City Commission Meeting

City Hall, Commission Chambers, 3rd Floor, 1700 Convention Center Drive
July 12, 2006

Mayor David Dermer
Vice-Mayor Jerry Libbin
Commissioner Matti Herrera Bower
Commissioner Simon Cruz
Commissioner Luis R. Garcia, Jr.
Commissioner Saul Gross
Commissioner Richard L. Steinberg

City Manager Jorge M. Gonzalez
City Attorney Jose Smith
City Clerk Robert E. Parcher

*Visit us at **www.miamibeachfl.gov** for agendas and video "streaming" of City Commission Meetings.*

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.

REGULAR AGENDA

R5 - Ordinances

R5A Terminal Island I-1, Light Industrial District
An Ordinance Amending Chapter 142, "Land Development Regulations," Of The City Code; By Amending Division 11, "I-1 Light Industrial District," By Requiring Conditional Use Approval For New Construction Of Structures 50,000 Square Feet And Over On The Other Affected Properties On Terminal Island And That The First Step In The Development Review Process Shall Be The Conditional Use Review By The Planning Board; Providing For Repealer, Severability, Codification And An Effective Date. **10:15 a.m. First And Only Reading And Public Hearing** (Page 336)
(Planning Department)
(Continued from June 7, 2006)

R5B Supplemental Conditional Review Criteria For Large Structures
An Ordinance Amending The Code Of The City Of Miami Beach, By Amending Chapter 118, "Administration And Review Procedures," Article IV, "Conditional Use Procedure," By Creating Review Guidelines For New Structures 50,000 Square Feet And Over; Providing For Repealer, Severability, Codification And An Effective Date. **10:20 a.m. Second Reading, Public Hearing** (Page 347)
(Planning Department)
(First Reading on June 7, 2006)

R5 - Ordinances (Continued)

R5C An Ordinance Amending Ordinance No.789, The Classified Employees Salary Ordinance Of The City Of Miami Beach, Florida, Providing For The Classifications In Group V, Being Those Classifications Covered By The Government Supervisors Association Of Florida, Opieu Local 100, (GSAF), In Accordance With The Negotiated Agreement; Retroactively Effective In The First Pay Period Ending In October Of 2003, There Shall Be An Across The Board Wage Increase Of One Half Percent (.5%), And The Minimum And Maximum Of Each Pay Range Will Also Be Increased By One Half Percent (.5%); Retroactively Effective With The First Pay Period Ending In October Of 2004, There Shall Be An Across The Board Wage Increase Of One Half Percent (.5%), And The Minimum And The Maximum Of Each Pay Range Will Also Be Increased By One Half Percent (.5%); Retroactively Effective In The First Pay Period Ending In October 2005, There Shall Be An Across The Board Wage Increase Of One Percent (1%), And The Minimum And Maximum Of Each Pay Range Will Also Be Increased By One Percent (1%); Amending The Minimum And Maximum Of The Pay Ranges To Reflect The Present Classification And Pay System Applicable To The Unclassified Classifications; Repealing All Ordinances In Conflict; Providing For Severability, Effective Date And Codification. **10:40 a.m. Second Reading, Public Hearing** (Page 356)

(Human Resources)
(First Reading on June 7, 2006)

R5D An Ordinance Amending Chapter 46 Of The City Code, Entitled "Environment," By Amending Article IV, Entitled "Noise," By Amending Section 46-156, Entitled "Temporary Permits," By Amending The Procedures And Requirements For Construction Activities And Providing Exceptions Thereto, Prohibiting Construction Noise On Sundays And National Holidays In All Non-Residential Zoning Districts, Except Under Certain Circumstances And As Authorized By The Building Official, Prohibiting Construction In Residential Zoning Districts Before 10:00 A.M. And After 4:00 P.M. On Sundays And National Holidays And Prohibiting Construction Noise Between 10:00 A.M. And 4:00 P.M. On Sundays And National Holidays, Providing Provisions For The Violation And Revocation Of Temporary Permits, And Providing Subheading Titles To Be Entitled (A) "Requirements And Procedures," (B) "Violation Of Temporary Permits" And (C) "Revocation Of Temporary Permits;" Amending Section 46-158, Entitled "Enforcement By Code Inspectors; Notice Of Violation, Warnings" By Amending Subsection (A) To Clarify The Notice Of Violation Provisions, Amending Subsection (B)(2) To Provide Clarification As To The Number Of Written Warnings In All Zoning Districts Except Single Family Zoning Districts; Providing For One Written Warning In Single Family Zoning Districts Prior To A Notice Of Violation And Providing That A Violation, Instead Of A Written Warning, Shall Be Issued If A Violator Is Also Being Cited For An Illegal Commercial Or Non-Permitted, Non-Residential Use In A Residential Zoning District; Amending Section 46-159 Entitled "Fines And Penalties For Violation; Appeals; Alternate Means Of Enforcement," By Providing Fines And Penalties For Any Offense Which Was Committed While The Violator Was Also Engaged In An Illegal Commercial Or Non-Permitted, Non-Residential Use In A Residential Zoning District; Providing For Codification, Repealer, Severability, And An Effective Date. **10:45 a.m. Second Reading, Public Hearing** (Page 365)

(City Manager's Office)
(First Reading on June 7, 2006)

R5 - Ordinances (Continued)

R5E Planning Board Review Criteria Pursuant To The Requirements Of Subpart A Of The City Charter, Section 1.03(B)3.
An Ordinance Amending Chapter 118, Of The City Code Entitled, "Administration And Review Procedures," By Amending Division 2, "Planning Board," Section 118-51, "Powers And Duties," By Including Criteria For The Review Of The Sale, Exchange, Conveyance Or Lease Of Ten Years Or Longer Of Such City Property, As Provided In City Charter, Section 1.03(B)3; Providing For Repealer, Severability, Codification And An Effective Date. **2:00 p.m. Second Reading, Public Hearing** (Page 380)

(Planning Department)
(First Reading on June 7, 2006)

R5F Residential Performance Standard Requirements
An Ordinance Amending The Land Development Regulations Of The City Code, By Amending Chapter 142, "Zoning Districts And Regulations" Article II, "District Regulations" Division 18, "PS Performance Standard District," Amending Section 142-696 "Residential Performance Standard Area Requirements," By Amending The Maximum Building Height In The R-PS4 Zoning District; Amending Section 142-697 "Setback Requirements In The R-PS1, 2, 3, 4 Districts," To Provide For Additions To Follow The Existing Building Line And Modifying The Tower Setbacks; Providing For Codification, Repealer, Severability And An Effective Date. **2:10 p.m. Second Reading, Public Hearing** (Page 389)

(Planning Department)
(First Reading on June 7, 2006)

R5G Nonconforming Gasoline Service Stations
An Ordinance Amending The Land Development Regulations Of The Code Of The City Of Miami Beach, By Amending Chapter 118, "Administration And Review Procedures," Article IX, "Nonconformances," Section 118-395 To Add New Subsections For Nonconforming Gasoline Service Stations; Providing For Repealer, Codification, Severability And An Effective Date. **2:20 p.m. Second Reading, Public Hearing** (Page 402)

(Planning Department)
(First Reading on June 7, 2006)

R5H An Ordinance Amending The Land Development Regulations Of The Code Of The City Of Miami Beach, Florida, Chapter 142, "Zoning Districts And Regulations," Division 2, "RS-1, RS-2, RS-3, RS-4 Single-Family Residential Districts," By Amending Lot Coverage, Structure Size, Building Height And Setback Requirements For New Single-Family Residential Construction And By Amending The Criteria And Procedural Thresholds For The Review And Approval Of New Single-Family Residential Construction Inclusive Of The Creation Of A New Single-Family Residential Review Panel; Providing Codification; Repealer; Severability; And An Effective Date. **First Reading** (Page 409)

(Planning Department)

R5 - Ordinances (Continued)

R5I An Ordinance Amending Chapter 46 Of The City Of Miami Beach Code By Adding Article 6 Thereof Entitled "Turtle Nesting Protection Ordinance," Establishing Regulations For Lighting And Other Activities On Properties Abutting Or Affecting The Beach, Including East Of The Coastal Construction Control Line, For The Protection Of Sea And Marine Turtles, Endangered Species Nesting On Miami Beach; Providing For Repealer, Severability, Codification And An Effective Date. **First Reading** (Page 440)

(Public Works)

R5J An Ordinance Amending Chapter 2 Of The Miami Beach City Code, Entitled "Administration"; By Amending Article Vi, Entitled "Procurement"; By Amending Division 6, Entitled "Living Wage Requirements For City Service Contracts And City Employees"; By Amending Section 2-408(B), Entitled "Health Benefits; Eligibility Period', To Require Covered Employers, Or The City, To Pay A Living Wage Of $9.81 An Hour, Commencing On The Date Of Hire Of The Covered Employee, Through The Eligibility Period; Providing For Repealer, Severability, Codification, And An Effective Date. **First Reading** (Page 455)

(Procurement)

R5K An Ordinance Amending The Code Of The City Of Miami Beach, By Amending Section 114-1, "Definitions," Clarifying The Meaning Of "Site;" Amending Chapter 142, "Zoning Districts And Regulations," Article II, "District Regulations," Division 18, "PS Performance Standard District," Clarifying That Floor Area May Be Distributed On Block 1 Through Covenants In Lieu Of Unity Of Title; Providing For Repealer, Severability, Codification And An Effective Date. **First Reading** (Page 462)

(City Attorney's Office)

R5L An Ordinance Amending Chapter 2 Of The Miami Beach City Code Entitled "Administration"; Amending Article 3, Entitled "Agencies, Boards, And Committees"; Amending Division 25, Entitled "Transportation And Parking Committee"; Amending Section 2-190.94, Entitled "Composition", By Reducing The Number Of Voting Members On The Committee From 19 To 14, And Amending The Composition Of The Committee To Delete The Memberships Representation From The Following Organizations: Washington Avenue Task Force; South Pointe Advisory Board To The Miami Beach Redevelopment Agency; Miami Beach Transportation Management Association; Miami Beach Convention Center And Theater Of The Performing Arts (SMG); And Middle Beach Partnership, Inc., D/B/A 41st Street-Middle Beach Partnership; Further Deleting The Non-Voting Ex-Officio Member Representations; Providing For Repealer, Codification, Severability And An Effective Date. **First Reading** (Page 471)

(Parking Department)

R5M Cigar Vendors On Ocean Drive
An Ordinance Amending Chapter 142, "Land Development Regulations," Of The City Code; By Amending Article IV, "Supplementary Use Regulations," Section 142-874, "Required Enclosures," By Clarifying Store Enclosures; And Amending Section 142-904,"Additional Mixed Use Entertainment District Regulations," To Allow The Sale Of Cigars And Cigarettes By A Vendor Licensed On The Premises With Transactions To Occur Only Within Private Property; Providing For Repealer, Severability, Codification And An Effective Date. **First Reading** (Page 478)

(Planning Department)

R5 - Ordinances (Continued)

R5N Requirements For Approvals For Certificates Of Appropriateness.
An Ordinance Amending The Land Development Regulations Of The Code Of The City Of Miami Beach, By Amending Chapter 118, "Administration And Review Procedures", Article II, "Boards", Division 4, "Historic Preservation Board", Section 118-106 To Modify The Requirements For Approvals Of Certificates Of Appropriateness; Providing For Repealer, Codification, Severability And An Effective Date. **First Reading** (Page 491)
(Planning Department)

R7 - Resolutions

R7A A Resolution To Consider Naming Fire Station No. 4, Located At 6880 Indian Creek, In Honor Of Leonard "Lenny" Rubin, Who Died In The Line Of Duty In A Building Fire At The Old Carillon Hotel On March 8, 1962. **10:30 a.m. Public Hearing** (Page 497)
(City Clerk's Office)

R7B A Resolution To Consider At A Public Hearing An After-The Fact Revocable Permit Request By Mr. Michael R. Buckner And His Wife Margo Buckner, Owners Of The Property Located At 6120 La Gorce Drive, To Retain An Iron Gate, Columns, Hedges, Canvas Canopy And Portion Of A Wood Deck Located Within The Adjacent Apache Avenue City Right-Of-Way. **11:00 a.m. Public Hearing** (Page 501)
(Public Works)
(Continued from June 7, 2006)

R7C A Resolution Approving, On Second Reading, Following A Duly Noticed Public Hearing, A Lease Agreement Between The City And Log Cabin Enterprises, Inc., For Use Of Approximately 52,000 Square Feet Of City-Owned Property, Located On The West Side Of Collins Avenue Between 81st And 82nd Streets, Miami Beach, Florida, More Specifically Defined As Those Parcels Of Land Known As Lots 1-6 Of Block 81, Altos Del Mar No. 1, PB 31-40, For An Initial Three (3) Year Term Commencing On August 1, 2006, And Ending On July 31, 2009, With Two (2) Additional Three (3) Year Renewal Terms, At The City's Sole Discretion; Authorizing The Mayor And City Clerk To Execute The Lease Agreement. **1:45 p.m. Second Reading, Public Hearing** (Page 514)
(Asset Management)
(First Reading on June 7, 2006)

R7D A Resolution Approving, On Second Reading, Following A Duly Noticed Public Hearing, A Lease Agreement Between The City And The Boys And Girls Club Of Miami, Inc., For Use Of The One Story Building Located Within Flamingo Park, Encompassing Approximately 4,450 Square Feet Of City-Owned Property, For An Initial Three (3) Year Term, Commencing On August 1, 2006, And Ending On July 31, 2009, With Two (2) Additional Three (3) Year Renewal Terms, At The City's Sole Discretion; Authorizing The Mayor And City Clerk To Execute The Lease Agreement. **1:50 p.m. Second Reading, Public Hearing** (Page 539)
(Asset Management)
(First Reading on June 7, 2006)

R7 - Resolutions (Continued)

R7E A Resolution Approving, On Second Reading, Following A Duly Noticed Public Hearing, A Lease Agreement Between The City And Sunrise Community, Inc., For Use Of Approximately 2,500 Square Feet Of City-Owned Property, Located At 8128 Collins Avenue (On The West Side Of Collins Avenue Between 81st And 82nd Streets) For The Purpose Of Operating And Managing A Vocational Training Site For Developmentally Disabled Adults, Said Lease Having An Initial One (1) Year Term, Commencing Retroactively On September 1, 2005, And Ending On August 31, 2006, With Two (2) Additional One (1) Year Renewal Terms, At The City's Sole Discretion; Authorizing The Mayor And City Clerk To Execute The Lease Agreement. **1:55 p.m. Second Reading, Public Hearing** (Page 564)

(Neighborhood Services)
(First Reading on June 7, 2006)

R7F A Resolution Calling For A Special Election To Be Held On November 7, 2006 In The City Of Miami Beach For The Purpose Of Electing One City Commissioner In Group Number V; Providing For Conduct Of Same By The Miami-Dade County Elections Division; Providing That Voting Precincts Shall Be Those As Established By Miami-Dade County; Providing For Notice Of Elections; Providing For The Form Of Ballot And Registration Of Voters In Accordance With State Law; Providing For Payment For Conducting Election To Miami-Dade County. (Page 595)

(City Attorney's Office)

R7G A Resolution Calling For A Special Election To Be Held On Tuesday, November 7, 2006, For The Purpose Of Submitting To The Electorate Of The City Of Miami Beach A Question Asking Whether City Charter Section 1.03 Should Be Amended To Require A Public Vote Prior To The Transfer Of City Interest In Public Beach Right Of Ways. (Page 601)

(City Attorney's Office)

R7H A Resolution Calling For A Special Election To Be Held On Tuesday, November 7, 2006, For The Purpose Of Submitting To The Electorate Of The City Of Miami Beach A Question Asking Whether City Of Miami Beach's Related Special Acts Section 2 Regarding Board Of Adjustment Should Be Amended To Provide That Height Variances Granted By Board Be Subject To 5/7ths Vote Of City Commission. (Page 609)

(City Attorney's Office)

R7I A Resolution Authorizing The Miami-Dade County Canvassing Board To Serve As Canvassing Board For The Special Election Of The City Of Miami Beach To Be Held On November 7, 2006 At The Time Of The Countywide General Election. (Page 617)

(City Attorney's Office)

R7J A Resolution Eliminating The Position Of The Special Counsel To The Personnel Board. (Page 621)

(City Attorney's Office)

R7 - Resolutions (Continued)

R7K A Resolution Approving And Authorizing The Mayor And City Clerk To Execute Amendment No. 1 To The Agreement Between The City And Camp Dresser & McKee, Inc. Dated December 11, 2002, For Professional Engineering Services For Citywide Sanitary Sewer Improvement Projects; Said Amendment Increasing Consultant's Maximum Allowed Compensation, From A Not To Exceed Amount Of $1,000,000, To A Not To Exceed Amount Of $2,000,000, For Engineering Services Related To City Sanitary Sewer And Transmission System Study, As Required By The Department Of Environmental Resources Management (DERM). (Page 625)
(Public Works)

R7L A Resolution Authorizing The City Manager, Or His Designee, To Select, Negotiate, Award And Reject All Bids, Contracts, Agreements, Purchase Orders, Change Orders And Grant Applications; Renew Existing Contracts Which May Expire; And Terminate Existing Contracts, As Needed, From The Last Commission Meeting On July 12, 2006, Until The First Regularly Scheduled Commission Meeting On September 6, 2006, Subject To Ratification By The City Commission At Its First Regularly Scheduled Meeting On September 6, 2006. **Joint City Commission and Redevelopment Agency** (Page 632)
(Procurement)

R7M A Resolution Ratifying A Contract To National Concrete Preservation, Inc., In The Total Amount Of $1,911,095, To Provide For The Removal Of The Exterior Stucco And Replacement With Fiber Reinforced Stucco, The Removal Of All Windows And Replacement With Hurricane Resistant Impact Resistant Windows And Frames, And The Repair Or Replacement Of All Damaged Exterior Decorative Moldings, Cornices, And Balusters At The Historic City Hall Building And Further Appropriating $1,900,000 From The Capital Reserve For Unforeseen Structural Repairs And Project Contingency And Ratifying A Contract Change Order In The Total Amount Of $1,758,504, To National Concrete Preservation, Inc., To Provide For The Structural Repair. (Page 635)
(Public Works)

R7N A Resolution Setting The Proposed Millage Rates For Fiscal Year (FY) 2006/07, The Calculated "Rolled-Back" Rate, And The Date, Time, And Place Of The First Public Hearing; Further Authorizing The City Manager To Transmit This Information To The Miami-Dade County Property Appraiser In The Form Required By Section 200.065, Florida Statutes. (Page 650)
(Budget & Performance Improvement)

R7O A Resolution Of The Board Of Directors Of The Normandy Shores Local Government Neighborhood Improvement District Setting 1) The Proposed General Operating Millage Rate For The Normandy Shores Neighborhood Improvement District; 2) The Calculated Rolled-Back Rate; And, 3) The Date, Time And Place Of The First Public Hearing To Consider The Operating Millage Rate And Budget For Fiscal Year (FY) 2006/07; Further Authorizing The City Manager To Transmit This Information To The Miami-Dade County Property Appraiser In The Form Required By Section 200.065, Florida Statutes. (Page 689)
(Budget & Performance Improvement)

R9 - New Business and Commission Requests

R9A Board And Committee Appointments. (Page 697
(City Clerk's Office)

R9A1 Board And Committee Appointments - City Commission Appointments. (Page 701)
(City Clerk's Office)

R9B1 Dr. Stanley Sutnick Citizen's Forum. (1:30 p.m.) (Page 715)
R9B2 Dr. Stanley Sutnick Citizen's Forum. (5:30 p.m.)

R9C Request By The 6000 Indian Creek L.L.C., To Review A Design Review Board Decision Pertaining To DRB File No. 19072. **11:15 a.m. Public Hearing** (Page 717)
(Planning Department)

R9D Request By The Southpointe Heights L.L.C., To Review A Design Review Board Decision Pertaining To DRB File No. 18988. **11:30 a.m. Public Hearing** (Page 723)
(Planning Department)

R9E Discussion Regarding The Relationship Between The Information Technology Department, Finance Department And Cyborg System. (Page 727)
(Requested by Commissioner Luis R. Garcia, Jr.)
(Deferred from June 7, 2006)

R9F Discussion Regarding Entering Into Public/Private Partnerships To Develop The Surface Parking Lot At 1625 West Avenue Into Workforce Housing. (Page 729)
(Requested by Commissioner Luis R. Garcia, Jr.)
(Deferred from June 7, 2006)

R9G Discussion Regarding Club Madonna's Request To Allow Dispensing Of Alcohol In Their Establishment. (Page 731)
(Requested by Commissioner Luis R. Garcia, Jr.)

R9H Discussion Regarding A Resolution Relating To Lobbying The State Legislature To Change State Law So As To Preclude Cellular Telephone Usage By Motor Vehicle Drivers While Located In A School Zone; Providing An Effective Date. (Page 733)
(Requested by Commissioner Richard L. Steinberg)

R9I Discussion Regarding Administrative Interpretation Of "Structure" - Section 114-1 Of The Code. (Page 739)
(Requested by Commissioner Simon Cruz)

R9 - New Business and Commission Requests (Continued)

R9J Discussion Regarding The After-The-Fact Approval Of Demolition Of Coral Rock Wall In The Altos Del Mar Area. (Page 743)
(Requested by Commissioner Simon Cruz)

R9K Discussion Regarding A Status Report On The Bike Taxis. (Page 753)
(Requested by Commissioner Luis R. Garcia, Jr.)

R9L Discussion On A Possible Resolution Approving The Addition Of An Underground Parking Structure (Project) At South Pointe Park; Authorizing The Administration To Negotiate And Execute An Amendment To The Agreement With Hargreaves Associates, Inc. (Hargreaves) For Additional Professional Services Associated With The Incorporation Of Additional Parking As Part Of The South Pointe Park Improvements Project; And Appropriating Funds, In The Amount Of $7,000,000, From The South Pointe Capital Projects Fund For Design, Design Development, Engineering, Permitting, Construction Administration Services, And Construction For The Project. (Page 755)
(Capital Improvement Projects)

R9M Discussion Regarding A Request From AEG Live In Taking Over The Operation Of The Jackie Gleason Theatre. (Page 781)
(Requested by Commissioner Luis R. Garcia, Jr.)

R10 - City Attorney Reports

R10A Attorney-Client Session (Page 784)
Pursuant To Section 286.011, Florida Statutes, The City Attorney Hereby Advises The Mayor And City Commission That He Desires Advice Concerning The Following Pending Litigation Matters:

Micky Biss And USA Express, Inc. V. City Of Miami Beach. 11th Judicial Circuit Court. Case No. 01-11865 CA 10

Micky Biss, Et Al. V. Robert Parcher, Etc. Et.Al. 11th Judicial Circuit Court. Case No. 05-05755 CA 30

Micky Biss V. David Dermer, Et.Al. 11th Judicial Circuit Court. Case No. 05-10178 CA 23

Micky Biss And USA Express, Inc. V. David Dermer, Saul Gross, Richard Steinberg, Jose Smith, Matti Herrera Bower And Simon Cruz. 11th Judicial Circuit Court. Case No. 06-5439 CA 22

Therefore, A Private Closed Attorney-Client Session Will Be Held During The Lunch Recess Of The City Commission Meeting On July 12, 2006 In The City Manager's Large Conference Room, Fourth Floor, City Hall, To Discuss Settlement Negotiations And/Or Strategy Related To Litigation Expenditures With Regard To The Above Referenced Litigation Matters.

The Following Individuals Will Be In Attendance: Mayor David Dermer; Members Of The City Commission: Matti Herrera Bower, Simon Cruz, Luis R. Garcia Jr., Saul Gross, Jerry Libbin And Richard L. Steinberg; City Attorney Jose Smith, City Manager Jorge M. Gonzalez, Deputy City Attorney Jean Olin, First Assistant City Attorneys Debora Turner And Gary Held, And Special Counsel Richard Ovelmen, Esq.

Reports and Informational Items

A City Attorney's Status Report. (Page 787)
(City Attorney's Office)

B Parking Status Report. (Page 791)
(Parking Department)

C Status Report On The Rehabilitation Of The Existing Building And Construction Of The New Fire Station No. 2. (Page 823)
(Capital Improvement Projects)

D Status Report On The Construction Of Fire Station No. 4. (Page 825)
(Capital Improvement Projects)

E Status Report On The Normandy Isle Park And Pool Project. (Page 827)
(Capital Improvement Projects)

F Informational Report To The Mayor And City Commission, On Federal, State, Miami-Dade County, U.S. Communities, And All Existing City Contracts For Renewal Or Extensions In The Next 180 Days. (Page 829)
(Procurement)

G Report On The 2006 Florida Legislative Session. (Page 831)
(Economic Development)

End of Regular Agenda

CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139
www.miamibeachfl.gov

Office of the City Clerk

HOW A PERSON MAY APPEAR BEFORE THE CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA

THE REGULARLY SCHEDULED MEETINGS OF THE CITY COMMISSION ARE ESTABLISHED BY RESOLUTION. SCHEDULED MEETING DATES ARE AVAILABLE ON THE CITY'S WEBSITE, DISPLAYED ON CABLE CHANNEL 77, AND ARE AVAILABLE IN THE CITY CLERK'S OFFICE. COMMISSION MEETINGS COMMENCE NO EARLIER THAN 9:00 A.M. GENERALLY THE CITY COMMISSION IS IN RECESS DURING THE MONTH OF AUGUST.

1. DR. STANLEY SUTNICK CITIZENS' FORUM will be held during the first Commission meeting each month. The Forum is split into two (2) sessions, 1:30 p.m. and 5:30 p.m., or as soon as possible thereafter, provided that the Commission Meeting has not already adjourned prior to the time set for either session of the Forum. In the event of adjournment prior to the Stanley Sutnick Citizens' Forum, notice will be posted on Cable Channel 77, and posted at City Hall. Approximately thirty (30) minutes will be allocated for each session, with individuals being limited to no more than three (3) minutes or for a time period established by the Mayor. No appointment or advance notification is needed in order to speak to the Commission during this Forum.

2. Prior to every Commission meeting, an Agenda and backup material are published by the Administration. Copies of the Agenda may be obtained at the City Clerk's Office on the Monday prior to the Commission regular meeting. The complete Agenda, including all backup material, is available for inspection the Monday and Tuesday prior to the Commission meeting at the City Clerk's Office and at the following Miami Beach Branch Libraries: Main, North Shore, and South Shore. The information is also available on the City's website: http://miamibeachfl.gov.

3. Any person requesting placement of an item on the Agenda must provide a written statement with his/her complete address and telephone number to the Office of the City Manager, 1700 Convention Center Drive, 4th Floor, Miami Beach, Fl 33139, briefly outlining the subject matter of the proposed presentation. In order to determine whether or not the request can be handled administratively, an appointment may be scheduled to discuss the matter with a member of the City Manager's staff. "Requests for Agenda Consideration" will not be placed on the Agenda until after Administrative staff review. Such review will ensure that the issue is germane to the City's business and has been addressed in sufficient detail so that the City Commission may be fully apprised. Such written requests must be received in the City Manager's Office <u>no later than noon on Tuesday of the week prior to the scheduled Commission meeting</u> to allow time for processing and inclusion in the Agenda package. Presenters will be allowed sufficient time, within the discretion of the Mayor, to make their presentations and will be limited to those subjects included in their written requests.

4. Once an Agenda for a Commission Meeting is published, persons wishing to speak on item(s) listed on the Agenda, other than public hearing items and the Dr. Stanley Sutnick Citizens Forum, should call or come to City Hall, Office of the City Clerk, 1700 Convention Center Drive, telephone 673-7411, before 5:00 p.m., no later than the day prior to the Commission meeting and give their name, the Agenda item to be discussed, and if known, the Agenda item number.

5. All persons who have been listed by the City Clerk to speak on the Agenda item in which they are specifically interested, and persons granted permission by the Mayor, will be allowed sufficient time, within the discretion of the Mayor, to present their views. When there are scheduled public hearings on an Agenda item, IT IS NOT necessary to register at the City Clerk's Office in advance of the meeting. All persons wishing to speak at a <u>public hearing</u> may do so and will be allowed sufficient time, within the discretion of the Mayor, to present their views.

6. If a person wishes to address the Commission on an emergency matter, which is not listed on the Agenda, there will be a period allocated at the commencement of the Commission Meeting when the Mayor calls for additions to, deletions from, or corrections to the Agenda. The decision as to whether or not the matter will be heard, and when it will be heard, is at the discretion of the Mayor. On the presentation of an emergency matter, the speaker's remarks must be concise and related to a specific item. Each speaker will be limited to three minutes, or for a longer or shorter period, at the discretion of the Mayor.

2006 Schedule of City of Miami Beach
City Commission and Redevelopment Agency (RDA) Meetings

Meetings begin at 9:00 a.m. and are held in the City Commission Chambers, 3rd Floor, City Hall, 1700 Convention Center Drive, Miami Beach, Florida.

CITY COMMISSION MEETINGS	ALTERNATE MEETINGS
January 11 (Wednesday)	January 18 (Wednesday)
February 8 (Wednesday)	February 15 (Wednesday)
March 8 (Wednesday)	March 15 (Wednesday)
April 11 (Tuesday)	April 18 (Tuesday)
May 10 (Wednesday)	May 17 (Wednesday)
June 7 (Wednesday)	
July 12 (Wednesday)	July 26 (Wednesday)
August - City Commission in Recess	
September 6 (Wednesday)	
October 11 (Wednesday)	October 18 (Wednesday)
November 8 (Wednesday)	November 15 (Wednesday)
December 6 (Wednesday)	December 13 (Wednesday)

The "alternate" City Commission meeting date have been reserved to give the Mayor and City Commission the flexibility to carry over a Commission Agenda item(s) to the "alternate" meeting date, if necessary. Any Agenda item(s) carried over will be posted on the City's website, aired on Government Channel 20, or you may call the City Clerk's office at 305-673-7411.

Dr. Stanley Sutnick Citizens' Forum will be held during the first Commission meeting each month. The Forum will be split into two (2) sessions, 1:30 p.m. and 5:30 p.m. Approximately thirty (30) minutes will be allocated per session for each of the subjects to be considered, with individuals being limited to no more than three (3) minutes. No appointment or advance notification is needed in order to speak to the Commission during this Forum.

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Condensed Title:

Amendment pertaining to requiring conditional use approval for new construction of structures 50,000 square feet and over in the I-1, Light Industrial District, inclusive of the process starting at the Planning Board Conditional Use Review before any other land development board – Terminal Island.

Key Intended Outcome Supported:

Increase satisfaction with neighborhood character.

Issue:

Should the new structures 50,000 square feet and over be required to obtain Conditional Use approval from the Planning Board starting the process with the Planning Board Conditional Use review – Terminal Island.

Item Summary/Recommendation:

The proposed ordinance would place another level of scrutiny in the review of new structures 50,000 feet and over in the I-1, Light Industrial district by requiring them to obtain Conditional Use approval.

The Administration recommends that the Commission adopt the ordinance.

Advisory Board Recommendation:

At the April 19, 2006 meeting, the Planning Board recommended that the City Commission adopt the proposed ordinance so that all the I-1 Light Industrial zoning districts are equally regulated. The Board approved the motion by a vote of 5-0 (2 members absent). This ordinance is all inclusive of the process of starting the review of a project by the Planning Board before any of the other land development boards.

Financial Information:

Source of Funds:

OBPI

	Amount	Account	Approved
1			
2			
3			
4			
Total			

Financial Impact Summary:

The proposed Ordinance is not expected to have any fiscal impact.

City Clerk's Office Legislative Tracking:

Jorge Gomez or Mercy Lamazares

Sign-Offs:

Department Director	Assistant City Manager	City Manager

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MIAMIBEACH

AGENDA ITEM R5A

DATE 7-12-06

MIAMIBEACH

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

COMMISSION MEMORANDUM

TO: Mayor David Dermer and Members of the City Commission

FROM: Jorge M. Gonzalez, City Manager

DATE: July 12, 2006

First and only Reading Public Hearing

SUBJECT: **Conditional Use Approval for New Construction of Structures 50,000 Square Feet and Over in I-1, Light Industrial District on the other affected properties on Terminal Island.**

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH AMENDING CHAPTER 142, "LAND DEVELOPMENT REGULATIONS," OF THE CITY CODE; BY AMENDING DIVISION 11, "I-1 LIGHT INDUSTRIAL DISTRICT," BY REQUIRING CONDITIONAL USE APPROVAL FOR NEW CONSTRUCTION OF STRUCTURES 50,000 SQUARE FEET AND OVER ON THE OTHER AFFECTED PROPERTIES ON TERMINAL ISLAND AND THAT THE FIRST STEP IN THE DEVELOPMENT REVIEW PROCESS SHALL BE THE CONDITIONAL USE REVIEW BY THE PLANNING BOARD. PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

ADMINISTRATION RECOMMENDATION

The Administration recommends that the City Commission adopt the proposed ordinance on first and only reading public hearing.

BACKGROUND

At the January 11, 2006 meeting, the City Commission referred to the Planning Board the issue of limiting the size of single-occupancy developments citywide to ensure that projects that are not compatible will not be allowed to occur without certain restrictions. On May 10, 2006, the Commission adopted an amendment to the Land Development Regulations for one of the two existing I-1 districts (the "West Avenue one). The amendment requires that new structures consisting of 50,000 square feet and over be reviewed by the Planning Board for Conditional Use approval.

The second I-1 Light Industrial District is located on Terminal Island. This Section 118-164 of the City Code requires that when the proposed amendment changes the actual list of permitted, conditional or prohibited uses in a zoning category and the area involved is less than ten contiguous acres, notice by mail must be given to the owners of property in the district and to owners of record of land lying within 375 feet of the land at least 30 days prior to the date set for the public hearing. The Terminal Island I-1 is not 10 contiguous acres – the U. S. Coast Guard Station is separated from Terminal Island

by a body of water and Terminal Island contains a GU, Government Use district, which is where Fleet Maintenance is located – and thus a separate public hearing was necessary in order to comply with the mailing requirements of the City Code.

ANALYSIS

The current development regulations permit new developments of any size to occur in any zoning district in the City subject to Design Review Board (DRB) or Historic Preservation Board (HPB) approval, and the limitations contained within the development regulations of each zoning district. These boards review design and compatibility, but not enough of the impacts the developments may have on the surrounding neighborhoods. During the last few years, the City has been subjected to a great amount of development pressures, which may endanger the urban character as well as the infrastructure of the City, to the extent that it appears that a certain level of growth management has become necessary. It is necessary and very important to maintain the character and the infrastructure of the City at a level that all commercial and residential uses can co-exist.

The proposed ordinance requires that new construction of structures 50,000 square feet and over receive Conditional Use approval from the Planning Board and as amended at this time, includes the Terminal Island I-1 district. This requirement would provide an extra level of scrutiny that would review, in addition to compatibility, other issues such as noise, traffic and other adverse impacts that may result from such developments. The additional review as a Conditional Use, which is defined as a use that would not be appropriate generally or without restriction throughout a particular zoning district, but would be appropriate if controlled as to number, area, location, or relation to the neighborhood, would impose conditions and restrictions that would help in ameliorating any adverse impacts resulting from a particular development.

At the June 7, 2006 meeting the City Commission continued this item in order to clarify the definition of "structure." Mr. Jorge G. Gomez, the City's Planning Director has issued and administrative interpretation on this definition. The City Code, Section 114-1, defines "structure," as "...anything constructed or erected, the use of which requires permanent location on the ground. Among other things, **structures include buildings or any parts thereof,** walls, fences, **parking garages, parking lots**, signs and screen enclosures" (emphasis added). Mr. Gomez further explains that the word "structure" is an all encompassing term that should not be confused with Floor Area Ratio (FAR) and how FAR is calculated.

Section 114-1 of the City Code defines "floor area ratio" as the floor area of the building or buildings on any lot divided by the area of the lot." "Floor area" is also defined in the Code, which partially reads:

> "Floor area means the sum of the gross horizontal areas of the floors of a building or buildings, measured from the exterior faces of exterior walls... However, the floor area of a building shall not include the following unless otherwise provided for in these land development regulations...
>
> (5) Floor space used for required accessory off-street parking spaces. However, up to a maximum of two spaces per residential unit may be provided without being included in the calculation of the floor area ratio."

Language that clarifies the meaning of "structures," according to the definition contained in Section 114-1 of the City Code has been inserted in the ordinance.

Attached to this Memorandum, for the City Commission's information, is a copy of Mr. Gomez' administrative interpretation.

PLANNING BOARD ACTION

At the April 19, 2006 meeting, the Planning Board recommended that the City Commission adopt the proposed ordinance so that all the I-1 Light Industrial zoning districts are equally regulated. The Board approved the motion by a vote of 5-0 (2 members absent). This ordinance is all inclusive of the process of starting the review of a project by the Planning Board before any of the other land development boards.

CITY COMMISSION ACTION

At the June 7, 2006 meeting the City Commission continued this item in order to clarify the definition of "structure."

FISCAL IMPACT

This proposal has no associated negative fiscal impact upon enactment.

CONCLUSION

The Administration recommends that the City Commission adopt the proposed ordinance.

Pursuant to Section 118-164(1), in all cases in which the proposed amendment changes the actual list of permitted, conditional or prohibited uses in a zoning category or changes the actual zoning map designation for a parcel or parcels of land and, in either case, the proposed amendment involves less than ten contiguous acres, each real property owner must be notified by mail, as well as property owners lying within 375 feet of the land, at least 30 days prior to the date set for the public hearing.

The city commission shall hold a public hearing on the proposed ordinance and may, upon the conclusion of the hearing, immediately adopt the ordinance.

JMG/TH/JGG/ML

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MIAMIBEACH

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

PLANNING DEPARTMENT
Tel: 305-673-7550, Fax: 305-673-7559

June 21, 2006

Alexander Angueira
Museum Tower, Suite 2200
Miami, Florida 33130

Dear Mr. Angueira:

Pursuant to your request, this letter shall serve as my official administrative interpretation regarding the applicability of the recently adopted Ordinance No. 2006-3514 and the meaning of the word "structure" as use therein.

The above referenced ordinance modifies Section 142-483 of the Code of the City of Miami Beach to read as follows:

"The conditional uses in the I-1 light industrial district are any use which includes the retail sale of gasoline; **new construction of structures 50,000 square feet and over**, which review shall be the first step in the process before the review by any of the other land development boards; recycling receiving stations; outdoor entertainment establishment; neighborhood impact establishment; open air entertainment establishment" (emphasis added).

Section 114-1, of the Code offers the following definition for the word "structure":

> "Structure means anything constructed or erected, the use of which requires permanent location on the ground. Among other things, **structures include buildings or any parts thereof,** walls, fences, **parking garages, parking lots**, signs and screen enclosures" (emphasis added).

The word "structure" is an all encompassing term that includes all parts of a building. Thus, in the context of Ordinance 2006-3514, the size of the structure is derived from the sum total of the areas of every part of the structure.

This is not to be confused with how the Code describes the manner in which a project's Floor Area Ratio is to be calculated. Section 114-1 provides the following definitions:

> "Floor area ratio means the floor area of the building or buildings on any lot divided by the area of the lot."
>
> "Floor area means the sum of the gross horizontal areas of the floors of a building or buildings, measured from the exterior faces of exterior walls... However, the floor area of

a building shall not include the following unless otherwise provided for in these land development regulations....
(5) Floor space used for required accessory off-street parking spaces. However, up to a maximum of two spaces per residential unit may be provided without being included in the calculation of the floor area ratio. "

When the Code refers to the size of a structure in the context of the floor area ratio (FAR) it specifically and consistently uses the term "floor area". For example, Section 118-260(a)(1) of the Code reads in part:

"... For those lots which are greater than 10,000 square feet, the floor area of the proposed addition may not exceed ten percent of the floor area of the existing structure or primary lot, whichever is less, with a maximum total floor area not to exceed 5,000 square feet."

