



MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMITTEE MEMORANDUM

TO: Mayor Philip Levine and Members of the City Commission

FROM: Jimmy L. Morales, City Manager

DATE: November 12, 2014

This shall serve as written notice that a meeting of the Finance and Citywide Projects Committee has been scheduled for November 12, 2014, at 2:00 P.M. in the Commission Chambers.

The agenda is as follows:

OLD BUSINESS

1. **Discussion from the Budget Advisory Committee regarding the Golf Course Fees**

John Woodruff – Budget Director

2. **A. Discussion regarding Police and Parking Department Towing Permit Requirements** (*April 23, 2014 Commission Item C4G)(192)*

B. Discussion regarding the issuance of new Police and Parking Department towing permits to Beach Towing Services, Inc., and Tremont Towing, Inc. (*October 22, 2014 Commission Item C4D)(224)*

Saul Frances – Parking Director

NEW BUSINESS

3. **Discussion regarding Planning Department Evaluation of the Fee in Lieu of Parking Program ("PIF")** (*September 30, 2014 Commission Item R9A)(222)*

Thomas Mooney – Planning Director

4. **Discussion regarding City's Sidewalk Café fee schedule** (*September 10, 2014 Commission Item R9T)(219)*

Joe Jimenez – Assistant City Manager

5. **Discussion regarding Presentation and discussion of development concepts for North Shore Open Space Park and associated maintenance cost estimates related to the contribution resulting from the Vacation And Abandonment Of That Portion Of 87th Terrace East Of Collins Avenue (March 5, 2014 Commission Item C4D)(187) (September 10, 2014 Commission Item R7E)(218)**

John Rebar – Parks and Recreation Director

6. **Discussion regarding Risk Management Fund Actuarial Determined Liability (October 29, 2014 Commission Item C4C)(225)**

Sonia Bridges – Risk Manager

7. **Discussion regarding the adoption of a lease template for use in City-Owned, Multi-Family Residential properties and authorizing the City Manager to execute these lease agreements on an annual basis without the need to return to Commission for each individual lease**

Maria Ruiz – Housing and Community Services Director

**Finance and Citywide Projects Committee Meetings for 2014:
December 12, 2014**

PENDING ITEMS: REFER TO ATTACHMENT 1

PDW/rs/kd

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Cc. Mayor and Members of the City Commission
Management Team

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MIAMIBEACH

OFFICE OF THE CITY MANAGER

COMMITTEE MEMORANDUM

TO: Finance and Citywide Projects Committee

FROM: Jimmy L. Morales, City Manager

DATE: November 12, 2014

SUBJECT: **POLICE DEPARTMENT AND PARKING DEPARTMENT TOWING PERMIT REQUIREMENTS - UPDATE**

On May 20, 2014, Finance and Citywide Projects Committee (FCWPC) discussed Item No. 6, entitled, "Discussion regarding Police and Parking Department Towing Permit Requirements" and the Committee recommended no action and directed staff to follow up on potential technology enhancements and provide an update at the September FCWPC.

BACKGROUND

On November 14, 2012, the Mayor and Commission approved the Police and Parking Department Towing Permits with Beach Towing and Tremont Towing, respectively for a three year term, commencing on December 1, 2012 and expiring on November 30, 2015.

Both towing service providers have complied with the requirements stipulated in the permit, including providing uniforms for their employees, driver's license screening, drug test screening, and GPS tracking devices.

