

# MIAMI BEACH

## COMMISSION MEMORANDUM

TO: Mayor Dan Gelber and Members of the City Commission

FROM: Jimmy L. Morales, City Manager

DATE: May 6, 2019

SUBJECT: REPORT OF THE NEIGHBORHOOD/COMMUNITY AFFAIRS COMMITTEE (NCAC)  
MEETING ON WEDNESDAY, APRIL 24, 2019

A meeting of the Neighborhood/Community Affairs Committee (the "Committee") was held on Tuesday, April 24, 2019, at 1:00 p.m. in the Commission Chambers, 3rd Floor of City Hall. Commissioners in attendance: Micky Steinberg, Michael Góngora, Joy Malakoff, John Elizabeth Alemán and Mark Samuelian. Members from the Administration and the public were also in attendance.

The meeting started at 1:15 pm.

### **OLD BUSINESS**

#### **1. DISCUSSION REGARDING CRIME IN MIAMI BEACH**

February 14, 2018 - R9 X

Sponsored by Commissioner Góngora  
Police

Major Paul Acosta, Patrol Division briefed the Committee with a power point presentation on the upcoming plan for Memorial Day weekend celebration. Commissioner Alemán stated that she did send a message to J.C. Planas an attorney who represents the scooter companies that are based in the City of Miami Beach with the intent of reminding the scooter companies of the good results that they had during spring break of delivering the rules and message to the customers who rented scooter vehicles.

Commissioner Góngora asked about the language of the memorandum which stated that there would be some modest improvements based on the lessons learned from spring break. Major Acosta stated that one of the improvements was crowd control in and around café areas. Major Acosta stated that the police department learned that during the first couple of weeks of spring break they were responding to fights and disturbances but with the establishments of barricades which limited the flow of people in café areas that helped quite a bit. Major Acosta also spoke of a rapid deployment team that focused on hot spots and large crowds.

Commissioner Góngora asked about high impact traffic periods in and around Miami Beach in relation to license plate readers. Major Acosta stated that the License plate readers will indubitably affect traffic as there will be a closure of three lanes to one lane being available, but Major Acosta stated that it wont be a big difference from other high impact traffic periods.

Commissioner Samuelian stated that a recent resolution was passed by the commission calling for much stricter enforcement when it comes to quality of life violations. Major Acosta stated that during their overlapping periods there has been a deployment out to the seawalls to deter bad behavior in those areas. Commissioner Samuelian asked about the mannerizations of social media promoters and their promotion of activities during memorial weekend that are not conducive with the quality of life of the residents and tourists of Miami Beach. Major Acosta stated that what they are doing moving forward is incorporating the intel squad to constantly monitor what promoters around the country are pushing within social media.

Commissioner Góngora asked Major Acosta on where the public can view the presentation. Major Acosta stated that there will be a public meeting May 9<sup>th</sup> and May 16, 2019 to have a conversation with members of the community about questions that might come up.

**DIRECTION:** Come back next month after the two public outreach meetings, with a final plan regarding the Memorial Day weekend festivities. Also, an update of police succession and personnel changes within the police department.

## **2. DISCUSSION REGARDING NAMING MAIN CONVENTION CENTER PARK/P-LOT AS PRIDE PARK**

May 16, 2018 - C4 AN  
Tourism and Culture

Kathie Brooks, Assistant City Manager stated that this item was discussed at the last commission meeting it was referred at the NCAC because the committee must make a recommendation to the full commission. At the last commission meeting the commission settled on naming the park near the Convention Center, Main Convention Center Park as Pride Park. Ms. Brooks stated that the naming Pride park will require a referendum.

Ray Breslin stated that he would like to see the community have a choice of names to vote upon. The committee stated that they could not do such a thing based on referendum laws. The ballot question would have to read as a yes or no item on the ballot.

**MOTION:** Commissioner Malakoff moved to make a motion to name the park, Pride Park. Commissioner Malakoff stated that a referendum will be set for this upcoming election for the residents to vote on the name of Pride park. Commissioner Gongora seconded the motion.

