

MIAMI BEACH


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

COMMITTEE MEMORANDUM

TO: Members of the Finance and Citywide Projects Committee

FROM: Jimmy L. Morales, City Manager

DATE: November 18, 2016



This shall serve as written notice that a meeting of the Finance and Citywide Projects Committee (FCWPC) has been scheduled for November 18, 2016, at 2:45 P.M. in the City Commission Chambers.

The agenda is as follows:

OLD BUSINESS

1. **Discussion Regarding Advertising Opportunities Within Municipal Parking Garages And Not Visible From The Right-Of-Way (May 11, 2016 Commission Item C4B)**

Tonya Daniels – Communications Director

Marcia Monserrat – Chief of Staff

Referred by: Parking

Status: Discussion item.

2. **Discussion Regarding The Exchange Of Property With The Owner Of 5860 North Bay Road In Order To Resolve The Existing Boundary Lines, And The Location Of A Future City Pump Station And Sewer Line (June 8, 2016 Commission Item C4F)**

Eric Carpenter – Assistant City Manager/ Public Works Director

Referred by Commissioner: Joy Malakoff

Status: Discussion item.

3. **Discussion Of An Assessment Throughout The City Of Street Ends To Reconsider Kayak Launches (July 13, 2016 Commission Item R9G)**

Eric Carpenter – Assistant City Manager/ Public Works Director

Referred by Commissioner: Kristen Rosen Gonzalez

Status: Item under separate cover.

NEW BUSINESS

**4. Discussion On The Potential Expansion Of The Big Belly Trash Program
(November 9, 2016 Commission Item C4F)**

Eric Carpenter – Assistant City Manager/ Public Works Director

Referred by: Sustainability & Resiliency Committee
Original Referral by Commissioner: Michael Grieco

Status: Item under separate cover.

**5. Discussion Regarding Homelessness Money From Short Term Rental Fines
(October 18, 2016 Commission Item R9L)**

Maria Ruiz – Housing and Community Services Director
Hernan Cardeno – Code Compliance Director

Referred by Mayor: Philip Levine

Status: Item enclosed.

**6. Discussion Regarding Implementing Cigarette Butt Receptacles In High
Pedestrian Traffic Areas (November 9, 2016 Commission Item C4H)**

Betsy Wheaton – Environment and Sustainability Director

Referred by: Sustainability & Resiliency Committee
Original Referral by Commissioner: Michael Grieco

Status: Item enclosed.

**7. Discussion Regarding A Resolution Approving The Purchase Of Cyber Liability
Insurance, Excess Workers Compensation Insurance And Additional Crime
Insurance, As Proposed By Arthur J. Gallagher Risk Management Services, Inc.,
The City's Broker of Record**

Sonia Bridges – Human Resources

Referred by: Human Resources

Status: Item under separate cover.

8. Discussion Regarding A New Lease Agreement, Between The City And Damian J. Gallo & Associates, Inc. D/B/A Permit Doctor (Tenant), For The Use Of Approximately 535 Square Feet Of City-Owned Property, Located On The Ground Floor At 1701 Meridian Avenue, Unit 4 (A/K/A 775 17th Street), Miami Beach, Florida (Premises), For A Period Of Two (2) Years, Commencing Retroactively On December 1, 2016 And Ending November 30, 2018, With One (1) Renewal Option For Two (2) Years, At The City Manager's Sole And Reasonable Discretion.

Vanessa Williams – Interim Tourism, Culture & Economic Development Director
Mark Milisits – Asset Manager

Referred by: Tourism, Culture and Economic Development

Status: Item enclosed.

9. Discussion Regarding The City's Two-Year Pilot Tuition Assistance Program (November 9, 2016 Commission Item C4I)

Michael Smith – Human Resources Director

Referred by: Human Resources

Status: Item under separate cover.

DEFERRED ITEMS:

10. Discussion To Consider "Vertical Gardens" On Highway Pillars And Overpasses In Lieu Of Or In Addition To Painting (October 18, 2016 Commission Item R9X)

Rodney Knowles – Greenspace Division Director

Referred by Commissioners: John Elizabeth Aleman and Joy Malakoff

Status: Item deferred. Item is not ready.