There are other technology enhancements referenced in the Towing Permit. Section 11.E.(2), entitled "Equipment" states the following: "*Effective December 1, 2012, and in addition to the requirement in subsection 11.E.(1) above, at any time following the end of the first Permit year, the City Commission may, in its sole option and discretion, review and, following such review, require Permittee to implement the following additional technological improvements; one (1) each during the second and third Permit years, respectively:*

- (a) *Towing software (which includes a point of sale and dispatch tracking system); and*
- (b) *In-vehicle cameras to monitor and record tows in real time.*

ANALYSIS

Pursuant to the direction given by the FCWPC to conduct research and provide an update at the September meeting, the following are the results:

In- Vehicle Cameras:

In-Vehicle Cameras (audio/video recording) to monitor and record tows in real time is specifically referenced in the City's Towing Permit as one of the enhancement options available. Vehicle mounted cameras are now common place in a number of industries; however, it provides limited audio/video angles and range. Technology enhancements have led to the next progression of audio/video recordings and body cameras are now considered the most effective way to capture audio/video.

As you know, the Mayor and Commission approved an award to Taser, a leading provider of body cameras and related technology for both sworn and civilian city personnel. The use of body cameras by towing service employees when engaged in a City authorized tow would be advantageous in discerning through "he said/she said" situations. The annual cost for body cameras is estimated at \$900 per employee, including all equipment, maintenance, and data storage. This cost may be lower contingent upon the type of body camera (cap/shoulder/eyewear mounted or chest mounted), volume of data, and length of time for data storage. It is important to note, public records requests for stored data is expected to increase, leading to increased labor for both the service provider and the City's Police and Parking Departments. However, this may be offset by a reduction in complaints due to the studied and proven change in human behavior when being recorded.

Towing Software:

Currently, both Permittees process all towing service transactions manually. Towing software, including a point of sale module, would automate this process and provide greater accountability. The Police and Parking Departments have conducted researched for such systems and found limited software options locally. From a broader perspective, several jurisdictions in California utilize Dispatch and Tracking Services (DTS), a third party provider of towing software. Their business model provides electronic data interchange technology for the towing industry. All parties to a tow can be interconnected through an online system that manages the towing and impounding process start to finish and applications are delivered over the internet on a subscription basis. Service fees are on a per tow basis and are approximately \$9.00 per tow and may be assessed as a "service fee" (pass through) to the customer.

CONCLUSION

The Administration is seeking direction from the Finance and Citywide Projects Committee regarding the additional requirements provision of the towing permit.

JLM/KGB/SF

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COMMITTEE MEMORANDUM

TO: Finance & Citywide Projects Committee

FROM: Jimmy L. Morales, City Manager

DATE: November 5, 2014

SUBJECT: **DISCUSSION: PLANNING DEPARTMENT EVALUATION OF FEE IN LIEU OF PARKING (PIF) REFERRED BY CITY COMMISSION ON SEPTEMBER 30TH, 2014 (R9A)**

HISTORY

On October 30, 2014, the City Commission referred a discussion item to the Finance & Citywide Projects Committee to consider the findings of the Planning Department's evaluation of the Fee in Lieu Parking program.

BACKGROUND / ANALYSIS

Fee in Lieu of Parking Program

At the beginning of this year, the Planning Department initiated an on-going internal review of all Planning processes and procedures commencing with the Fee in Lieu Parking program. This review now includes a pool of approximately 180 Fee in Lieu of Parking accounts managed by the department. During the review of the selected accounts staff observed irregularities ranging from minor to material deficiencies in the management of the program which were outlined in the report submitted to City Commission on September 17th, 2014, attached as Exhibit "A".

The Administration recommends that the Finance Committee discuss this matter and provide appropriate policy direction. It is further recommended that the Finance Committee recommend to the full City Commission, the following:

1. Close all parking in lieu of fees accounts for businesses that no longer exist –and write off outstanding balances, as uncollectable.
2. Write off balances for all parking in lieu of fees accounts for the years prior to 2009. Such accounts are believed to be beyond the applicable statute of limitations.
3. Partial invoicing occurred in 2010. All accounts subject to the fee at the time should be invoiced or re-invoiced, for those accounts that have not paid.
4. Invoice all accounts for FY2011, FY2012, FY2013, FY2014 and FY2015.(Invoices for FY 2014 and FY 2015 have already been sent out).