**3. DISCUSSION REGARDING EXPLORING ADDITIONAL AVENUES FOR PUBLIC ENGAGEMENT**

June 6, 2018 – C4 Q

Sponsored by Commissioner Góngora  
Marketing and Communications

Commissioner Samuelian began the discussion on this item by stating creative ideas the administration has installed within the City of Miami Beach website to create better transparency.

Tonya Daniels, Director of Communications gave an update about specific means to communicate with the City of Miami Beach. Ms. Daniels briefed the committee on the engagement tool box a device the communications department has implemented on the City of Miami Beach website to allow community members to view surveys, event calendars, online payments, meeting notices.

Ms. Daniels also briefed the Committee about the E-Comment tool. Tonya stated that she will be working with City Clerk to get more information as the platform is rolled out live to make sure that the E-Comment tool is being promoted properly. Ms. Daniels also spoke about the Facebook live kickoff focusing on the City Manager and Mayor or whoever is vice mayor at the time and the topics that will be discussed would be issues from the MB magazine that would be launched at future dates.

**DIRECTION:** Item to report back to NCAC on a quarterly basis due July 23, 2019.

**4. DISCUSSION REGARDING ESTABLISHING A PILOT PROGRAM FOR DOCKED ELECTRIC ASSISTED BICYCLE SHARING SERVICES**

October 17, 2018 - C4 J

Sponsored by Commissioner Arriola  
Transportation

**STATUS:** Item deferred pending research on street and bike lane restrictions and the review of the Miami Dade County contract.

**5. DISCUSSION REGARDING JIM MORRISON'S LIGHTING OPTION PROPOSAL FOR THE MIAMI BEACH JULIA TUTTLE WELCOME SIGN**

October 17, 2018, C7 O

Sponsored by Commissioner Samuelian  
Property Management

**DIRECTION:** Item withdrawn

**6. DISCUSSION REGARDING CONSIDERING A PROPOSAL TO ESTABLISH A MONUMENT (COMMEMORATIVE PLAQUE) AT THE RAINBOW CROSSWALK LOCATED AT 12TH STREET AND OCEAN DRIVE**

November 12, 2018 - C4 T

Sponsored by Commissioner Góngora  
Parks and Recreation Department

Cindy Casanova, Assistant Director, Parks & Recreation Department spoke about this item which was previously discussed January 28, 2019 NCAC meeting, then referred to the LGBTQ committee. The recommendation from the LGBTQ committee was to proceed with a freestanding plaque within the boundaries of Lummus Park. With the estimated cost of \$4,847, and if approved would need to find the funding for it. Ms. Casanova stated that the administration recommends proceeding with the design of the plaque and place it within the boundaries of Lummus park, so it can then be sent to commission for public hearing.

Commissioner Malakoff stated that she does not like the placement of the plaque in the middle of the park. Commissioner Malakoff believed that the plaque should be placed near the road or in the sidewalk. Commissioner Góngora explained how 12<sup>th</sup> Street became the LGBTQ beach and its history should be preserved. Commissioner Gongora is not a fan of embedding the plaque on the street. Commissioner Góngora also stated that he has no problem with the plaque being on the serpentine wall. Commissioner Góngora also states that the plaque doesn't give the full explanation into why the plaque is being issued. Commissioner Góngora states that there should be an explanation given into why 12<sup>th</sup> street became LGBTQ area.

Commissioner Alemán expressed the idea that the Leonard Horowitz design should be repeated in a tile mosaic around the pedestal, so visually a bystander can tie the pedestal to the crosswalk.

Commissioner Steinberg stated that she liked both ideas from Commissioner Alemán and Commissioner Góngora. Commissioner Steinberg stated also that this item was a budgetary item that needed to go to Finance committee with positive recommendation of both options of a mosaic tile around the pedestal and placing it on the serpentine wall.

**MOTION:** Commissioner Steinberg made a motion with a positive recommendation to refer item to the Finance City Wide Project Committee to review both options regarding placing a mosaic tile around the pedestal and placing the plaque on the serpentine wall.