11. Discussion Regarding Whether Or Not To Pursue Food And Beverage Concessions For Soundscape Park, Collins Park, And The Miami Beach Botanical Garden (May 21, 2014 Commission Item C4C)(Continued from May 20, 2016 FCWPC Meeting)

Vanessa Williams – Interim Tourism, Culture & Economic Development Director

Referred by: Tourism, Culture and Economic Development

Status: Item deferred. Item is not ready.

12. Discussion Regarding Future Uses Or The Potential Sale Of Vacant City-Owned Land Located At 226 87th Terrace (October 19, 2016 Commission Item C4A)(July 13, 2016 Commission Item C4J)

Mark Milisits – Asset Manager

Referred by Commissioner: Michael Grieco

Status: Item deferred. Staff was directed to obtain 2 appraisals, asking that the potential bidder pays for both. The City Attorney's office was directed to confirm what the City's options and obligations are when selling land.

13. Discussion Regarding The Issue Of Parking At Biscayne Beach As Recommended By The Neighborhood/Community Affairs Committee (October 19, 2016 Commission Item C4C)

Saul Frances – Parking Director

Referred by Commissioner: Kristen Rosen Gonzalez

Status: Item deferred. Staff was directed to send the fire hydrant relocating plan and homeowner's study to the Parking and Transportation Committee to compare and come up with an agreement of the max amount of spaces to be gained.

14. Discussion Regarding Proposed Interceptor Garage At 1623 West Avenue (Lot No. P23). (September 27, 2016 Commission Item R9E)(Continued From September 14, 2016 Commission Item R9AA)

Saul Frances – Parking Director

Referred by: Parking

Status: Item deferred. The Developer, Crescent Heights, has agreed to fund the cost of the City's DCP (design criteria professional) fees to analyze and determine the cost to construct a pedestrian bridge from the proposed municipal garage spanning the alleyway to the developer's future garage project. The CIP (Capital Improvement Projects) Department is executing this work order with the DCP. The Administration will provide the FCWPC with the estimated cost at the meeting immediately following receipt of said analysis and estimated cost.

15. Discussion To Review City Construction Contracts To Hold Contractors More Accountable (November 9, 2016 Commission Item C4K)

Referred by Commissioner: Ricky Arriola

Status: Item deferred. Item is not ready.

16. a. Discussion To Work With Miami-Dade County Public Schools (MDCPS) To Assess The Viability And Interest In A City Of Miami Beach School Bus Service Within The 2-Mile Boundary Of School Bus Service Provided By MDCPS (May 11, 2016 Commission Item C4K)

b. Discussion Regarding Bus Survey Results To Identify Transportation Needs Of Public School Children Within Two-Mile Limit Of Home School. (October 19, 2016 Commission Item C4B)

Jose Gonzalez – Transportation Director

Leslie Rosenfeld – Chief Learning Development Officer

Referred by Commissioner: John Elizabeth Aleman

Status: Item deferred until Finance & Citywide meeting on December 16th. Cost projections for the pilot implementation are not ready.

Finance and Citywide Projects Committee Meetings for 2016:

December 16

Committee Members

Commissioner Ricky Arriola, Chair

Commissioner Joy Malakoff, Vice Chair

Commissioner John Aleman, Member

Commissioner Micky Steinberg, Alternate

Allison R. Williams, Committee Liaison



AW/yr

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Cc. Mayor and Members of the City Commission
Management Team

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COMMITTEE MEMORANDUM

TO: Members of the Finance and Citywide Projects Committee

FROM: Jimmy L. Morales, City Manager 

DATE: November 18, 2016

SUBJECT: Discussion Regarding Homelessness Money From Short-term Rental Fines

BACKGROUND

At its October 19, 2016 meeting, the City Commission referred item R9L to the Finance and Citywide Projects Committee for a discussion regarding the use of short-term rental fines to address homelessness in our community. The discussion item was sponsored by Mayor Philip Levine.

ANAYLSIS

Since the adoption of the enhanced penalties section for violation of the City's short-term rental ordinances in March of 2016¹, approximately \$3.2M in fines have been issued.² A violator has two options with respect to the violation: 1) pay the fine associated with the violation; or 2) appeal the violation to the Special Master. If there is a finding and adjudication of guilt at the Special Master hearing, the violators are given anywhere between 90 to 120 days to pay the fine associated with the violation. Violations that are not appealed and fines that are not paid become recorded liens against the owner's property.

These factors impact the receipt of any fines assessed for these violations. Indeed, to date we have received approximately \$62,000.³ Fines that are paid for code violations go to the City's General Fund, Fines and Forfeits line item.