Likewise, Section 118-563(d)(3) uses the same phrase "...the floor area of the proposed addition may not exceed 20 percent of the floor area of the existing structure..."

Section 130-68(2) also uses the same construct "...In no instance shall the above described combined residential and/or commercial space exceed 25 percent of the total floor area of the structure."

If Ordinance 2006-3514 had used the phrase "floor area", then it would be proper to use the definition of floor area as found in Section 114-1. However, one can not insert words into the ordinance that are not there and I must rely on the plain reading of the ordinance. As the word structure includes all parts of a building, in determining the size of a structure for purposes of Ordinance 2006-3514 the entire square footage of the development must be taken into account.

As an example, a parking garage as a main use on a lot is not subject to the floor area ratio prescribed by the underlying zoning district. Instead, the Code provides the following provision found in Section 130-68(6):

"The volume of such commercial and noncommercial parking garages shall be limited by the required setbacks and heights described within this section and shall not be subject to the floor area ratios prescribed for in the underlying zoning district."

Thus, such a structure could have a total area far in excess of what the district's FAR allows and if such a structure were located in the I-1 District and was greater than 50,000 square feet, it would be subject to the Conditional Use review process. Note that this structure would not have any "floor area" for purposes of determining its FAR.

Please note that this letter is strictly limited to the conclusions set forth above, based upon the facts and information available as of the date, hereof. Failure to respond to or address any of the facts, statements or conditions, contained in your correspondence of June 1, 2006 (received in this office on June 7, 2006), should not be construed as an acknowledgment, confirmation, agreement or approval, of any kind or manner of such information.

If you feel aggrieved by this decision, you may appeal this administrative interpretation to the Board of Adjustment pursuant to Section 118-136(a) (1) of the Miami Beach City Code.

Sec. 118-136. Powers and duties.
(a) The board of adjustment shall have the following powers and duties:

(1) To hear and decide appeals when it is alleged that there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of these land development regulations with the exception of appeals pursuant to section 118-197 and section 118-262. In the event of an administrative appeal to the board of adjustment, the planning and zoning director may engage the services of an attorney for the purpose of representing the administrative officer who made the decision that is the subject of the appeal. In exercising this power, the board of adjustment, may upon appeal, reverse or affirm, wholly or partly, the order, requirement, decision, or determination, and to that end shall have all the powers of the officer from whom the appeal is taken. The concurring vote of four members of the board shall be necessary to reverse any order, requirement, decision, or determination of any such administrative official or to decide in favor of the applicant on any matter upon which the board is required to pass under these land development regulations.

As an alternative to the appeal process described above, you may petition the City Commission to amend the recently adopted ordinance to be applicable only when the floor area of a structure, as calculated by the FAR, is 50,000 square feet or over.

If you would like to discuss this issue further, please do not hesitate to contact me at 305-673-7550.

Sincerely,

Jorge G. Gomez, AICP
Planning Director

C: Jorge M. Gonzalez, City Manager
Tim Hemstreet, Assistant City Manager
Jose Smith, City Attorney
Gary Held, First Assistant City Attorney

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH AMENDING CHAPTER 142, "LAND DEVELOPMENT REGULATIONS," OF THE CITY CODE; BY AMENDING DIVISION 11, "I-1 LIGHT INDUSTRIAL DISTRICT," BY REQUIRING CONDITIONAL USE APPROVAL FOR NEW CONSTRUCTION OF STRUCTURES 50,000 SQUARE FEET AND OVER ON THE OTHER AFFECTED PROPERTIES ON TERMINAL ISLAND AND THAT THE FIRST STEP IN THE DEVELOPMENT REVIEW PROCESS SHALL BE THE CONDITIONAL USE REVIEW BY THE PLANNING BOARD. PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

WHEREAS, large commercial and residential developments may disrupt the quality of life in abutting and nearby neighborhoods; and

WHEREAS, Terminal Island is also zoned I-1, Light Industrial District where contiguous properties are less than 10 acres; and

WHEREAS, noticing requirements for this area is a 30-day mailed notice; and

WHEREAS, the proposed amendment will meet all the requirement of the City Code with respect to noticing the property owners in the area; and

WHEREAS, in 2004, the citizens of Miami Beach overwhelmingly approved a Straw Ballot question to limit the construction of new buildings that are larger than 50,000 square feet; and

WHEREAS, this proposed amendment will accomplish the wishes of the citizens of the City of Miami Beach to limit large development projects.

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA:

Section 1. That Section 142-483, "Conditional uses," is hereby amended as follows:.

The conditional uses in the I-1 light industrial district are any use which includes the retail sale of gasoline; new construction of structures, as defined in Section 114-1, of 50,000 square feet and over, which review shall be the first step in the process before the review by any of the other land development boards; recycling receiving stations; outdoor entertainment establishment; neighborhood impact establishment; open air entertainment establishment.

Section 2. Repealer.

All ordinances or parts of ordinances and all section and parts of sections in conflict herewith be and the same are hereby repealed.

Section 3. Codification.

It is the intention of the City Commission, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Code of the City of Miami Beach as amended; that the sections of this ordinance may be renumbered or relettered to accomplish such intention; and that the word "ordinance" may be changed to "section" or other appropriate word.

Section 4. Severability.

If any section, subsection, clause or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

Section 5. Effective Date.

This Ordinance shall take effect ten days following adoption.

PASSED and **ADOPTED** this _____ day of _____, 2006.

ATTEST:

_____
MAYOR

_____
CITY CLERK

First Reading:
Second Reading:

APPROVED AS TO
FORM AND LANGUAGE
& FOR EXECUTION

City Attorney 7/3/06 Date

Verified by: _____
Jorge G. Gomez, AICP
Planning Director

Underscore denotes new language
~~Strikethrough~~ denotes deleted language

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MIAMIBEACH

CITY OF MIAMI BEACH
NOTICE OF AMENDMENT TO THE
LAND DEVELOPMENT REGULATIONS OF THE CITY CODE

NOTICE OF PUBLIC HEARING

THE CITY OF MIAMI BEACH CITY COMMISSION will hold a public hearing on the following ordinance on **WEDNESDAY, June 7, 2006 at 10:15 a.m.** in the City Commission Chambers, Third Floor, City Hall, 1700 Convention Center Drive, Miami Beach, Florida 33139, or as soon thereafter as these matters can be heard.

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH AMENDING CHAPTER 142, "LAND DEVELOPMENT REGULATIONS," OF THE CITY CODE, BY AMENDING DIVISION 11, "I-1 LIGHT INDUSTRIAL DISTRICT," BY REQUIRING CONDITIONAL USE APPROVAL FOR NEW CONSTRUCTION OF STRUCTURES 50,000 SQUARE FEET AND OVER AND THAT THE FIRST STEP IN THE DEVELOPMENT REVIEW PROCESS SHALL BE THE CONDITIONAL USE REVIEW BY THE PLANNING BOARD. PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

Inquiries may be directed to the Planning Department at 305-673-7550.

Robert E. Parcher
City Clerk
City of Miami Beach

Pursuant to Section 286.0105, Fla. Stat., the City hereby advises the public that: if a person decides to appeal any decision made by the City Commission with respect to any matter considered at its meeting or its hearing, such person must ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. This notice does not constitute consent by the City for the introduction or admission of otherwise inadmissible or irrelevant evidence, nor does it authorize challenges or appeals not otherwise allowed by law.

To request this material in accessible format, sign language interpreters, information on access for persons with disabilities, and/or any accommodation to review any document or participate in any city-sponsored proceeding, please contact 305-604-2489 (voice), 305-673-7218(TTY) five days in advance to initiate your request. TTY users may also call 711 (Florida Relay Service).

Ad #372

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Condensed Title:

Amendment pertaining to creating supplemental criteria for the Planning Board review of structures 50,000 sq. ft. and over.

Key Intended Outcome Supported:

Increase satisfaction with neighborhood character.

Issue:

Creating supplemental criteria for the Conditional Use review by the Planning Board of new structures 50,000 sq. ft. and over. The proposed ordinance creates criteria for such reviews.

Item Summary/Recommendation:

The proposed ordinance creates the supplemental criteria necessary for the Planning Board review of structures 50,000 sq. ft. and over, including but not limited to proposed business operation, parking, traffic circulation analysis detailing ingress and egress out of the neighborhood and traffic circulation pattern within the neighborhood, noise control in the loading zone, parking structures and delivery and sanitation areas, among others.

The Administration recommends that the Commission adopt the ordinance as modified by the Commission on June 7, 2006.

Advisory Board Recommendation:

At the May 23, 2006 meeting, the Planning Board recommended that the City Commission adopt the proposed ordinance. The Board approved the motion by a vote of 5-1 (one vote against, one member absent).

Financial Information:

Source of Funds:

OBPI

	Amount	Account	Approved
1			
2			
3			
4			
Total			

Financial Impact Summary:

This proposal will have a minimal fiscal impact upon enactment. This ordinance will create additional work for the Planning Department. It is anticipated that the Department will be able to absorb the additional workload with current resources.

City Clerk's Office Legislative Tracking:

Jorge Gomez or Mercy Lamazares

Sign-Offs:

Department Director	Assistant City Manager	City Manager

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MIAMIBEACH

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

COMMISSION MEMORANDUM

TO: Mayor David Dermer and Members of the City Commission

FROM: Jorge M. Gonzalez, City Manager

DATE: July 12, 2006

Second Reading Public Hearing

SUBJECT: **Supplemental Conditional review criteria for large structures**

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE CODE OF THE CITY OF MIAMI BEACH, BY AMENDING CHAPTER 118, "ADMINISTRATION AND REVIEW PROCEDURES," ARTICLE IV, "CONDITIONAL USE PROCEDURE," BY CREATING REVIEW GUIDELINES FOR NEW STRUCTURES 50,000 SQUARE FEET AND OVER; PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

ADMINISTRATION RECOMMENDATION

The Administration recommends that the Commission adopt the ordinance as modified by the Commission on June 7, 2006.

BACKGROUND.

At the April 11, 2006 City Commission meeting, upon the approval at first reading public hearing of an ordinance that requires that new structures 50,000 square feet and over in the I-1, Light Industrial District, the City Commission referred to the Planning Board the issue of creating additional review criteria; these are necessary for the evaluation and analysis of these types of projects on an individual basis. The Commission specifically requested that the review of the impact of traffic within the neighborhood, as well as cumulative effects with other existing uses, as well as other appropriate criteria, be part of the list of any new criteria that may be created.

ANALYSIS

The Land Development Regulations of the City Code, Section 118-192, consists of review guidelines by which Conditional Uses may be approved in accordance with the procedures and standards as follows:

1. The use is consistent with the comprehensive plan or neighborhood plan if one exists for the area in which the property is located.

2. The intended use or construction will not result in an impact that will exceed the thresholds for the levels of service as set forth in the comprehensive plan.

3. Structures and uses associated with the request are consistent with these land development regulations.

4. The public health, safety, morals, and general welfare will not be adversely affected.

5. Adequate off-street parking facilities will be provided.

6. Necessary safeguards will be provided for the protection of surrounding property, persons, and neighborhood values.

7. The concentration of similar types of uses will not create a negative impact on the surrounding neighborhood. Geographic concentration of similar types of conditional uses should be discouraged.

The proposed ordinance consists of eleven supplemental criteria that would be applied to each individual project in addition to the regular Conditional Use criteria, similar to a process that is used when reviewing Neighborhood Impact establishment, which analyses more in depth the impact of such a project. At June 7, 2006 City Commission meeting, a small modification was made to criterion #3; this modification is reflected in the list below.

In reviewing an application for Conditional use for new structures 50,000 square feet and over, the Planning Board shall apply the following supplemental review guidelines criteria in addition to the standard review guidelines criteria 1-7 listed above.

(1) Whether the proposed business operations plan has been provided, including hours of operation, number of employees, goals of business, and other operational characteristics pertinent to the application, and that such plan is compatible with the neighborhood in which it is located.

(2) Whether a plan for the mass delivery of merchandise has been provided, including the hours of operation for delivery trucks to come into and exit from the neighborhood and how such plan will mitigate any adverse impacts to adjoining and nearby properties, and neighborhood.

(3) <u>Whether the scale of the proposed use is compatible with the urban character of the surrounding area and creates adverse impacts on the surrounding area, and how the adverse impacts are proposed to be addressed.</u>

(This criterion was modified at the June 7, 2006 Commission meeting; <u>the double underline</u> reflects the modification.)

(4) Whether the proposed parking plan has been provided, including where and how the parking is located, utilized, and managed, that meets the required parking and operational needs of the structure and proposed uses.

(5) Whether an indoor and outdoor customer circulation plan has been provided that facilitates ingress and egress to the site and structure.

(6) Whether a security plan for the establishment and supporting parking facility has been provided that addresses the safety of the business and its users and minimizes impacts on the neighborhood.

(7) Whether a traffic circulation analysis and plan has been provided that details means of ingress and egress into and out of the neighborhood, addresses the impact of projected traffic on the immediate neighborhood, traffic circulation pattern for the neighborhood, traffic flow through immediate intersections and arterials, and how these impacts are to be mitigated.

(8) Whether a noise attenuation plan has been provided that addresses how noise will be controlled in the loading zone, parking structures and delivery and sanitation areas, to minimize adverse impacts to adjoining and nearby properties.

(9) Whether a sanitation plan has been provided that addresses on-site facilities as well as off-premises issues resulting from the operation of the structure.

(10) Whether the proximity of the proposed structure to similar size structures and to residential uses creates adverse impacts and how such impacts are mitigated.

(11) Whether a cumulative effect from the proposed structure with adjacent and nearby structures arises, and how such cumulative effect will be addressed.

PLANNING BOARD ACTION

At the May 23, 2006 meeting, the Planning Board recommended that the City Commission adopt the proposed ordinance including some modifications which have been incorporated into the proposed amendment. The Board approved the motion by a vote of 5-1 (one vote against, one member absent).

CITY COMMISSION ACTION

At the June 7, 2006 meeting, the City Commission approved the proposed ordinance on first reading modifying criterion #3 slightly. This modification is reflected in the ordinance.

FISCAL IMPACT

This proposal will have a minimal fiscal impact upon enactment, although this ordinance will create additional work for the Planning Department. It is anticipated that the Department will be able to absorb the additional workload with current resources.

CONCLUSION

The Administration recommends that the City Commission adopt the proposed ordinance as modified on first reading.

Pursuant to Section 118-164(3) of the City Code, when a request to amend the Land Development Regulations does not change the actual list of permitted, conditional or prohibited uses in a zoning category, the proposed ordinance may be read by title or in full on at least **two separate days** and shall, at least **ten days prior to adoption**, be noticed once in the newspaper. Immediately following the public hearing at the second reading, the City Commission may adopt the ordinance by an affirmative vote of five-sevenths.

JMG/TH/JGG/ML

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ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE CODE OF THE CITY OF MIAMI BEACH, BY AMENDING CHAPTER 118, "ADMINISTRATION AND REVIEW PROCEDURES," ARTICLE IV, "CONDITIONAL USE PROCEDURE," BY CREATING REVIEW GUIDELINES FOR NEW STRUCTURES 50,000 SQUARE FEET AND OVER; PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

WHEREAS, at the May 10, 2006 meeting, the City Commission adopted an ordinance that requires Conditional Use review of structures 50,000 square feet and over in the I-1, Light Industrial District; and

WHEREAS, the creation of additional review guidelines criteria is necessary for the evaluation and analysis of these types of projects on an individual basis; and

WHEREAS, the proposed amendment is necessary to implement the regulations newly adopted by the City Commission.

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA:

SECTION 1. That Section 118-192, "Review guidelines," is hereby amended as follows:

a. Conditional uses may be approved in accordance with the procedures and standards of this article provided that:

(1) The use is consistent with the comprehensive plan or neighborhood plan if one exists for the area in which the property is located.

(2) The intended use or construction will not result in an impact that will exceed the thresholds for the levels of service as set forth in the comprehensive plan.

(3) Structures and uses associated with the request are consistent with these land development regulations.

(4) The public health, safety, morals, and general welfare will not be adversely affected.

(5) Adequate off-street parking facilities will be provided.

(6) Necessary safeguards will be provided for the protection of surrounding property, persons, and neighborhood values.

(7) The concentration of similar types of uses will not create a negative impact on the surrounding neighborhood. Geographic concentration of similar types of conditional uses should be discouraged.

b. In reviewing an application for Conditional use for new structures 50,000 square feet and over, the Planning Board shall apply the following supplemental review guidelines criteria in addition to the standard review guidelines listed in subsection a. above:

(1) Whether the proposed business operations plan has been provided, including hours of operation, number of employees, goals of business, and other operational characteristics pertinent to the application, and that such plan is compatible with the neighborhood in which it is located.

(2) Whether a plan for the mass delivery of merchandise has been provided, including the hours of operation for delivery trucks to come into and exit from the neighborhood and how such plan will mitigate any adverse impacts to adjoining and nearby properties, and neighborhood.

(3) Whether the scale of the proposed use is compatible with the urban character of the surrounding area and create adverse impacts on the surrounding area, and how the adverse impacts are proposed to be addressed.

(4) Whether the proposed parking plan has been provided, including where and how the parking is located, utilized, and managed, that meets the required parking and operational needs of the structure and proposed uses.

(5) Whether an indoor and outdoor customer circulation plan has been provided that facilitates ingress and egress to the site and structure.

(6) Whether a security plan for the establishment and supporting parking facility has been provided that addresses the safety of the business and its users and minimizes impacts on the neighborhood.

(7) Whether a traffic circulation analysis and plan has been provided that details means of ingress and egress into and out of the neighborhood, addresses the impact of projected traffic on the immediate neighborhood, traffic circulation pattern for the neighborhood, traffic flow through immediate intersections and arterials, and how these impacts are to be mitigated.

(8) Whether a noise attenuation plan has been provided that addresses how noise will be controlled in the loading zone, parking structures and delivery and sanitation areas, to minimize adverse impacts to adjoining and nearby properties.

(9) Whether a sanitation plan has been provided that addresses on-site facilities as well as off-premises issues resulting from the operation of the structure.

(10) Whether the proximity of the proposed structure to similar size structures and to residential uses creates adverse impacts and how such impacts are mitigated.

(11) Whether a cumulative effect from the proposed structure with adjacent and nearby structures arises, and how such cumulative effect will be addressed.

SECTION 2. REPEALER.

All ordinances or parts of ordinances and all section and parts of sections in conflict herewith be and the same are hereby repealed.

SECTION 3. CODIFICATION.

It is the intention of the Mayor and City Commission of the City of Miami Beach, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Code of the City of Miami Beach, Florida, as amended. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and that the word "ordinance" may be changed to "section" or other appropriate word.

SECTION 4. SEVERABILITY.

If any section, subsection, clause or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

SECTION 5. EFFECTIVE DATE.

This Ordinance shall take effect ten days following adoption.

PASSED and **ADOPTED** this ___ day of _____, 2006.

_____
MAYOR

ATTEST:

_____
CITY CLERK

APPROVED AS TO
FORM AND LANGUAGE
& FOR EXECUTION

_____ 7/3/06
City Attorney Date

First Reading:
Second Reading:

Verified by:_____
Jorge Gomez, AICP
Planning Director

Underscore denotes new language

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MIAMIBEACH

CITY OF MIAMI BEACH
NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY given that public hearings will be held by the Mayor and City Commission of the City of Miami Beach, Florida, in the Commission Chambers, 3rd floor, City Hall, 1700 Convention Center Drive, Miami Beach, Florida, on **Wednesday, July 12, 2006**, to consider the following:

10:20 a.m.
An Ordinance Amending The Code Of The City Of Miami Beach, By Amending Chapter 118, "Administration And Review Procedures," Article IV, "Conditional Use Procedure," By Creating Review Guidelines For New Structures 50,000 Square Feet And Over.

Inquiries may be directed to the Planning Department at (305) 673-7550.

10:40 a.m.
An Ordinance Amending Ordinance No.789, The Classified Employees Salary Ordinance Of The City Of Miami Beach, Florida, Providing For The Classifications In Group V, Being Those Classifications Covered By The Government Supervisors Association Of Florida, Opieu Local 100, (GSAF), In Accordance With The Negotiated Agreement; Retroactively Effective In The First Pay Period Ending In October Of 2003, There Shall Be An Across The Board Wage Increase Of One Half Percent (.5%), And The Minimum And Maximum Of Each Pay Range Will Also Be Increased By One Half Percent (.5%); Retroactively Effective With The First Pay Period Ending In October Of 2004, There Shall Be An Across The Board Wage Increase Of One Half Percent (.5%), And The Minimum And The Maximum Of Each Pay Range Will Also Be Increased By One Half Percent (.5%); Retroactively Effective In The First Pay Period Ending In October 2005, There Shall Be An Across The Board Wage Increase Of One Percent (1%), And The Minimum And Maximum Of Each Pay Range Will Also Be Increased By One Percent (1%); Amending The Minimum And Maximum Of The Pay Ranges To Reflect The Present Classification And Pay System Applicable To The Unclassified Classifications; Repealing All Ordinances In Conflict.

Inquiries may be directed to the Human Resources Department at (305) 673-7520.

10:45 a.m.
An Ordinance Amending Chapter 46 Of The City Code, Entitled "Environment," By Amending Article IV, Entitled "Noise," By Amending Section 46-156, Entitled "Temporary Permits," By Amending The Procedures And Requirements For Construction Activities And Providing Exceptions Thereto, Prohibiting Construction Noise On Sundays And National Holidays In All Non-Residential Zoning Districts, Except Under Certain Circumstances And As Authorized By The Building Official, Prohibiting Construction Noise In Residential Zoning Districts Before 10:00 A.M. And After 4:00 P.M. On Sundays And National Holidays And Prohibiting Construction Noise Between 10:00 A.M. And 4:00 P.M. On Sundays And National Holidays, Providing Provisions For The Revocation Of Temporary Permits, And Providing Subheading Titles To Be Entitled (A) "Requirements And Procedures," (B) "Violation Of Temporary Permits" And (C) "Revocation Of Temporary Permits;"Amending Section 46-158, Entitled "Enforcement By Code Inspectors; Notice Of Violation, Warnings" By Amending Subsection (A) To Clarify The Notice Of Violation Provisions, Amending Subsection (B)(2) To Provide Clarification As To The Number Of Written Warnings In All Zoning Districts Except Single Family Zoning Districts; Providing For One Written Warning In Single Family Zoning Districts Prior To A Notice Of Violation And Providing That A Violation, Instead Of A Written Warning, Shall Be Issued If A Violator Is Also Being Cited For An Illegal Commercial Or Non-Permitted, Non-Residential Use In A Residential Zoning District; Amending Section 46-159 Entitled "Fines And Penalties For Violation; Appeals; Alternate Means Of Enforcement,"By Providing Fines And Penalties For Any Offense Which Was Committed While The Violator Was Also Engaged In An Illegal Commercial Or Non-Permitted, Non-Residential Use In A Residential Zoning District.

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2:00 p.m.
An Ordinance Amending Chapter 118, Of The City Code Entitled, "Administration And Review Procedures," By Amending Division 2, "Planning Board,"Section 118-51, "Powers And Duties," By Including Criteria For The Review Of The Sale, Exchange, Conveyance Or Lease Of Ten Years Or Longer Of Such City Property, As Provided In City Charter, Section 1.03(B)3.

Inquiries may be directed to the Planning Department at (305) 673-7550.

2:10 p.m.
An Ordinance Amending The Land Development Regulations Of The City Code, By Amending Chapter 142, "Zoning Districts And Regulations" Article II, "District Regulations" Division 18, "PS Performance Standard District," Amending Section 142-696 "Residential Performance Standard Area Requirements," By Amending The Maximum Building Height In The R-PS4 Zoning District; Amending Section 142-697 "Setback Requirements In The R-PS1, 2, 3, 4 Districts," To Provide For Additions To Follow The Existing Building Line And Modifying The Tower Setbacks.

Inquiries may be directed to the Planning Department at (305) 673-7550.

2:20 p.m.
An Ordinance Amending The Land Development Regulations Of The Code Of The City Of Miami Beach, By Amending Chapter 118, "Administration And Review Procedures,"Article IX, "Nonconformances," Section 118-395 To Add New Subsections For Nonconforming Gasoline Service Stations.

Inquiries may be directed to the Planning Department at (305) 673-7550.

INTERESTED PARTIES are invited to appear at this meeting, or be represented by an agent, or to express their views in writing addressed to the City Commission, c/o the City Clerk, 1700 Convention Center Drive, 1st Floor, City Hall, Miami Beach, Florida 33139. Copies of these ordinances are available for public inspection during normal business hours in the City Clerk's Office, 1700 Convention Center Drive, 1st Floor, City Hall, and Miami Beach, Florida 33139. This meeting may be continued and under such circumstances additional legal notice would not be provided.

Robert E. Parcher, City Clerk
City of Miami Beach

Pursuant to Section 286.0105, Fla. Stat., the City hereby advises the public that: if a person decides to appeal any decision made by the City Commission with respect to any matter considered at its meeting or its hearing, such person must ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. This notice does not constitute consent by the City for the introduction or admission of otherwise inadmissible or irrelevant evidence, nor does it authorize challenges or appeals not otherwise allowed by law.

To request this material in accessible format, sign language interpreters, information on access for persons with disabilities, and/or any accommodation to review any document or participate in any city-sponsored proceeding, please contact (305) 604-2489 (voice), (305)673-7218(TTY) five days in advance to initiate your request. TTY users may also call 711 (Florida Relay Service).

Ad #378

Condensed Title:

An Ordinance amending Classified Salary Ordinance No. 789 for Classified employees, by increasing the salary of each employee in Group V, being those covered by the Government Supervisors Association in Florida, OPEIU Local 100, (GSAF)by one-half percent (.5%), retroactively effective with the first pay period ending in October, 2003 and by one-half percent (.5%), retroactively effective with the first pay period ending in October, 2004; and by one percent (1%), retroactively effective with the first pay period ending in October, 2005; and changing the minimum and maximum of the pay ranges to reflect the present classification and pay system applicable to the Unclassified classifications, providing for a repealer, severability, effective date and codification.

Key Intended Outcome Supported:

Attract and maintain a quality workforce.

Issue:

Shall the City provide a classification and compensation system that is fair and externally competitive by amending the Classified Salary Ordinance to allow for the amendments?

Item Summary/Recommendation:

By amending the Classified Salary Ordinance, the City will ensure that there is a classification and compensation system which is fair and externally competitive. The Commission approved the Ordinance on first reading on June 7, 2006, and set a second reading, public hearing for July 12, 2006. The Administration recommends that the City Commission adopt the Ordinance.

Advisory Board Recommendation:

N/A

Financial Information:

Source of Funds:

OBPI

	Amount	Account	Approved
1			
2			
3			
4			
Total	$68,888.97		

Financial Impact Summary:

City Clerk's Office Legislative Tracking:

Mayra Diaz Buttacavoli

Sign-Offs:

Department Director	Assistant City Manager	City Manager
Mayra D. Buttacavoli		

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MIAMIBEACH

AGENDA ITEM R5C

DATE 7-12-06

MIAMIBEACH

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

COMMISSION MEMORANDUM

TO: Mayor David Dermer and Members of the City Commission

FROM: City Manager Jorge M. Gonzalez

DATE: July 12, 2006 **SECOND READING**

SUBJECT: **AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING ORDINANCE NO.789, THE CLASSIFIED EMPLOYEES SALARY ORDINANCE OF THE CITY OF MIAMI BEACH, FLORIDA, PROVIDING FOR THE CLASSIFICATIONS IN GROUP V, BEING THOSE CLASSIFICATIONS COVERED BY THE GOVERNMENT SUPERVISORS ASSOCIATION OF FLORIDA, OPIEU LOCAL 100, (GSAF), IN ACCORDANCE WITH THE NEGOTIATED AGREEMENT; RETROACTIVELY EFFECTIVE IN THE FIRST PAY PERIOD ENDING IN OCTOBER OF 2003, THERE SHALL BE AN ACROSS THE BOARD WAGE INCREASE OF ONE-HALF PERCENT (.5%), AND THE MINIMUM AND MAXIMUM OF EACH PAY RANGE WILL ALSO BE INCREASED BY ONE-HALF PERCENT (.5%); RETROACTIVELY EFFECTIVE WITH THE FIRST PAY PERIOD ENDING IN OCTOBER OF 2004, THERE SHALL BE AN ACROSS THE BOARD WAGE INCREASE OF ONE-HALF PERCENT (.5%), AND THE MINIMUM AND THE MAXIMUM OF EACH PAY RANGE WILL ALSO BE INCREASED BY ONE-HALF PERCENT (.5%); RETROACTIVELY EFFECTIVE IN THE FIRST PAY PERIOD ENDING IN OCTOBER 2005, THERE SHALL BE AN ACROSS THE BOARD WAGE INCREASE OF ONE PERCENT (1%), AND THE MINIMUM AND MAXIMUM OF EACH PAY RANGE WILL ALSO BE INCREASED BY ONE PERCENT (1%); AMENDING THE MINIMUM AND MAXIMUM OF THE PAY RANGES TO REFLECT THE PRESENT CLASSIFICATION AND PAY SYSTEM APPLICABLE TO THE UNCLASSIFIED CLASSIFICATIONS; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY, EFFECTIVE DATE AND CODIFICATION.**

ADMINISTRATION RECOMMENDATION

The Ordinance was approved on June 7, 2006. The Commission set a second reading, public hearing for July 12, 2006. The Administration recommends that the City Commission adopt the Ordinance on second reading.

BACKGROUND

On May 12, 2006, the City and the GSAF reached a tentative agreement to amend the current collective bargaining Agreement for the period from October 1, 2003 through September 30, 2006. On May 24, 2006, the GSAF conducted a ratification vote, which approved the retroactive COLA increases for the three (3) year collective bargaining agreement. The ratification vote was approved by 100% of the employees who voted and are represented in classifications covered by the collective bargaining agreement.

The Financial impact of the agreement represents a total cost for the three year contract of $68,888.97.

The following is a summary of the most significant issues regarding changes to wages in the Agreement.

WAGES

No member of the Bargaining Unit who left the City prior to the date of ratification of the Agreement by the City and the GSAF will be eligible for the retroactive wage increases under the Agreement.

Retroactively effective in the first pay period ending in October 2003, there will be an across the board wage increase of one-half percent (.5%), and the minimum and maximum of each pay range will also be increased by one-half percent (.5%).

Retroactively effective in the first pay period ending in October 2004, there will be an across the board wage increase of one-half percent (.5%), and the minimum and maximum of each pay range will also be increased by one-half percent (.5%).

Retroactively effective in the first pay period ending in October 2005, there will be an across the board wage increase of one percent (1%), and the minimum and maximum of each pay range will also be increased by one percent (1%).

The Agreement having been ratified, the City's classification and pay system will be implemented as part of the contract for all bargaining unit employees.

CONCLUSION

The Administration recommends approving the COLA of .5%, .5% and 1% respectively.

Based on the foregoing, the Ordinance was approved on June 7, 2006. The Commission set a second reading, public hearing for July 12, 2006. The Administration recommends that the City Commission adopt the Ordinance on second reading.

JMG|RI|MDB|PKR

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ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING ORDINANCE NO.789, THE CLASSIFIED EMPLOYEES SALARY ORDINANCE OF THE CITY OF MIAMI BEACH, FLORIDA, PROVIDING FOR THE CLASSIFICATIONS IN GROUP V, BEING THOSE CLASSIFICATIONS COVERED BY THE GOVERNMENT SUPERVISORS ASSOCIATION OF FLORIDA, OPIEU LOCAL 100, (GSAF), IN ACCORDANCE WITH THE NEGOTIATED AGREEMENT; RETROACTIVELY EFFECTIVE IN THE FIRST PAY PERIOD ENDING IN OCTOBER OF 2003, THERE SHALL BE AN ACROSS THE BOARD WAGE INCREASE OF ONE HALF PERCENT (.5%), AND THE MINIMUM AND MAXIMUM OF EACH PAY RANGE WILL ALSO BE INCREASED BY ONE HALF PERCENT (.5%); RETROACTIVELY EFFECTIVE WITH THE FIRST PAY PERIOD ENDING IN OCTOBER OF 2004, THERE SHALL BE AN ACROSS THE BOARD WAGE INCREASE OF ONE HALF PERCENT (.5%), AND THE MINIMUM AND THE MAXIMUM OF EACH PAY RANGE WILL ALSO BE INCREASED BY ONE HALF PERCENT (.5%); RETROACTIVELY EFFECTIVE IN THE FIRST PAY PERIOD ENDING IN OCTOBER 2005, THERE SHALL BE AN ACROSS THE BOARD WAGE INCREASE OF ONE PERCENT (1%), AND THE MINIMUM AND MAXIMUM OF EACH PAY RANGE WILL ALSO BE INCREASED BY ONE PERCENT (1%); AMENDING THE MINIMUM AND MAXIMUM OF THE PAY RANGES TO REFLECT THE PRESENT CLASSIFICATION AND PAY SYSTEM APPLICABLE TO THE UNCLASSIFIED CLASSIFICATIONS; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY, EFFECTIVE DATE AND CODIFICATION.

WHEREAS, there is a need to change the salary ranges of classifications in order to ensure that the City has an employee classification and compensation system which is fair and externally competitive.

WHEREAS, on May 12, 2006, negotiators for the City and the Government Supervisors Association of Florida, OPEIU Local 100, (GSA), reached a tentative agreement to amend the current collective bargaining Agreement for the period from October 1, 2003 through September 30, 2006. On May 24, 2006, the GSAF conducted a ratification vote, which approved the retroactive COLA increases for the three-year (3) collective bargaining agreement. The ratification vote was approved by 100% of the employees who voted and are represented in classifications covered by the collective bargaining agreement.

WHEREAS, the City desires to implement the provisions of the agreement.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA:

SECTION 1: The minimum and the maximum of the pay ranges will be changed to reflect the present classification and pay system applicable to the Unclassified classifications, retroactively, effective the first pay period ending in October 2003. The following lines of Section 1 of the Classified Salary Ordinance No. 789, providing for the Group V classifications, being those classifications covered by the GSA Bargaining unit, shall be amended as follows:

GROUP V GOVERNMENT SUPERVISORS ASSOCIATION OF FLORIDA (GSAF) - CLASS AND PAY GRADES, SALARIES, AND CLASSIFICATIONS

A. Salary Grades and Ranges

Shall be amended effective the first pay period ending in October 2003

GRADE		MINIMUM		MAXIMUM
15	~~$51,153~~	51,409	~~$ 82,621~~	83,034
14	~~47,079~~	47,314	~~76,036~~	76,416
13	~~43,327~~	43,544	~~69,976~~	70,326
12	~~39,873~~	40,072	~~64,397~~	64,719
11	~~36,694~~	36,877	~~59,264~~	59,560
10	~~33,769~~	33,938	~~54,540~~	54,813
9	~~31,078~~	31,233	~~50,195~~	50,446
8	~~28,601~~	28,744	~~46,193~~	46,424
7	~~26,321~~	26,453	~~42,511~~	42,724
6	~~24,223~~	24,344	~~39,123~~	39,319

Shall be amended effective the first pay period ending in October 2004

GRADE	MINIMUM	MAXIMUM
15	52,694	85,110
14	48,497	78,327
13	44,632	72,084
12	41,074	66,337
11	37,799	61,049
10	34,786	56,183
9	32,017	51,707
8	29,463	47,585
7	27,114	43,792
6	24,953	40,302

Shall be amended effective the first pay period ending in October 2005

GRADE	MINIMUM	MAXIMUM
15	54,280	87,672
14	49,957	80,684
13	45,976	74,254
12	42,310	68,334
11	38,937	62,887
10	35,833	57,874
9	32,978	53,263
8	30,349	49,017
7	27,930	45,110
6	25,704	41,515

SECTION 2: Increasing the salary of each employee, retroactively, by one half percent (.5%) effective the first pay period ending in October 2003; with no employee to exceed the maximum of the new range at any time. Effective with the first pay period ending in October 2004, there shall be a wage increase of one half percent (.5%); with no employee to exceed the maximum of the new range at any time. Effective with the first pay period ending in October 2005, there shall be a wage increase of one percent (1%); with no employee to exceed the maximum of the new range at any time.

SECTION 3: REPEALER.

That all ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

SECTION 4: SEVERABILITY.

If any section, subsection, clause, or provision of this ordinance is held invalid, the remainder shall not be affected by such invalidity.

SECTION 5: CODIFICATION.

It is the intention of the Mayor and City Commission of the City of Miami Beach, and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of the City of Miami Beach, Florida. The sections of this ordinance may be renumbered or re-lettered to accomplish such intention, and the word "ordinance" may be changed to "section", "article", or other appropriate word.

SECTION 6: EFFECTIVE DATES.

Section 1 will be effective upon approval by the Commission. Sections 2 and 3 will be effective retroactively, effective the first pay period ending in October 2003.

PASSED and ADOPTED this _____ day of _____ , 2006

_____
MAYOR

ATTEST:

_____
CITY CLERK
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APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

City Attorney 7/30/06
Date

MIAMIBEACH

CITY OF MIAMI BEACH
NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY given that public hearings will be held by the Mayor and City Commission of the City of Miami Beach, Florida, in the Commission Chambers, 3rd floor, City Hall, 1700 Convention Center Drive, Miami Beach, Florida, on **Wednesday, July 12, 2006**, to consider the following:

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2:00 p.m.
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INTERESTED PARTIES are invited to appear at this meeting, or be represented by an agent, or to express their views in writing addressed to the City Commission, c/o the City Clerk, 1700 Convention Center Drive, 1st Floor, City Hall, Miami Beach, Florida 33139. Copies of these ordinances are available for public inspection during normal business hours in the City Clerk's Office, 1700 Convention Center Drive, 1st Floor, City Hall, and Miami Beach, Florida 33139. This meeting may be continued and under such circumstances additional legal notice would not be provided.

Robert E. Parcher, City Clerk
City of Miami Beach

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Ad #378

RESOLUTION TO BE SUBMITTED

Condensed Title:

An Ordinance amending the Noise Ordinance to address Sunday Construction Noise, Temporary Construction Noise Permits and Written Warnings in Single Family Zoning Districts.

Key Intended Outcome Supported:

Increase resident satisfaction with level of code enforcement.

Issue:

Shall the City Commission approve amendments to the Noise Ordinance regarding Construction Noise and Written Warnings in Single Family Zoning Districts?

Item Summary/Recommendation:

At the June 7, 2006 City Commission meeting, the City Commission approved the First Reading of an Ordinance amending several sections of the Noise Ordinance and provided direction and clarification on a number of the issues presented within the Ordinance.

The Noise Ordinance incorporates the following amendments:

-Sunday Construction Activity and Noise in Commercial Districts
-Sunday Construction Activity and Noise in Residential Zoning Districts
-Requirement to Use All Available Construction Hours Before an Expansion of Hours or Exemption for Excessive Noise Would be Granted
-Building Official Emergency Construction Approval of Temporary Noise Permits
-Revocation of Temporary Noise Permits
-Clarification of the Number of Warnings
-Written Warnings Permitted in Single Family Zoning Districts

With the exception of one provision dealing with construction noise and activities in residential zoning districts, all of the other items in the Ordinance have been discussed and approved and/or requested by members of the City Commission. The complete Ordinance serves to both clarify and fine tune the Noise Ordinance so that it can be used more effectively within the community and pursuant to the policy guidance provided by the members of the City Commission. If the provision that is suggested for the City Commission consideration that addresses both construction activities and construction generated noise in residential districts on Sundays and National Holidays correctly captures the Commission sentiment, action on the full Ordinance can be taken. If the Sunday noise section is unclear or does not correctly capture the desired policy of the City Commission, opening and continuing the item to allow a more detailed committee discussion may be desirable.