**7. DISCUSSION REGARDING THE ORDINANCE OF THE MAYOR AND THE CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 82 OF THE MIAMI BEACH CITY CODE ENTITLED "PUBLIC PROPERTY," BY AMENDING ARTICLE V ENTITLED "IN GENERAL," BY AMENDING SECTION 82-441 THEREOF, ENTITLED "FISHING FROM VIADUCTS AND BRIDGES, IN THE JETTY AREA BETWEEN 29TH AN 33RD STREETS, AND IN RESTRICTED SWIM AREAS," BY PROHIBITING SALTWATER FISHING ALONG THE CITY'S SEAWALLS AND THE GREEN SPACES BETWEEN 10TH AND 14TH STREETS AND ESTABLISHING A PENALTY PROVISION FOR VIOLATIONS OF THIS SECTION; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.**

January 16, 2019 - R9

Sponsored by Commissioner Samuelian  
Office of the City Attorney

Commissioner Samuelian stated that this item is pertaining to the baywalk area from 5<sup>th</sup> all the way to Dade Blvd. where it can get crowded. Commissioner Samuelian asked a City Attorney to specify what are the current rules that apply to fishing on Miami Beach.

Aleksandr Boksner, Chief Deputy City Attorney stated that anywhere on the baywalk that exist currently is prohibited to have any fishing that is one of restrictive covenants within the City of Miami Beach. Mr. Boksner stated that other

Commissioner Alemán asked within what parameters of the city would people be allowed to fish. Mr. Boksner stated that individuals could fish anywhere besides the baywalk. Commissioner Alemán questioned Mr. Boksner's response as she stated that fishing isn't allowed on bridges or street ends. Mr. Boksner stated that administration has identified specific areas where fishing is allowed within the city. Mr. Boksner state that this item is pertaining to fishing between 10<sup>th</sup> and 14<sup>th</sup> street.

Commissioner Alemán stated that she would like to see a map specifying where fishing is allowed on a city-wide basis. Commissioner Alemán stressed that it is extremely important for an island community to maintain the publics access to the water for recreational purposes.

Commissioner Samuelian stated that administration could put signage that dictates whether fishing is allowed in a specific area.

**MOTION:** Commissioner Góngora moved the ordinance with a favorable recommendation with the caveat that administration give a list of areas where fishing is permissible on the Bay walk. Another caveat being that the authorization of signage where fishing is currently not allowed. Commissioner Malakoff seconded the motion. The ordinance will be finalized for the June City Commission meeting.

## **8. DISCUSSION REGARDING THE MULTI-YEAR HOLIDAY LIGHTING IMPLEMENTATION STAUS AND 2018 SEASON OUTCOME**

January 16, 2019 – R9 P

Sponsored by Commissioner Alemán  
Property Management

Adrian Morales, Property Management Director, presented the committee with a power point presentation of what the City currently has under their service level which \$548,000 for fiscal 2019. The presentation also consisted of enhancement summary of specific areas that the enhancements will cover.

Mr. Morales has asked that the committee give him a commitment by May, so they can place orders for the holiday season.

Commissioner Steinberg asked Mr. Morales how much of the presentation was identified by the city as necessary in comparison to how much was identified by the vendor as nice options. Mr. Morales stated that none of décor was identified by the vendor, the City requested the design, along with the areas that needed décor.

Commissioner Steinberg stated that after looking at the enhancement summary the city is looking at almost \$300,000 in enhancements which is above their commitment. Commissioner Steinberg stated that there are areas where the committee can decide on reducing enhancements.

Commissioner Góngora stated that he assumed that there would not be more than \$200,000. Commissioner Góngora asked if the nativity scene can be reduced significantly. Commissioner Malakoff asked about the royal ribbon archway which had cost of \$25,000.

Commissioner Steinberg asked Mr. Morales as of today how much will the whole holiday lighting package will be? Mr. Morales stated that the cost right now will be \$535,000 without the enhancements.

Commissioner Alemán stated that the request that she has gotten were from residents who were feeling neglected during the holiday season with holiday decorations.

Commissioner Steinberg stated that the committee should decide on reducing the enhancements from \$200,000 to \$140,000 to match the enhancement amount that was spent last year.