The funds collected through these fines can be used to address homelessness in a variety of ways including:

- Providing employment opportunities to the homeless transitioning from the streets;
- Providing mental health services for those chronic homeless facing mental health issues;
- Assisting those homeless who have been stabilized through shelter with down payment assistance to enable their independent transition to permanent housing; and

¹ See City of Miami Beach Code of Law and Ordinances, Sections 142.1111(d)(1) and 142.905(b)(5).

² Source: CMB Energov/Code Compliance reflects 131 violations issued through October 28, 2016.

³ Source: CMB Energov/Finance Department reporting through October 28, 2016.

- Providing rent assistance subsidies to those at-risk of homelessness because of situational factors such as loss of employment, rent increases, or family emergencies, among others.

The Administration is concerned that the limited fine collections (from such a large potential pool of violations issued) thus far make it challenging to recommend a specific course of action until a more concrete picture of collections has been established. Further, best practice strategies to address homelessness could change over time. Therefore, the Administration is recommending that the funds be designated and placed in a dedicated fund to address homelessness, rather than for specific uses.

CONCLUSION

Currently, the fine payments received for short-term rental violations are too sporadic and limited to make substantive, long-term funding commitments for some of the homeless services suggested above. However, that does not preclude the City Commission from approving Directing that these be placed in a fund to address homelessness with projects or strategies identified through the annual budget process that reflect the funds available through fine collections.


JLM/SMT/HDC/MR

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COMMITTEE MEMORANDUM

TO: Finance and Citywide Projects Committee

FROM: Jimmy L. Morales, City Manager 

DATE: November 18, 2016

SUBJECT: **DISCUSSION REGARDING IMPLEMENTING CIGARETTE BUTT RECEPTACLES IN HIGH PEDESTRIAN TRAFFIC AREAS**

At the City Commission meeting on September 14, 2016, Commissioner Michael Grieco referred a discussion to the Sustainability and Resiliency Committee (SRC) regarding implementing cigarette butt receptacles in high pedestrian traffic areas. On October 26, 2016, the item was referred by acclamation to the Finance and Citywide Projects Committee (FCWP) for further discussion.

BACKGROUND

Cigarette filters, more commonly known as cigarette butts, are one of the largest pollutants found on the sand and in our streets. Nationally an estimated 1.7 billion pounds accumulates in the natural environment on an annual basis. A common misconception is that cigarette butts are composed of materials with biodegradable qualities. In actuality, cigarette filters are comprised of cellulose acetate, a fibrous plastic that can take anywhere between 5-10 years to completely biodegrade. Discarded cigarette butts can be carried as runoff from streets to drains, to canals, and eventually to the ocean. Those that are disposed on the beach are often washed away directly into the ocean by incoming waves. These filters then become hazardous to marine organisms.





Cigarette filters are the single most collected item during beach cleanups each year. They are an environmental blight on streets, sidewalks, and other open areas. Many other municipalities such as Hialeah, locally, and New York City and Los Angeles, nationally, have banned smoking in public areas and parks for this reason. The State of Florida preempts local governments from regulating smoking on public property.

ANALYSIS

On October 26, 2016, the SRC discussed several options to reduce cigarette butt litter by increasing the amount of ashtray receptacles in the City. Amongst these options was the Surfrider "Hold on to your butt" ashtray program. These ashcans are generally affixed above ground, at eyelevel, in high traffic areas and have the option of adding customized messaging. They have been found to provide measureable results in locations such as Huntington Beach, San Francisco, and San Francisco State University. Additionally, some locations have established partnerships with Surfrider or other non-profits to manage the maintenance of the units (Attachment).

There are a number of alternatives that can also be implemented by the Public Works – Sanitation Division.

TABLE 1

Ashcan Type	Photo	Cost
Surfrider		\$100
Alternate mounted ashcan		\$67
Victor Stanley Dome with Ashcan lid		\$272
Coca-Cola Dual Bin		\$80

The item was referred to FCWP with the direction to explore funding options such as grants or resort tax dollars that would help defray the cost for a proposed pilot program of approximately 24 ash cans. The cost for the ash can options (Table 1) range between \$67.00 - \$272.00. Furthermore, if a pilot program is established, staff will explore locations that do not conflict with the current smoke-free zones or outdoor cafes. This would help ensure that the ashcans are used effectively.

