the City of Miami Beach for City services. These fees can include property taxes, vehicle registration fees, unpaid parking tickets, unpaid utility (water, electric, gas etc.) balances as well as any other fee the City may assess to its residents. Advances in License Plate Recognition software that allows a drastic reduction in necessary labor and overhead costs make this collection method a viable model. Vehicles parked on public streets, right-of-ways or in municipal parking facilities could be subject to immobilization should the registered owner of the vehicle have an outstanding balance with the City for its many services.

#### **Immobilization**

ABS will utilize License Plate Recognition to identify vehicle owners with outstanding debts owed to the City. This system will include an enforcement vehicle specifically designed to identify said scofflaws, immobilize their vehicles, and collect the outstanding balance. Once a vehicle is identified, an ABS enforcement officer will immobilize the vehicle by use of a "Denver Boot" product. In order for the immobilized vehicle to be released, the debtor will need to pay the outstanding balance, a vehicle immobilization fee outlined in Section 3.2 of this document, and a Balance Processing Fee. An invoice will be produced by the enforcement officer in order for the debtor to see the breakdown of the balance owed.

#### **Towing**

Once immobilized, the debtor has 48 hours to have the vehicle released and the outstanding balance paid. After this period has expired, ABS will contact a City of Miami Beach-approved Towing Company to tow the vehicle to their impound storage lot. From here, the debtor will need to visit the impound storage lot to retrieve the vehicle. An ABS representative at the vehicle storage lot will collect all fees associated with the towing, immobilizing and outstanding balance.

### **Lien and Sale of the Vehicle**

After a period of 30 days, the City-approved towing company will send a certified letter to the debtor informing them of their outstanding balance, and associated fees, and that if the balance is not paid within the period specified by law, the vehicle will be sold at auction. Once the vehicle is sold, the towing company will receive a negotiated percentage of the sale, ABS will receive a 10% fee from the sale, and the remaining balance will be sent to the City of Miami Beach as payment of the outstanding balance. If the monies received by the City do not cover the outstanding balance, the City of Miami Beach may continue to subjugate against the debtor to the maximum allowable amount allowed by law. ABS may be involved with the collection of the remaining balance should there be another vehicle associated with the debtor.

### **Technical Implementation**

#### **Software Components**

##### **AutoVu IP License Plate Recognition Platform**

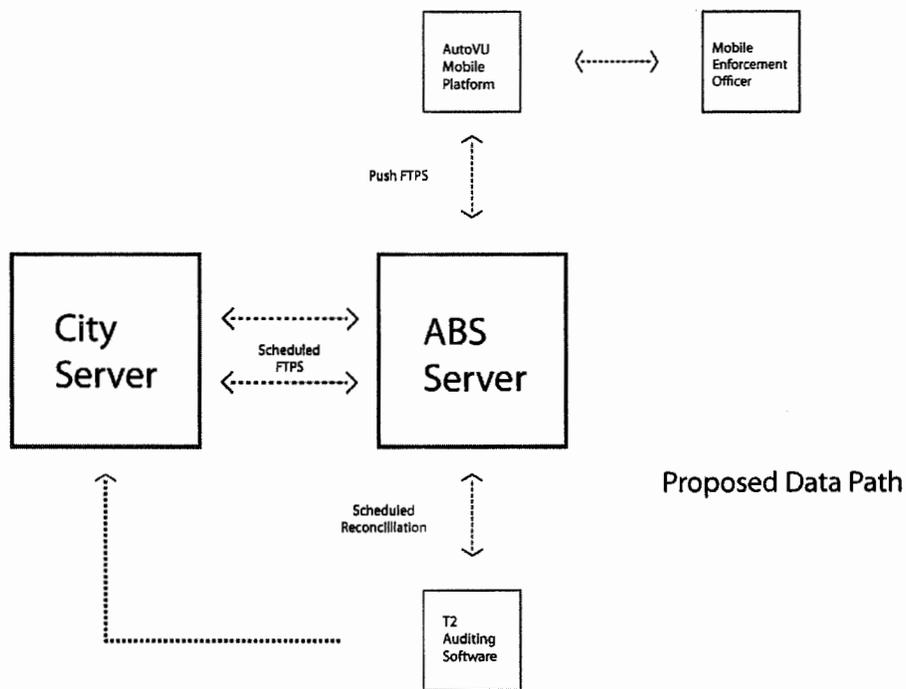
ABS will install AutoVu's LPR software platform within our mobile enforcement vehicles in order to automate the discovery of scofflaws' vehicles. This software, when combined with the necessary hardware, creates a comprehensive debt recovery platform. The software platform is designed to take the ASCII text data provided by the City of Miami Beach and push it to our enforcement vehicles to identify scofflaws' vehicles for immobilization.

##### **T2 Flex Auditing Platform**

ABS will install T2Flex Management software to track revenue collections, produce reports, and to integrate our stringent revenue controls into an automated system. T2Flex was designed specifically for the parking industry and has close integration with the AutoVu LPR platform.

#### **Data Path Diagram**

ABS's proposed data path is outlined below:



### Hardware Components

#### AutoVu Sharp LPR Camera

The AutoVu Sharp is the IP-based license plate recognition camera. This rugged LPR device offers advanced digital video processing and superior plate reading performance. The AutoVu Sharp camera also conducts processing on the edge. This means all the processing and analytics are done inside the unit itself, making the solution compact and easy to install.

#### Mobile Platform Computer

ABS will install a Toshiba ToughBook designed to operate in any weather condition that will be presented. This platform will run the AutoVu LPR software and integrate with the T2 Flex Auditing Software remotely.