**DIRECTION:** Commissioner Góngora gave direction to implement \$140,000 worth of enhancements, that administration figure how that money is spent using the parameters set by the committee focusing on Lincoln Road, Ocean Drive, 5<sup>th</sup> street entrance, 41<sup>st</sup> Street entrance, 71<sup>st</sup> street entrance and Collins Avenue.

**9. DISCUSSION REGARDING PARKS AND RECREATION SPORTS FIELDS CITYWIDE**

February 13, 2019 - C4 W

Parks and Recreation Department

**Status: Item withdrawn by sponsor, since it was at Finance City Wide Projects Committee**

**NEW BUSINESS**

**10. DISCUSSION BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING THE ATTACHED LIST OF CHARITABLE ORGANIZATIONS ELIGIBLE TO RECEIVE COMPLIMENTARY TICKETS PURSUANT TO THE CITY'S COMPREHENSIVE TICKET POLICY SET FORTH IN RESOLUTION NO. 2014-28638.**

March 13, 2019 - C4 A

Tourism and Culture

Commissioner Steinberg stated for the record that the Latin Chamber of Commerce, Treasure Island and Ruth Kay Broad were added to the list of charitable organizations eligible to receive complimentary tickets pursuant to the City's policy.

Motion: Commissioner Malakoff made a motion approving the list of charitable organizations eligible to receive complimentary tickets. Commissioner Góngora seconded the motion.

**11. DISCUSSION TO POTENTIALLY BRING BACK THE ARTS GALA AND SLEEPLESS NIGHTS**

March 13, 2019 - C4 B

Sponsored by Commissioner Gongora  
Tourism and Culture

Commissioner Góngora stated that people have asked him about bringing back the Sleepless Nights event and an arts gala. Commissioner Malakoff stated that she recalled the Sleepless Nights event used up a lot of staff time and resources and does not see any reason to bring it back because there are so many events happening in the City now. Commissioner Malakoff would like to see the Cultural Crawl event continue to grow.

Commissioner Góngora stated he likes the Cultural Crawl event and wants to see it grow, but he would also like a specialty event that is held annual or bi-annually that is mostly outdoors, like Sleepless Nights, with performances all night, that attract people from all over. Commissioner Góngora asked to defer discussion on Sleepless Nights in order for him to meet with Matt Kenny, Director of Tourism and Culture, to discuss in more detail the event and budget and then bring back to NCAC.

Mr. Kenny introduced the Arts Gala portion of the item. He stated that the first gala cost \$27,000 and the Cultural Arts Council was awarded \$20,000 for the event. He was not sure how the difference in the money was raised.

Mr. Ray Breslin gave a history on how the Arts Gala started. He stated the event raised \$62,500 the first year and the funds were given to the Cultural Arts Council. The second year, the event was turned into a luncheon.

Commissioner Malakoff stated she is interested in the Arts Gala if the monies raised went to the Cultural Arts Council.

Commissioner Aleman liked the idea of an Arts Gala but if the Mayor and Commissioners had to fundraise themselves, she is not interested in the event. Commissioner Aleman is also concerned that this event could harm the fundraising of other cultural organizations currently in the City.

Mr. Kenny recommended continuing with the Cultural Crawl events. He believes this event can turn into something bigger and similar to Sleepless Nights.

Commissioner Samuelian stated that the current Cultural Crawl could turn into a bigger event and turn into a similar Sleepless Nights type event where people from all over could attend.

Commissioner Steinberg suggested sending the Item to the Finance and Citywide Projects Committee.

Commissioner Góngora asked is there is a committee working on putting together an event for the Convention Center that could offer an Art component.

Commissioner Aleman said an event at the Convention Center with an art component should be explored.

The Mayor's office is exploring an arts component for the convention center event.

Commissioner Góngora stated that he didn't want to duplicate efforts and would like to see if an art component could be added to the future Convention Center event.

**DIRECTION:** The Sleepless Nights event is deferred pending Commissioner Góngora's meeting with Administration to discuss the event and budget in more detail. The Mayor's office is exploring an arts component for the convention center event.