CONCLUSION

The following is presented to the Finance and Citywide Projects Committee for discussion and further direction.

Attachments: "Hold on to your butt program"

JLM/SMT/ESW/FCT/YP



Surfrider Foundation San Diego County Chapter

9883 Pacific Heights Blvd, Suite D
San Diego, CA 92121
Phone: (858) 622-9661 Fax: (858) 622-9961

Dedicated to the protection and enjoyment of our oceans, waves and beaches.

COMMUNITY ASHCAN SPONSORSHIP

Hold On To Your Butt Campaign

The Surfrider Foundation San Diego County Chapter's **Hold On To Your Butt** campaign aims to raise awareness about the environmental impact of cigarette butt litter on our oceans, waves and beaches. Our goal is to eliminate cigarette butt litter in San Diego County and beyond. Active since 2004, the **Hold On To Your Butt** campaign has installed about 160 ashcans in San Diego County, with a 65% reduction in cigarette butt litter in those areas.

Environmental Impact of Cig Butts

- 4.95 trillion cigarette butts are disposed of in our environment annually
- Cigarette butts leach toxins when wet, posing a threat to marine life
- Cigarette butts can take up to 25 years to decompose
- Cigarette butts pose a significant fire threat
- Litter clean up costs the U.S. over 11 billion annually

A Surfrider Foundation Solution - Community Ashcans

The attractive ashcans are affixed above the ground in high foot-traffic locations. Ashcans have reduced cigarette butt litter and improved the quality of business districts for residents and visitors. These durable outdoor receptacles provide measureable results of cleaner and healthier surroundings and environment.

YOU CAN HELP BE PART OF THE SOLUTION:

SPONSOR THE INSTALLATION OF COMMUNITY ASHCANS

Your business or organization can sponsor *Community Ashcans* and immediately improve our communities. Your sponsorship will help reduce the impact of cigarette butt litter on our oceans, waves and beaches. You will be recognized on Surfrider Foundation's website and through other media outlets for your contribution to our community.

Community Ashcans are installed in locations approved by our local partners, who are responsible for maintenance and emptying the ashcans. Surfrider Foundation has already partnered with several San Diego communities in our efforts. However, the Surfrider Foundation intends to expand those partnerships and continue to reduce cigarette butt litter in our environment.



The Surfrider Foundation is a non-profit grassroots organization dedicated to the protection and enjoyment of our world's oceans, waves and beaches through a powerful activist network. Founded in 1984 by a handful of visionary surfers in Malibu, California, the Surfrider Foundation now maintains over 250,000 supporters, activists and members worldwide. For an overview of the Surfrider Foundation San Diego Chapter's current campaigns, programs and initiatives go to www.surfridersd.org or contact us at info@surfridersd.org or (858) 622-9661.



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9883 Pacific Heights Blvd, Suite D
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Dedicated to the protection and enjoyment of our oceans, waves and beaches.

Please indicate below if you have a preferred ashcan:

____ We prefer the 24" dome covered stainless steel, cylindrical ashcans at \$150 each.



____ We prefer the 18" dome covered stainless steel, cylindrical ashcans at \$125 each.

Complete the Community Ashcan Sponsorship form and send to the Surfrider Foundation!

Attached is our tax-exempt contribution for:

____ \$125 for 1 ashcan
____ \$150 for 1 ashcan
____ \$ ____ for ____ ashcans

Install Community Ash Cans in (check one):

____ Any approved jurisdiction or

____ City Name or Location

____ Contact Person, Business or Organization

____ Street address

____ City, State, Zip

____ Phone Number

____ E-mail address

***For more information visit us at
www.surfridersd.org or email us at
hotyb@surfridersd.org***

The Surfrider Foundation is a non-profit grassroots organization dedicated to the protection and enjoyment of our world's oceans, waves and beaches through a powerful activist network. Founded in 1984 by a handful of visionary surfers in Malibu, California, the Surfrider Foundation now maintains over 250,000 supporters, activists and members worldwide. For an overview of the Surfrider Foundation San Diego Chapter's current campaigns, programs and initiatives go to www.surfridersd.org or contact us at info@surfridersd.org or (858) 622-9661.