Advisory Board Recommendation:

N/A

Financial Information:

Source of Funds:

OBPI

	Amount	Account	Approved
1			
2			
Total			

Financial Impact Summary:

City Clerk's Office Legislative Tracking:

Robert C. Middaugh

Sign-Offs:

Department Director	Assistant City Manager	City Manager

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MIAMIBEACH

AGENDA ITEM RSD
DATE 7-12-06

MIAMIBEACH

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

COMMISSION MEMORANDUM

TO: Mayor David Dermer and Members of the City Commission

FROM: Jorge M. Gonzalez, City Manager

DATE: July 12, 2006

PUBLIC HEARING
SECOND READING

SUBJECT: **AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 46 OF THE CITY CODE, ENTITLED "ENVIRONMENT," BY AMENDING ARTICLE IV, ENTITLED "NOISE," BY AMENDING SECTION 46-156, ENTITLED "TEMPORARY PERMITS," BY AMENDING THE PROCEDURES AND REQUIREMENTS FOR CONSTRUCTION ACTIVITIES AND PROVIDING EXCEPTIONS THERETO, PROHIBITING CONSTRUCTION NOISE ON SUNDAYS AND NATIONAL HOLIDAYS IN ALL NON-RESIDENTIAL ZONING DISTRICTS, EXCEPT UNDER CERTAIN CIRCUMSTANCES AND AS AUTHORIZED BY THE BUILDING OFFICIAL, PROHIBITING CONSTRUCTION IN RESIDENTIAL ZONING DISTRICTS BEFORE 10:00 A.M. AND AFTER 4:00 P.M. ON SUNDAYS AND NATIONAL HOLIDAYS AND PROHIBITING CONSTRUCTION NOISE BETWEEN 10:00 A.M. AND 4:00 P.M. ON SUNDAYS AND NATIONAL HOLIDAYS, PROVIDING PROVISIONS FOR THE VIOLATION AND REVOCATION OF TEMPORARY PERMITS, AND PROVIDING SUBHEADING TITLES TO BE ENTITLED (A) "REQUIREMENTS AND PROCEDURES," (B) "VIOLATION OF TEMPORARY PERMITS" AND (C) 'REVOCATION OF TEMPORARY PERMITS;" AMENDING SECTION 46-158, ENTITLED "ENFORCMENT BY CODE INSPECTORS; NOTICE OF VIOLATION, WARNINGS" BY AMENDING SUBSECTION (A) TO CLARIFY THE NOTICE OF VIOLATION PROVISIONS, AMENDING SUBSECTION (B)(2) TO PROVIDE CLARIFICATION AS TO THE NUMBER OF WRITTEN WARNINGS IN ALL ZONING DISTRICTS EXCEPT SINGLE FAMILY ZONING DISTRICTS; PROVIDING FOR ONE WRITTEN WARNING IN SINGLE FAMILY ZONING DISTRICTS PRIOR TO A NOTICE OF VIOLATION AND PROVIDING THAT A VIOLATION, INSTEAD OF A WRITTEN WARNING, SHALL BE ISSUED IF A VIOLATOR IS ALSO BEING CITED FOR AN ILLEGAL COMMERCIAL OR NON-PERMITTED, NON-RESIDENTIAL USE IN A RESIDENTIAL ZONING DISTRICT; AMENDING SECTION 46-159 ENTITLED "FINES AND PENALTIES FOR VIOLATION; APPEALS; ALTERNATE MEANS OF ENFORCEMENT," BY PROVIDING FINES AND PENALTIES FOR ANY OFFENSE WHICH WAS COMMITTED WHILE THE VIOLATOR WAS ALSO ENGAGED IN AN ILLEGAL COMMERCIAL OR NON-PERMITTED, NON-RESIDENTIAL USE IN A RESIDENTIAL ZONING DISTRICT; PROVIDING FOR CODIFICATION,**

ADMINISTRATION RECOMMENDATION

Adopt the Ordinance.

ANALYSIS

At the June 7, 2006 City Commission meeting, the City Commission approved the First Reading of an Ordinance amending several sections of the Noise Ordinance and provided direction and clarification on a number of the issues presented within the Ordinance. While most of the items were addressed and resolved by the members of the City Commission at the First Reading, the members of the City Commission provided general direction on the subject of construction noise permitted on Sundays with the expectation that the subject would be further discussed and clarified at a scheduled meeting of the Neighborhoods/Community Affairs Committee meeting. Unfortunately, the scheduled meeting of the Neighborhoods/Community Affairs Committee meeting was cancelled due to scheduling conflicts.

As a first consideration the members of the City Commission should determine if opening and continuing the Second Reading to allow for a more in depth committee discussion is necessary before considering an amendment relative to construction related noise on Sundays.

While the Ordinance contains a number of operationally valuable considerations and in some cases clarification, in the event the members of the City Commission wished to open and continue this item it is not anticipated that any lasting or severe impacts would result from this action. Second Reading consideration would be delayed until the September meeting of the City Commission.

In the event the Sunday construction noise language that is suggested addresses the City Commission's concerns, it is preferable to have the item taken up and approved.

The Noise Ordinance incorporates the following amendments:

- Sunday Construction Activity and Noise in Commercial Districts

  Section 46-156 (2) a, has been amended to include a prohibition for construction noise that exceeds the limits established within the Noise Ordinance on Sundays or National Holidays. This is a new requirement and it has been clarified from the First Reading to specifically reflect construction noise and not construction activity per se.

- Sunday Construction Activity and Noise in Residential Zoning Districts

  Section 46-156 (2) b has been amended to clarify that construction activities are not permitted before 10:00 a.m. or after 4:00 p.m. and construction related noise shall not be permitted between 10:00 a.m. and 4:00 p.m. This amendment attempts to recognize the balance which the City Commission discussed of both a time of peace and quiet on Sundays and National Holidays and to recognize that there are numerous and legitimate construction activities undertaken by private homeowners in residential districts during weekends. This language would allow typical homeowner activities that are not generally noise producing to occur as they now do in residential districts of the City between the hours of 10:00 a.m. and 4:00 p.m. on Sundays. Construction activity is only prohibited in residential districts on Sunday's before10:00 a.m. and after 4:00 p.m.

  This specific provision is one which the Commission members had expected to discuss in Committee before the Second Reading; however, this language attempts to address the balance desired by the City Commissioners and may be clear enough as presented. If the Commission policy concerns are appropriately addressed by the

suggested language then the Committee discussion may not be necessary.

- Requirement to Use All Available Construction Hours Before an Expansion of Hours or Exemption for Excessive Noise Would be Granted

  Section 46-156 (2) a and b has been amended to include a provision that requires any property owner in either commercial or residential districts to use all of the available hours permitted within the Ordinance before requesting and being granted an expansion or an exemption for extra hours or time to engage in noise producing construction. The language has been expanded pursuant to the City Commission discussion to recognize that there might be legitimate community needs such as the 63rd Street Flyover Project that might actually necessitate and make advantageous a change in the allowable hours without fully utilizing the total available.

- Building Official Emergency Construction Approval of Temporary Noise Permits

  Section 46-156 (a) (2) d has been amended to allow an expanded grant of authority to the Building Official to grant temporary Noise Permits on any day under emergency circumstances. The Section also allows the Building Official to require a permit holder to notify surrounding property owners or residents.

- Revocation of Temporary Noise Permits

  Section 46-156 (c) has been added to allow any temporary permit for Noise generation to be revoked in the event there is an emergency condition or if there is information that has been improperly or incompletely disclosed relative to the permit.

- Clarification of the Number of Warnings

  Section 46-158 (b)(2)a has been amended to clearly reflect that only three (3) and not four (4) written warnings are permitted in advance of a violation being issued for excessive noise.

- Written Warnings Permitted in Single Family Zoning Districts

  Section 46-158(b) (2)b has been added at the specific direction of the City Commission to provide that only one (1) written warning is available in a twelve (12) month period of time for Noise violations occurring within single family zoning districts of the City.

  Section 46-150(b)(2) and a companion amendment in Section 46-159(a)(7)and (8) have been added to recognize that illegal commercial or non permitted non residential use in residential zoning district would be penalized in the first instance at $1,000.00 for an offense; the penalty for any second or subsequent offense is set at $5,000.00.

CONCLUSION

With the exception of one provision dealing with construction noise and activities in residential zoning districts, all of the other items in the Ordinance have been discussed and approved and/or requested by members of the City Commission. The complete Ordinance serves to both clarify and fine tune the Noise Ordinance so that it can be used more

effectively within the community and pursuant to the policy guidance provided by the members of the City Commission. If the provision that is suggested for the City Commission consideration that addresses both construction activities and construction generated noise in residential districts on Sundays and National Holidays correctly captures the Commission sentiment, action on the full Ordinance can be taken. If the Sunday noise section is unclear or does not correctly capture the desired policy of the City Commission, opening and continuing the item to allow a more detailed committee discussion may be desirable.

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ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 46 OF THE CITY CODE, ENTITLED "ENVIRONMENT," BY AMENDING ARTICLE IV, ENTITLED "NOISE," BY AMENDING SECTION 46-156, ENTITLED "TEMPORARY PERMITS," BY AMENDING THE PROCEDURES AND REQUIREMENTS FOR CONSTRUCTION ACTIVITIES AND PROVIDING EXCEPTIONS THERETO, PROHIBITING CONSTRUCTION NOISE ON SUNDAYS AND NATIONAL HOLIDAYS IN ALL NON-RESIDENTIAL ZONING DISTRICTS, EXCEPT UNDER CERTAIN CIRCUMSTANCES AND AS AUTHORIZED BY THE BUILDING OFFICIAL, PROHIBITING CONSTRUCTION IN RESIDENTIAL ZONING DISTRICTS BEFORE 10:00 A.M. AND AFTER 4:00 P.M. ON SUNDAYS AND NATIONAL HOLIDAYS AND PROHIBITING CONSTRUCTION NOISE BETWEEN 10:00 A.M. AND 4:00 P.M. ON SUNDAYS AND NATIONAL HOLIDAYS, PROVIDING PROVISIONS FOR THE VIOLATION AND REVOCATION OF TEMPORARY PERMITS, AND PROVIDING SUBHEADING TITLES TO BE ENTITLED (A) "REQUIREMENTS AND PROCEDURES," (B) "VIOLATION OF TEMPORARY PERMITS" AND (C) "REVOCATION OF TEMPORARY PERMITS;" AMENDING SECTION 46-158, ENTITLED "ENFORCEMENT BY CODE INSPECTORS; NOTICE OF VIOLATION, WARNINGS" BY AMENDING SUBSECTION (A) TO CLARIFY THE NOTICE OF VIOLATION PROVISIONS, AMENDING SUBSECTION (B)(2) TO PROVIDE CLARIFICATION AS TO THE NUMBER OF WRITTEN WARNINGS IN ALL ZONING DISTRICTS EXCEPT SINGLE FAMILY ZONING DISTRICTS; PROVIDING FOR ONE WRITTEN WARNING IN SINGLE FAMILY ZONING DISTRICTS PRIOR TO A NOTICE OF VIOLATION AND PROVIDING THAT A VIOLATION, INSTEAD OF A WRITTEN WARNING, SHALL BE ISSUED IF A VIOLATOR IS ALSO BEING CITED FOR AN ILLEGAL COMMERCIAL OR NON-PERMITTED, NON-RESIDENTIAL USE IN A RESIDENTIAL ZONING DISTRICT; AMENDING SECTION 46-159 ENTITLED "FINES AND PENALTIES FOR VIOLATION; APPEALS; ALTERNATE MEANS OF ENFORCEMENT," BY PROVIDING FINES AND PENALTIES FOR ANY OFFENSE WHICH WAS COMMITTED WHILE THE VIOLATOR WAS ALSO ENGAGED IN AN ILLEGAL COMMERCIAL OR NON-PERMITTED, NON-RESIDENTIAL USE IN A RESIDENTIAL ZONING DISTRICT; PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, noise has been a topic of concern within the City of Miami Beach for many years and has recently been the subject of recent City Code amendment to address modified enforcement and legislative solutions; and

WHEREAS, the purpose of the City's Noise Ordinance is to obtain compliance with the prohibition on unnecessary and excessive noise in the City before imposing fines and other penalties; and

WHEREAS, in order to strike a balance between the concerns of the business community and residents, a warning and violation system has been developed which takes into account the diverse character of the City; and

WHEREAS, the provisions in this Ordinance will serve to further address the noise concerns of the City and its residents relative to construction projects and with regard to illegal commercial or non-permitted, non-residential, uses in residential zoning districts, to preserve the quality of life in all City neighborhoods, and to provide clarification of the City Commission's original intent relative to the enforcement of noise violations.

NOW, THEREFORE, BE IT DULY ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH AS FOLLOWS:

SECTION 1. That Section 46-156 of Article IV of Chapter 46 of the Miami Beach City Code is hereby amended as follows:

Chapter 46

ENVIRONMENT

* * *

ARTICLE IV. NOISE

* * *

Sec. 46-156. Temporary permits.

(a) Requirements and Procedures

The City manager is authorized to issue a temporary permit to allow noise when produced by a temporary use or activity as provided in this section. The City manager may prescribe any reasonable conditions necessary to minimize any adverse effect upon

the community. A permit granted under this article shall contain all conditions upon which the permit has been granted, including the period of time for which the permit has been granted. Such relief may be granted in the following situations:

(1) *Code compliance in progress.* When an applicant is utilizing best efforts to comply with the noise restrictions in this article, but additional time is required for the applicant to modify his activity to comply and no reasonable alternative is available to the applicant, such permits may be granted for a period of time not to exceed ten consecutive days.

(2) *Construction.* When construction activities pursuant to a valid building permit cannot be carried out in a manner which would comply with section 46-152, notwithstanding that all equipment is operated in accordance with manufacturer's specifications, is in good repair and utilizes all noise baffling methods as specified by the manufacturer, such activities shall occur only as follows:

a. Between the hours of 7:30 a.m. and 6:30 p.m., and between the hours of 7:30 a.m. and 7:30 p.m. during daylight savings time, on any day in areas zoned as CCC, GU, I-1, MR, CPS-1, CPS-2, CPS-3, CPS-4, RO, WD-1, WD-2, GC, HD, MXE, CD-1, CD-2 and CD-3. No construction noise shall be permitted on Sundays or on national holidays in the zoning districts set forth in this subsection. However, the City manager may authorize any necessary construction activities to occur earlier and/or later than as otherwise provided in this subsection based upon a finding that 1) there are no reasonable alternatives, ~~and~~ 2) there are no prior code violation adjudications or fines and no pending construction noise violation cases against the property owner, contractor, or the construction site, and 3) all permitted construction days and hours are already being fully utilized in accordance with industry standards and practice and/or in recognition of community needs, including but not limited to traffic flows for which a particular sequencing of construction is necessitated. The work authorized by the City manager may be conditioned upon reasonable notice to surrounding property owners and tenants. Permits issued pursuant to such authorization shall not exceed seven consecutive days. ~~No construction shall be permitted on Sundays or on national holidays in the zoning districts set forth in this subsection, notwithstanding compliance with Section 46-152.~~

b. Between the hours of 8:00 a.m. and 6:00 p.m. on weekdays and 10:00 a.m. and 4:00 p.m. on Saturdays in areas zoned as RM-1, RM-2, RM-3, RM-PRD, RPS-1, RPS-2, RPS-3, RPS-4, RMPS-1, RS-1, RS-2, RS-3, RS-4, TH and in any exclusively residential zoning district not otherwise specified in this subsection and within three hundred feet of any of these zoning districts. ~~No construction shall be permitted on Sundays or on national holidays in the zoning districts set forth in this subsection or within 300 feet thereof~~. On Sundays and national holidays, construction shall not be permitted before 10:00 a.m. or after 4:00 p.m. and construction noise shall not be permitted

between 10:00 a.m. and 4:00 p.m. in the zoning districts set forth in this subsection or within 300 feet thereof. However, the City manager may authorize any necessary construction activities to occur earlier and/or later than as otherwise provided in this subsection based upon a finding that 1) there are no reasonable alternatives, ~~and~~ 2) there are no prior code violation adjudications or fines and no pending construction noise violation cases against the property owner, contractor, or construction site, and 3) all permitted construction days and hours are already being fully utilized in accordance with industry standards and practice and/or in recognition of community needs, including but not limited to traffic flows, a particular sequencing of construction is necessitated. The work authorized by the City manager may be conditioned upon reasonable notice to surrounding property owners and tenants. Permits issued pursuant to such authorization shall not exceed three consecutive days. ~~No construction shall be permitted on Sundays or on national holidays in the zoning districts set forth in this subsection, notwithstanding compliance with section 46-152~~.

c. The issuance of a temporary permit is a privilege and does not constitute a right or expectation that said permit will remain in effect. Any permits issued pursuant to (2)a-b, shall not constitute or be deemed precedent for the granting of any future permits.

d. Notwithstanding the provisions of (2)a-b., under emergency circumstances or when the Florida Building Code requires work earlier or later than the time frames specified in (2)a-b or on any day (including Sundays or national holidays), temporary permits shall be subject to authorization by the building official. The work authorized by the building official pursuant to this subsection may be conditioned upon reasonable notice to surrounding property owners and tenants.

(3) *Special events and film and print permits*. A film permit issued pursuant to section 12-1, or a special event permit issued pursuant to section 12-5 may be exempted from the requirements of section 46-152 upon specific compliance with sections 12-1(9) or 12-5(8), as applicable.

(b) Violation of Temporary Permit

Failure to comply with any condition of a temporary permit issued pursuant to this section shall constitute a violation and shall result in enforcement procedures and penalties as set forth in sections 46-159 and 46-160.

(c) Revocation of Temporary Permits

Any temporary permit may be immediately revoked pursuant to the procedures set forth in sections 102-383 and 102-385 if the City Manager finds that an emergency condition exists involving serious danger to the public health, safety, or welfare; if the permit holder failed to disclose or misrepresented material information in the permit application or in the permit application process; or that there was a failure to comply with any condition of a particular temporary permit.

SECTION 2. That Section 46-158 of Article IV of Chapter 46 of the Miami Beach City Code is hereby amended as follows:

Sec. 46-158. Enforcement by code inspectors; notice of violation; warnings.

(a) Notice of Violation. If the code inspector observes a violation of this article, the inspector shall issue a notice of violation to the violator, and a courtesy copy of the violation shall be provided to the occupational license holder, except as otherwise provided in subsection (b), and inform the violator that he must immediately cease the violation ~~and that the violator will be subject to penalties if the violation continues and that a notice of violation will be issued to the violator as provided in Chapter 30 of this Code~~. The notice shall ~~inform the violator of the~~ include the following information:

(1) Name of the violator.

(2) Date and time of violation.

(3) Nature of the violation.

(4) Amount of fine or other penalty for which the violator may be liable pursuant to section 46-159 of this Code or as otherwise provided by law.

(5) Instructions and due date for paying the fine.

(6) Notice that the violation may be appealed by filing a written request for an administrative hearing with the clerk of the special master within ten days after service of the notice of violation, that failure to do so shall constitute an admission of the violation and waiver of the right to a hearing, and that unpaid fines will result in the imposition of liens which may be foreclosed by the city.

The notice shall also inform the violator that repeat violations of this article will result in the imposition of larger fines and may also result in revocation, suspension, or the imposition of restrictions on an occupational license, and/or certificate of use, or accessory use, and/or injunctive proceedings as provided by law. The notice shall be signed by the code inspector who witnessed the violation.

(b) Warnings.

(1) Oral Warnings

If a code inspector observes a violation of this article without a complaint having been made, the inspector may first issue one oral courtesy warning per day and inform the violator that the violator will be subject to penalties if the violation continues.

(2) Written Warnings

A code inspector shall first issue a written warning to immediately cease the violation prior to issuing a notice of violation: ~~if no more than~~

a) unless three written warnings have been issued in the 12 months preceding the date of violation and the violation occurs in any zoning district except a single family zoning district; or

b) unless one written warning has been issued in the 12 months preceding the date of violation and the violation occurs in a single family zoning district.

The written warning shall be substantially in the same form as the notice of violation as stated in section 46-158 (a) above. Failure to correct the violation within fifteen minutes following the issuance of a written or oral warning~~,~~ shall result in the issuance of a notice of violation pursuant to this Article.

A ~~C~~code ~~I~~inspector shall not issue a written warning, and instead shall issue a notice of violation, to any person, entity or establishment who: 1) in any one day has already been issued a written warning as specified in 46-158 or 2) in any 12 month period has exceeded ~~any of~~ the ~~three~~ warning limits specified in 46-158(b)(2) or 3) is also being cited for an illegal commercial or non-permitted non-residential use in a residential zoning district.

(c) Owner's Responsibility to Provide Current Address.

The holder of the occupational license for the premises where a violation or warning is issued shall have the responsibility to keep the ~~C~~city advised of the current address of the owner of the premises.

SECTION 4. That Section 46-159 of Article IV of Chapter 46 of the Miami Beach City Code is hereby amended as follows:

Sec. 46-159. Fines and penalties for violation; appeals; alternate means of enforcement.

(a) *Fines and penalties.* The following civil fines and penalties shall be imposed for violations of this chapter:

(1) If the offense is the first offense, $250.00 fine.
(2) If the offense is the second offense within the preceding 18 months, $1,000.00 fine.
(3) If the offense is the third offense within the preceding 18 months, $2,000.00 fine.
(4) If the offense is the fourth offense within the preceding 18 months, one weekend (noon Friday through noon Monday) occupational license conditions and/or accessory use restrictions shall be imposed limiting the ability to produce any live or amplified sound at that portion of the premises that caused the violation, in addition to a $3,000.00 fine.
(5) If the offense is the fifth offense within the preceding 18 months, two weekend (noon Friday through noon Monday) occupational license conditions and/or accessory use restrictions shall be imposed limiting the ability to produce any live or amplified sound at that portion of the premises that caused the violation, in addition to a $5,000.00 fine.
(6) If the offense is the sixth or greater offense within the preceding 18 months, it shall be considered an habitual offender offense with penalties and fines imposed pursuant to Section 46-159(h).
(7) <u>The first time an offense is committed while the violator was also engaged in an illegal commercial or non-permitted, non-residential use in a residential zoning district, $1,000.00, notwithstanding the fine provision in (1) above.</u>
(8) <u>The second or any subsequent time an offense is committed while the violator was also engaged in an illegal commercial or non-permitted, non-residential use in a residential zoning district, $5,000.00, notwithstanding the fine provisions in (2)-(4) above.</u>

* * *

<u>SECTION 5. CODIFICATION</u>

It is the intention of the Mayor and City Commission of the City of Miami Beach, and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of the City of Miami Beach, Florida. The sections of this ordinance may be renumbered or re-lettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

SECTION 6. REPEALER

All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

SECTION 7. SEVERABILITY

If any section, subsection, clause or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

SECTION 8. EFFECTIVE DATE

PASSED and **ADOPTED this _____ day of _____, 2006.**

This Ordinance shall take effect on the ____ day of _____, 2006.

ATTEST:

_____
MAYOR

_____
CITY CLERK

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

City Attorney 7/6/06
Date

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MIAMIBEACH

CITY OF MIAMI BEACH
NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY given that public hearings will be held by the Mayor and City Commission of the City of Miami Beach, Florida, in the Commission Chambers, 3rd floor, City Hall, 1700 Convention Center Drive, Miami Beach, Florida, on **Wednesday, July 12, 2006**, to consider the following:

10:20 a.m.
An Ordinance Amending The Code Of The City Of Miami Beach, By Amending Chapter 118, "Administration And Review Procedures," Article IV, "Conditional Use Procedure," By Creating Review Guidelines For New Structures 50,000 Square Feet And Over.

Inquiries may be directed to the Planning Department at (305) 673-7550.

10:40 a.m.
An Ordinance Amending Ordinance No.789, The Classified Employees Salary Ordinance Of The City Of Miami Beach, Florida, Providing For The Classifications In Group V, Being Those Classifications Covered By The Government Supervisors Association Of Florida, Opieu Local 100, (GSAF), In Accordance With The Negotiated Agreement; Retroactively Effective In The First Pay Period Ending In October Of 2003, There Shall Be An Across The Board Wage Increase Of One Half Percent (.5%), And The Minimum And Maximum Of Each Pay Range Will Also Be Increased By One Half Percent (.5%); Retroactively Effective With The First Pay Period Ending In October Of 2004, There Shall Be An Across The Board Wage Increase Of One Half Percent (.5%), And The Minimum And The Maximum Of Each Pay Range Will Also Be Increased By One Half Percent (.5%); Retroactively Effective In The First Pay Period Ending In October 2005, There Shall Be An Across The Board Wage Increase Of One Percent (1%), And The Minimum And Maximum Of Each Pay Range Will Also Be Increased By One Percent (1%); Amending The Minimum And Maximum Of The Pay Ranges To Reflect The Present Classification And Pay System Applicable To The Unclassified Classifications; Repealing All Ordinances In Conflict.

Inquiries may be directed to the Human Resources Department at (305) 673-7520.

10:45 a.m.
An Ordinance Amending Chapter 46 Of The City Code, Entitled "Environment," By Amending Article IV, Entitled "Noise," By Amending Section 46-156, Entitled "Temporary Permits," By Amending The Procedures And Requirements For Construction Activities And Providing Exceptions Thereto, Prohibiting Construction Noise On Sundays And National Holidays In All Non-Residential Zoning Districts, Except Under Certain Circumstances And As Authorized By The Building Official, Prohibiting Construction Noise In Residential Zoning Districts Before 10:00 A.M. And After 4:00 P.M. On Sundays And National Holidays And Prohibiting Construction Noise Between 10:00 A.M. And 4:00 P.M. On Sundays And National Holidays, Providing Provisions For The Revocation Of Temporary Permits, And Providing Subheading Titles To Be Entitled (A) "Requirements And Procedures," (B) "Violation Of Temporary Permits" And (C) "Revocation Of Temporary Permits;"Amending Section 46-158, Entitled "Enforcement By Code Inspectors; Notice Of Violation, Warnings" By Amending Subsection (A) To Clarify The Notice Of Violation Provisions, Amending Subsection (B)(2) To Provide Clarification As To The Number Of Written Warnings In All Zoning Districts Except Single Family Zoning Districts; Providing For One Written Warning In Single Family Zoning Districts Prior To A Notice Of Violation And Providing That A Violation, Instead Of A Written Warning, Shall Be Issued If A Violator Is Also Being Cited For An Illegal Commercial Or Non-Permitted, Non-Residential Use In A Residential Zoning District; Amending Section 46-159 Entitled "Fines And Penalties For Violation; Appeals; Alternate Means Of Enforcement,"By Providing Fines And Penalties For Any Offense Which Was Committed While The Violator Was Also Engaged In An Illegal Commercial Or Non-Permitted, Non-Residential Use In A Residential Zoning District.

Inquiries may be directed to the City Manager's Office at (305) 673-7010.

2:00 p.m.
An Ordinance Amending Chapter 118, Of The City Code Entitled, "Administration And Review Procedures," By Amending Division 2, "Planning Board,"Section 118-51, "Powers And Duties," By Including Criteria For The Review Of The Sale, Exchange, Conveyance Or Lease Of Ten Years Or Longer Of Such City Property, As Provided In City Charter, Section 1.03(B)3.

Inquiries may be directed to the Planning Department at (305) 673-7550.

2:10 p.m.
An Ordinance Amending The Land Development Regulations Of The City Code, By Amending Chapter 142, "Zoning Districts And Regulations" Article II, "District Regulations" Division 18, "PS Performance Standard District," Amending Section 142-696 "Residential Performance Standard Area Requirements," By Amending The Maximum Building Height In The R-PS4 Zoning District; Amending Section 142-697 "Setback Requirements In The R-PS1, 2, 3, 4 Districts," To Provide For Additions To Follow The Existing Building Line And Modifying The Tower Setbacks.

Inquiries may be directed to the Planning Department at (305) 673-7550.

2:20 p.m.
An Ordinance Amending The Land Development Regulations Of The Code Of The City Of Miami Beach, By Amending Chapter 118, "Administration And Review Procedures,"Article IX, "Nonconformances," Section 118-395 To Add New Subsections For Nonconforming Gasoline Service Stations.

Inquiries may be directed to the Planning Department at (305) 673-7550.

INTERESTED PARTIES are invited to appear at this meeting, or be represented by an agent, or to express their views in writing addressed to the City Commission, c/o the City Clerk, 1700 Convention Center Drive, 1st Floor, City Hall, Miami Beach, Florida 33139. Copies of these ordinances are available for public inspection during normal business hours in the City Clerk's Office, 1700 Convention Center Drive, 1st Floor, City Hall, and Miami Beach, Florida 33139. This meeting may be continued and under such circumstances additional legal notice would not be provided.

Robert E. Parcher, City Clerk
City of Miami Beach

Pursuant to Section 286.0105, Fla. Stat., the City hereby advises the public that: if a person decides to appeal any decision made by the City Commission with respect to any matter considered at its meeting or its hearing, such person must ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. This notice does not constitute consent by the City for the introduction or admission of otherwise inadmissible or irrelevant evidence, nor does it authorize challenges or appeals not otherwise allowed by law.

To request this material in accessible format, sign language interpreters, information on access for persons with disabilities, and/or any accommodation to review any document or participate in any city-sponsored proceeding, please contact (305) 604-2489 (voice), (305)673-7218(TTY) five days in advance to initiate your request. TTY users may also call 711 (Florida Relay Service).

Ad #378

RESOLUTION TO BE SUBMITTED

Condensed Title:

Amendment pertaining to creating review criteria for the Planning Board pursuant to Subpart A of the City Charter, Section 1.03(b)3.

Key Intended Outcome Supported:

Improve the City's overall financial health

Issue:

The City's Charter requires that the sale, exchange, conveyance or lease of ten years or longer of certain City-owned property shall, as provided by Ordinance, require approval by a majority vote (4/7ths) of all members of the Planning Board. The proposed ordinance creates criteria for such reviews.

Item Summary/Recommendation:

The proposed ordinance creates criteria for the Planning Board to review, evaluate the sale, exchange, conveyance or lease of ten years or longer of certain City-owned property, which as required by the City Charter, must be approved by a 4/7ths vote of the Board. The proposed criteria include, but are not limited to reviewing whether the proposed use (after sale or lease) is in keeping with City goals, whether there are alternatives to the proposed disposition of the City property; what impact the disposition will have on adjacent properties, what is the traffic impact derived from the proposed disposition of City property; is a public purpose achieved; financial impact of the transaction; and if leased what is the duration of the lease.

The Administration recommends that the Commission adopt the ordinance as modified by the Commission on June 7, 2006.

Advisory Board Recommendation:

At the May 23, 2006 meeting, the Planning Board recommended that the City Commission adopt the proposed ordinance as modified, which includes financial impact criteria. The Board approved the motion by a vote of 6-0 (one member absent).

Financial Information:

Source of Funds:

OBPI

	Amount	Account	Approved
1			
2			
3			
4			
Total			

Financial Impact Summary:

The proposed Ordinance is not expected to have any fiscal impact.

City Clerk's Office Legislative Tracking:

Jorge Gomez or Mercy Lamazares

Sign-Offs:

Department Director	Assistant City Manager	City Manager

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MIAMIBEACH

AGENDA ITEM R5E
DATE 7-12-06

MIAMIBEACH

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

COMMISSION MEMORANDUM

TO: Mayor David Dermer and Members of the City Commission

FROM: Jorge M. Gonzalez, City Manager

DATE: July 12, 2006 **Second Reading Public Hearing**

SUBJECT: **Planning Board review criteria pursuant to the requirements of Subpart A of the City Charter, Section 1.03(b)3.**

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 118, OF THE CITY CODE ENTITLED, "ADMINISTRATION AND REVIEW PROCEDURES," BY AMENDING DIVISION 2, "PLANNING BOARD," SECTION 118-51, "POWERS AND DUTIES," BY INCLUDING CRITERIA FOR THE REVIEW OF THE SALE, EXCHANGE, CONVEYANCE OR LEASE OF TEN YEARS OR LONGER OF SUCH CITY PROPERTY, AS PROVIDED IN CITY CHARTER, SECTION 1.03(b)3; PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

ADMINISTRATION RECOMMENDATION

The Administration recommends that the ordinance as modified by the Commission on June 7, 2006 be adopted.

BACKGROUND

The City's Charter requires that the sale, exchange, conveyance or lease of ten years or longer of certain City-owned property shall, as provided by Ordinance, (emphasis added) require approval by a majority of (4/7) vote of all members of the Planning Board and five sevenths (5/7) of all members of the City Commission. An ordinance is required to establish the criteria upon which the Planning Board should review such transactions.

At the February 27, 2006 meeting, the Land Use and Development Committee (LUDC) discussed this issue and reviewed some proposed criteria for this type of review and recommended to the City Commission that an ordinance that includes those criteria be referred to the Planning Board for review and recommendation. The City Commission adopted the recommendation of the LUDC and required the Administration to prepare an ordinance to be referred to the Planning Board.

At the April 19, 2006 meeting, the Planning Board reviewed the proposed ordinance as referred by the City Commission and requested that the City Attorney's office and the Administration review an expanded list of review factors adding the concerns below, and to return at the May meeting with suggested additional language. The Planning Board's reasoning on the suggested additional language was that these are necessary criteria for the review of disposition or lease of City property and whether the City Commission

would like the Planning Board to review all of them or only some of them, the financial impact of these types of transactions should be reviewed.

- Financial impact: market rates, market sales price, return to the City, comparable value of similar transactions, reasonable limitations on base.
- Is there a compelling public purpose for the transaction
- Duration of lease

ANALYSIS

On two previous occasions, the Planning Board had reviewed the exchange and long-term lease of City-owned properties. Absent specific guidelines, the Planning Department used the analysis required by Section 82-38 of the City Code (commonly known as the Shapiro Review) when City-owned property is proposed for sale or lease.

The proposed ordinance amends Section 118-51, "Powers and Duties," of the Planning Board by adding to these duties the review of the sale, exchange, conveyance or least of 10 years or longer of certain City-owned properties. There are two versions of the proposed amendment -one includes review criteria as previously proposed, and the second version is the Planning Board's recommended version.

The Planning Board version of the ordinance includes the following criteria:

a. Whether or not the proposed use is in keeping with City goals and objectives and conforms to the City Comprehensive Plan.

b. If a sale, a determination as to whether or not alternatives are available for the acquisition of private property as an alternative to the proposed disposition or sale of City-owned properties, including assembly of adjacent properties, and impact of such assemblage on the adjacent neighborhood and the City in general.

c. The impact on adjacent properties, including the potential positive or negative impacts such as diminution of open space, increased traffic, adequate parking, noise level, enhanced property values, improved development patterns, and provision of necessary services.

d. Determination as to whether or not the proposed use is in keeping with the surrounding neighborhood, blocks views or creates other environmental intrusions, and evaluation of design and aesthetic considerations of the project.

e. A traffic circulation analysis and plan that details the impact of projected traffic on the immediate neighborhood and how this impact is to be mitigated.

f. Determination as to whether or not the proposed use is in keeping with a public purpose and community needs, such as expanding the city's revenue base, reducing city costs, creating jobs, creating a significant revenue stream, and improving the community's overall quality of life.

g. If a sale is proposed, the financial impact to the City, including but not limited to the financial return to the City, comparable value of similar transactions, financial impact on the City's budget and tax base.

h. If a lease is proposed, the duration and basic terms of the lease.

The Administration version of the ordinance removed criteria f. g. and h. from the listed criteria above, following the recommendation from the Land Use and Development Committee (LUDC), which was adopted by the City Commission at the time this item was referred to the Planning Board. At the time the LUDC recommended what is now labeled as the Administration recommendation, the discussion centered on what is applicable for the Planning Board to review and approve and what is applicable for the City Commission to review and approve. Some of the Committee members believed that financial impacts of any of these types of transactions should be under the purview of the City Commission review rather than the Planning Board. These criteria are part of the list contained in Section 82-38 (a/k/a the Shapiro review), which the City Commission reviews at a public hearing prior to the sale or lease of City property. For the Commission's information, these are as follows:

(1) Whether or not the proposed use is in keeping with city goals and objectives and conforms to the city comprehensive plan.

(2) The impact on adjacent property, including the potential positive or negative impacts such as diminution of open space, increased traffic, noise level or enhanced property values, improved development patterns and provision of necessary services. Based on the proposed use of the property, the city shall determine the potential impact of the project on city utilities and other infrastructure needs and the magnitude of costs associated with needed infrastructure improvements. Should it become apparent that further evaluation of traffic impact is needed, the proponent shall be responsible for obtaining a traffic impact analysis from a reputable traffic engineer.

(3) A determination as to whether or not the proposed use is in keeping with a public purpose and community needs, such as expanding the city's revenue base, reducing city costs, creating jobs, creating a significant revenue stream, and improving the community's overall quality of life.

(4) Determination as to whether or not the development is in keeping with the surrounding neighborhood will block views or create other environmental intrusions, and evaluation of the design and aesthetic considerations of the project.

(5) The impact on adjacent properties, whether or not there is adequate parking, street and infrastructure needs.

(6) A determination as to whether or not alternatives are available for the proposed disposition, including assembly of adjacent properties, and whether the project could be accomplished under a private ownership assembly.

(7) Within the constraints of public objectives, the department should examine financial issues such as job generation, providing housing opportunities, and the return to the city for its disposition of property.

(8) Such other issues as the planning, design and historic preservation division may deem appropriate in analysis of the proposed disposition.

PLANNING BOARD ACTION

At the May 23, 2006 meeting, the Planning Board recommended that the City Commission adopt the Planning Board version of the proposed ordinance, which added three new criteria that address the financial impact of any disposition, whether lease or sale, of City-owned property. The Board approved the motion by a vote of 6-0 (1 member absent).

CITY COMMISSION ACTION

At the June 7, 2006 meeting, the City Commission approved the Administration's version of the ordinance Section 118-51(11) items a through e; and modified Planning Board's version items f and h as follows:

f: Determination as to whether or not the proposed use is in keeping with a public purpose and community needs, ~~such as expanding the city's revenue base, reducing city costs, creating jobs, creating a significant revenue stream,~~ and improving the community's overall quality of life.
g: deleted
h: If a lease is proposed, the duration and ~~basic terms~~ other non-financial terms of the lease.

These modifications have been included in the ordinance attached for second reading public hearing.

FISCAL IMPACT

This proposal has no associated negative fiscal impact upon enactment.

CONCLUSION

The Administration recommends that the City Commission adopt the proposed ordinance as modified.

Pursuant to Section 118-164(3) of the City Code, when a request to amend the Land Development Regulations does not change the actual list of permitted, conditional or prohibited uses in a zoning category, the proposed ordinance may be read by title or in full on at least **two separate days** and shall, at least **ten days prior to adoption**, be noticed once in the newspaper. Immediately following the public hearing at the second reading, the City Commission may adopt the ordinance by an affirmative vote of five-sevenths.

JMG/TH/JGG/ML
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Revised 6-7-06

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 118, OF THE CITY CODE ENTITLED, "ADMINISTRATION AND REVIEW PROCEDURES," BY AMENDING DIVISION 2, "PLANNING BOARD," SECTION 118-51, "POWERS AND DUTIES," BY INCLUDING CRITERIA FOR THE REVIEW OF THE SALE, EXCHANGE, CONVEYANCE OR LEASE OF TEN YEARS OR LONGER OF SUCH CITY PROPERTY, AS PROVIDED IN CITY CHARTER, SECTION 1.03(b)3; PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

WHEREAS, the City Charter, Section 1.03(b)(3), requires that the sale, exchange, conveyance or lease of ten years or longer of certain City-owned property shall, as provided by Ordinance, require approval by a majority (4/7) vote of all members of the Planning Board; and

WHEREAS, review criteria are necessary for the proper review and evaluation by the Planning Board; and

WHEREAS, at its meeting of February 27, 2006, the City's Land Use and Development Committee (LUDC) reviewed proposed criteria and recommended that an ordinance that includes these criteria be referred to the Planning Board; and

WHEREAS, at its March 8, 2006 meeting, the City Commission adopted the LUDC's recommendation, and required the Administration to prepare an ordinance and refer the same to the Planning Board; and

WHEREAS, the following ordinance fulfills the request of the City Commission and accomplishes the requirements of Section 1.03(b)3 of the City Charter.