**12. DISCUSSION REGARDING TRAFFIC SAFETY ISSUES ON ESPANOLA WAY AND DREXEL AVENUE**

March 13, 2019 - C4 C

Commissioner Michael Gongora  
Transportation

Commissioner Steinberg introduced the item and Principal Maria Costa from Feinberg Fisher. Principal Costa explained some of the issues the school is having are far as signage and traffic in the area.

Josiel Ferrer, Assistant Director of Transportation stated that signage is being added to Espanola Way to highlight the 15 miles an hour school zone. He added that the Police Department is also conducting enforcement and additional signage is being added by the Parking department, prohibiting deliveries during the early morning hours.

Mr. Ferrer stated that the possible change to the student drop off and pick up location will be discussed with the Principal once school ends.

Commissioner Aleman stated that anything the Principal feels would enhance safety that the City could do and the Principal is amenable to, she would support.

Principal Costa said that there aren't any crosswalks in parts of the area where children walk to school. She asked if crossing guards could be placed in those areas until proper cross walks could be established.

Major Paul Acosta of the Police Department responded that they were interviewing potential crossing guards and looking to hire five. He explained that the first hire will be placed at Espanola and Drexel, as per the Principal's request.

Commissioner Góngora stated that the recommendations by staff are good and we should give them a try so that hopefully it will alleviate this issue. He also stated that if any issues persist, they will be revisited.



Commissioner Steinberg stated that the City would continue working with the school to make things better.

Kathie Brooks, Assistant City Manager, asked Commissioner Steinberg about her item regarding student drop off and pick up that was referred to NCAC for the May meeting. Commissioner Steinberg withdrew her item, as it was discussed today.

**MOTION:** Commissioner Góngora made a motion to accept the staff recommendations. Item passed by acclamation.

**13. DISCUSSION REGARDING ESTABLISHING A FOSTER GRANDPARENTS PROGRAM**

March 13, 2019 - C4 D

Commissioner Michael Gongora

Commissioner Góngora introduced the item.

Office of Housing and Community Services

**MOTION:** Commissioner Góngora made a motion to establish a foster grandparent's program. Commissioner Malakoff seconded the motion with the addition that all volunteers go through a background check. Item Passed by acclamation.

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

March 13, 2019 - C4 E

Commissioner John Elizabeth Aleman

Code Compliance

**STATUS:** Item deferred to the May 20, 2019 NCAC meeting

**15. DISCUSSION REGARDING SOURCING SUITABLE VENDORS FOR THE MAIN CONVENTION CENTER PARK, THROUGH A COMPETITIVE BID PROCESS, IN PREPARATION OF THE COMPLETION OF THE MAIN CONVENTION CENTER PARK CONSTRUCTION.**

March 13, 2019 - C4 A

Tourism and Culture

Commissioner Steinberg asked the Committee if they could leave it up to staff to offer their recommendations as to what they feel is best suited for the RFP. The Committee agreed. Commissioner Malakoff stated she agreed as long as it has its own ice cream truck. Matt Kenny, Director of Tourism and Culture added that his only requirement is that it would be a custom made for that space.

**DIRECTION:** Commissioner Steinberg gave direction to leave it up to staff to offer their recommendations as to what they feel is best suited for the RFP.

**16. DISCUSSION REGARDING "HIGH IMPACT EVENT PERIODS"**

April 10, 2019 - R5 L

Sponsored by Mayor Gelber

Office of the City Attorney

Commissioner Góngora stated that he has been working with Raul Aguila, City Attorney, to better define this ordinance. Commissioner Góngora stated that he wanted to better define the part of the ordinance that described the City Manager's extra powers and what event must take place for these powers to be triggered and how a high impact event is defined.

Mr. Aguila discussed adding language to this ordinance for 2<sup>nd</sup> reading to define high impact events by zones and establish a finite amount of time the City Manager is granted extra powers, during the high impact event.

Commissioner Aleman asked Mr. Aguila to look at the high impact zone currently outlined in the ordinance and possibly change the zone to include the entire area south of 24<sup>th</sup> Street.