5. Write off any possible fee arising from the difference between the prior ruling and current staff's assessment as the applicants received invoices, there was action by the Planning Department, authorization by the City, and reliance.
6. Finalize settlements for the release of funds held in escrow.
7. Continue to collect any fees included in "Agreements" based on the terms contained therein. (Smith & Wollensky and Hampton on Washington–Crescent Heights).
8. Forgive interest and penalties for invoices prior to FY14-15. The module that calculated interest and assessed penalties has not been activated in the City's financial system (EDEN).
9. Beginning with the invoicing of FY15-16, parking deficiencies satisfied through the Fee in Lieu of Parking program shall be invoiced and assessed against the property owners. This will ensure the City's ability to collect the fee or lien the property where the deficiency occurs.
10. File suit on those accounts that refuse to pay, as delineated above.

CONCLUSION

The Administration requests that the Finance Committee provide appropriate policy direction and make a recommendation to the full City Commission.

JLM//TRM/CS

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COMMITTEE MEMORANDUM

TO: Finance and Citywide Projects Committee

FROM: Jimmy L. Morales, City Manager

DATE: November 12, 2014

SUBJECT: **A DISCUSSION REGARDING THE ADOPTION OF A LEASE TEMPLATE FOR USE IN CITY-OWNED, MULTI-FAMILY RESIDENTIAL PROPERTIES AND AUTHORIZING THE CITY MANAGER TO EXECUTE THESE LEASE AGREEMENTS ON AN ANNUAL BASIS WITHOUT THE NEED TO RETURN TO COMMISSION FOR EACH INDIVIDUAL LEASE.**

BACKGROUND

The City acquired the London House Apartments, an affordable housing project located at 1965-75 Washington Avenue, from the Miami Beach Community Development Corporation as authorized via Resolution 2014-28506 issued February 12, 2014. This building is currently being rehabilitated and expected to be ready for lease in December 2015.

At its September 17, 2014 meeting, the City Commission approved the acquisition of five affordable housing properties from Miami Beach Community Development Corporation (MBCDC) in order to secure the City assets invested in these properties. These properties are: Allen Apartments, Barclay Apartments, Lottie Apartments, Madeleine Village Apartments, and Neptune Apartments. These buildings are currently fully leased.

All of the buildings acquired or to be acquired by the City are housing projects that have received U.S. Department of Housing and Urban Development (HUD) funds for acquisition and/or rehabilitation. As a result, these properties must be maintained and operated as affordable according to HUD guidelines which establish that tenant households must comply with income-eligibility guidelines established annually. While income and rent amounts are adjusted annually according to economic indicators, eligible households may earn no more than 80 percent of Area Median Income (AMI), or \$38,100 for a household of one person, at the initial time of certification. In addition, some buildings have additional restrictions requiring that a certain percentage of units are set aside for those households earning 30% AMI (considered very low income) and 60% AMI.

Per 24 CFR Part 92.252, HUD provides the following maximum HOME rent limits. The

maximum HOME rents are the lesser of:

- The fair market rent for existing housing for comparable units in the area as established by HUD under 24 CFR 888.111; or
- A rent that does not exceed 30 percent of the adjusted income of a family whose annual income equals 65 percent of the median income for the area, as determined by HUD, with adjustments for number of bedrooms in the unit. The HOME rent limits provided by HUD will include average occupancy per unit and adjusted income assumptions.

In rental projects with five or more HOME-assisted rental units, 20 percent of the HOME-assisted units must be occupied by very low-income families and meet one of following rent requirements:

- The rent does not exceed 30 percent of the annual income of a family whose income equals 50 percent of the median income for the area, as determined by HUD, with adjustments for smaller and larger families. HUD provides the HOME rent limits which include average occupancy per unit and adjusted income assumptions. However, if the rent determined under this paragraph is higher than the applicable rent under 24 CFR 92.252(a), then the maximum rent for units under this paragraph is that calculated under 24 CFR 92.252(a); or
- The rent does not exceed 30 percent of the family's adjusted income. If the unit receives Federal or State project-based rental subsidy and the very low-income family pays as a contribution toward rent not more than 30 percent of the family's adjusted income, then the maximum rent (i.e., tenant contribution plus project-based rental subsidy) is the rent allowable under the Federal or State project-based rental subsidy program.