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA:

SECTION 1. That Chapter 118, of the City Code entitled, "Administration and Review Procedures," Division 2, "Planning Board," Section 118-51, "Powers and Duties," is hereby amended as follows:

Sec. 118-51. Powers and duties.

The Planning Board shall have the following powers and duties:

* * *

(11) To review the sale, exchange, conveyance or lease of ten years or longer of certain City-owned property, as provided in City Charter, Section 1.03(b)3, entitled, "Alienability of property", which requires approval by a majority (4/7) vote of all members of the Planning Board. In reviewing such an application, the Planning Board shall consider the following review criteria, when applicable:

a. Whether or not the proposed use is in keeping with City goals and objectives and conforms to the City Comprehensive Plan.

b. If a sale, a determination as to whether or not alternatives are available for the acquisition of private property as an alternative to the proposed disposition or sale of City-owned properties, including assembly of adjacent properties, and impact of such assemblage on the adjacent neighborhood and the City in general.

c. The impact on adjacent properties, including the potential positive or negative impacts such as diminution of open space, increased traffic, adequate parking, noise level, enhanced property values, improved development patterns, and provision of necessary services.

d. Determination as to whether or not the proposed use is in keeping with the surrounding neighborhood, blocks views or creates other environmental intrusions, and evaluation of design and aesthetic considerations of the project.

e. A traffic circulation analysis and plan that details the impact of projected traffic on the immediate neighborhood and how this impact is to be mitigated.

f. Determination as to whether or not the proposed use is in keeping with a public purpose and community needs, ~~such as expanding the city's revenue base, reducing city costs, creating jobs, creating a significant revenue stream,~~ and improving the community's overall quality of life.

g. ~~If a sale is proposed, the financial impact to the City, including but not limited to the financial return to the City, comparable value of similar transactions, financial impact on the City's budget and tax base.~~

h. If a lease is proposed, the duration and ~~basic terms~~ other non-financial terms of the lease.

SECTION 2. Repealer.

All ordinances or parts of ordinances and all section and parts of sections in conflict herewith be and the same are hereby repealed.

SECTION 3. Codification.

It is the intention of the City Commission, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Code of the City of Miami Beach as amended; that the sections of this ordinance may be renumbered or relettered to accomplish such intention; and that the word "ordinance" may be changed to "section" or other appropriate word.

SECTION 4. Severability.

If any section, subsection, clause or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

SECTION 5. Effective Date.

This Ordinance shall take effect ten days following adoption.

PASSED and **ADOPTED** this _____ day of _____, 2006.

ATTEST:

_____
MAYOR

_____
CITY CLERK

First Reading:
Second Reading:

APPROVED AS TO
FORM AND LANGUAGE
& FOR EXECUTION

City Attorney 7/3/06 Date

Verified by: _____
Jorge G. Gomez, AICP
Planning Director

Underscore denotes new language

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MIAMIBEACH

CITY OF MIAMI BEACH
NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY given that public hearings will be held by the Mayor and City Commission of the City of Miami Beach, Florida, in the Commission Chambers, 3rd floor, City Hall, 1700 Convention Center Drive, Miami Beach, Florida, on **Wednesday, July 12, 2006**, to consider the following:

10:20 a.m.
An Ordinance Amending The Code Of The City Of Miami Beach, By Amending Chapter 118, "Administration And Review Procedures," Article IV, "Conditional Use Procedure," By Creating Review Guidelines For New Structures 50,000 Square Feet And Over.

Inquiries may be directed to the Planning Department at (305) 673-7550.

10:40 a.m.
An Ordinance Amending Ordinance No.789, The Classified Employees Salary Ordinance Of The City Of Miami Beach, Florida, Providing For The Classifications In Group V, Being Those Classifications Covered By The Government Supervisors Association Of Florida, Opieu Local 100, (GSAF), In Accordance With The Negotiated Agreement; Retroactively Effective In The First Pay Period Ending In October Of 2003, There Shall Be An Across The Board Wage Increase Of One Half Percent (.5%), And The Minimum And Maximum Of Each Pay Range Will Also Be Increased By One Half Percent (.5%); Retroactively Effective With The First Pay Period Ending In October Of 2004, There Shall Be An Across The Board Wage Increase Of One Half Percent (.5%), And The Minimum And The Maximum Of Each Pay Range Will Also Be Increased By One Half Percent (.5%); Retroactively Effective In The First Pay Period Ending In October 2005, There Shall Be An Across The Board Wage Increase Of One Percent (1%), And The Minimum And Maximum Of Each Pay Range Will Also Be Increased By One Percent (1%); Amending The Minimum And Maximum Of The Pay Ranges To Reflect The Present Classification And Pay System Applicable To The Unclassified Classifications; Repealing All Ordinances In Conflict.

Inquiries may be directed to the Human Resources Department at (305) 673-7520.

10:45 a.m.
An Ordinance Amending Chapter 46 Of The City Code, Entitled "Environment," By Amending Article IV, Entitled "Noise," By Amending Section 46-156, Entitled "Temporary Permits," By Amending The Procedures And Requirements For Construction Activities And Providing Exceptions Thereto, Prohibiting Construction Noise On Sundays And National Holidays In All Non-Residential Zoning Districts, Except Under Certain Circumstances And As Authorized By The Building Official, Prohibiting Construction Noise In Residential Zoning Districts Before 10:00 A.M. And After 4:00 P.M. On Sundays And National Holidays And Prohibiting Construction Noise Between 10:00 A.M. And 4:00 P.M. On Sundays And National Holidays, Providing Provisions For The Revocation Of Temporary Permits, And Providing Subheading Titles To Be Entitled (A) "Requirements And Procedures," (B) "Violation Of Temporary Permits" And (C) "Revocation Of Temporary Permits;"Amending Section 46-158, Entitled "Enforcement By Code Inspectors; Notice Of Violation, Warnings" By Amending Subsection (A) To Clarify The Notice Of Violation Provisions, Amending Subsection (B)(2) To Provide Clarification As To The Number Of Written Warnings In All Zoning Districts Except Single Family Zoning Districts; Providing For One Written Warning In Single Family Zoning Districts Prior To A Notice Of Violation And Providing That A Violation, Instead Of A Written Warning, Shall Be Issued If A Violator Is Also Being Cited For An Illegal Commercial Or Non-Permitted, Non-Residential Use In A Residential Zoning District; Amending Section 46-159 Entitled "Fines And Penalties For Violation; Appeals; Alternate Means Of Enforcement,"By Providing Fines And Penalties For Any Offense Which Was Committed While The Violator Was Also Engaged In An Illegal Commercial Or Non-Permitted, Non-Residential Use In A Residential Zoning District.

Inquiries may be directed to the City Manager's Office at (305) 673-7010.

2:00 p.m.
An Ordinance Amending Chapter 118, Of The City Code Entitled, "Administration And Review Procedures," By Amending Division 2, "Planning Board,"Section 118-51, "Powers And Duties," By Including Criteria For The Review Of The Sale, Exchange, Conveyance Or Lease Of Ten Years Or Longer Of Such City Property, As Provided In City Charter, Section 1.03(B)3.

Inquiries may be directed to the Planning Department at (305) 673-7550.

2:10 p.m.
An Ordinance Amending The Land Development Regulations Of The City Code, By Amending Chapter 142, "Zoning Districts And Regulations" Article II, "District Regulations" Division 18, "PS Performance Standard District," Amending Section 142-696 "Residential Performance Standard Area Requirements," By Amending The Maximum Building Height In The R-PS4 Zoning District; Amending Section 142-697 "Setback Requirements In The R-PS1, 2, 3, 4 Districts," To Provide For Additions To Follow The Existing Building Line And Modifying The Tower Setbacks.

Inquiries may be directed to the Planning Department at (305) 673-7550.

2:20 p.m.
An Ordinance Amending The Land Development Regulations Of The Code Of The City Of Miami Beach, By Amending Chapter 118, "Administration And Review Procedures,"Article IX, "Nonconformances," Section 118-395 To Add New Subsections For Nonconforming Gasoline Service Stations.

Inquiries may be directed to the Planning Department at (305) 673-7550.

INTERESTED PARTIES are invited to appear at this meeting, or be represented by an agent, or to express their views in writing addressed to the City Commission, c/o the City Clerk, 1700 Convention Center Drive, 1st Floor, City Hall, Miami Beach, Florida 33139. Copies of these ordinances are available for public inspection during normal business hours in the City Clerk's Office, 1700 Convention Center Drive, 1st Floor, City Hall, and Miami Beach, Florida 33139. This meeting may be continued and under such circumstances additional legal notice would not be provided.

Robert E. Parcher, City Clerk
City of Miami Beach

Pursuant to Section 286.0105, Fla. Stat., the City hereby advises the public that: if a person decides to appeal any decision made by the City Commission with respect to any matter considered at its meeting or its hearing, such person must ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. This notice does not constitute consent by the City for the introduction or admission of otherwise inadmissible or irrelevant evidence, nor does it authorize challenges or appeals not otherwise allowed by law.

To request this material in accessible format, sign language interpreters, information on access for persons with disabilities, and/or any accommodation to review any document or participate in any city-sponsored proceeding, please contact (305) 604-2489 (voice), (305)673-7218(TTY) five days in advance to initiate your request. TTY users may also call 711 (Florida Relay Service).

Ad #378

Condensed Title:

Amendment pertaining to development regulations for the Residential Performance Standard Districts relative to pedestal and tower setbacks and maximum height in the R-PS4 district.

Key Intended Outcome Supported:

Increase satisfaction with neighborhood character.

Issue:

Should the City Commission re-adopt the proposed regulations in order to correct a scrivener's error in publication for the adoption of this ordinance in November 2002.

Item Summary/Recommendation:

The proposed ordinance re-establishes the intent of reducing heights in the R-PS4 district to have more compatibility with the surrounding Ocean Beach Local Historic District neighborhood.

The Administration recommends that the Commission adopt the ordinance.

Advisory Board Recommendation:

At the April 19, 2006 meeting, the Planning Board recommended that the City Commission adopt the proposed ordinance by a vote of 5-0 (2 members absent).

Financial Information:

Source of Funds:

OBPI

	Amount	Account	Approved
1			
2			
3			
4			
Total			

Financial Impact Summary:

The proposed Ordinance is not expected to have any fiscal impact.

City Clerk's Office Legislative Tracking:

Jorge Gomez or Mercy Lamazares

Sign-Offs:

Department Director	Assistant City Manager	City Manager

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MIAMIBEACH

AGENDA ITEM R5F

DATE 7-12-06

MIAMIBEACH

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

COMMISSION MEMORANDUM

TO: Mayor David Dermer and Members of the City Commission

FROM: Jorge M. Gonzalez, City Manager

DATE: July 12, 2006 **Second Reading Public Hearing**

SUBJECT: **Residential Performance Standard Requirements**

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CITY CODE, BY AMENDING CHAPTER 142, "ZONING DISTRICTS AND REGULATIONS" ARTICLE II, "DISTRICT REGULATIONS" DIVISION 18, "PS PERFORMANCE STANDARD DISTRICT," AMENDING SECTION 142-696 "RESIDENTIAL PERFORMANCE STANDARD AREA REQUIREMENTS," BY AMENDING THE MAXIMUM BUILDING HEIGHT IN THE R-PS4 ZONING DISTRICT; AMENDING SECTION 142-697 "SETBACK REQUIREMENTS IN THE R-PS1, 2, 3, 4 DISTRICTS," TO PROVIDE FOR ADDITIONS TO FOLLOW THE EXISTING BUILDING LINE AND MODIFYING THE TOWER SETBACKS; PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY AND AN EFFECTIVE DATE.

ADMINISTRATION RECOMMENDATION

The Administration recommends that the City Commission adopt the proposed ordinance.

BACKGROUND

Although this ordinance was adopted by the City Commission on November 13, 2002, and became effective 10 days later, it has been challenged as defective because of a published notice indicating a "first" reading, when in fact a "second" reading was announced, scheduled, read, and second reading public hearing held. In an abundance of caution the ordinance was reviewed by the Planning Board who recommended re-adoption to the City Commission.

OVERVIEW

February 20, 2002 - the Commission referred an ordinance to the Planning Board that would impose a maximum building height of 35 feet on lots exceeding 50 feet in width in the R-PS4 district where a contributing structure exists.

April 23, 2002 - the Planning Board considered the proposed ordinance and continued the public hearing to May 28, 2002.

May 28, 2002 - following the direction of the Planning Board, Planning Department staff

prepared an alternative ordinance and recommended that the public hearing be continued to the June 25, 2002 meeting because the proposed amendments introduced several new concepts that affected other sections of the City Code that had not been advertised.

June 25, 2002 - the Planning Board adopted a motion that consisted of three components:

- Denial of the ordinance as referred by the City Commission;
- Acknowledgement that something needed to be done with respect to this issue; and
- Declaration of the desire of the Planning Board to further study an alternative which would limit heights to 35 feet for a length of lot depth measured from the street, past which point new construction would be allowed to go higher.

July 10, 2002 - the Commission discussed a resolution to set a public hearing to consider the proposed amendment to the RPS-4 regulations as originally referred to the Planning Board. The Commission did not set the public hearing and the discussion resulted in another referral to the Planning Board with the following directives:

- That the height of the 50 ft. lots not be increased;
- To study eliminating any incentives in the Code for lot aggregation which would result in taller buildings; and
- To continue to study RPS-4 district with lower-scaled buildings, and let the buildings get a little taller in the back, but no taller than 55 feet.

August 6, 2002 - following a public workshop, the Planning Board directed staff to draft an ordinance that would take the following in consideration:

- All lots in the RPS-4 district within the Ocean Beach Local Historic District should be treated equally as a tool to prevent lot aggregation in order to gain greater building height.
- New construction on the first 140 feet of lot dept to be 35 feet in height and 55 feet maximum height thereafter.
- Provide an analysis showing how much of a contributing building would be affected after the 140 feet of lot depth – how much of the existing structure could be potentially demolished.
- Elicit comments from professional architects relative to this proposed regulation.

August 27, 2002 - the Planning Board recommended the City Commission approve an ordinance that would require a height of 35 feet for the first 115 feet of lot depth and a maximum height of 75 feet thereafter for lots wider than 50 feet.

October 23, 2002 - The City Commission held a public hearing to discuss and review five alternatives to the proposed amendments for the R-PS4 development regulations within the Ocean Beach Local Historic District. The Commission approved an ordinance that proposed a maximum height of 75 ft., but modified the lot depth where the height will be restricted to a maximum of 35 feet from 115 feet to 60 feet. The Commission also requested that a rear setback be included in the ordinance for second reading.

November 13, 2002 – The City Commission adopted the ordinance as modified during the second reading and public hearing, including the restriction that lots 50 feet in width

or less aggregated after the effective date of the ordinance would be restricted to a maximum height of 35 feet.

ANALYSIS

The R-PS4 zoning district is limited to the area that lies east of Ocean Drive and south of 5th Street. This district also includes the Ocean Parcels, which consist of the Continuum project, South Pointe Tower and Portofino Tower - all high-rise structures - though these properties are not part of the Ocean Beach Local Historic District. Staff conducted a survey of the properties in the R-PS4 district and prepared the table below. The Ocean Beach Local Historic District zoning district contains 14 properties and as can be discerned from the table, of the 14 properties, 8 are 50 -ft wide lots; there are only 3 structures that are 35 feet high or less; and only 6 of all the existing structures are classified contributing.

	Address	Name	Year Built	Height (feet)	Floors	Lot Size (+/-)	Condo/ Hotel/Apt	No. of Units
1	1 So. Pointe Dr.** (2 bldgs.)	Continuum (phase 2 under constr.)	2004	378 & 431	36 & 42	12 acres +/-	condo	
2	101 Ocean Dr.	Bentley Beach	2002	107 (3)	7/3 ***	100 x 440	condo/ hotel	98
3	121 Ocean Dr.	Sea Crest Apts.	1948	24	2	50 x 477	apt.	18
4	125 Ocean Dr.	Villa Luisa	1940	42	3	50 x 426	hotel	50
5	135 Ocean Dr.	Atlantic Vue (CofA for demo apprd.)	1964	64(2)	7/1***	50 x 421	apt.	47(2)
6	155-161 Ocean Dr.	Marriott Hotel	2000	99 (4)	8/2***	150 x 420	hotel	236
7	301 Ocean Dr.		1967	54	5/1***	50 x 370	condo	45
8	315 Ocean Dr.	Vacant				50 x 390		
9	321 Ocean Dr.	Hotel Simone	1937	38 (+/-)	3	50 x 392	hotel	95 (1)
10	325 Ocean Dr.	East Atlantic Gardens	1969	55	5/1***	50 x 340	condo	45
11	335 Ocean Dr.	Oceanwalk (Sorrento Hotel)	1939	35	3	50 x 350	condo	
12	345 Ocean Dr.	Ocean Point	1970	107	9/2***	105 x 339	condo	238
13	401 Ocean Dr.	The Presidential	1970	96	9/2***	152 x 332	condo	238
14	425 Ocean Dr.*	Savoy	1935	41	3		hotel	54
	455 Ocean Dr *	Arlington	1941	35	3		hotel/ apt.	78 htl 15 apt
15	465 Ocean Dr.	Royal Atlantic	1968	96	9/2***	219 x 330	condo	239

Clarifying notes for the table above:

*These properties are unified and the parcel consists of 73,253 square feet, roughly 200 x 370 ft., as per Miami-Dade County Property Appraiser's data.
** This property was developed under the C-PS3 development regulations, which allows for a higher FAR and heights.

*** Number of floors over parking levels
(1) As per records of the Miami-Dade County Property Appraiser's Office
(2) As per records of the City of Miami Beach Building Department

(3) Submitted before height regulations were amended.
(4) Received a variance to convert rooftop mechanical/engineer's room into one residential unit.

* * *

At the time this ordinance was being discussed, a reference was made that the RM-3 zoning districts in historic districts permitted a height of 200 feet. It should be noted that Subdivision V. "RM-3 Residential Multifamily, High Intensity" Section 142-246 "Development regulations and area requirements," of the City Code restricts the maximum building height for new construction in the Architectural District (the area east of Collins Avenue from 16th to 23rd Streets) to 120 feet; and the maximum height for ground floor additions to existing structures on oceanfront lots in this district is 50 feet; rooftop additions are not permitted on oceanfront lots in the Architectural District; and variances cannot be granted for the rooftop additions.

The maximum building height in the Collins Waterfront Local Historic District (generally bounded by 22nd Street on the south and 44th Street on the north) is 200 feet. However, buildings in this historic district that are five stories or less may not have more than one 1-story rooftop addition. In this district, eligibility for rooftop additions of more than one story for hotel structures greater than five stories, is under the purview of the Historic Preservation Board pursuant to Sec. 142-1161(3)b. of the City Code. Those hotel structures that may be deemed eligible may be allowed one story per every three stories of the existing building, up to a maximum of four additional stories as rooftop additions, but only for the sole purpose of hotel development. This formula may result in the possibility of a 16-story hotel building. Allowable rooftop additions are subject to a number of criteria, as listed in the above-mentioned section of the City Code.

Historical Background

The designation of the Ocean Beach Historic District became effective on March 1, 1996, through the enactment by the City Commission of Ordinance No. 96-3037. This district represents a part of the first settlement of Miami Beach in the early Twentieth Century. It is also the site of the first subdivision (platted in 1912) and infrastructure on Miami Beach, and traces the development of Twentieth Century oceanfront resort architecture when viewed together with its neighboring buildings.[1] It is important to note that not every building in this historic district is significant by itself; that the significance lies when all buildings are viewed as a collection.

The evolution of the R-PS4 zoning district, where prior to 1999, both sides of Ocean Drive were designated R-PS4, which is one of the underlying zoning districts within the Ocean Beach Historic District, has changed the actual as-built character of this area east of Ocean Drive. Prior zoning classifications in the 1960's introduced mid-rise buildings, and in later years, high-rises have been developed in the R-PS4 and the R-PS3, which is the zoning district on the west side of Ocean Drive. The amendment to the maximum height of buildings in the R-PS4 deals with a small portion of this historic district, and affects only oceanfront properties.

[1] Excerpt from the *Ocean Beach Historic District Designation Report*, 1995.

During 1992-1993, the School of Architecture of the University of Miami conducted a study in order to investigate alternatives for development in the South Pointe Redevelopment Area. The purpose of the study was to verify zoning amendments being proposed at that time before their adoption, "...due to the strong desire of the community to preserve the existing character of the neighborhood and to ensure that new development is in keeping with that character..."[2] A section of the study was related to maximum building heights in the R-PS3 and R-PS4, indicating a reasonableness in allowing taller buildings on Ocean Drive, Collins and Washington Avenues, and suggested a more balanced relationship between 50-foot and 100-foot lots. In this regard, the suggestion was that the balance could be achieved by "...limiting the heights of all buildings to 45 feet at the front, and allowing for the rear portions of a building to be taller at least 50 feet back from the front lot line regardless of their lot size." This suggests that 50-foot lots could spur penthouses or small towers in the rear of the lots, an incentive to small lot development, without affecting the streetscape.[3]

* * *

Following the request of the City Commission at the October 23, 2002 meeting, a revised ordinance was drafted which incorporated the maximum height for the first 60 feet of lot depth to be 35 feet, and a maximum height thereafter to be 75 feet. The Commission also requested that the revised ordinance incorporate a rear setback so as to diminish the perception of height from the beach. It should be noted that the eastern-most property line for all the oceanfront properties is the Erosion Control Line, however, construction is not permitted in the area comprised between the Bulkhead Line and the Erosion Control Line.

In this regard, staff reviewed the current setback regulations, which are shown below for informational purposes. It is also worth noting that "pedestal" and "tower" are terms defined in the City Code as follows:

"pedestal" is "that portion of a building or structure which is equal to or less than 50 feet in height above sidewalk elevation."

"tower" is defined as "that portion of a building or structure which exceeds 50 feet in height."

Currently, the rear setback for the pedestal for oceanfront lots is 20% of the lot depth, with a minimum of 50 feet from the bulkhead line, and the rear setback for the tower, also for oceanfront lots is 25% of lot depth, with a minimum of 75 feet from the bulkhead line. The revised ordinance proposed to increase the front tower setback from 50 feet to 60 feet, and the rear tower setback to 120 feet from the bulkhead line. The table below reflects the revisions as requested by the Commission. The underlined portion of the text is the new language.

The methodology used to establish the rear setback was to draw a line of sight from a

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[2] *South Pointe Zoning Amendments: Practical Analysis Report.* University of Miami School of Architecture. October 1992 - January 1993. Project Advisor: Elizabeth Plater-Zyberk.

[3] *South Pointe Zoning Amendments - Practical Analysis Report*, 1993. Project Advisor: Elizabeth Plater-Zyberk.

point 25 feet east of the erosion control line crossing the 50-ft. height of the pedestal, and extending it to a point where the proposed 75 feet of maximum height of the tower would intercept the line (see attachment #1). The result was 120 feet from the bulkhead line.

Following below is a table for Sec. 142-697. "Setback requirements in the R-PS1, 2, 3, 4 districts," which shows the revisions made to the tower setback from the rear as requested. There is also a revision to the front tower setback, which is being incorporated for clarity purposes and conforms to the policy decision made at the meeting of allowing a higher height after the first 60 feet of lot depth.

(a) The setback requirements in the R-PS1, 2, 3, 4 districts are as follows:

	Front	Side, Interior	Side, Facing a Street	Rear
At-grade parking lot (below building)	5 feet	5 feet	5 feet	Non-oceanfront lots--5 feet Oceanfront lots--50 feet from bulkhead line
Subterranean	5 feet	5 feet	5 feet	Non-oceanfront lots--0 feet Oceanfront lots--50 feet from bulkhead line
Pedestal	5 feet	7.5 feet, <u>except when section (d) below applies.</u> Lots 50 feet wide or less--5 feet	5 feet	Non-oceanfront lots--10% of lot depth Oceanfront lots--20% of lot depth, 50 feet minimum from bulkhead line
Tower	50 feet, <u>except that in the R-PS4 within the Ocean Beach Historic District, the minimum shall be 60 feet.</u>	The required pedestal setback plus 0.10 the height of the building	The required pedestal setback plus 0.10 the height of the building	Non-oceanfront lots--15% of lot depth Oceanfront lots--25% of lot depth, 75 feet minimum from bulkhead line<u>, except that in the R-PS4 within the Ocean Beach Local Historic District, the minimum shall be 120 feet from the bulkhead line.</u>

PLANNING BOARD ACTION

At the April 19, 2006 meeting, the Planning Board recommended that the City Commission re-adopt the proposed ordinance in order to correct a scrivener's error in the publication of the previous ordinance. The Board approved the motion by a 5-0 (2 members absent).

CITY COMMISSION ACTION

At the June 7, 2006 meeting, the City Commission approved on first reading re-adoption of the proposed ordinance.

FISCAL IMPACT

This proposal has no associated negative fiscal impact upon enactment.

CONCLUSION

The Administration recommends that the City Commission re-adopt the ordinance.

Pursuant to Section 118-164(3) of the City Code, when a request to amend the Land Development Regulations does not change the actual list of permitted, conditional or prohibited uses in a zoning category, the proposed ordinance may be read by title or in full on at least **two separate days** and shall, at least **ten days prior to adoption**, be noticed once in the newspaper. Immediately following the public hearing at the second reading, the City Commission may adopt the ordinance by an affirmative vote of five-sevenths.

JMG/TH/JGG/ML

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ORDINANCE NO._____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CITY CODE, BY AMENDING CHAPTER 142, "ZONING DISTRICTS AND REGULATIONS" ARTICLE II, "DISTRICT REGULATIONS" DIVISION 18, "PS PERFORMANCE STANDARD DISTRICT," AMENDING SECTION 142-696 "RESIDENTIAL PERFORMANCE STANDARD AREA REQUIREMENTS," BY AMENDING THE MAXIMUM BUILDING HEIGHT IN THE R-PS4 ZONING DISTRICT; AMENDING SECTION 142-697 "SETBACK REQUIREMENTS IN THE R-PS1, 2, 3, 4 DISTRICTS," TO PROVIDE FOR ADDITIONS TO FOLLOW THE EXISTING BUILDING LINE AND MODIFYING THE TOWER SETBACKS; PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the Ocean Beach Historic District contains a collection of important historic buildings which together embody a rich history of the first three decades of the development of Miami Beach; and

WHEREAS, the Land Development Regulations of Miami Beach have been promulgated to provide for compatibility of new development in historic districts in Miami Beach; and

WHEREAS, the Land Development Regulations in the Ocean Beach Historic District provide for a reasonable limitation of the height of new development on sites with existing contributing structures in the Residential Special Performance "R-PS" areas west of Ocean Drive which aid in the development of compatible infill structures; and

WHEREAS, the Land Development Regulations do not presently provide for a compatible height limitation in the R-PS4 zoning district.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA

SECTION 1 Chapter 142, "Zoning Districts and Regulations", Article II, "District Regulations" District 18, "Performance Standard District," of Land Development Regulations of the Code of the City of Miami Beach is hereby amended as follows:

DIVISION 18 PERFORMANCE STANDARD DISTRICT

* * *

Section 142-696. Residential performance standard area requirements

Residential Sub-districts

Performance Standard	R-PS1	R-PS2	R-PS3	R-PS4
Minimum lot area	5,750 sq. ft.	5,750 sq. ft	5,750 sq. ft.	5,750 sq. ft.
Minimum lot width	50 feet	50 feet	50 feet	50 feet
Required open space ratio	0.60, see Sec. 142-704	0.65, see Sec. 142-704	0.70, see Sec. 142-704	0.70, see Sec. 142-704
Maximum building Height	45 feet Lots 50 feet wide or less - 35 feet	45 feet Lots 50 feet wide or less - 35 feet	50 feet Lots 50 feet wide or less - 35 feet	Non-oceanfront - 80 feet; Oceanfront – 100 feet; except that in the Ocean Beach Historic District – 35 feet for the first 60 feet of lot depth, 75 feet thereafter, subject to the line-of-sight analysis of Sec. 142-697(d). Lots 50 feet wide or less - 35 feet.
Maximum number of stories	5 Lots 50 feet wide or less - 4	5 Lots 50 feet wide or less - 4	5 Lots 50 feet wide or less - 4	Non-oceanfront - 8 Oceanfront – 11 Lots 50 feet wide or less – 4 In the Ocean Beach Historic District - 7
Maximum floor area ratio	1.25	1.50	1.75	2.0
Minimum floor Area per apartment unit (square feet)	New construction - 700 Rehabilitated buildings - 400	New construction - 650 Rehabilitated buildings - 400	New construction - 600 Rehabilitated buildings - 400	New construction - 550 Rehabilitated buildings - 400
Minimum average floor area per apartment unit (square feet)	New construction - 950 Rehabilitated buildings - 550	New construction - 900 Rehabilitated buildings - 550	New construction - 850 Rehabilitated buildings - 550	New construction - 800 Rehabilitated buildings - 550
Minimum average floor area per hotel unit (square feet)	N/A	N/A	15% = 300-335 square feet 85% = 335+ square feet	15% = 300-335 square feet 85% = 335+ square feet
Minimum parking	Pursuant to Chapter 130 and Section 142-705 requirement			
Minimum off-street loading	Pursuant to Chapter 130, Article III.			
Signs	Pursuant to Chapter 138			
Suites hotel	Pursuant to Article IV, division 3 of this chapter.			

- Notwithstanding the foregoing provisions regarding maximum building height, in the Ocean Beach historic district, as defined in subsection 118-593(e)(11), the maximum building height for a lot located in the R-PS1, R-PS2, or R-PS3 zoning districts

  (i) With a lot exceeding 50 feet, and

  (ii) Upon which there exists a contributing structure which has not received a certificate of appropriateness for demolition (or any such approval has expired),

shall be 35 feet.

1. Notwithstanding the above height restrictions, existing structures within a local historic district are subject to section 142-1161.

2. In the R-PS4 zoning district, within the Ocean Beach Historic District, when an existing contributing structure is nonconforming with respect to the height regulations in Sec. 142-696, such structure may be repaired, renovated or rehabilitated regardless of the cost of such repair, renovation or rehabilitation, notwithstanding the provisions of Chapter 118, Article IX, "Nonconformances."

3. Lots at a width of 50 feet or less aggregated with adjacent parcels after November 3, 2002 shall have a maximum height of 35 feet and shall not be allowed the increased height for parcels wider than 50 feet.

SECTION 2. Sec. 142-697. Setback requirements in the R-PS1, 2, 3, 4 districts.

(a) The setback requirements in the R-PS1, 2, 3, 4 districts are as follows:

	Front	Side,Interior	Side, Facing a Street	Rear
At-grade parking lot (below building)	5 feet	5 feet	5 feet	Non-oceanfront lots--5 feet Oceanfront lots--50 feet from bulkhead line
Subterranean	5 feet	5 feet	5 feet	Non-oceanfront lots--0 feet Oceanfront lots--50 feet from bulkhead line
Pedestal	5 feet	7.5 feet, except when section (e) below applies. Lots 50 feet wide or less--5 feet	5 feet	Non-oceanfront lots--10% of lot depth Oceanfront lots--20% of lot depth, 50 feet minimum from bulkhead line
Tower	50 feet, except that in the R-PS4 within the Ocean Beach Historic District, the minimum shall be 60 feet.	The required pedestal setback plus 0.10 the height of the building	The required pedestal setback plus 0.10 the height of the building	Non-oceanfront lots--15% of lot depth Oceanfront lots--25% of lot depth, 75 feet minimum from bulkhead line

(b) All required setbacks shall be considered as minimum requirements except for the pedestal front yard setback and pedestal side yard facing a street setback which shall be considered as both a minimum and maximum.

(c) For lots greater than 100 feet in width the front setback shall be extended to include at least one open court with a minimum area of three square feet for every linear foot of lot frontage.

(d) In the R-PS4 zoning district, within the Ocean Beach Historic District, the tower portion of ground-floor additions to contributing buildings, or new construction shall meet a line-of-sight, which for the purpose of this section is defined as not visible when viewed at eye-level (5'6" from grade) from the opposite side of the adjacent right-of-way.

(e) In the R-PS4 zoning, district within the Ocean Beach Historic District, when an existing contributing structure has a minimum 5-foot sideyard setback, the setback of new construction in connection with the existing building may be allowed to follow the existing building line. The maintenance of the existing setback shall apply to the linear extension of the existing building.

SECTION 3. CODIFICATION.

It is the intention of the Mayor and City Commission of the City of Miami Beach, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Code of the City of Miami Beach, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section", "article", or other appropriate word.

SECTION 4. REPEALER.

All ordinances or part of ordinances in conflict herewith be and the same are hereby repealed.

SECTION 5. SEVERABILITY.

If any section, subsection, clause or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

SECTION 6. EFFECTIVE DATE.

This Ordinance shall take effect ten days following adoption.

SECTION 5. EFFECTIVE DATE.

This Ordinance shall take effect ten days following adoption.

PASSED and **ADOPTED** this ___ day of _____, 2006.

_____
MAYOR

ATTEST:

_____
CITY CLERK

APPROVED AS TO
FORM AND LANGUAGE
& FOR EXECUTION

City Attorney 5/31/06
Date

First Reading:
Second Reading

Verified by:_____
Jorge Gomez, AICP
Planning Director

Underscore denotes new language
~~Strikethrough~~ denotes deleted language

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MIAMIBEACH

CITY OF MIAMI BEACH
NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY given that public hearings will be held by the Mayor and City Commission of the City of Miami Beach, Florida, in the Commission Chambers, 3rd floor, City Hall, 1700 Convention Center Drive, Miami Beach, Florida, on **Wednesday, July 12, 2006**, to consider the following:

10:20 a.m.
An Ordinance Amending The Code Of The City Of Miami Beach, By Amending Chapter 118, "Administration And Review Procedures," Article IV, "Conditional Use Procedure," By Creating Review Guidelines For New Structures 50,000 Square Feet And Over.

Inquiries may be directed to the Planning Department at (305) 673-7550.

10:40 a.m.
An Ordinance Amending Ordinance No.789, The Classified Employees Salary Ordinance Of The City Of Miami Beach, Florida, Providing For The Classifications In Group V, Being Those Classifications Covered By The Government Supervisors Association Of Florida, Opieu Local 100, (GSAF), In Accordance With The Negotiated Agreement; Retroactively Effective In The First Pay Period Ending In October Of 2003, There Shall Be An Across The Board Wage Increase Of One Half Percent (.5%), And The Minimum And Maximum Of Each Pay Range Will Also Be Increased By One Half Percent (.5%); Retroactively Effective With The First Pay Period Ending In October Of 2004, There Shall Be An Across The Board Wage Increase Of One Half Percent (.5%), And The Minimum And The Maximum Of Each Pay Range Will Also Be Increased By One Half Percent (.5%); Retroactively Effective In The First Pay Period Ending In October 2005, There Shall Be An Across The Board Wage Increase Of One Percent (1%), And The Minimum And Maximum Of Each Pay Range Will Also Be Increased By One Percent (1%); Amending The Minimum And Maximum Of The Pay Ranges To Reflect The Present Classification And Pay System Applicable To The Unclassified Classifications; Repealing All Ordinances In Conflict.

Inquiries may be directed to the Human Resources Department at (305) 673-7520.

10:45 a.m.
An Ordinance Amending Chapter 46 Of The City Code, Entitled "Environment," By Amending Article IV, Entitled "Noise," By Amending Section 46-156, Entitled "Temporary Permits," By Amending The Procedures And Requirements For Construction Activities And Providing Exceptions Thereto, Prohibiting Construction Noise On Sundays And National Holidays In All Non-Residential Zoning Districts, Except Under Certain Circumstances And As Authorized By The Building Official, Prohibiting Construction Noise In Residential Zoning Districts Before 10:00 A.M. And After 4:00 P.M. On Sundays And National Holidays And Prohibiting Construction Noise Between 10:00 A.M. And 4:00 P.M. On Sundays And National Holidays, Providing Provisions For The Revocation Of Temporary Permits, And Providing Subheading Titles To Be Entitled (A) "Requirements And Procedures," (B) "Violation Of Temporary Permits" And (C) "Revocation Of Temporary Permits;"Amending Section 46-158, Entitled "Enforcement By Code Inspectors; Notice Of Violation, Warnings" By Amending Subsection (A) To Clarify The Notice Of Violation Provisions, Amending Subsection (B)(2) To Provide Clarification As To The Number Of Written Warnings In All Zoning Districts Except Single Family Zoning Districts; Providing For One Written Warning In Single Family Zoning Districts Prior To A Notice Of Violation And Providing That A Violation, Instead Of A Written Warning, Shall Be Issued If A Violator Is Also Being Cited For An Illegal Commercial Or Non-Permitted, Non-Residential Use In A Residential Zoning District; Amending Section 46-159 Entitled "Fines And Penalties For Violation; Appeals; Alternate Means Of Enforcement,"By Providing Fines And Penalties For Any Offense Which Was Committed While The Violator Was Also Engaged In An Illegal Commercial Or Non-Permitted, Non-Residential Use In A Residential Zoning District.

Inquiries may be directed to the City Manager's Office at (305) 673-7010.

2:00 p.m.
An Ordinance Amending Chapter 118, Of The City Code Entitled, "Administration And Review Procedures," By Amending Division 2, "Planning Board,"Section 118-51, "Powers And Duties," By Including Criteria For The Review Of The Sale, Exchange, Conveyance Or Lease Of Ten Years Or Longer Of Such City Property, As Provided In City Charter, Section 1.03(B)3.

Inquiries may be directed to the Planning Department at (305) 673-7550.

2:10 p.m.
An Ordinance Amending The Land Development Regulations Of The City Code, By Amending Chapter 142, "Zoning Districts And Regulations" Article II, "District Regulations" Division 18, "PS Performance Standard District," Amending Section 142-696 "Residential Performance Standard Area Requirements," By Amending The Maximum Building Height In The R-PS4 Zoning District; Amending Section 142-697 "Setback Requirements In The R-PS1, 2, 3, 4 Districts," To Provide For Additions To Follow The Existing Building Line And Modifying The Tower Setbacks.

Inquiries may be directed to the Planning Department at (305) 673-7550.

2:20 p.m.
An Ordinance Amending The Land Development Regulations Of The Code Of The City Of Miami Beach, By Amending Chapter 118, "Administration And Review Procedures,"Article IX, "Nonconformances," Section 118-395 To Add New Subsections For Nonconforming Gasoline Service Stations.

Inquiries may be directed to the Planning Department at (305) 673-7550.

INTERESTED PARTIES are invited to appear at this meeting, or be represented by an agent, or to express their views in writing addressed to the City Commission, c/o the City Clerk, 1700 Convention Center Drive, 1st Floor, City Hall, Miami Beach, Florida 33139. Copies of these ordinances are available for public inspection during normal business hours in the City Clerk's Office, 1700 Convention Center Drive, 1st Floor, City Hall, and Miami Beach, Florida 33139. This meeting may be continued and under such circumstances additional legal notice would not be provided.

Robert E. Parcher, City Clerk
City of Miami Beach

Pursuant to Section 286.0105, Fla. Stat., the City hereby advises the public that: if a person decides to appeal any decision made by the City Commission with respect to any matter considered at its meeting or its hearing, such person must ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. This notice does not constitute consent by the City for the introduction or admission of otherwise inadmissible or irrelevant evidence, nor does it authorize challenges or appeals not otherwise allowed by law.