**MOTION:** Commissioner Góngora moved to incorporate the language discussed into the ordinance for the May 8<sup>th</sup> Commission meeting. Item passed by acclamation.

17. **DISCUSSION REGARDING THE ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 6 OF THE CODE OF THE CITY OF MIAMI BEACH, ENTITLED "ALCOHOLIC BEVERAGES," ARTICLE I, ENTITLED "IN GENERAL," SECTION 6-3 THEREOF, ENTITLED "HOURS OF SALE/VIOLATIONS," TO AMEND THE HOURS OF PACKAGE SALES OF ALCOHOLIC BEVERAGES (WHICH INCLUDE SALES OF ALCOHOL FOR OFF-PREMISES CONSUMPTION) IN SPECIFIED AREAS OF THE CITY, DURING SPECIFIED DATES EACH YEAR; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE**

April 10, 2019 - R5 P

Sponsored by Mayor Gelber

Office of the City Attorney

**Status: Item withdrawn by sponsor**

**DEFERRED ITEMS**

18. **DISCUSSION REGARDING THE 23RD STREET AND 63RD STREET COMPLETE STREETS FEASIBILITY STUDIES**

December 13, 2017 - C4 A

Transportation

**DIRECTION: Deferred pending community meeting**

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

April 11, 2018 - C4 Q

Sponsored by Commissioner Alemán  
Property Management

**DIRECTION:** Deferred pending implementation of 6-month pilot program.

20. **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**

May 16, 2018 - C4 AO

Sponsored by Commissioner Góngora  
Transportation

**DIRECTION:** Deferred pending petition results from St. Patrick Catholic school.

21. **DISCUSSION REGARDING UNDERGROUNDING FOR NORTH BAY ROAD AND ALTON ROAD**

May 16, 2018 – R7 O

Sponsored by Commissioner Alemán  
Public Works

**DIRECTION:** Status: deferred item to the June 19, 2019 NCAC meeting pending estimated quotes from Florida Power and Light.

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

July 25, 2018 - C4 E

Sponsored by Commissioner Góngora  
Office of the City Attorney

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

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

July 25, 2018 - R9 V

Transportation

**DIRECTION:** Deferred June 19, 2019 NCAC meeting

24. **DISCUSSION TO CONSIDER CONCEPTS FOR THE NORTH BEACH NEIGHBORHOOD GREENWAY**

December 12, 2018 - C4 Q+

Transportation

**DIRECTION:** Deferred pending traffic study on the one-way portions.

**25. DISCUSSION REGARDING CLEANLINESS IN MIAMI BEACH**

January 16, 2019 - C4 S

Sponsored by Commissioner Góngora

**DIRECTION: Deferred to the June 19, 2019 NCAC meeting.**

**26. DISCUSS 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**

February 13, 2019 - C4 I

Sponsored by Commissioner Góngora

Property Management

**DIRECTION: Deferred to the May 20, 2019 NCAC meeting pending on updated presentation from Property Management.**

**27. DISCUSSION REGARDING THE LONG WAIT TIMES FOR THE SOUTH BEACH TROLLEYS**

February 13, 2019 - C4 M

Sponsored by Commissioner Góngora

Transportation

**DIRECTION: Deferred pending Budget Advisory Committee input.**

**28. DISCUSSION REGARDING THE SCOPE AND OBJECTIVE OF THE COMPLIANCE AUDIT OF THE TOWING PERMITS**

March 13, 2019 - C4 Z

Sponsored by Commissioner Góngora

Internal Audit

Commissioner Gongora introduced the item and asked administration to define the scope and perimeters of the audit as well as if they believed it was a good idea to have the audit completed in-house or outsourced to an independent agency. Mark Coolidge, Office of Internal Audit, stated that the city currently has 3 audits in draft status and the internal audit team is making a few revisions. The Office of Internal Audit expects to have the audits completed by next week. Upon completion of the audit, administrations procedure is to send out the audit reports to the auditees to solicit their management response and response to the findings.