It should be noted that tenants whose income grows and subsequently exceeds 80 percent AMI are not required to relocate. Instead, their rents are adjusted accordingly to reflect Fair Market Rents for our area:

| Miami-Dade County, Florida | | | | | |
|-----------------------------------|-------------------|----------------------|-----------------------|-----------------------|-----------------------|
| | Efficiency | 1 Bedroom | 2 Bedrooms | 3 Bedrooms | 4 Bedrooms |
| Fair Market Rents | \$747 | \$910 | \$1,166 | \$1,600 | \$1,869 |

As the new landlord for these properties, the City (or subsequently its agents) will be responsible for performing certifications for eligibility for those tenants moving into the properties and annual re-certifications for those already housed. These certifications verify a household's eligibility for affordable housing by verifying income, legal status and household composition. The certification also certifies the appropriate rents to be charged.

Typically, the City Commission approves and authorizes leases for City-owned property. The acquisition of these residential properties represents up to 189 units. The sheer number of residential leases that would need to be prepared and brought to the Commission for review would be impractical and labor-intensive. Therefore, the Administration is seeking authorization to enable the City Manager to execute these residential leases utilizing the standard lease agreement attached herein.

CONCLUSION

The Administration recommends approval of the resolution authorizing the use of a standard template for all residential leases and further authorizing the City Manager to execute these leases in compliance with HUD rules.


JLM/KGB/MLR

Attachment

F&CWP Pending Items - Commission Referrals

Attachment 1

| Item # | Title | Referred By | Date Referred | Handled By | Date Expiring per Reso # 2013-28147 | Note |
|--------|---|---|---------------------------------------|---|-------------------------------------|---|
| 1 | Status update on Business Tax Process Improvement. | Jorge R. Exposito | | Patricia Walker Kathie Brooks | 7/30/2014 | Awaiting new business tax system 9/20/13 The Committee recommended leaving this item on the agenda since the new ACCELA process is still pending. 1/30/14 Commissioner Weithorn is working with P. Walker on this item that is still awaiting ACCELA implementation 3/21/14 Item expiration extended from when the item was reheard |
| 187 | Discussion regarding Financial Impact of the Proposed Roadway Closure Applications for 87 Street and 87 Terrace Filed by 8701 Collins Development | Deede Weithorn | March 5, 2014 Commission Item C4D | Eric Carpenter John Rebar City Attorney | 11/20/2014 | 5/20/14 The Committee recommended referring this item to Land Use and the appraisal re-evaluated. The item is to be brought back to the June Finance Committee meeting. 7/18/14 The Committee moved to continue the discussion of this item at the July 30, 2014 Commission meeting with no recommendation. 7/30/14 A. The Committee recommended 8701 Collins Development work with staff to further develop a term sheet that is agreeable and brought back to the September 10, 2014 Commission Meeting. B. The Committee recommended 9/24/14 The Committee recommended the contribution of 10.5 million dollars be used only in the North Beach area with no less than 50% being used for the North Beach Park (not to be spent on programming or staff). Also, some of the funds should be held as renewal and replacement to preserve the asset. Staff is to bring the difference concepts of using the funds back to the Committee. |
| 188 | Discussion regarding The Greater Miami Convention and Visitors Bureau Interlocal Agreement | Tourism, Culture and Economic Development | March 5, 2014 Commission Item C4F | Max Sklar | 2/5/2015 | 7/18/2014 The Committee recommended moving this item to the August 13, 2014 Budget meeting and then finalized at the September 10, 2014 Commission meeting with no recommendation. 8/13/14 The Committee recommended moving forward on a month to month extension under the current contracted terms not to exceed one (1) year. The intent is for staff to re-negotiate an incentive base plan that establishes a base fee and an incentive fee to be paid based on the overall achievement of annual performance goals. Budget is to also add a line item for an owner's representative that is not to exceed \$161,000 at the City Manager's discretion. Staff is to bring back the item to Committee once negotiations are completed. |
| 189 | Discussion regarding the Miami Beach Police Athletic League (PAL) | Joy Malakoff | March 5, 2014 Commission Item R9N | Arthur Martineau | 3/21/2015 | 3/21/2014 Item to be brought back when their audit is complete 9/24/14 The Committee recommended deferring Item #210 to the November Finance committee meeting. Internal Audit and Miami Beach Police Athletic League are to bring back the results of implementing the operational audit findings. This item is a result of that audit |
| 192 | Discussion regarding Police and Parking Department Towing Permit Requirements | Parking | April 23, 2014 Commission Item C4G | Saul Frances | 11/20/2014 | 5/20/14 The Committee recommended no action and that Saul Frances Parking Director follow up on the implementation of the technology enhancements. This item is to be brought back to the September Finance Committee Meeting. 9/24/14 Item deferred to November meeting. |
| 194 | Discussion regarding whether or not to pursue food and beverage concessions for Soundscape Park, Collins Park, and the Miami Beach Botanical Garden | Tourism, Culture and Economic Development | May 21, 2014 Commission Item C4C | Max Sklar | 11/21/2014 | 6/20/14 The Committee recommended pursuing food and beverage concessions through the pop up concept or food trucks for Soundscape Park, Collins Park and the Miami Beach Botanical Garden to begin in October. |