To request this material in accessible format, sign language interpreters, information on access for persons with disabilities, and/or any accommodation to review any document or participate in any city-sponsored proceeding, please contact (305) 604-2489 (voice), (305)673-7218(TTY) five days in advance to initiate your request. TTY users may also call 711 (Florida Relay Service).

Ad #378

Condensed Title:

Amendment pertaining to nonconforming gasoline service stations and allowing them to be rehabilitated or renovated when exceeding 50% of the value determination by the building official and requiring the installation of emergency generators at that point.

Key Intended Outcome Supported:

Increase resident satisfaction with availability of commercial service options.

Issue:

Should nonconforming gas stations be permitted to renovate or rehabilitate when value determination exceeds the 50% threshold and allow them to meet development regulations existing at the time of the work.

Item Summary/Recommendation:

The proposed ordinance allows gas stations that provide alternate power sources to renovate facilities even when nonconforming as to location and Conditional Use approval. The ordinance would also allow the renovation of facilities and add new floor area to include other accessory uses if the existing floor area is not at the maximum permitted by Code.

The Administration recommends that the Commission adopt the ordinance.

Advisory Board Recommendation:

At the May 23, 2006 meeting, the Planning Board recommended that the City Commission adopt the proposed ordinance to the City Commission with some modifications that have been incorporated into the ordinance. The Board approved the motion by a vote of 6-0 (1 member absent).

Financial Information:

Source of Funds:

OBPI

	Amount	Account	Approved
1			
2			
3			
4			
Total			

Financial Impact Summary:

The proposed Ordinance is not expected to have any fiscal impact.

City Clerk's Office Legislative Tracking:

Jorge Gomez or Mercy Lamazares

Sign-Offs:

Department Director	Assistant City Manager	City Manager

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MIAMIBEACH

AGENDA ITEM R5G

DATE 7-12-06

MIAMIBEACH

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

COMMISSION MEMORANDUM

TO: Mayor David Dermer and Members of the City Commission

FROM: Jorge M. Gonzalez, City Manager

DATE: July 12, 2006 **Second Reading Public Hearing**

SUBJECT: **Nonconforming Gasoline Service Stations**

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF THE CITY OF MIAMI BEACH, BY AMENDING CHAPTER 118, "ADMINISTRATION AND REVIEW PROCEDURES", ARTICLE IX, "NONCONFORMANCES", SECTION 118-395 TO ADD NEW SUBSECTIONS FOR NONCONFORMING GASOLINE SERVICE STATIONS; PROVIDING FOR REPEALER, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

ADMINISTRATION RECOMMENDATION

The Administration recommends that the City Commission adopt the proposed ordinance.

BACKGROUND

The current Land Development Regulations of the City Code permit gas stations and their accessory uses, such as a car wash, as a conditional use in the CD-1 and CD-2 districts only. There are a total of 15 gas stations located within the City of Miami Beach, six of which are located in a district that permits them as a conditional use. The other nine are considered as a legal nonconforming use.

At the April 11, 2006 meeting, the City Commission referred this proposed ordinance for a review and recommendation by the Planning Board.

ANALYSIS

The recent hurricane seasons have severely impacted daily life and the hurricane season forecast calls for similar activity if not more intense. Because of the limited number of gasoline service stations in the City, and because the operation of gasoline service stations is essential in emergency situations, this ordinance proposes the following amendments:

1. Nonconforming gas stations that provide alternate power sources, and are damaged, repaired or rehabilitated by more than 50% value determination may be repaired or rehabilitated if:

- The entire building meets the requirements of the Florida Building Code and the Life Safety Code;
- The entire building and any new addition that may be proposed meets the development regulations for the particular zoning district;
- No new floor area may be added if the FAR is at its maximum.

2. Nonconforming gas stations will be able to install emergency generators notwithstanding their non-conforming gas stations.

3. Nonconforming gas station will be able to add new floor area to include convenience stores or car wash if not at its maximum FAR, subject to Conditional Use review and approval.

PLANNING BOARD ACTION

At the May 23, 2006 meeting, the Planning Board recommended that the City Commission adopt the proposed ordinance with a minor modification that incorporates requiring landscaping and signs as per the existing regulations at the time of renovation or rehabilitation that exceeds 50% of the value determination by the Building Official. The Board approved the motion by a vote of 6-0 (1 member absent).

FISCAL IMPACT

This proposal has no associated negative fiscal impact upon enactment.

CITY COMMISSION ACTION

At the June 7, 2006 meeting, the City Commission approved on first reading the proposed ordinance, including some modifications to comply with State Statutes. The Commission also requested amending Section 4, to non-severable. These modifications have been incorporated into the ordinance.

CONCLUSION

The Administration recommends that the City Commission adopt the proposed ordinance.

Pursuant to Section 118-164(3) of the City Code, when a request to amend the Land Development Regulations does not change the actual list of permitted, conditional or prohibited uses in a zoning category, the proposed ordinance may be read by title or in full on at least **two separate days** and shall, at least **ten days prior to adoption**, be noticed once in the newspaper. Immediately following the public hearing at the second reading, the City Commission may adopt the ordinance by an affirmative vote of five-sevenths.

JMG/TH/JGG/ML

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NONCONFORMING GASOLINE SERVICE STATIONS

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF THE CITY OF MIAMI BEACH, BY AMENDING CHAPTER 118, "ADMINISTRATION AND REVIEW PROCEDURES", ARTICLE IX, "NONCONFORMANCES", SECTION 118-395 TO ADD NEW SUBSECTIONS FOR NONCONFORMING GASOLINE SERVICE STATIONS; PROVIDING FOR REPEALER, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, gasoline service stations are a valuable resource to the City of Miami Beach (City), especially in times of emergency such as hurricane season, by providing the required fuel for the safe evacuation of visitors and residents of the City and for emergency electrical power during power outages;

WHEREAS, the recent hurricane seasons have severely impacted daily life and the foreseeable forecast calls for more active hurricane seasons;

WHEREAS, there are only a limited number of gasoline service stations in the City, many of which are nonconforming uses; and

WHEREAS, preservation of nonconforming gasoline service stations is essential to the safety and welfare of the community.

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA:

SECTION 1. That section 118-395, "Repair and/or rehabilitation of nonconforming buildings and uses", of the Land Development Regulations of the Code of the City of Miami Beach, Florida is hereby amended by amending subsection 118-395(b) as follows:

* * *

(7) Gasoline Service Stations

a. Notwithstanding the foregoing provisions, a nonconforming gasoline service station that provides alternate power sources and which has been damaged, repaired or rehabilitated by more than 50 percent of the value of the building as determined by the building official pursuant to the standards set forth in the Florida Building Code may be repaired or rehabilitated, if the following conditions are met:

1. The entire building and any new addition shall meet all requirements of the City property maintenance standards, the applicable Florida Building Code and the Life Safety Code.

2. The entire building and any new addition shall comply with the current development regulations in the zoning district in which the property is located, including, but not limited to all landscape requirements. New monument-style signs shall be required. Pole signs shall be prohibited.

3. No new floor area may be added if the floor area ratio is presently at maximum or exceeded.

~~4. Such repair or rehabilitation shall include the installation of one or more fuel operated electrical generators, sufficient to provide for the uninterrupted operation of all fuel pumps within twenty-four hours following the declaration of a local state of emergency.~~

b. Necessary repairs to add an emergency electrical generator and related facilities to a nonconforming gasoline service station shall be permitted~~,~~. ~~subject to the conditions set forth in this subsection.~~

c. The addition to nonconforming gasoline service stations of any new floor area (other than floor area strictly necessary to house an emergency electrical generator and related facilities) for modernization of existing gasoline service stations, including adding a convenience sales area or a car wash, ~~shall~~ may be permitted subject to conditional use approval, notwithstanding ~~any provisions of this Code to the contrary~~ the nonconforming status of the use.

SECTION 2. REPEALER.

All ordinances or parts of ordinances and all section and parts of sections in conflict herewith be and the same are hereby repealed.

SECTION 3. CODIFICATION.

It is the intention of the Mayor and City Commission of the City of Miami Beach, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Code of the City of Miami Beach, Florida, as amended. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and that the word "ordinance" may be changed to "section" or other appropriate word.

SECTION 4. SEVERABILITY.

This Ordinance is not severable, and if any section, subsection, clause or provision of this Ordinance is held invalid or unconstitutional in a final decision by a court

of competent jurisdiction, the entire Ordinance shall be returned to the City Commission for reconsideration as to whether the Ordinance satisfies the Commission's legislative intent absent the stricken provision, and/or it is appropriate to modify the remaining provisions of the Ordinance.

SECTION 5. EFFECTIVE DATE.

This Ordinance shall take effect ten days following adoption.

PASSED and **ADOPTED** this ___ day of _____, 2006.

_____
MAYOR

ATTEST:

_____
CITY CLERK

APPROVED AS TO
FORM AND LANGUAGE
& FOR EXECUTION

_____ 7/3/06
City Attorney Date

First Reading:
Second Reading

Verified by:_____
Jorge Gomez, AICP
Planning Director

Underscore denotes new language

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MIAMIBEACH

CITY OF MIAMI BEACH
NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY given that public hearings will be held by the Mayor and City Commission of the City of Miami Beach, Florida, in the Commission Chambers, 3rd floor, City Hall, 1700 Convention Center Drive, Miami Beach, Florida, on **Wednesday, July 12, 2006**, to consider the following:

10:20 a.m.
An Ordinance Amending The Code Of The City Of Miami Beach, By Amending Chapter 118, "Administration And Review Procedures," Article IV, "Conditional Use Procedure," By Creating Review Guidelines For New Structures 50,000 Square Feet And Over.

Inquiries may be directed to the Planning Department at (305) 673-7550.

10:40 a.m.
An Ordinance Amending Ordinance No.789, The Classified Employees Salary Ordinance Of The City Of Miami Beach, Florida, Providing For The Classifications In Group V, Being Those Classifications Covered By The Government Supervisors Association Of Florida, Opieu Local 100, (GSAF), In Accordance With The Negotiated Agreement; Retroactively Effective In The First Pay Period Ending In October Of 2003, There Shall Be An Across The Board Wage Increase Of One Half Percent (.5%), And The Minimum And Maximum Of Each Pay Range Will Also Be Increased By One Half Percent (.5%); Retroactively Effective With The First Pay Period Ending In October Of 2004, There Shall Be An Across The Board Wage Increase Of One Half Percent (.5%), And The Minimum And The Maximum Of Each Pay Range Will Also Be Increased By One Half Percent (.5%); Retroactively Effective In The First Pay Period Ending In October 2005, There Shall Be An Across The Board Wage Increase Of One Percent (1%), And The Minimum And Maximum Of Each Pay Range Will Also Be Increased By One Percent (1%); Amending The Minimum And Maximum Of The Pay Ranges To Reflect The Present Classification And Pay System Applicable To The Unclassified Classifications; Repealing All Ordinances In Conflict.

Inquiries may be directed to the Human Resources Department at (305) 673-7520.

10:45 a.m.
An Ordinance Amending Chapter 46 Of The City Code, Entitled "Environment," By Amending Article IV, Entitled "Noise," By Amending Section 46-156, Entitled "Temporary Permits," By Amending The Procedures And Requirements For Construction Activities And Providing Exceptions Thereto, Prohibiting Construction Noise On Sundays And National Holidays In All Non-Residential Zoning Districts, Except Under Certain Circumstances And As Authorized By The Building Official, Prohibiting Construction Noise In Residential Zoning Districts Before 10:00 A.M. And After 4:00 P.M. On Sundays And National Holidays And Prohibiting Construction Noise Between 10:00 A.M. And 4:00 P.M. On Sundays And National Holidays, Providing Provisions For The Revocation Of Temporary Permits, And Providing Subheading Titles To Be Entitled (A) "Requirements And Procedures," (B) "Violation Of Temporary Permits" And (C) "Revocation Of Temporary Permits;"Amending Section 46-158, Entitled "Enforcement By Code Inspectors; Notice Of Violation, Warnings" By Amending Subsection (A) To Clarify The Notice Of Violation Provisions, Amending Subsection (B)(2) To Provide Clarification As To The Number Of Written Warnings In All Zoning Districts Except Single Family Zoning Districts; Providing For One Written Warning In Single Family Zoning Districts Prior To A Notice Of Violation And Providing That A Violation, Instead Of A Written Warning, Shall Be Issued If A Violator Is Also Being Cited For An Illegal Commercial Or Non-Permitted, Non-Residential Use In A Residential Zoning District; Amending Section 46-159 Entitled "Fines And Penalties For Violation; Appeals; Alternate Means Of Enforcement,"By Providing Fines And Penalties For Any Offense Which Was Committed While The Violator Was Also Engaged In An Illegal Commercial Or Non-Permitted, Non-Residential Use In A Residential Zoning District.

Inquiries may be directed to the City Manager's Office at (305) 673-7010.

2:00 p.m.
An Ordinance Amending Chapter 118, Of The City Code Entitled, "Administration And Review Procedures," By Amending Division 2, "Planning Board,"Section 118-51, "Powers And Duties," By Including Criteria For The Review Of The Sale, Exchange, Conveyance Or Lease Of Ten Years Or Longer Of Such City Property, As Provided In City Charter, Section 1.03(B)3.

Inquiries may be directed to the Planning Department at (305) 673-7550.

2:10 p.m.
An Ordinance Amending The Land Development Regulations Of The City Code, By Amending Chapter 142, "Zoning Districts And Regulations" Article II, "District Regulations" Division 18, "PS Performance Standard District," Amending Section 142-696 "Residential Performance Standard Area Requirements," By Amending The Maximum Building Height In The R-PS4 Zoning District; Amending Section 142-697 "Setback Requirements In The R-PS1, 2, 3, 4 Districts," To Provide For Additions To Follow The Existing Building Line And Modifying The Tower Setbacks.

Inquiries may be directed to the Planning Department at (305) 673-7550.

2:20 p.m.
An Ordinance Amending The Land Development Regulations Of The Code Of The City Of Miami Beach, By Amending Chapter 118, "Administration And Review Procedures,"Article IX, "Nonconformances," Section 118-395 To Add New Subsections For Nonconforming Gasoline Service Stations.

Inquiries may be directed to the Planning Department at (305) 673-7550.

INTERESTED PARTIES are invited to appear at this meeting, or be represented by an agent, or to express their views in writing addressed to the City Commission, c/o the City Clerk, 1700 Convention Center Drive, 1st Floor, City Hall, Miami Beach, Florida 33139. Copies of these ordinances are available for public inspection during normal business hours in the City Clerk's Office, 1700 Convention Center Drive, 1st Floor, City Hall, and Miami Beach, Florida 33139. This meeting may be continued and under such circumstances additional legal notice would not be provided.

Robert E. Parcher, City Clerk
City of Miami Beach

Pursuant to Section 286.0105, Fla. Stat., the City hereby advises the public that: if a person decides to appeal any decision made by the City Commission with respect to any matter considered at its meeting or its hearing, such person must ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. This notice does not constitute consent by the City for the introduction or admission of otherwise inadmissible or irrelevant evidence, nor does it authorize challenges or appeals not otherwise allowed by law.

To request this material in accessible format, sign language interpreters, information on access for persons with disabilities, and/or any accommodation to review any document or participate in any city-sponsored proceeding, please contact (305) 604-2489 (voice), (305)673-7218(TTY) five days in advance to initiate your request. TTY users may also call 711 (Florida Relay Service).

Ad #378

Condensed Title:

An Ordinance of the Mayor and City Commission of the City of Miami Beach, Florida, amending the Land Development Regulations of the Code in order to address lot coverage, structure size, building height, setback requirements and review procedures for new single-family residential construction.

Key Intended Outcome Supported:

To encourage and promote new single-family construction that is compatible with the established and prevailing character of the City's existing single-family neighborhoods.

Issue:

Should the Mayor and City Commission amend the regulations dealing with the scale and size of new single family structures and discuss the potential to recapture any diminished development rights through a review by a panel of architects? Furthermore, should such panel be exempt from the current code of ethics limitations?

Item Summary/Recommendation:

In response to an ongoing discussion, first initiated by the Planning Board, regarding the often dramatic impact recent construction projects continue to have on the existing character of the City's single-family residential neighborhoods, Planning Department staff has researched and prepared amendments to the City's single-family land development regulations.

The amendments reflect a comprehensive and collaborative effort between the Planning Board, the Community and planning staff, involving a series of public hearings, workshops and community meetings and the City Administration recommends that the Commission approve the ordinance on first reading and set a second reading, public hearing for September 6, 2006.

Advisory Board Recommendation:

The Planning Board favorably recommended the proposed amendments to the City Commission at public hearings held on March 28, 2006, and April 19, 2006.

The Land Use and Development Committee favorably recommended the item to proceed to a first reading by the City Commission at their June 6, 2006, meeting.

Financial Information:

Source of Funds:

OBPI

	Amount	Account	Approved
1			
2			
Total			

Financial Impact Summary:

The proposed amendments create a new single-family review process that will require additional Planning Department services.

City Clerk's Office Legislative Tracking:

Jorge, G. Gomez, Planning Director, Mercedes Lamazares, Principal Planner

Sign-Offs:

Department Director	Assistant City Manager	City Manager

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MIAMIBEACH

AGENDA ITEM RSH
DATE 7-12-06

MIAMIBEACH

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

COMMISSION MEMORANDUM

TO: Mayor David Dermer and Members of the City Commission

FROM: Jorge M. Gonzalez, City Manager

DATE: July 12, 2006

SUBJECT: **AMENDMENTS TO THE SINGLE - FAMILY LAND DEVELOPMENT REGULATIONS**

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF THE CITY OF MIAMI BEACH, FLORIDA, CHAPTER 142, "ZONING DISTRICTS AND REGULATIONS," DIVISION 2, "RS-1, RS-2, RS-3, RS-4 SINGLE-FAMILY RESIDENTIAL DISTRICTS," BY AMENDING LOT COVERAGE, STRUCTURE SIZE, BUILDING HEIGHT AND SETBACK REQUIREMENTS FOR NEW SINGLE-FAMILY RESIDENTIAL CONSTRUCTION AND BY AMENDING THE CRITERIA AND PROCEDURAL THRESHOLDS FOR THE REVIEW AND APPROVAL OF NEW SINGLE-FAMILY RESIDENTIAL CONSTRUCTION INCLUSIVE OF THE CREATION OF A NEW SINGLE-FAMILY RESIDENTIAL REVIEW PANEL; PROVIDING CODIFICATION; REPEALER; SEVERABILITY; AND AN EFFECTIVE DATE.

ADMINISTRATION RECOMMENDATION

The City Administration is requesting that the City Commission approve the item on first reading and recommend the ordinance to a second reading, public hearing.

BACKGROUND

In response to an ongoing discussion, first initiated at their May 24, 2004, meeting regarding the often dramatic impact recent construction projects continue to have on the existing character of the City's single-family residential neighborhoods, the Planning Board directed planning staff to research and prepare amendments to the City's single-family land development regulations in order to address the following points:

1. Incentives relative to lot coverage for one story and two story homes.
2. Create a "sliding scale" relative to lot coverage for the various lot sizes.
3. Incorporate provisions relative to interior courtyards; better defining their applicability to lot coverage based on location, design and massing implications.
4. Refine lot coverage exclusions.
5. Provide incentives which promote garages as ancillary rather than focal to a structure.
6. Study the creation of design guidelines for single-family residences whereby the bulk and massing of structures is further articulated to relate to adjacent structures.

The Planning Board reviewed the ordinance amendments at regularly scheduled meetings and workshops held on the following dates:

Discussions	Public Workshops	Public Hearings
March 29, 2005	August 23, 2005	December 20, 2005
May 24, 2005	January 24, 2006	March 28, 2006

Palm Hibiscus Star Island Association
March 7, 2006, 7:00pm

Miami Chapter of the American Institute of Architects
March 13, 2006, 6:00pm

North Beach Community and Homeowner's Associations
March 16, 2006, 5:30pm

SUMMARY AND ANALYSIS

The above listed public meetings, workshops, discussions and hearings are testament to the continued community interest that has guided this latest effort to refine the City's single-family land development regulations. In this regard, the process has been a collaborative one whereby the Planning Board and planning staff have actively engaged the public through significant graphical research and analysis toward reaching consensus on the refinement of several key issues affecting the character and *quality of life* of the City's single-family neighborhoods. A brief summary and analysis of the amendments follows:

Ordinance Section 1. "Purpose"
Code section 142-101, includes amended language further clarifying the intent of the single-family land development regulations as a mechanism to promote compatible new construction and address the often inharmonious relationship that occurs between recent new construction and existing neighborhood character.

Ordinance Section 2. "Development Regulations and Area Requirements"
This portion of the ordinance addresses the procedural review and development regulations within the RS-1, RS-2, RS-3, and RS-4 single-family zoning districts and includes refinements to the following sections:

Code section 142-105(a), "RS-1, RS-2, RS-3, RS-4 districts"
Has been amended to enhance the existing review criteria and further clarify the parameters of the existing administrative staff level review as well as identify new procedures whereby certain parameters may be exceeded through approval by a new Single-Family Residential Review Panel (SFRRP).

Great effort has been taken to develop these two expedited methods of approval so that an applicant may move quickly through the process depending on the level of impact the project involves. In this regard, an applicant may choose either to comply with the refined standards regarding lot coverage, building height and building massing through staff level review or request approval to the maximums currently allowed by Code through panel level review by the SFRRP. The creation of this new three member panel is based on City of Coral Gables model of the *"Board of Architects"*, and is to be composed primarily of registered architects and other highly credentialed design professionals. The success of this new *peer review* process will be dependent on the ability of the City to attract a list of

qualified local architects to serve on a rotating basis without violating the intent of the current City Code section pertaining to the limitation on appearances before City Boards (Section 2-459). In this regard, the Planning Board recommends that the Commission amend the current provision to exempt the panel of architects from this provision as is the case with the similar section of the County Code regarding exemption of certain members of county boards from the Miami-Dade County Code of Ethics Ordinance.

Code Section 142-105(b), "Lot width, unit size and building requirements"
The table inset associated with this section has been amended to refine building height and proportion relative to lot width and reduce the maximum number of stories from 3 to 2. The table further identifies a new category regarding maximum unit size in order to encourage more responsive volumetric massing of two story structures within the context of the City's established single-family neighborhoods.

Code Section 142-105(d) (1), "Lot Coverage (building footprint)"
Through several iterations, this section has been amended to further refine the current lot coverage maximum in order to promote new construction that better relates to the scale of the existing structures within the City's established single-family neighborhoods. Specifically, this section lowers the current allowable 35 percent lot coverage maximum to a 30% maximum and creates the ability to recapture lot coverage back to the 35 percent maximum through SFRRP approval.

Code Section 142-105(d) (2), "One Story Structures"
Currently limited to lots 10,000 square feet or less, this section has been amended to allow all one-story structures to exceed the 35 percent lot coverage to a maximum of 50 percent, regardless of lot size.

Code Section 142-105(d) (4), "Garages"
This section increases the maximum square footage of garage space exempt from the lot coverage calculation from 400 to 500 square feet with further clarification of the specific criteria relative to its location, massing and configuration. Most notable with this proposed amendment is the allowance of the garage to be an air-conditioned space, as currently not permitted, provided its use as non-habitable space is recorded through restrictive covenant.

Code Section 142-105(d) (5), "Non-conforming structures"
This section has merely been relocated to a more logical place. No changes are proposed to its content.

Code Section 142-105(d) (6), "Demolition of Architecturally significant single-family homes"

This amendment is proposed as a cross-reference to section 142-108 which further clarifies the lot coverage parameters for the demolition of architecturally significant single-family homes.

Code Section 142-105(e), "Height restriction"
This section has been amended to include additional language relative to the treatment and location of certain rooftop projections. In particular, the section calls for height regulation exceptions such as stairwell and elevator bulkheads to be located inward from setback lines.

Ordinance Section 3. "Setback requirements for a single-family detached dwelling"
Code section 142-106 has been amended to incorporate additional provisions relative to front and side yard setbacks. In particular, this section requires that two story structures or the second floor be setback an additional 10 feet from the minimum required 20 foot front yard setback line when reviewed at staff level. The provision further states a portion of the second floor may encroach forward of this additional setback, but will trigger SFRRP approval if the amount exceeds 50 percent of the second floor setback area.

With regard to side yards, language has been developed to ensure that two story side elevations located along or near the required side yard setback line do not extend for great lengths without providing some open space relief in terms of a break or interruption in the design of the elevation.

Ordinance Section 4. "Development regulations for the Altos Del Mar Historic District"
Modifies Code section 142-107 to clarify the maximum amount of garage space not counted into the square footage calculation of the main structure.

Ordinance Section 5. "Provisions for the Demolition of single-family homes located outside of historic districts"
Modifies Code section 142-108 to clarify the application process and further define the parameters for lot coverage of new construction that exceeds the original building footprint of an architecturally significant single-family home on site.

CITY COMMISSION/ LAND USE AND DEVLOPMENT COMMITTEE ACTION

The City Commission referred this item to the Land Use and Development Committee (LUDC) at their May 10, 2006 meeting. LUDC Commissioners M. Bower and J. Libbin reviewed the item at their June 6th, 2006, meeting and recommended that the item continue to the full Commission for first reading.

PLANNING BOARD ACTION

The Planning Board favorably recommended the ordinance amendments to the City Commission at public hearings held May 28th, 2006 and April 19th, 2006.

FISCAL IMPACT

The proposed ordinance does contemplate the creation of a new single-family residential review panel process and will require the planning department and the legal department to perform additional administrative duties. To this end, the proposed ordinance will have a fiscal impact on the City because it may require additional planning staff to perform the resulting administrative duties. It should also be noted that the ordinance contemplates a reduction on the overall square footage of a single family home. To the extent that a property's value is partially determined by the overall size of the structure there may be some reduction in the taxes collected. However, as a mater of practical experience, very few homes attain the maximum size allowed under the current regulations and the proposed ordinance provides for a mechanism to recapture the existing maximum size.

CONCLUSION

In view of the comprehensive public meeting process and significant research and analysis that has been undertaken in order to achieve the following amendments to the City's single-family land development regulations, the City Administration recommends that the City Commission approve the item on first reading and recommend the ordinance to a second reading, public hearing on September 6, 2006.

JMG:TH:JGG:RNC

c. Gary Held, First Assistant City Attorney

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Abbreviated Summary of Proposed Single Family Regulations

	Existing Code	Proposed Amendments (Staff Review)	Proposed Amendments (Panel Review)
Lot Coverage	35% maximum lot coverage for structures two or more stories. 50% maximum lot coverage for one story structures on lots 10,000 square feet or less.	30% maximum lot coverage for two story structures. 50% maximum lot coverage for one story structures regardless of lot size.	35% maximum lot coverage
Unit Size	Maximum 70% of lot area. (implied: 35% lot coverage x 2 floors)	Maximum 50% of lot area.	Maximum 70% of lot area.
Review Procedures	Staff level review based on existing criteria. New construction which impacts historically significant homes (constructed prior to 1942) requires Design Review Board Approval.	Staff level review based on enhanced review criteria. Expedited application process and requirements listed. Potential to forgo more restrictive staff level development parameters through panel approval	New single-family residential review panel (SFRRP) created: Three member panel is to be composed of architects selected on a rotating basis. Expedited posting and noticing requirements identified for monthly meetings.
Front Yard Setback	20 foot minimum.	20 foot minimum for ground floor. 30 foot minimum for second floor or two story structure. Potential for up to half of the second story to encroach forward to the 20 foot setback line.	Potential to recapture to existing Code requirement of 20 foot minimum regardless of number of floors.
Building Height	3 floors above grade. 25 feet or 50% of lot width, whichever is greater, up to a maximum of 33 feet.	2 floors above minimum flood elevation. (finished floor) 25 feet for lots 60 feet in width or less. Lots greater than 60 feet in width: 30 feet for flat roof structures. 33 feet for sloped roof structures.	2 floors above minimum flood elevation. (finished floor) 25 feet or 50% of lot width, whichever is greater, up to a maximum of 33 feet.

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MIAMIBEACH

SINGLE-FAMILY LAND DEVELOPMENT REGULATIONS

June 2006

PROPOSED AMENDMENTS

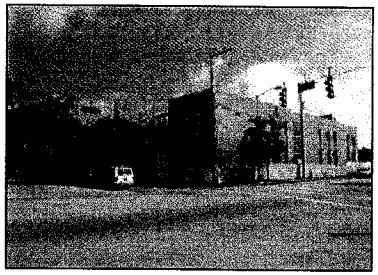
Recent Construction

Palm Island

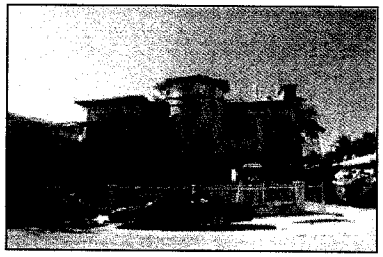
Hibiscus Island

North Bay Road

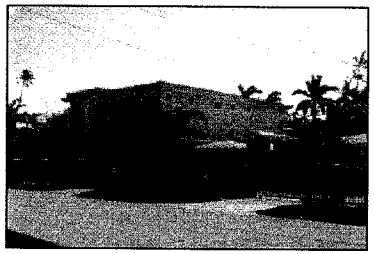
North Bay Road



Rivo Alto Island



Stillwater Drive



SINGLE-FAMILY LAND DEVELOPMENT REGULATIONS

July 2006

PROPOSED AMENDMENTS

Potential Building Envelope

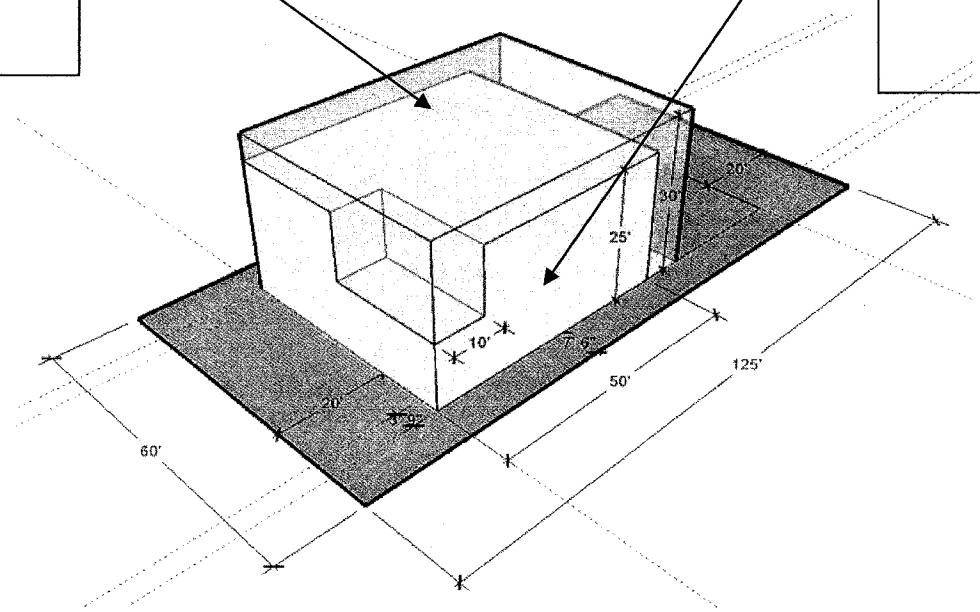
- *As-of-Right*

or

- Panel Review

Potential Building Envelope

- Staff Review



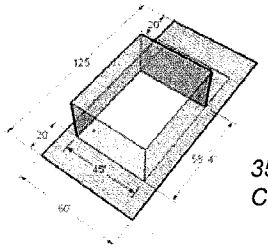
MIAMIBEACH

SINGLE-FAMILY LAND DEVELOPMENT REGULATIONS

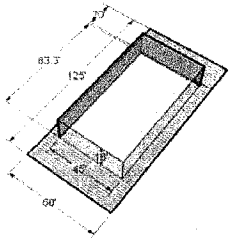
June 2006

PROPOSED AMENDMENTS

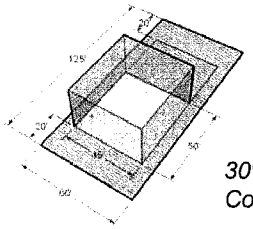
	Existing Code	Proposed Amendments (Staff Review)	Proposed Amendments (Panel Review)
Lot Coverage	• 35% maximum lot coverage for structures two or more stories. • 50% maximum lot coverage for one story structures on lots 10,000 square feet or less.	• 30% maximum lot coverage for two story structures. • 50% maximum lot coverage for one story structures regardless of lot size.	• 35% maximum lot coverage



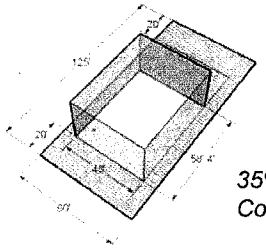
35% Lot Coverage



50% Lot Coverage



30% Lot Coverage



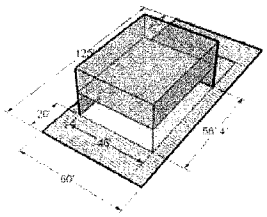
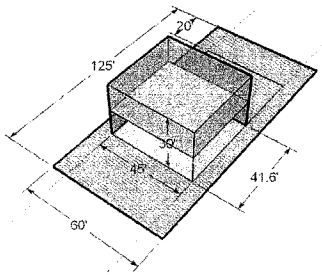
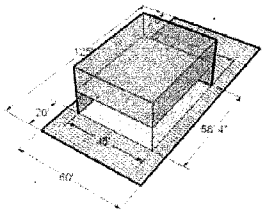
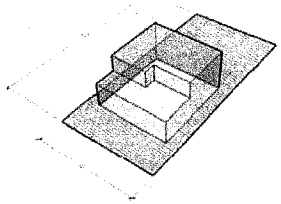
35% Lot Coverage

MIAMI BEACH

SINGLE-FAMILY LAND DEVELOPMENT REGULATIONS

June 2006

PROPOSED AMENDMENTS

	Existing Code	Proposed Amendments (Staff Review)	Proposed Amendments (Panel Review)
Unit Size	• **Maximum 70% of lot area.**	• **Maximum 50% of lot area.**	• **Maximum 70% of lot area.**
			
	35% Lot Coverage X 2 Floors	*25% Lot Coverage X 2 Floors*	*35% Lot Coverage X 2 Floors*
			
		30% Ground Floor Lot Coverage + 20% Second Floor	

MIAMI BEACH

SINGLE-FAMILY LAND DEVELOPMENT REGULATIONS

June 2006

PROPOSED AMENDMENTS

	Existing Code	Proposed Amendments (Staff Review)	Proposed Amendments (Panel Review)
Review Procedures	• Staff level review based on existing criteria. • Variance from Code based on hardship requires approval from the Zoning Board of Adjustment. • New construction which impacts historically significant homes (constructed prior to 1942) requires Design Review Board Approval.	• Staff level review based on enhanced review criteria. • Expedited application process and requirements listed. • Potential to forgo more restrictive staff level development parameters through panel approval.	• New single-family residential review panel (SFRRP) created: • Three member panel is to be composed primarily of architects selected on a rotating basis. • Expedited posting and noticing requirements identified for monthly meetings.

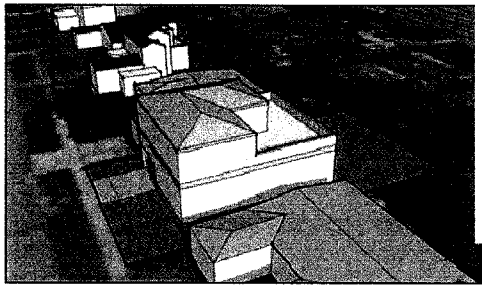
MIAMIBEACH

SINGLE-FAMILY LAND DEVELOPMENT REGULATIONS

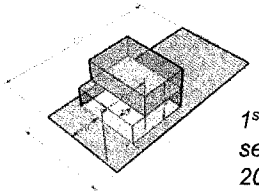
June 2006

PROPOSED AMENDMENTS

	Existing Code	Proposed Amendments (Staff Review)	Proposed Amendments (Panel Review)
Front Yard Setback	• 20 foot minimum. • Variance from Code based on hardship requires approval from the Zoning Board of Adjustment.	• 20 foot minimum for ground floor. • 30 foot minimum for second floor or two story structure. • Potential for up to half of the second story to encroach forward to the 20 foot setback line.	• Potential to recapture to existing Code requirement of 20 foot minimum regardless of number of floors.

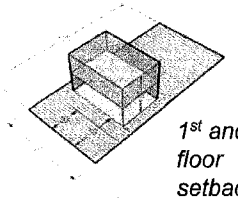


Example of 1st and 2nd floor at 20ft. setback - full developable width of lot.

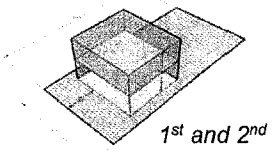


1st floor setback 20ft.

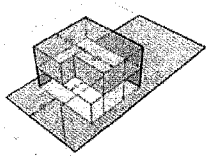
2nd floor setback 30ft.



1st and 2nd floor setback 30ft.



1st and 2nd floor allowed at 20ft. Setback.



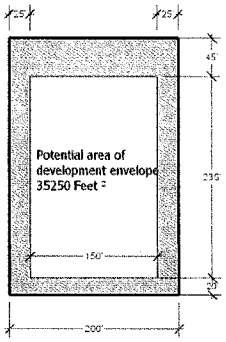
50% of 2nd floor encroaching forward to 20ft. setback.

MIAMIBEACH

SINGLE-FAMILY LAND DEVELOPMENT REGULATIONS

June 2006

PROPOSED AMENDMENTS

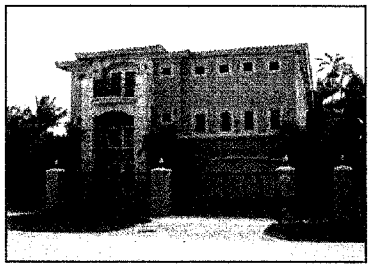
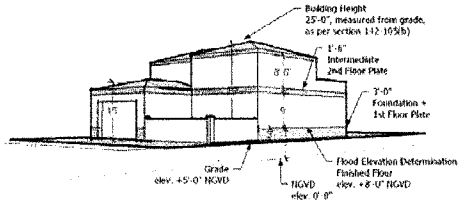
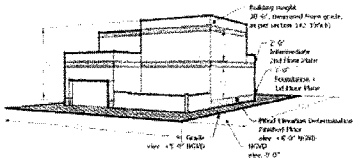
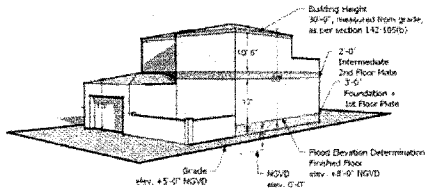
	Existing Code	Proposed Amendments (Staff Review)	Proposed Amendments (Panel Review)
Side Yard Setbacks	• Sum of interior side yards = 25% of lot width, not to exceed 50 feet. • 7.5 foot minimum or 10% of lot width, whichever is greater. • Any side facing a street shall not be less than 10% of lot width or 15 feet, whichever is greater. • Variance from Code based on hardship requires approval from the ZBA. 	• No change to existing Code except that two story side elevations located along or near to a side yard setback line may need to incorporate a break when the length exceeds 50% of the lot depth or 80 feet, whichever is less. *Without relief to side elevation.* *With relief to side elevation.*	• Panel may forgo additional two story elevation requirements.