Raul Aguila City Attorney, added that draft audits are confidential and exempted from public disclosures until the final audit is signed at which point it then becomes a public record. Attorney asked the committee to refrain from asking any questions regarding the content of the audit.

Commissioner Malakoff asked if the three (3) audits that the Office of Internal Audit was currently conducting were for the City or regarding towing companies. Mr. Coolidge responded the 3 audits were for towing companies (Beach towing, Tremont Towing, and City functions). Mr. Andrade stated that the Office of Internal Audit has already published the draft report and have shared them with Mr. Andrade and his team (via email from Mr. Coolidge) therefore are no longer exempted from public record. Attorney responded that as far as he knows, the drafts have not been published. Mr. Andrade shared his thoughts on the City's auditing process and frustration with administration prolonging this issue from being heard at committee. Mr. Andrade believes that the audit should not be performed by the Office of Internal Audit. Mr. Andrade also believes that the draft audit that was released exhibits a lack of understanding, political bias and or lack of professional competence to perform this type of audit.

Mr. Aguila explained that an internal audit by nature makes findings and recommendations. The vendors are allowed to dispute findings and recommendations. The City has met with vendor after audits have been completed in which some items were reconciled (other items they agreed to disagree). The audit is not a binding document.

Commissioner Góngora stated that he does not like it when the City gets involved in auditing controversial types of businesses because accusations come forward on both ends. Commissioner Góngora recommended removing the City's involvement in the audit because he does not like hearing administration get bashed as they are doing their best. Administration has been moving forward with the audit since they have yet to received direction from Commission as to what the audit should look like. Commissioner Góngora doesn't believe this should be an administrative audit and thinks this type of item would be better coming from an independent third party to remove Commission involvement and the back and forth between the vendor and administration.

Commissioner Alemán agreed with Commissioner Góngora adding towing is controversial, political and necessary. There are only two industrial zone in which towing can occur in Miami Beach, both of which are currently being audited. Commissioner Alemán suggested hiring an independent CPA firm that will conduct a GAAP-based audit.

Commissioner Malakoff suggested that the towing companies pay for the independent audit.

Commissioner Samuelian stated that the City is in the process of hiring an Inspector General and a budget has ben proposed for that position. Commissioner Samuelian suggested looking into having the Inspector General (as an independent group) conduct the audit since this item is not time sensitive or having the City's audit committee review this any issues regarding mythology.

Commissioner Alemán asked how much the audit cost in 2012. Mr. Coolidge responded the City paid Marcum \$30,000 for the audit in which the Parking Department paid for. Mr. Andrade stated that both of the towing companies he represents would be happy to pay up to \$30,000 for a new audit. Mr. Aguila advised that hiring an independent audit is an

administrative policy (in which he hopes does not set a precedent with other vendors that disagree with the City's audit findings). The audit is a routine administrative function that is typically done in regard to vendors. The audit is within the City Manager's purview and a policy recommendation can be made. Even though the draft audit was shared with the auditee, it is not final, and it is not a public record.

Commissioner Góngora entertained the motion of having a third-party independent auditor for this industry only conduct the audit and having the towing companies pay for the audit.

Mrs. Brooks added that the decision to consult with a third-party independent auditor in 2012 was due to resource issues. Commissioner Malakoff suggested giving the internal audit a chance to complete the job.

Mr. Andrade expressed why he believe the City should use an independent auditor.

Rosa Gonzalez, Miami Beach resident expressed her views on towing services in Miami Beach and suggested that the audit include citizen complaints.

Commissioner Alemán stated that the Towing company is going to pay for the audit, should the City of Miami Beach choose to do the audit. The City of Miami Beach is going to choose who the auditor is based on the list of companies used for an audit.

Commissioner Alemán pleaded that the committee fix the problem as soon as possible before the cycle of ambiguity continues.

Commissioner Góngora prefers that an outside agency give the administration a full audit on whether towing practices are doing well or not within the City of Miami Beach to depoliticize the process.

Commissioner Mark Samuelian wasn't quite sure on the reason for objection to the audit from interpretation of what the problem was. Commissioner Samuelian stated that there is an administrative process that is in place and has yet to be completed but there is an attempt to change the process.