| Item # | Title | Referred By | Date Referred | Handled By | Date Expiring per Reso # 2013-28147 | Note |
|--------|---|---|---|--|-------------------------------------|--|
| 196 | Discussion regarding creating a Property Assessed Clean Energy (PACE) Program by resolution and joining the existing Interlocal Agreement between by Harbor Islands, Biscayne Park, and Surfside | Jonah Wolfson | May 21, 2014 Commission Item R9N | Betsy Wheaton Patricia Walker | 11/21/2014 | |
| 208 | Discussion regarding Parking Demand Analysis/Walker Parking Consultants | Parking | July 23, 2014 Commission Item C4I | Saul Frances | 1/23/2015 | |
| 210 | Discussion regarding Exploring Issues brought up in an Internal Audit of the Miami Beach Police Athletic League (PAL), specifically regarding utility fees that are past due | Michael Grieco | July 23, 2014 Commission Item C4O | James Sutter | 1/23/2015 | 9/24/14 The Committee recommended deferring this matter to the November Finance committee meeting. Internal Audit and Miami Beach Police Athletic League are to bring back the results of implementing the operational audit findings. |
| 214 | Discussion Regarding The Loans-At-Work Program. | | | Sylvia Crespo-Tabak | | |
| 215 | Discussion regarding Flooding and Sea Rise Regarding The 2015-2016 Storm Water Utilities Methodology | Michael Grieco Mayor's Blue Ribbon Panel | September 10, 2014 Commission Item C4G | Patricia Walker | 3/10/2015 | |
| 218 | Discussion regarding A Resolution Approving The Vacation And Abandonment Of That Portion Of 87th Terrace East Of Collins Avenue, Consisting Of A 50 Foot Right-Of-Way (ROW) Containing Approximately 18,042 Square Feet In Total Lot Area, As Shown On The Plat Of Altos Del Mar Subdivision No. 2, Recorded In Plat Book 4, Page 162 Of The Public Records Of Miami-Dade County, In Favor Of 8701 Collins Development, LLC (The "Applicant"); With Such Vacation Subject To And Contingent Upon The City's Approval, And The City And Applicant's Execution, Of A Development Agreement Which, Among Other Terms And Conditions (1) Grants To The City A Perpetual Pedestrian Access Easement Across A Portion Of The Vacated City Row, And (2) Ensures Applicant's Payment Of A Voluntary Monetary Contribution, In The Amount Of \$10.5 Million Dollars, To Be Used By The City For Public Purposes; And With Such Vacation Further Subject To And Contingent Upon Applicant's Satisfaction Of The Conditions Set Forth In This Resolution | Public Works City Attorney | September 10, 2014 Commission Item R7E | Eric Carpenter City Attorney Joe Jimenez John Rebar | 3/10/2015 | 9/24/14 The Committee recommended the contribution of 10.5 million dollars be used only in the North Beach area with no less than 50% being used for the North Beach Park (not to be spent on programing or staff). Also, some of the funds should be held as renewal and replacement to preserve the asset. Staff is to bring the difference concepts of using the funds back to the Committee. |