MIAMIBEACH

SINGLE-FAMILY LAND DEVELOPMENT REGULATIONS

June 2006

PROPOSED AMENDMENTS

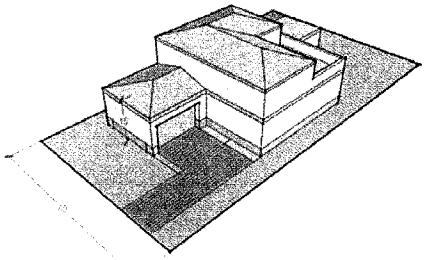
	Existing Code	Proposed Amendments (Staff Review)	Proposed Amendments (Panel Review)
Building Height	• 3 floors above grade. • 25 feet or 50% of lot width, whichever is greater, up to a maximum of 33 feet. • Variance from Code based on hardship requires approval from the Zoning Board of Adjustment. 	• 2 floors above minimum flood elevation. (finished floor) • 25 feet for lots 60 feet in width or less. • Lots greater than 60 feet in width: • 30 feet for flat roof structures. • 33 feet for sloped roof structures.  *Example of 25 ft. max. height applied to 60 ft. wide lot.*  *Example of 30 ft max. height applied to flat roof structure on 75 ft. wide lot.*	• Height may be determined based on rule of the existing Code whereby height above 25 feet is based on 50% of lot width to a maximum of 33 feet. However, two stories shall remain the maximum number of stories allowed.  *Example of existing Code applied to 60 ft. wide lot.*

MIAMI BEACH

SINGLE-FAMILY LAND DEVELOPMENT REGULATIONS

June 2006

PROPOSED AMENDMENTS

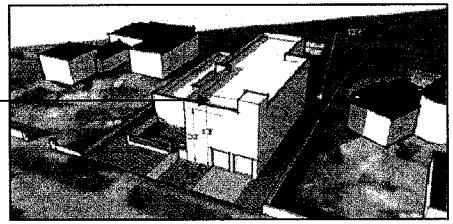
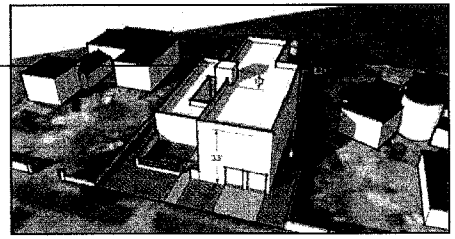
	Existing Code	Proposed Amendments (Staff Review)	Proposed Amendments (Panel Review)
Garages	• 400 square feet of non-air conditioned space not counted into lot coverage if garage is: • Set back five feet from main building line facing the right-of way; or • Vehicular entrances located perpendicular to right-of-way; or • Entrance is not part of main façade of house.	• 500 square feet of air conditioned space not counted into lot coverage calculation if garage is: • Limited to non-habitable uses through restrictive covenant. • Not covered by any portion of enclosed floor area above. • Does not exceed 15 feet measured from grade. • Vehicular entrances are located perpendicular to the right-of-way or the garage is setback five feet from the principal façade of the main house. 	• Not applicable - Provision has been crafted as an incentive whereby 500sft. of garage space shall not be counted against lot coverage if garage configuration meets criteria.

MIAMIBEACH

SINGLE-FAMILY LAND DEVELOPMENT REGULATIONS

June 2006

PROPOSED AMENDMENTS

	Existing Code	Proposed Amendments (Staff Review)	Proposed Amendments (Panel Review)
Height Exemptions	• 5 to10 foot maximum above height limit depending on element. • Deck area not to exceed 50% of floor area directly below.	• Air conditioning and mechanical equipment may require screening if visible from neighborhood view corridors, public rights-of-way and waterways.	• Stairwell and elevator bulkheads located along or near a setback line may require SFRRP approval.  *Location at or near setback line may require SFRRP approval.*  *Recommended location away from setback lines.*

ORDINANCE NO._____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF THE CITY OF MIAMI BEACH, FLORIDA, CHAPTER 142, "ZONING DISTRICTS AND REGULATIONS," DIVISION 2, "RS-1, RS-2, RS-3, RS-4 SINGLE-FAMILY RESIDENTIAL DISTRICTS," BY AMENDING LOT COVERAGE, STRUCTURE SIZE, BUILDING HEIGHT AND SETBACK REQUIREMENTS FOR NEW SINGLE-FAMILY RESIDENTIAL CONSTRUCTION AND BY AMENDING THE CRITERIA AND PROCEDURAL THRESHOLDS FOR THE REVIEW AND APPROVAL OF NEW SINGLE-FAMILY RESIDENTIAL CONSTRUCTION INCLUSIVE OF THE CREATION OF A NEW SINGLE-FAMILY RESIDENTIAL REVIEW PANEL; PROVIDING CODIFICATION; REPEALER; SEVERABILITY; AND AN EFFECTIVE DATE.

WHEREAS, recent new construction continues to result in out-of-scale development in comparison to the built character of the single-family neighborhoods in the City; and

WHEREAS, new homes that are compatible with the prevailing character of existing residential neighborhoods should be encouraged and promoted; and

WHEREAS, the identity, image and environmental quality of the City should be preserved and protected; and

WHEREAS, the privacy, attractive pedestrian streetscapes and human scale and character of the City's single-family neighborhoods, are important qualities to protect; and

WHEREAS, these regulations will accomplish these goals and ensure that the public health, safety and welfare will be preserved in the City's single-family districts.

NOW THEREFORE BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA:

SECTION 1. That Section 142-101, "Purpose" is hereby amended as follows:

The RS-1, RS-2, RS-3, RS-4 single-family residential districts are designed to protect, and preserve the identity, image, environmental quality, privacy, attractive pedestrian streetscapes, and human scale and ~~the~~ character of the single-family neighborhoods and to encourage and promote new construction that is compatible with the established neighborhood context. In order to safeguard the purpose and goals of the single-family districts mandatory review criteria are hereby created to carry out the provisions of these land development regulations.

SECTION 2. That Section 142-105, "Development regulations and area requirements", is hereby amended as follows:

(a) ***RS-1, RS-2, RS-3, RS-4 districts.*** The development regulations for the RS-1, RS-2, RS-3, RS-4 single-family residential districts are as follows:

(1) *Compliance with Regulations and Review Criteria*

a. Permits for new construction, alterations or additions to existing structures shall be subject to administrative (staff level) review by the planning ~~and zoning~~ director or designee or in certain instances subject to a public hearing by the single-family residential review panel (SFRRP) ~~for~~ in order to determine consistency with the review criteria listed in this section.

b. In complying with the review criteria located in this section, the applicant may choose either to adhere to the development regulations identified in sections 142-105 and 142-106 administratively through staff level review or forgo these conditions through approval from the SFRRP.

c. SFRRP approval shall be in accordance with the procedures contained in sections 142-105 and 142-106. Further clarification of the limits of the approval powers of the panel relative to single-family structures may be found within the subsections.

(2) *Review Criteria*
Staff level or SFRRP review shall encompass the examination of architectural drawings for consistency with the review criteria and information requests listed below.

a. The existing conditions of the lot, including but not limited to topography, vegetation, trees, drainage, and waterways shall be considered in evaluating the proposed site improvements.

b. The design and layout of the proposed site plan inclusive of the location of all existing and proposed buildings shall be reviewed with particular attention to the relationship to the surrounding neighborhood, impact on contiguous and adjacent buildings and lands, and view corridors. In this regard, additional photographic, and contextual studies which delineate the location of adjacent buildings and structures may be required in evaluating compliance with this criterion.

c. The selection of landscape materials, landscaping structures and paving materials shall be reviewed to ensure a compatible relationship with and enhancement of the overall site plan design and the surrounding neighborhood.

d. The dimensions of all buildings, structures, setbacks, height, lot coverage and any other information that may be reasonably necessary to determine compliance with the requirements of the underlying zoning district.

e. The design and construction of the proposed structure, and/or additions or modifications to an existing structure indicates sensitivity to and compatibility with the environment and adjacent structures and enhances the appearance of the surrounding neighborhood.

f. The proposed structure is located in a manner that is responsive to adjacent structures and the established pattern of volumetric massing along the street with regard to siting, setbacks and the placement of the upper floor.

~~a.~~ g. The construction of an addition to an existing structure shall be architecturally appropriate to the original design and scale of the building; the structure may be architecturally redesigned, but in a manner ~~which~~ that is consistent in design and material throughout.

~~b.~~ h. Exterior bars on entryways, doors and windows shall be prohibited on front and side elevations which face a street or right-of-way.

~~c.~~ i. At least ~~30~~ 35 percent of the required front yard area and ~~30~~ 35 percent of the required side yard area facing a street shall be sodded or landscaped pervious open space~~,~~. ~~w~~With the exception of driveways and paths leading to the building, paving may not extend any closer than five feet to the front of the building.

~~d.~~ j. In no instance shall the elevation of any required yard be higher than one-half the difference between grade, as defined in section 114-1, and the minimum required flood elevation.

~~e.~~ k. The construction shall be in conformance with the requirements of article IV, division 7 of this chapter with respect to exterior facade paint and material colors.

(3) *Application Requirements for Review*

a. Applications shall be made to the planning department and shall include the following:

1. *A completed application form.*
2. *A notarized owner's affidavit.*
3. *Color photographs of the site and adjacent properties.*
4. *Conceptual design drawings to scale including but not limited to a site plan, building floor plan(s), elevations and landscape design, sufficient to evaluate the overall proposed project. Additionally, drawings shall be submitted in "pdf" format in order to allow posting to the City's Planning and Zoning webpage.*

5. *Surveys dated within 6 months of the application that include site elevations.*
6. *General zoning calculations and data sufficient to determine compliance with zoning criteria.*

b. SFRRP applications shall require seven (7) copies of the required exhibits while staff level review shall require three (3) copies.

c. All applications for review by the SFRRP must be filed with the Planning Department within 21 calendar days of the meeting date.

(4) *Single-Family Residential Review Panel*

a. Composition and term of panel members.
The panel shall be composed of three (3) members each to serve for a term of one (1) year. Panel members shall not deliberate in more than four (4) meetings per calendar year unless required due to insufficient quorum.

b. Membership and qualification.
Panel members shall be chosen by the City Manager or designee on a rotating basis or as available from a list of not more than 20 architects and/ or other registered design professionals. In developing the list of registered professionals, names should be submitted from the following associations:

(1) American Institute of Architects, local chapter.
(2) American Society of Landscape Architects, local chapter.
(3) American Planning Association, local section.
(4) The Miami Design Preservation League
(5) Dade Heritage Trust.

c. Majority to approve plans.
The quorum for the SFRRP shall be all three (3) members and a simple majority will be necessary to approve any application. The Planning Department shall provide staff support to the SFRRP and the City Attorney's office shall provide legal counsel.

d. Meetings and Noticing Requirements.
The SFRRP shall have regularly scheduled meetings on a monthly basis, or as frequently as determined by the planning director. The hearing before the SFRRP shall be de novo, and the applicant shall have a pre-application conference with the planning director, or designee, prior to the submission of a request or an application to discuss any aspect of the process. Noticing of SFRRP meetings shall occur no less than fourteen (14) calendar days prior to the hearing date and shall be by mail notice and posting of the property that is the subject of the hearing. The preparation of the mail notice and mailing labels shall apply only to adjacent property owners of single-family zoned land no less than 100 feet to either side, rear and across a street or alley from the exterior property boundaries of the subject property. As an additional courtesy, project drawings shall be posted online at the City's Planning and Zoning webpage.

e. Recommendations and Appeals.
In approving or denying the application, the panel may recommend changes to the conceptual plans and specifications based on the recommendations of planning department staff and/ or the comments written or otherwise from any member of the public during its deliberation of the item. An appeal of any decision of the SFRRB shall be to a Special Master appointed by the City Commission, in accordance with the procedures set forth in section 118-537(b) of these Land Development Regulations. Thereafter review shall be by certiorari to the Circuit Court.

f. Fees for examination of plans and specifications.
The fee for applications to the SFRRP shall be $150.

(b) ***Lot width, unit size and building requirements.*** The lot area, lot width, unit size and building height requirements for the RS-1, RS-2, RS-3, RS-4 single-family residential districts are as follows:

TABLE INSET:

Minimum Lot Area (Square Feet)	Minimum Lot Width (Feet)*	Minimum Unit Size (Square Feet)	Maximum Unit Size (% of Lot Area)	Maximum Building Height**	Maximum Number of Stories
RS-1 = 30, 000	RS-1=100	1,800	50% of lot area with the ability to increase to 70% through SFRRP approval.	25 feet for lots 60 feet in width or less.	~~3~~ 2, above minimum flood elevation determination
RS-2 = 18, 000	RS-2=75			Lots greater than 60 feet in width: 30 feet for flat roof structures. 33 feet for sloped roof structures.	
RS-3 = 10,000	Oceanfront RS-3 = 50				
	All other RS-3 = 60			Height may also be ~~or~~ 50% of lot width~~, whichever is greater~~ up to a maximum of 33 feet regardless of lot size or roof type through SFRRP approval.	
RS-4 = 6,000	RS-4 = 50				
	*Except those lots fronting on a cul de sac or circular street as defined in lot width.			** Height shall be measured from grade, as defined in section 114-1.	

* * *

~~[e]~~ (d) ***Lot coverage (building footprint).***

(1) *General*

a. Buildings or structures ~~shall not~~ may occupy ~~more than~~ a maximum lot coverage of 35 percent of the lot area upon which the building or structure is erected~~;~~ through SFRRP approval.

b. Otherwise, buildings or structures approved administratively through staff level review shall occupy no more than 30 percent of the lot area upon which the building or structure is erected.

(2) *One Story Structures*
~~that o~~ One-story structures ~~on lots that have an area of 10,000 square feet or less~~ may exceed the maximum 35 percent lot coverage through staff level review and shall be subject to ~~existing~~ the setback regulations outlined in section 142-106, but in no instance shall the building footprint exceed 50 percent of the lot area. For purposes of this section, a one-story structure shall not exceed 18 feet in height as measured from grade.

(3) *Calculating Lot Coverage*
For purposes of calculating lot coverage, the footprint shall be calculated from the exterior face of exterior walls and the exterior face of exterior columns on the ground floor of all principal and accessory buildings, or portions thereof. However, outdoor covered areas, such as, but not limited to, loggias, covered patios, pergolas, etc., that are open on at least two sides, and not covered by an enclosed floor above, shall not be included in the lot coverage calculation.

(4) *Garages*
A maximum of ~~400~~ 500 square feet of ~~non-air conditioned~~ garage space shall not be counted in lot coverage if the area is limited to garage, storage and other non-habitable uses as provided through restrictive covenant and the garage ~~is set back an additional five feet from the main building line facing the right-of-way, or the garage is constructed with vehicular entrance(s) perpendicular or not visible from the right-of-way, or if the garage entrance is not part of the principal facade of the building.~~ conforms to the following criteria:

a. The garage is one story in height and not covered by any portion of enclosed floor area above. Enclosed floor area shall be as defined in section 114-1.

b. The vehicular entrance(s) of the garage is not part of the principal façade of the main house.

c. The garage is constructed with a vehicular entrance(s) perpendicular and not visible from the right-of-way, or the entrance(s) is set back a minimum of five feet from the principal façade of the main house when facing a right-of-way.

(5) *Non-conforming Structures*
Existing single-family structures nonconforming with respect to sections 142-105 and 142-106, may be repaired, renovated rehabilitated regardless of the cost of such repair, renovation or rehabilitation, notwithstanding the provisions of Chapter 118, Article IX, "Nonconformance." Should such an existing structure constructed prior to October 1, 1971, be completely destroyed due to fire or other catastrophic event, such structure may be replaced regardless of the above noted regulations existing at the time of destruction.

(6) *Demolition of Architecturally Significant Single-Family Homes*
Proposed new construction that exceeds the original building footprint of a demolished architecturally significant single-family home shall follow the provisions of Section 142-108.

~~(f)~~ (e) ***Height restriction.*** The height regulation exceptions contained in section 142-1161 shall not apply to the RS-1, 2, 3 and 4 zoning districts. The following exceptions shall apply, and unless otherwise specified in terms of height and location, shall not exceed ten feet above the roofline of the structure. In general, height exceptions which have not been developed integral to the design intent of a structure shall be located in a manner to have a minimal visual impact on predominant neighborhood view corridors as viewed from public rights-of-way and waterways.

(1) Chimneys and air vents, not to exceed five feet in height.

(2) Decks, not to exceed six inches above the main roofline and not exceeding a combined deck area of 50 percent of the enclosed floor area immediately one floor below.

(3) Decorative structures used only for ornamental or aesthetic purposes such as spires, domes, belfries, and covered structures, which are open on all sides, ~~which~~ and are not intended for habitation or to extend interior habitable space. Such structures shall not exceed a combined area of 20 percent of the enclosed floor area immediately one floor below.

(4) Radio and television antennas.

(5) Parapet walls, not to exceed three and one-half feet above the maximum permitted height.

(6) Stairwell and elevator bulkheads in general shall be located to be visually recessive such that they do not become vertical extensions of exterior building elevations located directly along required setback lines. SFRRP approval shall

be required when the bulkhead's proximity to a property line is closer than 125 percent of the depth of the nearest setback yard(s). Depth shall be measured perpendicular from the property line.

(7) Skylights, not to exceed five feet above the main roof line.

(8) Air conditioning and mechanical equipment not to exceed five feet above the main roof line and may be required to be screened in order to ensure minimal visual impact as identified in the general section description above.

~~[g]~~ ~~*Non-conforming structures.* Existing single-family structures nonconforming with respect to lot coverage, may be repaired, renovated or rehabilitated regardless of the cost of such repair, renovation or rehabilitation, notwithstanding the provisions of Chapter 118, Article IX, "Nonconformances." Should such an existing structure constructed prior to October 1, 1971, be completely destroyed due to fire or other catastrophic event, such structure may be replaced regardless of the lot coverage regulations existing at the time of destruction.~~ *[relocated to section (4)]*

SECTION 3. That Section 142-106, "Setback requirements for a single-family detached dwelling", is hereby amended as follows:

The setback requirements for a single-family detached dwelling in the RS-1, RS-2, RS-3, RS-4 single-family residential districts are as follows:

(1) *Front yards:*

a. ~~*Front:*~~ The minimum front yard setback requirement for these districts shall be 20 feet.

1. One story structures may be located at the minimum front yard setback line.

2. Two story structures or the second floor shall be setback a minimum of ten (10') additional feet from the required front yard setback line.

3. Up to 50 percent of the developable width of the second floor may encroach forward to the 20 foot setback line through staff level review. Portions that encroach forward in excess of 50 percent shall require SFRRP approval.

(2) *Side yards:*

a. The sum of the required side yards shall be at least 25 percent of the lot width~~, but not to exceed 50 feet~~.

b. *Interior sides.* Any one interior side yard shall have a minimum of ten percent of the lot width or seven and one-half feet, whichever is greater. When an existing ~~building~~ single-family structure is being renovated less than 50 percent of the value determination, as prescribed by the building official pursuant to the standards set forth in the Florida Building Code, and has a non-conforming side yard setback of at least five feet, the setback of new construction in connection with the existing building may be allowed to follow the existing building lines. If the single-family structure is renovated in excess of 50 percent of the value determination, as determined by the building official pursuant to the standards set forth in the Florida Building Code, any new construction in connection with the renovation shall meet the setback regulations existing at the time.

c. Two story side elevations located within proximity to a side property line shall not exceed 50 percent of the lot depth, or 80 feet, whichever is less, without incorporating additional open space directly adjacent to the required side yard. The threshold of the proximity shall be equal to or less than 150 percent of the width of the required side yard setback. The intent of this regulation shall be to break up long expanses of uninterrupted two story volume at or near the required side yard setback line and exception from this provision may be granted only through SFRRP approval. The additional open space shall be regular in shape and at least 8 feet in depth, measured perpendicular from the side setback line. The square footage of the additional open space shall not be less than 1 percent of the lot area.

d. The maintenance of the non-conforming side yard setback shall apply to the linear extension of a single story building, as long as the addition does not exceed 18 feet in height as measured from grade. This shall also apply to the construction of a second floor addition to ~~existing~~ single-family ~~buildings~~ homes constructed as of ~~*August 10, 2002*~~ *(the effective date of this ordinance)*. The construction of a ground floor addition of ~~two stories or~~ more than one story shall follow the required setbacks.

~~c.~~ e. Side, facing a street. Each required side yard facing a street shall be no less than ten percent of the lot width or 15 feet, whichever is greater.

~~(3) Reserved~~.

(~~4~~ 3) Rear: The rear setback requirement shall be 15 percent of the lot depth, 20 feet minimum, 50 feet maximum.

SECTION 4. That Section 142-107, "Development regulations for the Altos Del Mar Historic District ", is hereby amended as follows:

* * *

TABLE INSET:

(a) Minimum Lot Width	50 feet
(b) Maximum Lot Width (No variance from this provision shall be granted)	100 feet (2 adjoining lots)
(c) Maximum Unit Size	
RS-3	4,700 square feet for Habitable Major Structures
	1,700 square feet for the Understructure and Non-habitable Major Structures. An additional 600 square feet shall be allowed for the garage.
RS-4	3,250 square feet. No variances shall be granted with regard to the maximum square footage of structures. An additional 400 square feet shall be allowed for the garage.
(d) Maximum Unit Size for two adjoining 50 foot lots.	
RS-3	7,000 square feet for Habitable Major Structures
	3,400 square feet for the Understructure and Non-habitable Major Structures. An additional 600 square feet shall be allowed for the garage.
RS-4	3,750 square feet. An additional 400 square feet shall be allowed for the garage.

SECTION 5. That Section 142-108 "Provisions for the demolition of single family homes located outside of historic districts" is hereby amended as follows:

* * *

(e) Partial demolition.

(1) A building permit for partial demolition to accommodate additions or modifications to the exterior of any architecturally significant single-family home constructed prior to 1942 shall be issued only upon the prior final approval by the planning director, or designee, after the expiration of time following any appeals or exhaustion of all applicable remedies. A property owner may decide to proceed

directly to the DRB, pursuant to subsection 142-108(g), or agree to have the partial demolition reviewed and approved by staff, pursuant to subsection 142-108(e)(4); in either instance, a demolition permit shall not be issued until a full building permit for new construction has been issued.

* * *

(g) New construction requirements for properties containing a single-family home constructed prior to 1942.

(1) In addition to the development regulations and area requirements of section 142-105, as well as section 118-252, of the land development regulations of the City Code, the following regulations shall apply in the event the owner proposes to fully or substantially demolish an architecturally significant single-family home constructed prior to 1942, inclusive of those portions of a structure fronting a street or waterway. In the event of a conflict between the provisions of section 142-105 and section 118-252, and the regulations below, the provisions herein shall control:

a. The design review board (DRB) shall review and approve all new construction on the subject site, in accordance with the applicable criteria and requirements of chapter 118, article VI, section 251(a)1-12 of the land development regulations of the City Code.

b. The DRB review of any new structure, in accordance with the requirements of chapter 118, article VI, shall include consideration of the scale, massing, building orientation and siting of the original structure on the subject site, as well as the established building context within the immediate area.

c.1. The overall lot coverage of proposed new buildings or structures shall not exceed the building footprint of the original structure on site, or shall be limited to the following, whichever is greater, based upon the overall size of the subject lot:

i. For lots ~~less than~~ 10,000 square feet or less, the lot coverage shall not exceed 30 percent;

ii. For lots greater than 10,000 square feet, but less than 25,000 square feet, the lot coverage shall not exceed 25 percent;

iii. For lots ~~greater than~~ 25,000 square feet or greater, the lot coverage shall not exceed 15 percent.

c.2. The DRB may ~~waive~~ forgo the above noted lot coverage restrictions if it concludes that the retention of the architecturally significant single-family home is not practical or feasible, in which case the DRB review of any

request for demolition shall consider the criteria in subsection (a) herein, as well as the following criteria:

i. Whether good cause for the demolition of the structure has been shown.

ii. Whether pertinent economic and financial considerations that affect the ability of the owner to renovate, restore and add on to the structure.

iii. Whether the structural condition of the single-family home or other factors affect the feasibility of renovating, repairing or restoring the structure.

d. In the event a new home does not exceed one-story in height, the lot coverage shall not exceed 35 percent of the lot area; for purposes of this section, a one-story structure shall not exceed 12 feet in height as measured from minimum flood elevation.

e. The above regulations shall also be a limitation on development in all lots within a single site that may be split into multiple lots or multiple lots that are aggregated into a single site, at a future date. When lots are aggregated, the greater of the footprint permitted by the lot coverage regulations, or the footprint of the larger home, shall apply.

* * *

SECTION 6. REPEALER.
All ordinances or parts of ordinances and all sections and parts of sections in conflict herewith are hereby repealed.

SECTION 7. CODIFICATION.
It is the intention of the City Commission, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Code of the City of Miami Beach as amended; that the sections of this ordinance may be renumbered or relettered to accomplish such intention; and that the word "ordinance" may be changed to "section" or other appropriate word.

SECTION 8. APPLICABILITY.
Notwithstanding the provisions of Section 118-168(a) of the City Code regarding the enforcement of amendments to the land development regulations, for purposes of this ordinance, applications for building permits for new construction or renovations of single-family homes that have received a process number from the City of Miami Beach Building Department by *(the effective date of this ordinance)*, may obtain a full building permit based upon the plans originally submitted, as long as the plans are in substantial compliance with the originally submitted plans as modified through the effective date of the ordinance.

SECTION 9. SEVERABILITY.

If any section, subsection, clause or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

SECTION 10. EFFECTIVE DATE.
This Ordinance shall take effect ten days following adoption.

PASSED AND ADOPTED this _____ day of _____ 2006.

_____
MAYOR

ATTEST: _____
CITY CLERK

Approved As To Form
And Language &
For Execution

7/3/06
City Attorney Date

First Reading:
Second Reading:

Verified by: _____
Jorge G. Gomez, AICP
Planning Director

Underscore denotes new language
~~Strikethrough~~ denotes deleted language

JGG/ML/ RNC

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Condensed Title:

Adoption of a Turtle Protection Ordinance for the protection of endangered sea turtles in Miami Beach.

Key Intended Outcome Supported:

Preserve Our Beaches.

Issue:

Shall the Mayor and Commission adopt the Turtle Protection Ordinance?

Item Summary/Recommendation:

Sea Turtles are protected by the U.S. Endangered Species Act of 1973 and Florida Law Chapter 370. It is illegal to harm or harass sea turtles, their nests or hatchlings. In addition, the Coastal Construction Control Line (CCCL) program, which regulates coastal construction, provides specific requirements for beachfront lighting. To prevent hatchling disorientation and adverse impacts to nesting turtles, installation of exterior lighting is strongly discouraged. If exterior lighting is proposed, the Florida Department of Environmental Protection (FDEP) outlines specific guidelines that a permittee must follow.

In order to be effective, the responsibility for protecting nesting female and hatchling marine turtles should be a joint responsibility of local government and the Florida Department of Environmental Protection. Within the state of Florida, 18 Counties and 54 cities have adopted their own local turtle protection ordinances. The City of Miami Beach is proposing new local legislation that will protect native sea turtles by minimizing beachfront lighting and reducing the impact on the native population. The ordinance will restrict artificial lighting and other activities that disorient turtle hatchlings, causing them to crawl toward land rather than toward the ocean.

Adopt the Ordinance.

Advisory Board Recommendation:

Land Use Committee - approved

Financial Information:

Source of Funds:

OBPI

	Amount	Account	Approved
1			
2			
3			
4			
Total			

Financial Impact Summary:

City Clerk's Office Legislative Tracking:

Sign-Offs:

Department Director	Assistant City Manager	City Manager
[signature]	[signature]	[signature]

MIAMIBEACH

AGENDA ITEM RSI

DATE 7-12-06

MIAMIBEACH

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

COMMISSION MEMORANDUM

TO: Mayor David Dermer and Members of the City Commission

FROM: Jorge M. Gonzalez, City Manager For JMG

DATE: July 12, 2006 **FIRST READING**

SUBJECT: **AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 46 OF THE CITY OF MIAMI BEACH CODE BY ADDING ARTICLE 6 THEREOF ENTITLED "TURTLE NESTING PROTECTION ORDINANCE", ESTABLISHING REGULATIONS FOR LIGHTING AND OTHER ACTIVITIES ON PROPERTIES ABUTTING OR AFFECTING THE BEACH, INCLUDING EAST OF THE COASTAL CONSTRUCTION CONTROL LINE, FOR THE PROTECTION OF SEA AND MARINE TURTLES, ENDANGERED SPECIES NESTING ON MIAMI BEACH; PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.**

ADMINISTRATION RECOMMENDATION

Approve the Ordinance on first reading and set a second reading public hearing.

ANALYSIS

The City of Miami Beach is a natural nesting habitat for five species of endangered sea turtles; the Loggerhead, Green, Leatherback, Kemp's Ridley, and Hawksbill. Annually, beginning in April through early November, native sea turtles come to nest along our coastline. Although most nests are buried 12 to 24 inches deep, some are only a few inches below the beach surface. Hatchlings often sit at the top of the nest, just beneath the sand, for one or more days waiting to leave the nest. Sea turtle hatchlings typically emerge from their nest at night. It is important not to disturb hatchlings, eggs or nests since hatchlings need to crawl to the sea unaided.

Although turtles prefer dark beaches, many do nest on lighted shores. In doing so, the lives of their hatchlings are jeopardized. Hatchlings are attracted to the brightest source of light, which on an unlighted beach would be the reflection of the moon off the surf. Beachfront artificial lighting poses a serious threat to nesting females as well as hatchlings. Beachfront lighting has been documented to negatively affect nesting females and often results in reduced or abnormal nesting activity. Visible light sources and the reflection of "glow" resulting from the cumulative effects of coastal lights contribute to this problem. On beaches where artificial lighting is visible, nesting females are deterred from nesting and the hatchlings, important journey to the sea is disrupted.

Hatchlings may wander landward through beachfront property or across parking lots and highways toward light sources. Most die from dehydration, direct exposure to the morning sun, or contact with vehicles. For those hatchlings that reach the ocean, unnecessary wandering due to disorientation increases their vulnerability to predation and expends limited energy stores.

Sea Turtles are protected by the US Endangered Species Act of 1973 and Florida Law Chapter 370. It is illegal to harm or harass sea turtles, their nests or hatchlings. In addition, the Coastal Construction Control Line (CCCL) program, which regulates coastal construction, provides specific requirements for beachfront lighting. To prevent hatchling disorientation and adverse impacts on nesting turtles, installation of exterior lighting is strongly discouraged. If exterior lighting is proposed, the Florida Department of Environmental Protection (FDEP) outlines specific guidelines that a permittee must follow.

In order to be effective, the responsibility for protecting nesting female and hatchling marine turtles should be a joint responsibility of local government and the FDEP. Within the state of Florida, 18 Counties and 54 cities have adopted their own local turtle protection ordinances. The City of Miami Beach is proposing new local legislation that will protect native sea turtles by minimizing beachfront lighting and reducing our impact on the native turtle population. This ordinance will minimize artificial lighting and other activities that disorient turtle hatchlings.

During the nesting season, April 1st until October 31st, the following activities are prohibited:

- Direct illumination of the beach at nighttime during the nesting season.
- The operation of all motorized vehicles, except emergency and law enforcement, or beach maintenance vehicles or those permitted on the beach for marine turtle conservation and/or research.
- The building of campfires or bonfires.
- Fireworks displays, except those that have City special event permits and an ("FDEP") permit.

Special events taking place on the beach during nesting season that may have lighting needs shall require a permit from the FDEP.

New development or renovations exceeding 50 percent must be designed and built to meet the ordinance lighting guidelines. New developments that have already been permitted and existing developments will have six months from the effective date of this ordinance to reposition, modify or redirect existing lights that directly illuminate the beach, such as floodlighting directly visible from the beach. In addition, a one year period will be granted to permanently remove, change or disable any fixture that cannot be brought into compliance with the provisions of these standards.

Commercial signage facing the ocean, or in the line-of-sight of the beach, except building identification signs, shall not be illuminated during the hours of 9:00pm- 7:00am during nesting season within 18 months of the effective date of this article.

Buildings located along Ocean Drive that are east of the CCCL line are allowed to maintain current outdoor lighting. Additional special event spotlights or lighting during turtle season should be minimized after 9:00pm and/or directed away from the beach.

Once initial compliance is achieved within the first year, the number of lighting violations is anticipated to be minimal. This ordinance will be enforced by the City of Miami Beach Code Compliance Division and the Environmental Resources Management Division of the Public Works Department, in cooperation with the FDEP. A City-wide inspection by the

Environmental Division will be conducted at the beginning of the Turtle Nesting Season. If a violation is found, the Division will conduct outreach to the owner to attempt voluntary compliance. If no voluntary compliance is achieved, then Code Compliance will intervene. City regulatory departments, Planning, Building and Public Works, will continue to review construction plans to ensure that new developments, major renovations, or new lighting be in compliance with the ordinance. Therefore, no additional resources are required.

Violations of this ordinance are enforceable pursuant to the enforcement provisions of Section 1-14 and Chapter 30 of this Code. Violations fees will be used to further enhance and protect the dunes system, which are part of the native sea turtle habitat.

Initial outreach for this ordinance has been successfully conducted with the Greater Miami Beach Hotel Association, North Beach Development Corporation, the CMB Beach Preservation Committee, ECOMB, and several other hotels and condos, including Triton Towers, Riviera Condominium Association, Four Points Sheraton, Best Western Beach Resort, Days Inn Oceanside, Fairfield Inn & Suites and Days Inn South Beach.

JMG/RM/FHB/RH/FV/jzr

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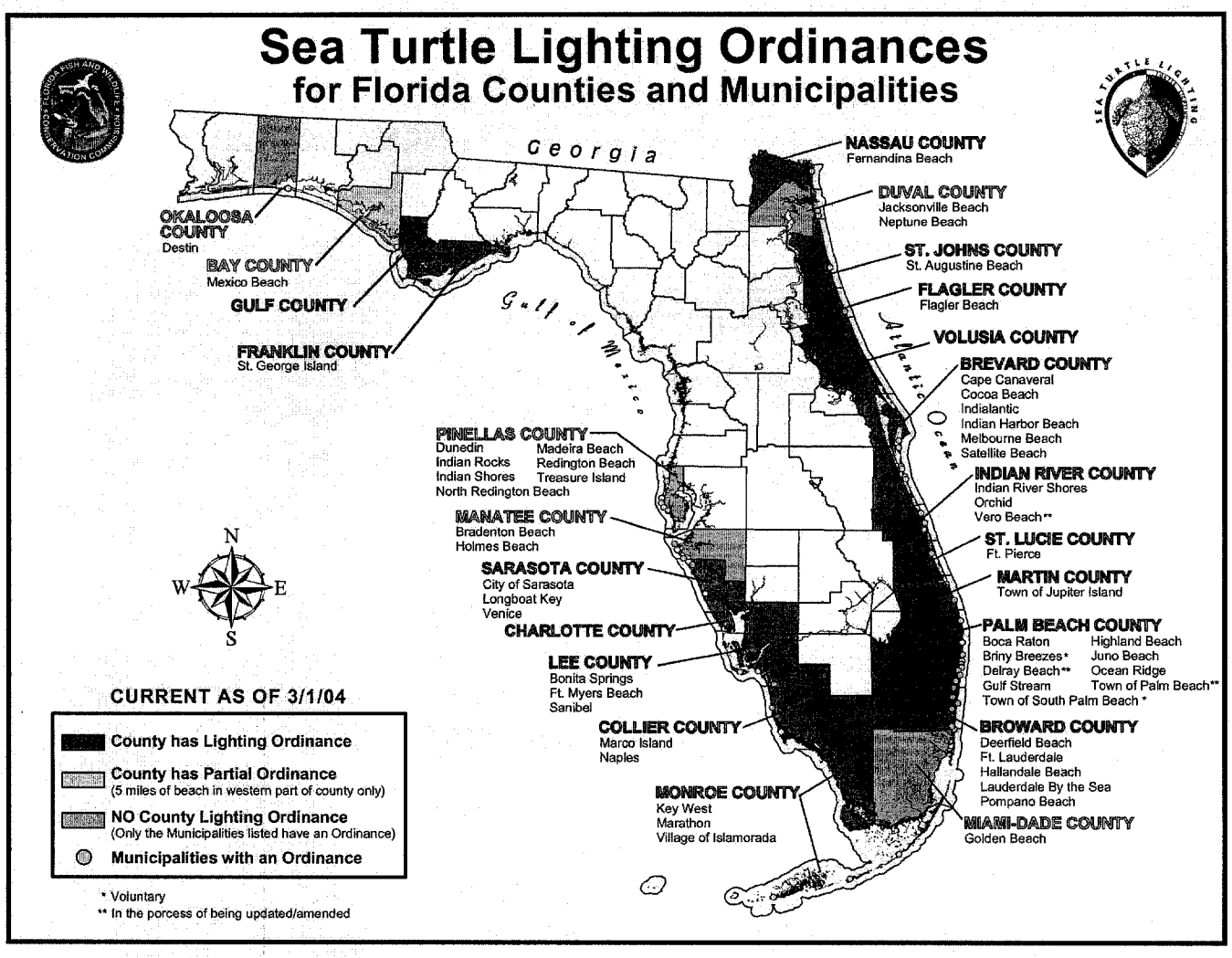
Sea Turtle Lighting Ordinances
for Florida Counties and Municipalities
Georgia
Gulf of Mexico
Atlantic Ocean
NASSAU COUNTY
Fernandina Beach
DUVAL COUNTY
Jacksonville Beach
Neptune Beach
ST. JOHNS COUNTY
St. Augustine Beach
FLAGLER COUNTY
Flagler Beach
VOLUSIA COUNTY
BREVARD COUNTY
Cape Canaveral
Cocoa Beach
Indialantic
Indian Harbor Beach
Melbourne Beach
Satellite Beach
INDIAN RIVER COUNTY
Indian River Shores
Orchid
Vero Beach**
ST. LUCIE COUNTY
Ft. Pierce
MARTIN COUNTY
Town of Jupiter Island
PALM BEACH COUNTY
Boca Raton
Briny Breezes*
Delray Beach**
Gulf Stream
Town of South Palm Beach *
Highland Beach
Juno Beach
Ocean Ridge
Town of Palm Beach**
BROWARD COUNTY
Deerfield Beach
Ft. Lauderdale
Hallandale Beach
Lauderdale By the Sea
Pompano Beach
MIAMI-DADE COUNTY
Golden Beach
OKALOOSA COUNTY
Destin
BAY COUNTY
Mexico Beach
GULF COUNTY
FRANKLIN COUNTY
St. George Island
PINELLAS COUNTY
Dunedin
Indian Rocks
Indian Shores
North Redington Beach
Madeira Beach
Redington Beach
Treasure Island
MANATEE COUNTY
Bradenton Beach
Holmes Beach
SARASOTA COUNTY
City of Sarasota
Longboat Key
Venice
CHARLOTTE COUNTY
LEE COUNTY
Bonita Springs
Ft. Myers Beach
Sanibel
COLLIER COUNTY
Marco Island
Naples
MONROE COUNTY
Key West
Marathon
Village of Islamorada
N
W
E
S
CURRENT AS OF 3/1/04
County has Lighting Ordinance
County has Partial Ordinance
(5 miles of beach in western part of county only)
NO County Lighting Ordinance
(Only the Municipalities listed have an Ordinance)
Municipalities with an Ordinance
* Voluntary
** In the porcess of being updated/amended

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 46 OF THE MIAMI BEACH CITY CODE BY ADDING ARTICLE 6 THEREOF ENTITLED "TURTLE NESTING PROTECTION ORDINANCE," ESTABLISHING REGULATIONS FOR LIGHTING AND OTHER ACTIVITIES ON PROPERTIES ABUTTING OR AFFECTING THE BEACH, INCLUDING EAST OF THE COASTAL CONSTRUCTION CONTROL LINE, FOR THE PROTECTION OF SEA AND MARINE TURTLES, ENDANGERED SPECIES NESTING ON MIAMI BEACH; PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

WHEREAS, the beach along the Atlantic Ocean, within the boundaries of the City of Miami Beach, is utilized by federally protected sea turtles for nesting; and

WHEREAS, artificial night-time lighting directly affects and disorients turtle hatchlings resulting in losses in turtle populations; and

WHEREAS, the City desires to adopt a lighting ordinance for the protection of endangered sea turtles, as per federal and state environmental regulations.