Commissioner Alemán stated that the Internal Affairs department issued a draft to Mr. Andrade. Mr. Andrade gave a memo to Commissioner Alemán, and the concerns that were raised within that memo were that they were not following GAAP, the City had selectively chosen a different weight standard other than what the contract stated which was GVW, that the sampling was selective and biased. Commissioner Alemán stated that this was a flawed audit methodology. Commissioner Alemán stated that she rather place it to an outside audit or the City should wait for the inspector general or standard accounting principles should remain consistent as the contract states.

Commissioner Steinberg stated that this is just an advisory committee where a recommendation can be made. Commissioner Malakoff stated that the internal audit

department should be given the opportunity to finish their job with revisions as they were directed to do to submit for a final draft.

Commissioner Steinberg asked the Mr. Coolidge what the timeline of completion for the draft is. Mr. Coolidge responded that by the end of next week there will be a submission of the final draft, he will then mail out to the auditees to solicit their responses to allow them a chance to tell their side of the story into why or why not they agree with the findings of the audit. Ms. Brooks stated that it is not unusual that when the auditee provides responses that they reconsider findings, and there are times that an audit is changed because of those responses.

Commissioner Góngora stated that he fears people from outside the administration will label the process of the audit as unfair practice and the administration did not follow proper accounting practices. Commissioner Góngora stated that if the body does not want to hire a third party to give the administration a full audit on towing practices in Miami Beach. If the committee does not agree on a third party to complete the audit then the committee should focus on what the methodology and protocol should be for bringing the audit item back for discussion.

Commissioner Steinberg stated that as a body the committee can send this back to commission with no recommendation for review, and by May all the findings should be in from the internal audit department for review.

Commissioner Alemán stated that she is not concerned about any precedent being set because if there is any precedent being set it is the fact that the committee is paying for the vendor to pay for the audit.

Commissioner Malakoff asked the City Attorney if precedent is being a set that motion was made to approve an independent audit under GAAP principles paid for by the towing companies that will any way influence other vendors within the City of Miami Beach. Mr. Aguila stated that in his opinion a precedent is being set. Mr. Aguila stated that if the committee assumes the assumption that administration can't do their job without being political than that is the wrong assumption to make. Mr. Aguila stated that if the committee wanted to move forward with a motion it will be a recommendation that will move forward to full commission which will be voted on by the full commission. Mr. Aguila stated that there were instances of deliberation with attorneys and accountants in the past where those representatives felt there were misrepresentations or inaccuracies in the audit a draft audit would then be changed. An audit is based on facts not whether towing is good or bad.

Commissioner Alemán asked Mr. Coolidge was gross vehicle weight used, is that what the contract stated. Mr. Coolidge stated that initially curb weight was being used than after meeting with Mr. Andrade the gross vehicle weight and the curb weight and compared as Class A, Class B and Class C.

Commissioner Alemán asked why curbed weight was used. Mr. Coolidge stated that curb weight and gross vehicle weight were flawed. Mr. Coolidge explained that when you look at gross vehicle weight on the website it includes the weight of occupancy. Curb weight is the weight of the vehicle but excluded any additional weight the vehicle carried.

Commissioner Alemán asked for the specification within our contract, Mr. Coolidge stated that the contract specifically states gross weight to be used. Commissioner Alemán asked Mr. Coolidge if curbed weight was eliminated. Mr. Coolidge stated that they kept both curbed weight and gross vehicle weight. Commissioner asked why both were being compared when the contract states gross revenue weight to be used.

**DIRECTION:** Final draft of audit to be submitted by Internal Audit department, Each vendor will 30 days to respond to the audit finding. Final report will include vendor response to the audit findings. Item to be referred to the June commission meeting with no recommendation.

**29. DISCUSSION ON THE MARKETING STRATEGIES OF THE NEWLY RENOVATED MIAMI BEACH CONVENTION CENTER**

March 13, 2019 - R9 H

Tourism and Culture

**DIRECTION:** Deferred pending CCAB meeting.

Meeting Adjourned at 4:30 pm