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COMMITTEE MEMORANDUM

TO: Finance and Citywide Projects Committee Members

FROM: Jimmy L. Morales, City Manager

DATE: November 18, 2016

SUBJECT: **A DISCUSSION REGARDING A NEW LEASE AGREEMENT, BETWEEN THE CITY AND DAMIAN J. GALLO & ASSOCIATES, INC. D/B/A PERMIT DOCTOR (TENANT), FOR THE USE OF APPROXIMATELY 535 SQUARE FEET OF CITY-OWNED PROPERTY, LOCATED ON THE GROUND FLOOR AT 1701 MERIDIAN AVENUE, UNIT 4 (A/K/A 775 17TH STREET), MIAMI BEACH, FLORIDA (PREMISES), FOR A PERIOD OF TWO (2) YEARS, COMMENCING RETROACTIVELY ON DECEMBER 1, 2016 AND ENDING NOVEMBER 30, 2018, WITH ONE (1) RENEWAL OPTION FOR TWO (2) YEARS, AT THE CITY MANAGER'S SOLE AND REASONABLE DISCRETION.**

BACKGROUND

On September 11, 2013, the Mayor and City Commission passed Resolution No. 2013-28344 approving a new lease agreement between the City and Damian J. Gallo & Associates, Inc. d/b/a Permit Doctor (Tenant) for the use of approximately 1,269 square feet of City-owned property, located on the ground floor at 1701 Meridian Avenue, Unit 4 (a/k/a 775 17th Street), Miami Beach, Florida (Former Premises) for an initial term of three (3) years, commencing December 1, 2013 and ending November 30, 2016, with two (2) renewal options for two (2) years each, at the City's sole discretion.

The western 1/3 of the Former Premises was to be used for Tenant to operate its existing plan and permit processing services (d/b/a Permit Doctor) and the eastern 2/3rds was to be used by Tenant to operate a new café (d/b/a Stardust Coffee). In March of 2016, due to a lack of business, Tenant ceased operations in the café.

ANALYSIS

At the May 11, 2016 City Commission meeting, Mayor Levine sponsored an item regarding the creation of a City employee healthy cafeteria. Staff identified the eastern portion of the Former Premises as a potential site for an employee cafeteria due to its close proximity to the City Hall complex. Staff also identified Taste Bakery Café as a prospective tenant/operator for the employee cafeteria. This matter was discussed at the June 17, 2016 and September 30, 2016 Finance and Citywide Projects Committee ("FCWPC") meetings. The FCWPC recommended in favor of approving a new lease with Taste Bakery Café for the eastern 2/3rds of the Former Premises, to be used as an employee cafeteria, as well as a new lease agreement with Tenant for the eastern 1/3 of the former Premises, so that Tenant may continue to operate its plan and

permit processing services.

The basic terms and conditions of the proposed lease agreement are generally consistent with the terms and conditions contained in the Tenant's renewal option for the Former Premises as follows:

Premises:	1701 Meridian Avenue, Unit 4 (a/k/a 775 17 th Street)
Size:	Approximately 535 square feet
Initial Term:	Twenty-four (24) months commencing retroactively on December 1, 2016 and ending November 30, 2018.
Renewal Option:	So long as Tenant has never been in an uncured default of the Lease, upon providing Landlord written notice at least one hundred twenty (120) days prior to the expiration of the Initial Term, Tenant shall have one (1) renewal option, at the City Manager's sole and reasonable discretion, for a period of two (2) years.
Termination Option:	The City reserves the right, through its city Manager, to terminate the Lease Agreement at any time, without cause and without liability to the City, upon providing Tenant with one hundred eighty (180) days prior written notice.
Base Rental Rate:	\$40.04 Triple Net, per rentable square foot (\$21421.40 annually, \$1,785.12 monthly), plus applicable sales tax.
Increases:	The Base Rental Rate shall be increased annually by three percent (3%), including for the renewal term, if exercised by Tenant.
Lease Basis:	Triple Net - Tenant shall pay its proportionate share of the costs of real estate taxes, insurance and common area maintenance expenses (currently estimated at \$11.43 PSF).
Construction Allowance:	Tenant shall accept the Premises in "as-is" condition.

CONCLUSION

The Administration recommends in favor of executing a new lease agreement with Damian J. Gallo & Associates, Inc., in accordance with the above stipulated terms and conditions.

The Administration is seeking a recommendation from the Finance and Citywide Projects Committee.

Exhibits:

A DRAFT Lease Agreement

JLM/KGB/VGW/MMM

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