| 219 | Discussion regarding City's Sidewalk café Fee Schedule | Phillip Levine | September 10, 2014 Commission Item R9T | Joe Jimenez | 3/10/2015 | |
| 220 | Discussion regarding Potential Purchase Of Air Rights For 6940 Abbott Avenue From AT&T For Future Development Of A Parking Garage In The North Beach Town Center | Tourism, Culture and Economic Development | September 10, 2014 Commission Item C4B | Max Sklar | 3/10/2015 | 9/24/14 The Committee recommended hosting a North Beach Revitalization workshop for the City Commission and then also simultaneously negotiating with AT&T. |
| 221 | A Discussion To Consider A Request for Rent Relief From Penn 17, LLC., Regarding The Retail Space At The Pennsylvania Avenue Parking Garage | | | Max Sklar | | 9/24/14 The Committee directed staff to secure some payment of rent from the tenant that shows their ability to pay. Also, under the City Manager's direction, hire an expert that can provide feedback on a lease modification that is in line with the current market rental rates for this location. |
| 222 | Discussion regarding Planning Department Evaluation of the Fee in Lieu of Parking Program ("PIF") | Planning | September 30, 2014 Commission Item R9A | Thomas Mooney | 3/30/2015 | |
| 223 | Discussion regarding Intermodal Facility at Mount Sinai Medical Center | Parking | October 22, 2014 Commission Item C4B | Saul Frances Jose Gonzalez | 4/22/2015 | |
| 224 | Discussion regarding the issuance of new Police and Parking Department towing permits to Beach Towing Services, Inc., and Tremont Towing, Inc. | Jonah Wolfson | October 22, 2014 Commission Item C4D | Saul Frances | 4/22/2015 | |
| 225 | Discussion regarding Risk Management Fund Actuarial Determined Liability | Budget & Performance Improvement | October 29, 2014 Commission Item C4C | Sonia Bridges Sylvia Crespo-Tabak | 4/29/2015 | |

| Item # | Title | Referred By | Date Referred | Handled By | Date Expiring per Reso # 2013-28147 | Note |
|--------|---|---------------|--------------------------------------|---------------|-------------------------------------|------|
| 226 | Referral To The Finance And Citywide Projects Committee To Discuss The Management Agreement With SP Plus Municipal Services, A Division Of Standard Parking Corporation, For Parking Attendants, Specifically: (1) Not Exercising The City's Option To Renew The Agreement; (2) Extending The Agreement On A Month-To-Month Basis; And (3) Issuing A New RFP For Parking Attendants For The City's Parking Garages. | Jonah Wolfson | July 30, 2014 Commission Item C4A | Saul Fances | 1/30/2015 | |
| 227 | Discussion from the BAC regarding the Golf Course and Parks | | | John Woodruff | | |
| 228 | Discussion regarding the adoption of a lease template for use in City-Owned, Multi-Family Residential properties and authorizing the City Manager to execute these lease agreements on an annual basis without the need to return to Commission for each individual lease | | | Maria Ruiz | | |