NOW THEREFORE BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA that Chapter 46 of the Miami Beach City Code is hereby amended to add a new Article VI, entitled "Turtle Nesting Protection Ordinance," as follows:

Section 1. The Miami Beach City Code, Chapter 46, "Environment," is hereby amended by adding a new Article VI, entitled "Turtle Nesting Protection Ordinance," which shall read as follows:

Article VI. Turtle Nesting Protection Ordinance

Sec. 46-201. Purpose and Intent.

The purpose of this article is to reduce the impacts of artificial coastal lighting on threatened and endangered sea turtles that nest on the beaches of Miami Beach by restricting artificial lighting and other activities that disorient turtle hatchlings, causing them to crawl toward land rather than toward the ocean. This article is intended to provide overall improvements in nesting habitat degraded by light pollution, and increase successful nesting activity and production of hatchlings. The restrictions and constraints of this article shall be effective within the incorporated areas of Miami Beach and apply to any coastal lighting or other activity that has potential to adversely impact sea turtles within City limits.

Sec. 46-202. Definitions.

Artificial light means any point source of light emanating from a device made by humans, including but not limited to incandescent mercury vapor, metal halide, sodium lamps, fluorescent, flashlights, spotlights, streetlights, vehicular lights, construction lights, security lights, bonfires, or any light emanating from any reflective surface of the device.

Beach means that area of unconsolidated material that extends landward from the mean low-water line of the Atlantic Ocean, to the place where there is a marked change in material or physiographic form, or to the line of permanent vegetation.

Bug type bulb means any yellow or other colored light bulb that is marketed as being specifically treated in such a way so as to reduce the attraction of bugs to the light.

Coastal construction activities mean any work or activity that is likely to have a material physical effect on existing coastal conditions or natural shore and inlet processes.

Coastal Construction Control Line (CCCL) means the line established by the State of Florida pursuant to section 161.053, Florida Statutes, and filed in the public records of the county, which defines that portion of the beach dune system subject to severe fluctuations based on a 100-year storm surge, storm waves or other predictable weather conditions.

County means Miami-Dade County.

Cumulatively illuminated means illuminated by numerous artificial light sources that as a group illuminate any portion of the beach.

Directly illuminated means illuminated as a result of glowing elements, lamps, globes, or reflectors of an artificial light source that is visible to an observer on the beach.

Dune means a mound or ridge of loose sediments, usually sand-sized, lying landward of the beach and deposited by any natural or artificial mechanism.

Filmed glass means window glass that has been covered with a film such that the material has a shading coefficient of forty-five (45) percent or less, adhesive as an integral part, and has performance claims that are supported by approved testing procedures and documentation.

Floodlight means a reflector-type light fixture that may be attached directly to a building, other structure, or free-standing, and is unshielded.

Frontal dune means the first natural or artificial mound or bluff of sand that is located landward of the beach and that has sufficient vegetation, height, continuity and configuration to offer protective value.

Ground-level barrier means any vegetation, natural feature or artificial structure rising from the ground that prevents beachfront lighting from shining directly onto the beach-dune system.

Hatchling means any species of marine turtle, within or outside of a nest, which has recently hatched from an egg.

Indirectly illuminated means illuminated as a result of glowing elements, lamps, globes, or reflectors of an artificial light source that is not visible to an observer on the beach.

Low-profile luminaire means a light fixture set on a base that raises the source of light no higher than forty-eight (48) inches off the ground, and designed in such a way that light is directed downward from a hooded light source.

Marine turtle means any marine-dwelling reptile of the families Cheloniidae or Dermochelyidae found in Florida waters or using the beach as a nesting habitat, including the species: Caretta caretta (loggerhead), Chelonia mydas (green), Dermochelys coriacea (leatherback), Eretmochelys

imbricata (hawksbill), and Lepidochelys kempi (Kemp's ridley). For purposes of this section, marine turtle is synonymous with sea turtle.

Nest means an area where marine turtle eggs have been naturally deposited or subsequently relocated.

Nesting season means the period from April 1 through October 31 of each year.

New development means new construction and remodeling of existing structures when such remodeling includes alteration of exterior lighting.

Nighttime means the time period between sunset and sunrise within the city limits of Miami Beach.

Person means individuals, firms, associations, joint ventures, partnerships, estates, trusts, syndicates, fiduciaries, corporations, and all other groups or combinations.

Pole lighting means a light fixture set on a base or pole that raises the source of the light higher than forty-eight (48) inches off the ground.

Solar screens mean screens that are fixed installations and permanently project shade over the entire glass area of the window. The screens must be installed on the outside of the glass and must have a shading coefficient of forty-five (45) percent or less and have performance claims supported by approved testing procedures and documentation.

Tinted glass means any glass treated to achieve an industry-approved inside-to-outside light transmittal value of forty-five (45) percent or less. Such transmittance is limited to the visible spectrum (four hundred (400) to seven hundred (700) nanometers) and is measured as the percentage of light that is transmitted through the glass.

Sec. 46-203. Prohibited activities disruptive to marine turtles.

(a) The following activities involving direct illumination of portions of the beach are prohibited on the beach at nighttime during the nesting season for the protection of nesting marine turtle females, nests and hatchlings:

(1) The operation of all motorized vehicles, except emergency and law enforcement, or beach maintenance vehicles or those permitted on the beach for marine turtles conservation and/or research.

(2) The building of campfires or bonfires.

(3) Fireworks displays, except those that have City special event permits and a Florida Department of Environmental Protection ("DEP") permit.

(b) *Special events.*
Special events taking place on the beach during nesting season that may have lighting needs shall require a permit from the Florida Department of Environmental Protection.

(c) *Lighting standards for new development.*
It is the policy of the City of Miami Beach that no artificial light shall illuminate any area of the beach. The following applies to lighting located east of the Coastal Construction Control Line (CCCL) or lighting that directly illuminates the beach and interferes with turtle nesting. To meet this intent, all public and private properties and uses involving new construction, or renovations exceeding 50% of the value of the structure as determined by the Building Official, located east of the CCCL shall comply with the following:

(1) Exterior artificial light fixtures shall be designed and positioned so that the point source of light or any reflective surface of the light fixture is not directly visible from the beach; areas seaward of the dune are not directly or indirectly illuminated.

(2) Exterior artificial light fixtures within direct line-of-sight of the beach shall be completely shielded downlight only fixtures, or recessed fixtures having low wattage (i.e., "bug" type bulbs of fifty (50) watts or less) and non-reflective interior surfaces. Other fixtures that have appropriate shields, louvers or cut-off features may also be used if in compliance with the requirements of subsection (1) of this section.

(3) All fixtures shall be mounted as low in elevation as possible through use of low-mounted wall fixtures, wall fixtures fitted with hoods, low bollards and ground-level fixtures, so that no light is directly visible from the beach or illuminates the beach.

(4) Floodlights, upward-oriented lights, spotlights or search lights for decorative and accent purposes, or used as security lights, are prohibited if they would be directly visible from the beach, or would indirectly or cumulatively illuminate the beach.

(5) Exterior lights used expressly for safety or security purposes shall be limited to the minimum number and configuration required to achieve the safety and security function in compliance with the provisions of Crime Prevention Through Environmental Design (CPTED). Motion detectors should be employed to keep lights off except when approached, and such motion detectors should switch lights on for the minimum duration possible.

(6) Pole lights, if used, shall be shielded in such a manner that light will be contained primarily within the area that is landward of the pole, and light shall not be directly visible from the beach.

(7) Lights on balconies and catwalks facing the ocean shall be limited to: low profile luminaries positioned so that no light illuminates or is visible from the beach; wall mounted fixtures fitted with hoods with non-reflective interiors so that no light illuminates the beach or overhead lighting containing bug-type bulbs or other bulbs with fifty (50) watts or less and non-reflective interior surfaces.

(8) Tinted glass shall be installed on all windows and glass doors of single and multi-story structures facing or within line-of-sight of the beach. Shade screens can be substituted for this requirement.

(9) Parking areas and structures shall be designed and located to prevent vehicular headlights from directly or indirectly illuminating the beach. Parking area and parking structure lighting shall be shielded from the beach through the use of shields that direct light away from the beach, and ground-level barriers designed in conformance to the CPTED principals. Such ground-level barriers shall not interfere with marine turtle nesting or hatchling emergence and shall not cause short or long-term damage to the beach/dune system. Entrances and exits to parking structures shall not face the ocean. Surfaces of parking areas shall not contain ground glass or other reflective material.

(10) Lighting provided for any outdoor recreational feature on or abutting the beach (such as tennis court, swimming pool, etc.) shall be shielded to prevent light from directly or indirectly illuminating the beach.

(11) Dune crosswalks, if lighted, shall utilize low profile shielded luminaries.

(12) No roof top advertising sign that is illuminated in any fashion shall be permitted.

(13) Temporary security lights at construction sites shall not be mounted more than fifteen (15) feet above the ground. Illumination from the lights shall be the minimum necessary to assure security, shall not

spread beyond the boundary of the property being developed, and in no case shall such lights illuminate the beach.

(d) *Lighting standards for new development that has already been permitted*
The provisions of subsection (c) of this section shall not apply to any structure for which the City of Miami Beach Building Department has issued a building permit prior to the effective date of this division. Such structures shall be governed by the provisions of subsection (e) of this section.

(e) *Lighting standards for existing development*
It is the policy of the City of Miami Beach that no artificial light shall illuminate any area of the beach. To meet this intent, lighting of existing structures, located east of the CCCL and that can be seen from the beach, shall be in compliance with the following:

(1) Within six (6) months of the effective date of this article, existing artificial light fixtures shall be repositioned, modified, or removed so that:
a. The point source of light or any reflective surface of the light fixture is not directly visible from the beach;
b. Areas seaward of the frontal dune are not directly or indirectly illuminated; and
c. Areas seaward of the frontal dune are not cumulatively illuminated.

(2) Within one (1) year of the effective date of this article, the following measures shall be taken to reduce or eliminate the negative effects of existing exterior artificial lighting:
a. Reposition fixtures so that the point source of light or any reflective surface of the light fixture is no longer visible from the beach;
b. Replace fixtures having an exposed light source with fixtures containing recessed light sources or shields:
c. Replace traditional light bulbs with bug type bulbs not exceeding fifty (50) watts;
d. Replace non-directional fixtures with directional fixtures that point down and away from the beach;
e. Replace fixtures having transparent or translucent coverings with fixtures having opaque shields covering an arc of at least 180 degrees and extending an appropriate distance below the bottom edge of the fixture on the seaward side so that the light source or any reflective surface of the light fixture is not visible from the beach;

f. Replace pole lamps with low-profile, low-level luminaries so that the light source or any reflective surface of the light fixture is not visible from the beach;

g. Replace incandescent, florescent, and high intensity lighting with the lowest wattage low pressure sodium vapor lighting possible for the specific application;

h. Plan or improve vegetation buffers between the light source and the beach to screen light from the beach;

i. Construct a ground level barrier to shield light sources from the beach. Ground-level barriers must not interfere with marine turtle nesting or hatchling emergence, or cause short- or long-term damage to the beach/dune system;

j. Permanently remove or permanently disable any fixture that cannot be brought into compliance with the provisions of these standards.

(3) Commercial signage facing the ocean or in the line-of-sight of the beach, except building identification signs, shall not be illuminated during the hours of 9pm - 7am of nesting season within eighteen (18) months of the effective date of this article.

(4) Buildings located along Ocean Drive that are east of the CCCL line are allowed to maintain current outdoor lighting. Additional special event spotlights or lighting during turtle season should be minimized after 9pm and/or directed away from the beach. When conducting renovations, buildings are encouraged to replace Neon lighting with LED lighting.

(f) *Publicly owned lighting.*
Street lights, existing lighting at parks, publicly owned parking facilities and publicly owned walkways shall be subject to the following:

(1) *Streetlights.* Street lights installed after the effective date of this ordinance shall either be located so that the bulk of illumination will travel away from the beach, and shielding is used to prevent light from illuminating the beach, or shall be low profile luminaries. Street lights existing prior to the effective date of this ordinance shall be equipped with shields that minimize backlighting shall not illuminate the beach and shall reduce visibility from the beach.

(2) *Lighting at parks, publicly owned parking facilities and publicly owned walkways* shall be shielded or shaded during nighttime hours of nesting season so that such lighting does not illuminate the beach and visibility is reduced from the beach. Such shielding or shading shall not create a CPTED problem or safety hazard for pedestrians.

Sec. 46-204. Enforcement and Penalties.

Violation of the provisions of this article or failure to comply with any of its requirements shall constitute an offense enforceable pursuant to the enforcement provisions of Section 1-14 and Chapter 30 of this Code. When it has been determined that a violation has occurred, notice of the violation and an opportunity for a hearing shall be served on the property owner. Other person or persons responsible for lighting or management of the property may also be served with notice if determined appropriate by the City administration. Upon refusal, failure or neglect of the person or persons served with a notice of violation to cure the violation with ten (10) days of such notice, or when the violator or the violator's representatives do not appear at the hearing granted pursuant to this Code or as otherwise provided by law, or when an order finding a violation is entered against the violator, the enforcing agency shall notify the property owner, in writing, that an external lighting source causing the violation may be removed by the City within ten (10) business days thereafter. Alternatively, or in addition, at the discretion of the City administration, a daily fine may be assessed against the violator, with such fine to begin to be assessed within ten (10) business days thereafter, and to be continuously assessed until the conclusion of nesting season or until the violation is corrected. Costs incurred by the City associated with the removal by the City of external lighting sources causing violations shall be recovered from the property owner, or such person or persons causing the violation, and, if not recovered from the person or persons, shall be placed as a lien against the property and reimbursed to the City at time of sale of the property.

SECTION 2. REPEALER.

All ordinances or parts of ordinances and all sections and parts of sections in conflict herewith are hereby repealed.

SECTION 3. CODIFICATION.

It is the intention of the City Commission, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Code of the City of Miami Beach as amended; that the sections of this ordinance may be renumbered or relettered to accomplish such intention; and that the word "ordinance" may be changed to "section" or other appropriate word.

SECTION 4. SEVERABILITY.

If any section, subsection, clause or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

SECTION 5. EFFECTIVE DATE.

This Ordinance shall take effect ten days following adoption.

PASSED AND ADOPTED this _____ day of _____ 2006.

_____
MAYOR

ATTEST:_____
CITY CLERK

APPROVED AS TO FORM
AND LANGUAGE & FOR EXECUTION

_____ 7/3/06
CITY ATTORNEY Dated

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Condensed Title:

First Reading of An Ordinance Amending Section 2-408(B), Entitled "Health Benefits; Eligibility Period", To Require Covered Employers, Or The City, To Pay A Living Wage Of $9.81 An Hour, Commencing On The Date Of Hire Of The Covered Employee, Through The Eligibility Period; Providing For Repealer, Severability, Codification, And An Effective Date.

Key Intended Outcome Supported:

Enhance Access to Labor Pool.

Issue:

Whether the Ordinance Amendment Should be Approved on First Reading?

Item Summary/Recommendation:

Pursuant to the direction of the Mayor and City Commission at its June 7, 2006 meeting, the Administration and City Attorney's Office, have prepared the attached amendment to the City's Living Wage Ordinance, which requires covered employers or the City to pay a living wage of not less than $9.81 an hour, effective as of the date of employment of covered employee.

The proposed amendment will require all covered employers to pay their employees effective on the employee's date of hire, a living wage of no less than $8.56 an hour plus at least $1.25 an hour towards health benefits for a total minimum value of $9.81 an hour, or a living wage of no less than $9.81 an hour without health benefits.

For a covered employer or the City to comply with the living wage provision by choosing to pay the lower wage scale ($8.56 per hour) available when a covered employer also provides health benefits, such health benefits shall consist of payment of at least $1.25 per hour toward the provision of health benefits for covered employees and their dependents.

By adopting this Ordinance amendment, the Living Wage Ordinance will better ensure that contractors and subcontractors follow the intent of the Living Wage Ordinance, continuing to set a community standard that permits full-time workers to live above the poverty line.

ADOPT THE ORDINANCE AMENDMENT ON FIRST READING.

Advisory Board Recommendation:

Financial Information:

Source of Funds:

OBPI

	Amount	Account	Approved
1			
2			
3			
4			
Total			

Financial Impact Summary:

City Clerk's Office Legislative Tracking:

Gus Lopez, extension 6641

Sign-Offs: Department Director	Assistant City Manager	City Manager
GL	PDW	JMG

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MIAMIBEACH

AGENDA ITEM R5J

DATE 7-12-06

MIAMIBEACH

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

COMMISSION MEMORANDUM

TO: Mayor David Dermer and Members of the City Commission

FROM: Jorge M. Gonzalez, City Manager

DATE: July 12, 2006 **FIRST READING**

SUBJECT: **AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 2 OF THE MIAMI BEACH CITY CODE ENTITLED "ADMINISTRATION"; BY AMENDING ARTICLE VI, ENTITLED "PROCUREMENT"; BY AMENDING DIVISION 6, ENTITLED "LIVING WAGE REQUIREMENTS FOR CITY SERVICE CONTRACTS AND CITY EMPLOYEES";BY AMENDING SECTION 2-408(b), ENTITLED "HEALTH BENEFITS; ELIGIBILITY PERIOD", TO REQUIRE COVERED EMPLOYERS, OR THE CITY, TO PAY A LIVING WAGE OF $9.81 AN HOUR, COMMENCING ON THE DATE OF HIRE OF THE COVERED EMPLOYEE, THROUGH THE ELIGIBILITY PERIOD; PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.**

ADMINISTRATION RECOMMENDATION

Approve the Ordinance on first reading and set a second reading public hearing.

ANALYSIS

Pursuant to the direction of the Mayor and City Commission at its June 7, 2006 meeting, the Administration and City Attorney's Office, have prepared the attached amendment to the City's Living Wage Ordinance, which requires covered employers or the City to pay a living wage of not less than $9.81 an hour, effective as of the date of employment of covered employee.

Currently, Section 2-408(b), entitled "Health Benefits; eligibility period", allows covered employers to pay a new employee the lower rate of $8.56 per hour during the first 90 days of the employee's eligibility period. If the contractor's eligibility period is greater than 90 days, then, commencing on the 91st day of the eligibility period, the contractor will pay the employee the higher rate of $9.81 until the employee receives health benefits.

The proposed amendment will require all covered employers to pay their employees effective on the employee's date of hire, a living wage of no less than $8.56 an hour plus at least $1.25 an hour towards health benefits for a total minimum value of $9.81 an hour, or a living wage of no less than $9.81 an hour without health benefits.

For a covered employer or the City to comply with the living wage provision by choosing to pay the lower wage scale ($8.56 per hour) available when a covered employer also provides health benefits, such health benefits shall consist of payment of at least $1.25 per hour toward the provision of health benefits for covered employees and their dependents.

If the health benefits plan of the covered employer or the City requires an initial period of employment for a new employee to be eligible for health benefits (eligibility period) the living wage provision shall be complied with during the eligibility period, provided the covered employer or the city commences to pay a living wage of not less than $9.81 an hour, effective as of the date of employment of covered employee.

Upon completion of the eligibility period, provided the new employee will be provided health benefits, a covered employer may commence to pay the $8.56 an hour wage scale.

Failure to comply with this provision shall be deemed a material breach under the awarded Agreement, under which the City may, at its sole option, immediately terminate the Agreement, and may further subject successful bidder to additional penalties and fines, as provided in the City's Living Wage Ordinance.

CONCLUSION

By adopting this Ordinance amendment, the Living Wage Ordinance will better ensure that contractors and subcontractors follow the intent of the Living Wage Ordinance, continuing to set a community standard that permits full-time workers to live above the poverty line.

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ORDINANCE NO._____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 2 OF THE MIAMI BEACH CITY CODE, ENTITLED "ADMINISTRATION"; BY AMENDING ARTICLE VI, ENTITLED "PROCUREMENT"; BY AMENDING DIVISION 6, ENTITLED "LIVING WAGE REQUIREMENTS FOR CITY SERVICE CONTRACTS AND CITY EMPLOYEES";BY AMENDING SECTION 2-408(b), ENTITLED "HEALTH BENEFITS; ELIGIBILITY PERIOD', TO REQUIRE COVERED EMPLOYERS, OR THE CITY, TO PAY A LIVING WAGE OF $9.81 AN HOUR, COMMENCING ON THE DATE OF HIRE OF THE COVERED EMPLOYEE, THROUGH THE ELIGIBILITY PERIOD; PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, the Mayor and City Commission, at its June 6, 2006 City Commission meeting, directed the Administration to amend the City's Living Wage Ordinance to require covered employers, or the City, to pay a living wage of $9.81 an hour, commencing on the date of hire of the covered employee; and

WHEREAS, the intent of the proposed amendment is to require all covered employers or the City to pay their employees effective on the employee's date of hire, a living wage of no less the $8.56 an hour plus at least $1.25 an hour towards health benefits for a total minimum value of $9.81 an hour, or a living wage no less the $9.81 an hour without health benefits; and

WHEREAS, if the health benefits plan of the covered employer or the City requires an initial period on employment for a new employee to be eligible for health benefits (eligible period) the living wage provision shall be complied with during the eligibility period, provided the covered employer or the City commences to pay a living wage no less than $9.81 an hour, effective as of the date of employment of covered employee; and

WHEREAS, upon completion of the eligibility period, provided the new employee will be provided health benefits, a covered employer may commence to pay the $8.56 an hour wage scale; and

WHEREAS, by adopting this Ordinance amendment, the Living Wage Ordinance will better ensure that contractors follow the intent of the Living Wage Ordinance, continuing to set a community standard that permits full-time workers to live above poverty line.

NOW, THEREFORE, BE IT DULY ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA AS FOLLOWS:

SECTION 1. AMENDMENT OF CITY CODE

That Section 2-408(b), entitled "Health Benefits", of Division 6, entitled "Living Wage Requirements for Service Contracts and City Employees", of Article VI, entitled "Procurement", of Chapter 2, entitled "Administration, of the Miami Beach City Code is hereby amended to read as follows:

Chapter 2
ADMINISTRATION
* * *
Article VI. Procurement
* * *
Division 6. Living Wage Requirements for Service Contracts and City Employees
* * *

SECTION 2-408. LIVING WAGE

* * *

(b) Health Benefits; eligibility period. For a covered employer or the city to comply with the living wage provision by choosing to pay the lower wage scale available when a covered employer also provides health benefits, such health benefits shall consist of payment of at least $1.25 per hour toward the provision of health benefits for covered employees and their dependents.

If the health benefits plan of the covered employer or the city requires an initial period of employment for a new employee to be eligible for health benefits (eligibility period) the living wage provision shall be deemed to be complied with ~~as follows~~ during the eligibility period~~:~~ provided the covered employer or the city commences to pay a living wage of not less than $9.81 an hour, effective as of the date of hire of the covered employee.

Upon completion of the eligibility period, provided the new employee will be provided health benefits, a covered employer may commence to pay the $8.56 an hour wage scale.

~~(1) Provided the new employee will be paid health benefits upon the completion of the eligibility period, a Covered Employer or the City may only qualify to pay the $8.56 per hour wage scale for a term not to exceed the first ninety (90) days of the new employee's eligibility period, said term commencing on the employee's date of hire.~~

~~(2) If the Covered Employer's or the City's eligibility period exceeds the ninety (90) day term provided in subsection (1) above, then the Covered Employer or the City, commencing on the ninety first (91st) day of the new employee's eligibility period, must commence to pay a living wage of not less than $9.81 an hour.~~

Proof of the provision of health benefits must be submitted to the awarding authority to qualify for the wage rate for employees with health benefits.

SECTION 2. REPEALER.

All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

SECTION 3. SEVERABILITY.

If any section, subsection, clause, or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

SECTION 4. CODIFICATION.

It is the intention of the Mayor and City Commission of the City of Miami Beach, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of the City of Miami Beach, Florida. The sections of this Ordinance may be returned.

SECTION 5. EFFECTIVE DATE.

PASSED and ADOPTED this _____ day of _____, 2006.

ATTEST:

_____
MAYOR

_____
CITY CLERK

APPROVED AS TO FORM & LANGUAGE & FOR EXECUTION

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City Attorney 7/7/06 Date

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Condensed Title:

An ordinance of the City Commission amending the City Code to clarify that floor area may be distributed on Block 1 through covenants in lieu of unity of title.

Key Intended Outcome Supported:

Increase satisfaction with development and growth management across the City.

Issue:

Should the City Code be amended to allow the requested changes to the Block 1 Concept Plan?

Item Summary/Recommendation:

On July 28, 2004, the City of Miami Beach entered into a settlement agreement with various entities known collectively as the "Portofino Entities" and certain successors in interest that are part of the Related Group of Florida. As part of this settlement the City Commission adopted Resolution No. 2004-25651 which approved a concept plan for various parcels in the South Pointe area including a parcel known as Block 1. This concept plan was formulated after an exhaustive public process which involved not only the Commission but the City's Planning Board, the Design Review Board and the participation of neighborhood representatives which became known as the Collaborative Process.

TRG-Block One, Ltd., one of the entities as successor in interest to the original settlement, is requesting modifications to the Concept Plan.

At the April 11, 2006, the City Commission discussed the request from TRG-Block 1, Ltd., regarding the previously approved Concept Plan. The request is summarized as follows:

- Modify the Concept Plan for the area known as Block 1;
- Initiate the necessary amendments to the City Code to effectuate the Modified Concept Plan;
- Release of subsurface easement rights to the alley located in Block 1 for the purpose of creating certain underground improvements.

This ordinance amendment is necessary in order to effect the proposed changes in the Modified Concept Plan to allow the transfer of FAR within Block 1.

Advisory Board Recommendation:

At its June 27, 2006 meeting, the Planning Board recommended approval by a vote of 4-0 (3 members absent).

Financial Information:

Source of Funds:

OBPI

	Amount	Account	Approved
1			
2			
3			
4			
Total			

Financial Impact Summary:

City Clerk's Office Legislative Tracking:

Jorge Gomez or Tom Mooney or Gary M. Held, City Attorney's office

Sign-Offs:

Department Director	Assistant City Manager	City Manager

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MIAMIBEACH

AGENDA ITEM R5K

DATE 7-12-06

MIAMIBEACH

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

COMMISSION MEMORANDUM

TO: Mayor David Dermer and Members of the City Commission

FROM: Jorge M. Gonzalez, City Manager

DATE: July 12, 2006

First Reading

SUBJECT: **AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE CODE OF THE CITY OF MIAMI BEACH, BY AMENDING SECTION 114-1, "DEFINITIONS," CLARIFYING THE MEANING OF "SITE;" AMENDING CHAPTER 142, "ZONING DISTRICTS AND REGULATIONS," ARTICLE II, "DISTRICT REGULATIONS," DIVISION 18, "PS PERFORMANCE STANDARD DISTRICT," CLARIFYING THAT FLOOR AREA MAY BE DISTRIBUTED ON BLOCK 1 THROUGH COVENANTS IN LIEU OF UNITY OF TITLE; PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.**

RECOMMENDATION

Adopt the ordinance on first reading and schedule a public hearing second reading.

BACKGROUND

On July 28, 2004, the City of Miami Beach entered into a settlement agreement with various entities known collectively as the "Portofino Entities" and certain successors in interest that are part of the Related Group of Florida. As part of this settlement the City Commission adopted Resolution No. 2004-25651 which approved a concept plan for various parcels in the South Pointe area including a parcel known as Block 1. This parcel is bounded by 1st Street on the North, Ocean Drive on the East, Collins Avenue on the West and South Pointe Drive (Biscayne Street) on the South.

This concept plan was formulated after an exhaustive public process which involved not only the Commission but the City's Planning Board, the Design Review Board and the participation of neighborhood representatives which became known as the Collaborative Process. Block 1 in particular had been the subject of many discussions relative to the height, massing and location of uses. Indeed, the City Commission, on July 7, 2004, referred back to the collaborative neighborhood process for further discussion the massing on Block 1 as well as the activation of the ground floor uses. At a July 12, 2004 meeting, Neighborhood Representatives participating in the Collaborative process, provided comments which resulted in changes to the concept plan.

The Concept Plan as adopted provides for the Height limit to not exceed 40 ft. fronting the street (actual concept plan reflects approximately a 30 ft. height fronting the street) and stepping up to 75 ft for that portion of the structure that provides a 20 ft. setback, above the 40 ft height, from the property line.

The Plan also reflects the block developed as three parcels:

The South parcel, which includes the portion of the vacated alley, has retail/commercial uses fronting South Pointe Drive. Residential uses front Ocean Drive and Collins Avenue cladding a three story parking structure with one parking level below grade. An "L" shaped tower rises above the parking and pool deck area up to the maximum height of 75 feet.

The Northeast parcel reflects residential uses and a lobby on the ground floor fronting Ocean Drive, a parking structure along the alley and a slender, six story tower rising up the height limit of 75 feet.

The Northwest parcel consists of a modest two and one half story residential building over a one story parking area.

ANALYSIS

TRG-Block One, Ltd., one of the entities as successor in interest to the original settlement, is requesting modifications to the Concept Plan as follows:

South Parcel – Residential uses are removed from the ground floor of Collins Avenue with the exception of a recessed lobby entrance. The shape of the tower is changed into a "quarter circular" form. The parking structure is reduced by one floor, including one level below grade. A subterranean service tunnel below the alley connects the parking area to the Northeast parcel. Additionally, a pedestrian connector at the second floor over the Taverna Opa property connects this parcel to the Northeast parcel.

Northeast Parcel – The gross floor area is increased by approximately 13,000 square feet. This floor area is a transfer of the development rights of the Northwest parcel. The resulting FAR for this parcel increases from 2.0 to 2.75. The parking structure is expanded by adding a full subterranean level, connected to the South parcel as described above, and expanded across the alley to connect with a subterranean parking area below the Northwest parcel. The residential tower is increased in width to accommodate the expanded floor area.

Northwest Parcel – The developable floor area of 13,000 square feet (lot area=6,500 x 2.0 FAR) is transferred to the Northeast parcel. A subterranean parking level is added and connects below the alley to the Northeast Parcel. At grade, the lot is developed as a green space / private park, with the necessary ventilation equipment for the garage below.

On April 4, 2006, the Design Review Board approved a condo-hotel project that comprises the majority of the lots in Block 1, bounded by Ocean Drive, 1st Street, Collins Avenue, and South Pointe Drive. The subject approval includes a subterranean parking garage, which will connect the parcels together below the shared alleyway, as well as an open park on the single lot located at the northwest corner of the block.

An elevated bridge, connecting the two structures on the east side of the site, is proposed to span the site currently occupied by Taverna Opa Restaurant at 40 Ocean Drive. In light of the fact that an owners affidavit for the Taverna Opa property was not included in the application, the DRB continued this portion of the project to the May 2, 2006 meeting, in the event such connector bridge could not be approved by Planning Department staff. Prior to such meeting, however, the owners affidavit was provided to staff, and that portion of the project pertaining to the connector bridge was removed from the May 2, 2006 DRB agenda.

At the April 11, 2006, the City Commission discussed the request from TRG-Block 1, Ltd., regarding the previously approved Concept Plan. The request is summarized as follows:

- Modify the Concept Plan for the area known as Block 1, which is bounded by 1st Street on the north, Ocean Drive on the east, Collins Avenue on the west and South Pointe Drive (Biscayne Street) on the south;

- Initiate the necessary amendments to the City Code to effectuate the Modified Concept Plan;

- Release of subsurface easement rights to the alley located in Block 1 for the purpose of creating certain underground improvements.

The Block 1 parcel, as reflected in the current Concept Plan, has three parts to it; the southern part consisting of half the block, and is characterized by an L-shape building; to the northeast, a three-lot parcel with a building along Ocean Drive and to the northwest, a single lot facing Collins Avenue containing a small building. The Commission approved the Concept Plan as part of the settlement agreement. After the April 2006 DRB meeting, a change was proposed to the southern building changing it from an L-shape to a semi-circular shape and to transfer 13,000 square feet from the northwest parcel to the northeast. Underground parking is also proposed to be provided and to connect the underground parking across the alley.

The proposed modification of the Concept Plan involves a transfer of development rights (TDR). It should be noted that there is a transfer of development rights provision in the City Code, which identifies specific transfer district and specific receiving district but never within the same district. With regard to a TDR, as part of the Portofino/Related settlement agreement, the City allowed a covenant in lieu of unity of title on Lot 51 for the developer to share FAR from the south half of the block to the north half of the block, as well as an ordinance amendment dealing with Blocks 51 and 52 which allowed this. The same type of amendment is being proposed to add Block 1 to the category.

After a long discussion regarding this matter the City Commission approved the plans for the south building on Block 1, and the vacation of the subsurface rights relative to the easement, subject to confirmation from Public Works that the area is not needed to run sewer utility lines. The Commission deferred the approval of the amendment allowing the transferring of the development rights at that time to allow for the Collaborative Group and the Planning Board to discuss this matter.

A meeting of the Collaborative Group was held on May 18, 2006 at 5:00 p.m. The following were some of the comments and concerns expressed by those present:

- The fencing of the private open space may not be a good idea; however the Design Review Board requested that it be fenced in and locked at night as a safety and security measure for the neighbors to the south at 61 Collins Avenue.
- Developer has no preconceived ideas about the open space and will acquiesce to City's needs.
- There was a concern expressed about the increase of traffic on Ocean Drive. The developer and architect mentioned that the entrances to the underground parking lot are currently proposed on Collins Avenue and 1st Street. Most likely Ocean Drive will not be impacted by any increase in traffic.

- No concerns about the transfer of development rights; however most of the people present at the meeting agree and support the transfer of FAR. One person strongly objected because of the precedent it may establish.
- Park maintenance and security must be ensured in legal documents.

At the May 23, 2006 Planning Board meeting, this item was presented for discussion purposes and comments from the Board.

Comments on concept plan:

- The required setback between new building and Taverna Opa should be respected and if there is some unused floor area, this would create a greater public benefit.

- The new Concept Plan does not seem to be contextual to the urban fabric of the area; however there was not consensus on the part of the Board for this comment.

- There should be a greater public benefit negotiated with the developer other than the open space being proposed. At a minimum some financial mechanism in perpetuity, such as a trust should be created independent of the developer, but funded by the developer, to ensure that this open space is adequately maintained and operated in a manner that enhances the public good.

PLANNING BOARD ACTION

At the June 27, 2006 meeting of the Planning Baord, the Board was requested to review and make a recommendation on the proposed ordinance amending the City Code. The proposed amendment, similar to the one previously approved when the City and the Portofino Entities entered into a Settlement Agreement for the Alaska Parcel, Block 51 and Block 52, would allow the floor area on the Block 1 Properties to be distributed among such properties within the block.

There were several concerns expressed during the Collaborative Process meeting on May 18 and the Planning Board meeting of May 23, 2006 regarding the precedent that may be established with this re-allocation or transfer of development rights. Notwithstanding these concerns, the majority of those present at the Collaborative Process endorsed the reallocation of floor area. The Planning Board members during the May meeting endorsed the Concept Plan with some hesitation and requested that the City Commission consider the concerns expressed above prior to approving any amendment to the development regulations of the City Code.

In view of the foregoing analysis, the Planning Department staff recommended that the Planning Board recommend approval of the revised Concept Plan and proposed ordinance to the City Commission, with the proviso that the concerns expressed and enumerated above be addressed.

By a vote of 4-0 (3 members absent), the Planning Board recommended to the City Commission that the Ordinance be adopted, subject to the concerns requested above about the setback with the Taverna Opa building, the greater public benefit being negotiated, and the financial mechanism in perpetuity to ensure the maintenance and operation of the open space.

FISCAL IMPACT

This ordinance is not projected to have any fiscal impact to the City.

CONCLUSION

Based on the foregoing, the Administration recommends that the City Commission adopt the ordinance on first reading, and schedule a second reading public hearing. Further, the City Commission provide direction to the Administration and City Attorney on the greater public benefit recommended by the Planning Board in connection with this matter. At the time of the second reading, a resolution will be presented to the City Commission to consider an amendment to the settlement agreement, which could include provisions for the public benefit discussed above.

JMG/TH/JGG/GMH

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ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE CODE OF THE CITY OF MIAMI BEACH, BY AMENDING SECTION 114-1, "DEFINITIONS," CLARIFYING THE MEANING OF "SITE;" AMENDING CHAPTER 142, "ZONING DISTRICTS AND REGULATIONS," ARTICLE II, "DISTRICT REGULATIONS," DIVISION 18, "PS PERFORMANCE STANDARD DISTRICT," CLARIFYING THAT FLOOR AREA MAY BE DISTRIBUTED ON BLOCK 1 THROUGH COVENANTS IN LIEU OF UNITY OF TITLE; PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

WHEREAS, the City of Miami Beach entered into a Settlement Agreement on July 28, 2004 with various entities known as the "Portofino Properties" and certain successors in interest that are part of the Related Group of Florida; and

WHEREAS, the City Commission adopted Resolution No. 2004-25651 which approved a concept plan for various parcels in the South Pointe area including a parcel known as Block 1; and

WHEREAS, the Concept Plan was formulated after an exhaustive public process which included citizen review and numerous public meetings and workshops through an ad hoc committee of concerned citizens and has also been reviewed by the City staff, the Planning Board, and the Design Review Board, all of whom have recommended approval thereof; and

WHEREAS, the Concept Plan for the Block 1 Properties as that term is used in the settlement agreement and/or related documents, has been modified and the "Modified Concept Plan" has been reviewed by the City staff, the Planning Board, the Design Review Board, and citizens, all of whom have recommended approval thereof; and

WHEREAS, the Modified Concept Plan has been approved by the City Commission through the adoption of Resolution No. _____, passed and adopted on the ___ day of ___, 2006; and

WHEREAS, the developments on the Block 1 Properties contemplated by the Settlement Agreement and Concept Plan require certain changes to the City's Land Development Regulations; and

WHEREAS, this Ordinance is being adopted to allow implementation of that Modified Concept Plan through the adoption of certain changes to the Land Development Regulations to permit the development contemplated in such Modified Plan to proceed; and

WHEREAS, this amendment to the Land Development Regulations was not required by the Settlement Agreement but was independently determined and recommended appropriate for

adoption by the City staff and the Planning Board, based upon public input after public hearing, following all requirements of procedural due process attendant thereto; and

WHEREAS, the Property in Block 1 affected by this amendment is described in section 142-698(4) as follows: "The "Block 1 Properties" shall mean Lots 1-3, 5-13 (and alley adjacent thereto), 17, Block 1, Ocean Beach Florida, PB2, Pg38, Public Records of Miami-Dade County."

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA:

SECTION 1. Section 114-1, "Definitions," is hereby amended as follows:

The following words, terms and phrases when used in this subpart B, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

* * *

Site means a parcel of land considered as a unit, capable of being occupied by a use permitted in this subpart, possessing a continuous or unbroken boundary not divided by a public street, <u>alley,</u> right-of-way, private street, or waterway. Except for properties which are involved in the transfer of development rights where the site is that property within a project that has been approved under chapter 118, article V.

* * *

SECTION 2. Chapter 142, "Zoning Districts And Regulations", Article II, "District Regulations", Division 18, "PS Performance Standard District", Section 142-698, of the Land Development Regulations, is hereby amended to read as follows:

Sec. 142-698. Commercial performance standard area requirements.