#### In-House Server

ABS will install a commercially available server designed and optimized to connect directly with the City of Miami Beach's FTPS server to download scofflaw data and push it securely to the AutoVu Mobile Platform.

## Financial Proposal

**ABS is committed to making revenue collection a self-sustaining entity.**

### Reporting

The ABS Manager assigned to the City will be responsible for producing and auditing all financial reports for the Corporate Management at ABS. These reports will include detailed collection statements, deposit and reconciliation reports and budgetary reports.

These reports will be made available to the designated department of the City of Miami Beach upon the 15<sup>th</sup> of each month. This will allow the City ample time to uncover any discrepancies held within and to make them known to ABS so that they may be corrected before payment of collected fees is completed on the 30<sup>th</sup> of each month

All reports will be kept on file in ABS's Corporate Office for review by any authorized agent of the City of Miami Beach, and will be used to produce quarterly "state-of-health" reports for quarterly reviews. These reports are made available through our secure website, to be view by the City management from any location, as well as onsite at any time.

### Scofflaw Pricing Schedule

ABS proposes a schedule of rates as follows:

Immobilization	\$89 per day <sup>4</sup>
Balance Processing Fee	\$2.50 per transaction

These rates will be added to the outstanding balance provided to ABS through the City's FTPS downloads. These fees are used to help ABS recover the costs associated with collecting the outstanding

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<sup>4</sup> Congruent with current recommendation to increase City-wide immobilization fee

#### **Advanced Booting Services' Management Fee**

ABS proposes a management fee equal to 10% of outstanding balances collected.

This fee will be used to defer costs associated with the administration of the operation.

## **Conclusion**

Best practices in several U.S Cities show that booting can coexist with towing and provide a mutual benefit to the City of Miami Beach. Booting companies seeking to do business in the City of Miami Beach should be properly regulated in terms of licensing, insurance requirements and conflict of interest. Currently, the City of Miami-Beach's booting ordinance is so restrictive to the booting industry in that the maximum allowable fee for booting a vehicle (i.e. \$25 per boot) is cost prohibitive for companies seeking to do business in the City. Additionally, the existing fee structure is disproportionate to other comparable Cities and has stayed stagnant for years in light of inflation and other standard cost of living adjustments applicable to comparable fee schedules for other City services.

We propose that booting services can be a logical compliment to towing services in the City of Miami Beach and that companies should be allowed to contract with private property owners to provide non-municipal booting services under a more favorable business friendly economic structure. But, at the same time and in order to assure certain standards for quality of service, we feel that the current ordinance requires an increased level of regulation for qualifying business' to perform booting services. Particularly, we feel proper business licensing measures should include setting specific insurance policy guidelines and avoiding conflicts of interests between booting and towing companies.

Therefore we would respectfully ask that (a) the City review the limitations of its existing booting ordinance as defined herein and consider setting more specific guidelines and standards for booting companies to operate within the City and (b) the City review and

consider setting a booting rate that is more in line with the market and that does not so severely hinder the ability for a reputable booting company to conduct business within the City. Finally (as a potential secondary measure) we would propose that the City of Miami Beach consider a pilot initiative for an alternative debt collection program involving a combination of booting and towing services with towing being used on a selective basis. We propose that the implementation of the above measures will add more revenue to the City, create a more customer friendly enforcement environment, and further aid the ongoing dilemma involving storage of City towed vehicles.

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# MIAMI BEACH

OFFICE OF THE MAYOR AND COMMISSION

## MEMORANDUM

TO: Kathie Brooks, Interim City Manager  
FROM: Ed Tobin, Commissioner  
DATE: July 13, 2012  
SUBJECT: Agenda item for July 18, 2012 City Commission Meeting

Please place on the July 18, 2012 Commission Meeting a discussion item regarding North Beach Quality of Life and Food Trucks.

If you have any questions please contact, Dessiree Kane at Extension 6274

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# MIAMI BEACH

OFFICE OF THE MAYOR AND COMMISSION

## MEMORANDUM

TO: Kathie Brooks, Interim City Manager  
FROM: Ed Tobin, Commissioner  
DATE: July 13, 2012  
SUBJECT: Agenda item for July 18<sup>th</sup>, 2012 City Commission Meeting

Please place on the July 18, 2012 Commission Meeting an update regarding the long term solution for flooding on Star Island

If you have any questions please contact, Dessiree Kane at Extension 6274

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# MIAMI BEACH

OFFICE OF THE MAYOR AND COMMISSION

## MEMORANDUM

TO: Kathie Brooks, Interim City Manager  
FROM: Ed Tobin, Commissioner  
DATE: July 13, 2012  
SUBJECT: Agenda item for July 18<sup>th</sup>, 2012 City Commission Meeting

Please place on the July 18, 2012 Commission Meeting a discussion item regarding the Convention Center.

If you have any questions please contact, Dessiree Kane at Extension 6274

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# MIAMI BEACH

OFFICE OF THE MAYOR AND COMMISSION

## MEMORANDUM

TO: Kathie Brooks, Interim City Manager  
FROM: Ed Tobin, Commissioner  
DATE: July 13, 2012  
SUBJECT: Agenda item for July 18<sup>th</sup>, 2012 City Commission Meeting

Please place on the July 18, 2012 Commission Meeting Agenda Commissioner Tobin's request to reconsider his vote on item R71 "A resolution Relating To City Manager Jorge M. Gonzalez" from June 6<sup>th</sup> 2012 City Commission meeting.

If you have any questions please contact, Dessiree Kane at Extension 6274

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