* * *

(d) Notwithstanding the above floor area ratio limits, 75 spaces of required parking located on Block 51 for the Retail Parcel pursuant to a covenant under section 130-36, shall not be counted as permitted floor area. Further, the floor area on the Block 51 Properties and the Block 51 Swap Property may be distributed among such properties by covenant in lieu of unity of title; <u>and the floor area on the Block 1 Properties may be distributed among such properties within the block by covenant in lieu of unity of title.</u>

SECTION 3. REPEALER. All Ordinances or parts of Ordinances in conflict herewith be and the same are hereby repealed.

SECTION 4. SEVERABILITY. If any section, subsection, clause or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

SECTION 5. CODIFICATION. It is the intention of the City Commission that this Ordinance be entered into the Code, and it is hereby ordained that the sections of this Ordinance may be renumbered or relettered to accomplish such intention; and that the word "ordinance" may be changed to "section" or other appropriate word. The Exhibits to this Ordinance shall not be codified, but shall be kept on file with this Ordinance in the City Clerk's Office.

SECTION 6. EFFECTIVE DATE.

This Ordinance shall take effect ten days following adoption.

PASSED and ADOPTED this _____ day of _____, 2006.

_____
MAYOR

ATTEST:

_____
CITY CLERK

APPROVED AS TO
FORM AND LANGUAGE
& FOR EXECUTION

_____ 7/7/06
City Attorney Date

First Reading:
Second Reading:

Verified by: _____
Jorge G. Gomez, AICP
Planning Director

<u>Underscore</u> denotes new language

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Condensed Title:

An Ordinance amending Chapter 2 of the Miami Beach City Code entitled "Administration," amending Article 3, entitled "Agencies, Boards, and Committees," amending Division 25, entitled "Transportation and Parking Committee," amending Section 2-190.94, entitled "Composition," by amending the composition of the Committee by withdrawing representation from the following organizations: Washington Avenue Task Force; South Pointe Advisory Board to the Redevelopment Agency; Miami Beach Transportation Management Association; Miami Beach Convention Center and Theater of the Performing Arts (SMG); and, Middle Beach Partnership, Inc., d/b/a 41st Street-Middle Beach Partnership.

Key Intended Outcome Supported:

Maintain or improve traffic flow.

Issue:

Shall the composition of the Transportation and Parking Committee (TPC) be amended as proposed?

Item Summary/Recommendation:

The Administration recommends that the City Commission approve the proposed ordinance amendment on first reading and set a second reading and public hearing for the September 6, 2006 Commission meeting. The Neighborhoods/Community Affairs Committee and the Transportation and Parking Committee unanimously recommended amending the current membership of the TPC. The Committee expressed a concern for meeting their current quorum of ten members during regularly scheduled meetings. This recommendation came after an analysis of the current make-up of the Committee which comprises 19 voting member groups, of which five groups no longer exist as an entity, do not meet on a regular basis, or act as a department/division of the Administration.

In the Neighborhoods/Community Affairs Committee discussion, a suggestion was offered that there be a representative of senior citizens appointed to the TPC to provide representation of the City's elderly population. At the June 5, 2006 TPC meeting, the Committee discussed this issue and felt that a senior citizen representative was not necessary as the Committee has consistently had senior citizen representation by other members of the Committee, who represent their organization and also view issues through a senior citizen's perspective. In the event that the Commission would like to add a formal representative of our senior population, it can easily be done without impact on the function of the TPC. In addition, it is recommended that the TPC serve as the advisory board to the Mayor and Commission regarding the Miami-Dade Transit (MDT) South Beach Local service.

Advisory Board Recommendation:

The Neighborhoods/Community Affairs Committee, at their May 24, 2006 meeting, unanimously approved the proposed ordinance revisions as recommended by the TPC at their February 6, 2006 and June 5, 2006 meetings.

Financial Information:

Source of Funds:

OBPI

	Amount	Account	Approved
1			
2			
3			
4			
Total			

Financial Impact Summary:

City Clerk's Office Legislative Tracking:

Saul Frances, Parking Director

Sign-Offs:

Department Director	Assistant City Manager	City Manager

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MIAMIBEACH

AGENDA ITEM R5L

DATE 7-12-06

MIAMIBEACH

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

COMMISSION MEMORANDUM

TO: Mayor David Dermer and Members of the City Commission

FROM: Jorge M. Gonzalez, City Manager

DATE: July 12, 2006 **FIRST READING**

SUBJECT: **AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 2 OF THE MIAMI BEACH CITY CODE ENTITLED "ADMINISTRATION," AMENDING ARTICLE 3, ENTITLED "AGENCIES, BOARDS, AND COMMITTEES," AMENDING DIVISION 25, ENTITLED "TRANSPORTATION AND PARKING COMMITTEE," AMENDING SECTION 2-190.94, ENTITLED "COMPOSITION," BY AMENDING THE COMPOSITION OF THE COMMITTEE BY WITHDRAWING REPRESENTATION FROM THE FOLLOWING ORGANIZATIONS: WASHINGTON AVENUE TASK FORCE; SOUTH POINTE ADVISORY BOARD TO THE REDEVELOPMENT AGENCY; MIAMI BEACH TRANSPORTATION MANAGEMENT ASSOCIATION; MIAMI BEACH CONVENTION CENTER AND THEATER OF THE PERFORMING ARTS (SMG); AND, MIDDLE BEACH PARTNERSHIP, INC., D/B/A 41ST STREET-MIDDLE BEACH PARTNERSHIP; PROVIDING FOR REPEALER, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.**

ADMINISTRATION RECOMMENDATION

The Administration recommends that the City Commission approve the proposed ordinance amendment on first reading and set a second reading and public hearing for the September 6, 2006 Commission meeting.

COMMITTEE RECOMMENDATION

The Neighborhoods/Community Affairs Committee, at their May 24, 2006 meeting, unanimously approved the proposed ordinance revisions as recommended by the Transportation and Parking Committee (TPC).

At their February 6, 2006 and June 5, 2006 meetings, the TPC unanimously recommended that the City Commission approve the proposed ordinance revisions.

ANALYSIS

The TPC unanimously recommended amending the current membership of their Committee. The TPC expressed a concern for meeting their current quorum of ten members during regularly scheduled meetings. This recommendation comes after an analysis of the current make-up of the Committee which comprises 19 voting member groups, of which five groups no longer exist as an entity, do not meet on a regular basis, or act as a department/division of the Administration.

The Committee proposed removing the following five groups from their membership:

- Washington Avenue Task Force; and
- South Pointe Advisory Board to the Redevelopment Agency; and
- Miami Beach Transportation Management Association; and
- Miami Beach Convention Center and Theater of the Performing Arts (SMG); and,
- Middle Beach Partnership, Inc., d/b/a/ 41st Street-Middle Beach Partnership; and
- CMB Parking Director and Transportation Coordinator as non-voting ex officio members.

In addition, the Neighborhoods Committee suggested that there be a representative of senior citizens appointed to the TPC to provide representation of the City's elderly population. At the June 5, 2006 TPC meeting, the Committee discussed this issue and felt that a senior citizen representative was not necessary as the Committee has consistently had senior citizen representation by other members of the Committee, who represent their organization and also view issues through a senior citizen's perspective. The Mayor and Commission may want to consider making an official senior citizen appointment to the TPC as there may not always be a member that is a senior citizen.

SENIOR CITIZEN REPRESENTATION

A quorum would be established by attendance of 50% (7 of 14) members under the attached ordinance. If a senior citizen representative is desired and approved by the Commission, then a quorum would be established by attendance of eight members (8 of 14). This amendment would need to be added to the ordinance. The ordinance would also need to be amended to add the senior representative and to identify the manner of appointment. The simplest manner of appointing the senior member would be to add this to the Mayor's appointments.

LOCAL SHUTTLE MIAMI-DADE TRANSIT (MDT) OVERSIGHT

The Interlocal Agreement with MDT to operate a local shuttle provides for a City Citizen group to review operations and customer service for the Shuttle. The TPC has agreed and the Administration recommends that this role be performed by the TPC. As the TPC duties already address this nature of advice, no ordinance change is needed. A policy direction associated with this item is sufficient.

CONCLUSION

It is recommended that the City Commission approve the ordinance on first reading and if so desired amend as indicated to provide for a formal senior representative. It is also recommended that the City Commission specify in a separate motion that the TPC be the designated board to provide review and advice at MDT Shuttle Operations.

JMG/RCM/SF/mm
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ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 2 OF THE MIAMI BEACH CITY CODE ENTITLED "ADMINISTRATION"; AMENDING ARTICLE 3, ENTITLED "AGENCIES, BOARDS, AND COMMITTEES"; AMENDING DIVISION 25, ENTITLED "TRANSPORTATION AND PARKING COMMITTEE"; AMENDING SECTION 2-190.94, ENTITLED "COMPOSITION", BY REDUCING THE NUMBER OF VOTING MEMBERS ON THE COMMITTEE FROM 19 TO 14, AND AMENDING THE COMPOSITION OF THE COMMITTEE TO DELETE THE MEMBERSHIPS REPRESENTATION FROM THE FOLLOWING ORGANIZATIONS: WASHINTION AVENUE TASK FORCE; SOUTH POINTE ADVISORY BOARD TO THE MIAMI BEACH REDEVELOPMENT AGENCY; MIAMI BEACH TRANSPORTATION MANAGEMENT ASSOCIATION; MIAMI BEACH CONVENTION CENTER AND THEATER OF THE PERFORMING ARTS (SMG); AND MIDDLE BEACH PARTNERSHIP, INC., D/B/A 41ST STREET-MIDDLE BEACH PARTNERSHIP; FURTHER DELETING THE NON–VOTING EX-OFFICIO MEMBER REPRESENTATIONS; PROVIDING FOR REPEALER, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the City of Miami Beach Transportation and Parking Committee serves as an advisory board to the City Commission on issues related to Transportation and Parking; and

WHEREAS, the Transportation and Parking Committee, on February 6, 2006 and June 5, 2006, respectively unanimously recommended to amend the current membership representation requirements of the Committee; and

WHEREAS, the City of Miami Beach Neighborhood/Community Affairs Committee, at its May 24, 2006 meeting, unanimously endorsed the Transportation and Parking Committee's recommendation; and

WHEREAS, the amendments set forth below are necessary to accomplish all of the above objectives.

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA.

SECTION 1. That Chapter 2 of the Miami Beach City Code, entitled "Administration"; Article 3, entitled "Agencies, Boards, and Committees"; Division 25, entitled "Transportation and Parking Committee"; Section 2-190.94, entitled "Composition", is hereby amended as follows:

Sec. 2-190.94. Composition.

The committee shall consist of ~~19~~ 14 voting members. The mayor and city commissioners shall each make one appointment, with the other members of the committee to be comprised of members from the following community organizations, each of which must delegate a permanent coordinating representative:

1. Miami Beach Chamber of Commerce's Transportation and Parking Committee;
2. Miami Beach Community Development Corporation;
3. Ocean Drive Association;
~~4. Washington Avenue Task Force;~~
~~5~~4. Miami Design Preservation League;
~~6~~5. North Beach Development Corporation:
~~7~~6. Mid-Beach Community Association;
~~8. South Pointe Advisory Board to the Redevelopment Agency;~~
~~9~~7. Lincoln Road Marketing, Inc.
~~10. Miami Beach Transportation Management Association;~~
~~11. Miami Beach Convention Center/TOPA (SMG); and~~
~~12. Middle Beach Partnership, Inc., d/b/a 41st Street Middle Beach Partnership.~~

~~A member of the City Administration, the City Parking Director and Transportation Coordinator shall serve as nonvoting ex officio members.~~ On an annual basis, the members of the committee shall elect a chairman and such other officers as may be deemed necessary or desirable, who shall serve at the will of the committee. ~~Ten~~ Seven members shall consist of a quorum of the committee and shall be necessary in order to take any action.

SECTION 2. CODIFICATION.

It is the intention of the Mayor and City Commission of the City of Miami Beach, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Code of the City of Miami Beach, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section", "article", or other appropriate word.

SECTION 3. REPEALER.

All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

SECTION 4. SEVERABILITY.

If any section, subsection, clause or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

SECTION 5. EFFECTIVE DATE.
This Ordinance shall take effect ten days following adoption.

PASSED AND ADOPTED this _____ day of _____, 2006.

_____
MAYOR

ATTEST:

_____
CITY CLERK

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

City Attorney 7/7/06 Date

First Reading: July 12, 2006
Second Reading: September 6, 2006

Verified by: _____
Saul Frances
Parking Director

Underscore denotes new language
7/6/2006
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Condensed Title:

Amendment pertaining to cigar vendors operating from open porches, terraces and patios in the MXE, Mixed Use Entertainment Districts.

Key Intended Outcome Supported:

Increase neighborhood satisfaction

Issue:

Should the sale of cigars and cigarettes by a vendor licensed on the premises be permitted provided that such sale or transaction only occurs on private property and not on the City's right of way; and prohibit the transportation of goods and merchandise from one location to another.

Item Summary/Recommendation:

The proposed ordinance would permit cigar vendors to sell their merchandise from open porches, terraces and patios in the MXE districts, while prohibiting the transportation of goods and merchandise from one location to another.

The Administration recommends that the Commission approve the Administration's version of the ordinance and set a second reading public hearing for the September 6, 2006 meeting.

Advisory Board Recommendation:

At the June 27, 2006 meeting, the Planning Board recommended that the City Commission approve a modified version of the ordinance which would permit the transportation of goods and merchandise from one location to another in covered, obscured containers. The Board approved the motion by a vote of 4-0 (3 members absent).

Financial Information:

Source of Funds:

OBPI

	Amount	Account	Approved
1			
2			
3			
4			
Total			

Financial Impact Summary:

The proposed Ordinance is not expected to have any fiscal impact.

City Clerk's Office Legislative Tracking:

Jorge Gomez or Mercy Lamazares

Sign-Offs:

Department Director	Assistant City Manager	City Manager
		for JMG

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MIAMIBEACH

AGENDA ITEM R5M
DATE 7-12-06

MIAMIBEACH

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

COMMISSION MEMORANDUM

TO: Mayor David Dermer and Members of the City Commission

FROM: Jorge M. Gonzalez, City Manager

DATE: July 12, 2006 **First Reading**

SUBJECT: **Cigar Vendors in the MXE Districts**

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH AMENDING CHAPTER 142, "LAND DEVELOPMENT REGULATIONS," OF THE CITY CODE; BY AMENDING ARTICLE IV, "SUPPLEMENTARY USE REGULATIONS," SECTION 142-874, "REQUIRED ENCLOSURES," BY CLARIFYING STORE ENCLOSURES; AND AMENDING SECTION 142-904," ADDITIONAL MIXED USE ENTERTAINMENT DISTRICT REGULATIONS," TO ALLOW THE SALE OF CIGARS AND CIGARETTES BY A VENDOR LICENSED ON THE PREMISES WITH TRANSACTIONS TO OCCUR ONLY WITHIN PRIVATE PROPERTY. PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

ADMINISTRATION RECOMMENDATION

The Administration recommends that the City Commission approve on first reading the Administration version of the ordinance and set a second reading public hearing for the September 6, 2006 meeting.

BACKGROUND

At the May 10, 2006 meeting, the City Commission referred to the Neighborhoods/Community Affairs Committee the request to review and make recommendations on a proposed amendment to the Land Development Regulations of the City Code relative to allow cigar vendors on Ocean Drive/Collins Avenue (MXE, Mixed Use Entertainment District). The Committee recommended that the Commission refer this ordinance to the Planning Board.

ANALYSIS

Section 142-902, "Additional Mixed Use Entertainment District Regulations," specifies that uses located on the porch, terrace or patio of a building in the MXE are restricted to table seating for eating and drinking establishments with cooking facilities within the interior of the building, and the sale of flowers, which must be on a movable stand and placed inside the building at closing time. This restriction on open porches, terraces and patios created certain ambiguity for Code Compliance when cigar and cigarette vendors used these areas to sell their goods to patrons.

In addition, the cigarette and cigar vendors were oftentimes offering their goods to patrons on sidewalk cafes, traversing the right-of-way from one location to another. On busy sidewalks like Ocean Drive, this sometimes caused the obstruction of pedestrian traffic, as well as a violation of Section 142-874, which requires the sale of goods from a substantially enclosed permanent building. At its meeting of June 27, 2006, the Planning Board recommended a modification to the proposed ordinance that would permit the transportation of goods and merchandise from one location to another in covered, obscured containers. The Administration believes that prohibiting such activity is necessary to remove ambiguity in enforcing this regulation.

The proposed ordinance proposes to allow the sale of cigars and cigarettes by a vendor licensed on the premises, provided that such sale or transaction occurs only on private property and not on the City's right of way and will comply with Sec. 74-1 of this Code. This section reads as follows:

> Section 74-1, "Soliciting business in public from pedestrians."
>
> It shall be unlawful for any person, while upon any public street or sidewalk or while in any building, doorway, stairway, window or other opening abutting on or adjacent to such street or sidewalk, to accost or attempt to accost any pedestrian on such street or sidewalk for the purpose of soliciting him to purchase any property, real or personal, or to solicit him to enter any place of business for the purpose of selling to or inducing or attempting to induce such pedestrian to purchase any property, real or personal.

The proposed ordinance also will amend Section 142-874, "Required enclosures," by exempting roof-top areas not visible from the right-of-way from the "substantially enclosed" provision.

PLANNING BOARD ACTION

At the June 27, 2006 meeting, the Planning Board recommended that the City Commission adopt a modified ordinance that would permit the transportation of goods and merchandise from one location to another in covered containers that are obscured from view.

FISCAL IMPACT

This proposal has no associated negative fiscal impact upon enactment.

CONCLUSION

The Administration recommends that the City Commission approve the Administration's version of the proposed ordinance and set a second reading public hearing for the September 6, 2006 meeting.

Pursuant to Section 118-164(3) of the City Code, when a request to amend the Land Development Regulations does not change the actual list of permitted, conditional or prohibited uses in a zoning category, the proposed ordinance may be read by title or in full on at least **two separate days** and shall, at least **ten days prior to adoption**, be noticed once in the newspaper. Immediately following the public hearing at the second

reading, the City Commission may adopt the ordinance by an affirmative vote of five-sevenths.

JMG/TH/JGG/ML

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CIGAR VENDORS ON OCEAN DRIVE

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH AMENDING CHAPTER 142, "LAND DEVELOPMENT REGULATIONS," OF THE CITY CODE; BY AMENDING ARTICLE IV, "SUPPLEMENTARY USE REGULATIONS," SECTION 142-874, "REQUIRED ENCLOSURES," BY CLARIFYING STORE ENCLOSURES; AND AMENDING SECTION 142-904," ADDITIONAL MIXED USE ENTERTAINMENT DISTRICT REGULATIONS," TO ALLOW THE SALE OF CIGARS AND CIGARETTES BY A VENDOR LICENSED ON THE PREMISES WITH TRANSACTIONS TO OCCUR ONLY WITHIN PRIVATE PROPERTY. PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

WHEREAS, uses located on a porch, terrace or patio of a building located in the MXE, Mixed Use Entertainment District are limited to table seating for eating and drinking establishments, which have their fixtures and cooking facilities located in the interior of the building, and the sale of flowers when conducted from a movable stand that is placed inside the building at the close of business; and

WHEREAS, the restrictions on uses on a porch, terrace or patio of a building in the MXE, Mixed Use Entertainment District, prevent cigar vendors from offering their merchandise for sale; and

WHEREAS, cigar vendors have been observed offering their merchandise for sale on the City's public right-of-way, which may prevent the free flow of pedestrian traffic; and

WHEREAS, these regulations will accomplish these goals and ensure that the public health, safety and welfare will be preserved.

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA:

Section 1. That Section 142-874, "Required enclosures," is hereby amended as follows:

(a) Store enclosures. In all use districts designated in these land development regulations, the sale, or exposure for sale or rent, of any personal property, including merchandise, groceries or perishable foods, such as vegetables and fruits, is prohibited, unless such sale, or exposure for sale, is made from a substantially enclosed, permanent building ~~or structure~~; provided, however, that nothing herein contained shall be deemed applicable to roof-top areas not visible from the right-of-way; filling stations, automobile service stations or repair shops; uses having revocable permits or beach concessions operated or granted by the city, newsracks or newspaper stands, or displays at sidewalk cafes as permitted in subsection 82-384(ff), wherever such uses are otherwise permissible.

Section 2. That Section 142-904 "Additional Mixed Use Entertainment District Regulations," is hereby amended as follows:

(a) General provisions. Accessory uses shall comply with the following mandatory criteria in addition to the regulations contained in sections 142-901 and 142-902:

1) All structures shall conform to the South Florida Building Code, the city property maintenance standards and the fire prevention and safety code.

2) The existing building and the proposed improvements shall be built in a manner that is substantially consistent with the design recommendations in neighborhood plans for the area if one exists, and the Secretary of the Interior Standards for Rehabilitation and Guidelines for Historic Structures, U.S. Department of the Interior ~~(revised 1983),~~ as may be amended from time to time.

3) The minimum and average floor area requirements for the units as set forth in article II, division 13 of this chapter shall be met.

4) If the building or plans do not indicate compliance with subsections (a)(1), (a)(2) and (a)(3) of this section, then accessory uses are not permitted.

(b) Permitted accessory uses. The following are permitted accessory uses in the mixed use entertainment district.

1) Permitted accessory uses in hotels.

a. Those accessory uses that are customarily associated with the operation of a hotel as determined by the planning and

zoning director. The amount of retail space shall not exceed 75 square feet per hotel unit.

b. Hotels may have offices not associated with the operation of a hotel. The floor space associated with offices shall not exceed 35 square feet per hotel unit; medical or dental related offices are prohibited.

c. Restaurants, outdoor cafes, sidewalk cafes.

d. Solarium, sauna, exercise studio, health club or massage service which are located in either the subterranean, ground, mezzanine or roof levels only and are operated by an individual licensed by the state or other appropriate agencies.

e. Antiques, bookstore, art/craft galleries, artist studios.

f. Sale of alcoholic beverages as per article V, division 4 of this chapter.

g. Uses located on the porch, terrace or patio of a building are limited to table seating for eating and drinking establishments, which have their fixtures and cooking facilities located in the interior of the building, ~~and~~ the sale of flowers when conducted from a movable stand that is placed inside the building at the close of business, and the sale of cigars and cigarettes by a vendor licensed on the premises, provided that such sale or transaction shall only occur on private property and not on the City's right of way. The transportation of goods and merchandise from one location to another shall be prohibited. The sale of any product permitted by this section shall comply with Sec. 74-1 of this Code.

Section 3. Repealer.

All ordinances or parts of ordinances and all section and parts of sections in conflict herewith be and the same are hereby repealed.

Section 4. Codification.

It is the intention of the City Commission, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Code of the City of Miami Beach as amended; that the sections of this ordinance may be

renumbered or relettered to accomplish such intention; and that the word "ordinance" may be changed to "section" or other appropriate word.

Section 5. Severability.

If any section, subsection, clause or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

Section 6. Effective Date.

This Ordinance shall take effect ten days following adoption.

PASSED and **ADOPTED** this _____ day of _____, 2006.

ATTEST:

_____
MAYOR

_____
CITY CLERK

First Reading:
Second Reading:

APPROVED AS TO
FORM AND LANGUAGE
& FOR EXECUTION

_____ 7/3/06
City Attorney Date

Verified by: _____
Jorge G. Gomez, AICP
Planning Director

Underscore denotes new language
~~Strikethrough~~ denotes deleted language

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CIGAR VENDORS IN THE MXE DISTRICT

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH AMENDING CHAPTER 142, "LAND DEVELOPMENT REGULATIONS," OF THE CITY CODE; BY AMENDING ARTICLE IV, "SUPPLEMENTARY USE REGULATIONS," SECTION 142-874, "REQUIRED ENCLOSURES," BY CLARIFYING STORE ENCLOSURES; AND AMENDING SECTION 142-904," ADDITIONAL MIXED USE ENTERTAINMENT DISTRICT REGULATIONS," TO ALLOW THE SALE OF CIGARS AND CIGARETTES BY A VENDOR LICENSED ON THE PREMISES WITH TRANSACTIONS TO OCCUR ONLY WITHIN PRIVATE PROPERTY. PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

WHEREAS, uses located on a porch, terrace or patio of a building located in the MXE, Mixed Use Entertainment District are limited to table seating for eating and drinking establishments, which have their fixtures and cooking facilities located in the interior of the building, and the sale of flowers when conducted from a movable stand that is placed inside the building at the close of business; and

WHEREAS, the restrictions on uses on a porch, terrace or patio of a building in the MXE, Mixed Use Entertainment District, prevent cigar vendors from offering their merchandise for sale; and

WHEREAS, cigar vendors have been observed offering their merchandise for sale on the City's public right-of-way, which may prevent the free flow of pedestrian traffic; and

WHEREAS, these regulations will accomplish these goals and ensure that the public health, safety and welfare will be preserved.

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA:

Section 1. That Section 142-874, "Required enclosures," is hereby amended as follows:

(a) Store enclosures. In all use districts designated in these land development regulations, the sale, or exposure for sale or rent, of any personal property, including merchandise, groceries or perishable foods, such as vegetables and fruits, is prohibited, unless such sale, or exposure for sale, is made from a substantially enclosed, permanent building ~~or structure~~; provided, however, that nothing herein contained shall be deemed applicable to roof-top areas not visible from the right-of-way; filling stations, automobile service stations or repair shops; uses having revocable permits or beach concessions operated or granted by the city, newsracks or newspaper stands, or displays at sidewalk cafes as permitted in subsection 82-384(ff), wherever such uses are otherwise permissible.

Section 2. That Section 142-904 "Additional Mixed Use Entertainment District Regulations," is hereby amended as follows:

(a) General provisions. Accessory uses shall comply with the following mandatory criteria in addition to the regulations contained in sections 142-901 and 142-902:

1) All structures shall conform to the South Florida Building Code, the city property maintenance standards and the fire prevention and safety code.

2) The existing building and the proposed improvements shall be built in a manner that is substantially consistent with the design recommendations in neighborhood plans for the area if one exists, and the Secretary of the Interior Standards for Rehabilitation and Guidelines for Historic Structures, U.S. Department of the Interior ~~(revised 1983),~~ as may be amended from time to time.

3) The minimum and average floor area requirements for the units as set forth in article II, division 13 of this chapter shall be met.

4) If the building or plans do not indicate compliance with subsections (a)(1), (a)(2) and (a)(3) of this section, then accessory uses are not permitted.

(b) Permitted accessory uses. The following are permitted accessory uses in the mixed use entertainment district.

1) Permitted accessory uses in hotels.

a. Those accessory uses that are customarily associated with the operation of a hotel as determined by the planning and

zoning director. The amount of retail space shall not exceed 75 square feet per hotel unit.

b. Hotels may have offices not associated with the operation of a hotel. The floor space associated with offices shall not exceed 35 square feet per hotel unit; medical or dental related offices are prohibited.

c. Restaurants, outdoor cafes, sidewalk cafes.

d. Solarium, sauna, exercise studio, health club or massage service which are located in either the subterranean, ground, mezzanine or roof levels only and are operated by an individual licensed by the state or other appropriate agencies.

e. Antiques, bookstore, art/craft galleries, artist studios.

f. Sale of alcoholic beverages as per article V, division 4 of this chapter.

g. Uses located on the porch, terrace or patio of a building are limited to table seating for eating and drinking establishments, which have their fixtures and cooking facilities located in the interior of the building, ~~and~~ the sale of flowers when conducted from a movable stand that is placed inside the building at the close of business, and the sale of cigars and cigarettes by a vendor licensed on the premises, provided that such sale or transaction shall only occur on private property and not on the City's right of way. ~~The transportation of~~ ~~g~~Goods and merchandise transported from one retail location to another shall be covered and obscured from view while on the City's right-of-way. ~~from one location to another shall be prohibited.~~ The sale of any product permitted by this section shall comply with Sec. 74-1 of this Code.

Section 3. Repealer.

All ordinances or parts of ordinances and all section and parts of sections in conflict herewith be and the same are hereby repealed.

Section 4. Codification.

It is the intention of the City Commission, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Code of the City of Miami Beach as amended; that the sections of this ordinance may be renumbered or relettered to accomplish such intention; and that the word "ordinance" may be changed to "section" or other appropriate word.

Section 5. Severability.

If any section, subsection, clause or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

Section 6. Effective Date.

This Ordinance shall take effect ten days following adoption.

PASSED and **ADOPTED** this _____ day of _____, 2006.

ATTEST:

_____
MAYOR

_____
CITY CLERK

First Reading:
Second Reading:

APPROVED AS TO
FORM AND LANGUAGE
& FOR EXECUTION

_____ 7/3/06
City Attorney Date

Verified by: _____
Jorge G. Gomez, AICP
Planning Director

Underscore denotes new language
~~Strikethrough~~ denotes deleted language

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Condensed Title:

Ordinance Amendment pertaining to voting, quorum and approval requirements for the Historic Preservation Board.

Key Intended Outcome Supported:

Increase satisfaction with neighborhood character.

Issue:

Making the relevant section of the City Code consistent with the long standing Board policy regarding tie votes, as delineated in the Board By-Laws.

Item Summary/Recommendation:

The proposed Ordinance would clarify the requirements and procedures of the Historic Preservation Board as they pertain to ties votes, quorums and voting.

The Administration recommends that the City Commission adopt the proposed Ordinance on First Reading and set a second reading public hearing for the September 6, 2006.

Advisory Board Recommendation:

On April 10, 2006, the Historic Preservation Board reviewed the subject Ordinance and recommended approval.

On June 27, 2006, the Planning Board, transmitted the Ordinance to the City Commission with a favorable recommendation.

Financial Information:

Source of Funds:

OBPI

	Amount	Account	Approved
1			
2			
3			
4			
Total			

Financial Impact Summary:

The proposed Ordinance is not expected to have any fiscal impact.

City Clerk's Office Legislative Tracking:

Jorge Gomez or Mercy Lamazares

Sign-Offs:

Department Director	Assistant City Manager	City Manager

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MIAMIBEACH

AGENDA ITEM R5N
DATE 7-12-06

MIAMIBEACH

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

COMMISSION MEMORANDUM

TO: Mayor David Dermer and Members of the City Commission

FROM: Jorge M. Gonzalez, City Manager

DATE: July 12, 2006

FIRST READING

SUBJECT: **AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF THE CITY OF MIAMI BEACH, BY AMENDING CHAPTER 118, "ADMINISTRATION AND REVIEW PROCEDURES", ARTICLE II, "BOARDS", DIVISION 4, "HISTORIC PRESERVATION BOARD", SECTION 118-106 TO MODIFY THE REQUIREMENTS FOR APPROVALS OF CERTIFICATES OF APPROPRIATENESS; PROVIDING FOR REPEALER, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE**

ADMINISTRATION RECOMMENDATION

Approve the Ordinance on First Reading and schedule a Second Reading public hearing.

ANALYSIS

On March 8, 2005, the Historic Preservation Board approved a development project for the Ritz Plaza Hotel located at 1701 Collins Avenue. On May 10, 2005, the Delano Hotel and the Doubletree Surfcomber Hotel appeared before the Historic Preservation Board requesting a rehearing of the March 8, 2005 approval of the Ritz Plaza Hotel application. The Historic Preservation Board could not reach a consensus on whether a re-hearing should be granted, and deadlocked 3-3 on a motion to grant a re-hearing. In light of the fact that the tie vote could not be broken, and in accordance with the Board By-Laws, the request for a rehearing was determined to be denied.

The appellants then filed an appeal of the Historic Preservation Board decision denying the re-hearing to the Historic Preservation Special Master. The appellants argued, among other things, that Section 118-106 of the City Code specifies that a "majority vote of the members present shall be necessary to approve all requests and decide all issues coming before the Board". The appellants also maintained that notwithstanding the relevant section of the Historic Preservation Board By-Laws, which states that "in the event of a tie vote on any question, project, matter or application at a public hearing or meeting, such decision or recommendation shall be considered denied", the express language in Section 118-106 of the City Code controls.

The Special Master concurred with the appellants and the request for a re-hearing was remanded back to the Historic Preservation Board for further consideration. The matter is

currently pending before the Historic Preservation Board, on remand from the Special Master.

The proposed Ordinance makes the relevant section of the City Code consistent with the long standing Board policy regarding tie votes, as delineated in the Board By-Laws. This is an important issue because on a number of occasions it is difficult to field an odd number of Board Members and the requirement that all decisions be subject to a majority vote could hold certain items, such as re-hearings, in perpetuity for a lengthy period of time.

The proposed Ordinance also clarifies the quorum and voting requirements for revisions to Certificates of Appropriateness, as well as projects not involving demolition.

The City Commission referred this Ordinance to the Planning Board on May 10, 2006.

PLANNING BOARD ACTION

At the June 27, 2006 meeting, the Planning Board transmitted the subject Ordinance to the City Commission with a favorable recommendation.

FISCAL IMPACT

The proposed Ordinance is not expected to have any fiscal impact.

CONCLUSION

The Administration recommends that the City Commission approve the proposed Ordinance on First Reading and schedule a Second Reading public hearing for September 6, 2006.

Pursuant to Section 118-164(4) of the City Code, an affirmative vote of five-sevenths shall be necessary in order to enact any amendments to the Land Development Regulations.

JMG/TH/JGG/TRM
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HP Approval Revisions

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF THE CITY OF MIAMI BEACH, BY AMENDING CHAPTER 118, "ADMINISTRATION AND REVIEW PROCEDURES", ARTICLE II, "BOARDS", DIVISION 4, "HISTORIC PRESERVATION BOARD", SECTION 118-106 TO MODIFY THE REQUIREMENTS FOR APPROVALS OF CERTIFICATES OF APPROPRIATENESS; PROVIDING FOR REPEALER, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the City of Miami Beach continually seeks to update and clearly define the requirements of the Land Development Regulations of the Code of the City of Miami Beach as they pertain to the City's Development Review Boards; and

WHEREAS, the City of Miami Beach has adopted regulations pertaining to the Historic Preservation Board; and,

WHEREAS, The City of Miami Beach desires to expand and enhance the requirements for the APPROVAL OF Certificates of Appropriateness and other decisions rendered by the Historic Preservation Board; and,

WHEREAS, the amendments set forth below are necessary to accomplish all of the above objectives.

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA.

SECTION 1. That Chapter 118, Entitled "Administration and Review Procedures", Article II, Entitled "Boards", Division 4, Entitled "Historic Preservation Board" of the Land Development Regulations of the Code of the City of Miami Beach, Florida is hereby amended as follows:

Sec. 118-106. Quorum.
The presence of a quorum shall be necessary to conduct a historic preservation board meeting. A quorum shall consist of four members of the board. A majority vote of the members present shall be necessary to approve all requests or to decide all issues coming before the board with the following exceptions:

(1) Issuance of a certificate of appropriateness for demolition, recommendations for historic designation and reclassification of properties listed as "historic" in the historic properties database shall require five affirmative votes.

(2) The issuance of a certificate of appropriateness pertaining to revisions to any application for a property where a certificate of appropriateness for demolition was previously issued, including an after-the-fact certificate of appropriateness for demolition, shall require five affirmative votes.

(3) The issuance of a certificate of appropriateness pertaining to any application for

new construction, renovation or rehabilitation, except as otherwise provided in this section, shall require four affirmative votes.

(4) In the event of a tie vote on a motion on all requests or issues coming before the board, the motion shall be deemed denied.

SECTION 2. CODIFICATION.

It is the intention of the Mayor and City Commission of the City of Miami Beach, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Code of the City of Miami Beach, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section", "article", or other appropriate word.

SECTION 3. REPEALER.

All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

SECTION 4. SEVERABILITY.

If any section, subsection, clause or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

SECTION 5. EFFECTIVE DATE.

This Ordinance shall take effect ten days following adoption.

PASSED AND ADOPTED this _____ day of _____, 2006.

_____
MAYOR

ATTEST:

_____
CITY CLERK

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

_____ _____
City Attorney Date

First Reading: July 12, 2006
Second Reading: September 6, 2006
Verified by: _____
Jorge G. Gomez, AICP
Planning Director

Underscore denotes new language
06/28/2006
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R7
Resolutions

OFFICE OF THE CITY ATTORNEY

City of Miami Beach

F L O R I D A

JOSE SMITH
City Attorney

Telephone: **(305) 673-7470**
Facsimile: **(305) 673-7002**

COMMISSION MEMORANDUM

TO: Mayor David Dermer and Members of the City Commission

FROM: Jorge M. Gonzalez, City Manager
Jose Smith, City Attorney

DATE: July 12, 2006

SUBJECT: Request to Dedicate Fire Station No. 4 to Leonard "Lenny" Rubin

At its meeting on May 24, 2006, the City's Neighborhoods/Community Affairs Committee considered a request from Commissioner Garcia to dedicate the new Fire Station No. 4, located at 6880 Indian Creek Drive, Miami Beach, Florida, in memory of Leonard "Lenny" Rubin, a Miami Beach Firefighter who died in the line of duty putting out a building fire at the old Carillon Hotel, on March 8, 1962.

The proposal was considered by the Committee, which unanimously voted in favor of the proposed dedication. The Committee further authorized the Administration to proceed with the process to effectuate the dedication.

Following the Committee's direction, the Administration and City Attorney's Office have been proceeding with the above-referenced proposal under the assumption that what was originally contemplated was a "naming" of the exterior portion of the new fire station facility, and the item has proceeded pursuant to the requirements for naming of exterior portions of public facilities, as set forth in Sections 82-501 through 82-503 of the City Code. Said procedures require that the naming be approved by a majority of the Neighborhood/Community Affairs Committee; a 5/7ths vote of the City Commission, following a duly noticed public hearing; and approval by the majority of the electorate voting in a City referendum.

Following approval of the proposed dedication by the Committee on May 24, 2006, a public hearing was set for the City Commission meeting of July 12, 2006.

Subsequent to approval of the dedication at the Committee meeting and the setting of the public hearing, the City Attorney's Office contacted Fire Chief Jordan to ascertain (for purposes of preparing the approving Resolution and proposed ballot question) the specific name contemplated for the exterior of the new facility. At that time, Chief Jordan informed

Agenda Item R7A

1700 Convention Center Drive -- Fourth Floor -- Miami Beach

Date 7-12-06

First Assistant City Attorney Raul Aguila that, typically, the City has never named (or co-named) a fire station after an individual; the stations are named and referred to by numbers (i.e. Fire Station No. 2; No. 3; etc.). Chief Jordan further stated that the typical dedicatory and/or commemorative process followed in other municipalities (such as Miami), is the placement of a dedicatory plaque at the entrance of the building.

Following the discussion with Chief Jordan, there is a question whether the initial recommendation of the referenced proposal to the Committee was intended to accomplish the placement of a dedicatory plaque, rather than an actual naming or co-naming of Fire Station No. 4. However, Chief Jordan further requested that Mr. Aguila confirm this intent with Commissioner Garcia, who had sponsored the item before the Committee. Mr. Aguila has since spoken to Commissioner Garcia, who advised that, provided the majority of the City Commission concurs, he would not object to proceeding with the proposal as a dedicatory plaque (rather than a naming).

Accordingly, the purpose of this memorandum is not only to provide the City Commission with full factual disclosure prior to proceeding with the public hearing on July 12, 2006, but to also seek further clarification as to which alternative to proceed under. In the event that the City Commission is in agreement with proceeding with the referenced proposal as a dedicatory plaque, the requirements for same would be governed pursuant to Section 82-504 of the Code, and would only require City Commission approval (following the July 12, 2006 public hearing). No referendum approval (or other further action) would be required.

In the alternative, should the City Commission wish to proceed with the actual naming of the facility in honor of Mr. Rubin, it will require 5/7ths approval following the July 12, 2006 public hearing, and referendum approval. In that case, the City Commission would need to direct the Administration and City Attorney's Office to prepare an additional Resolution for the September City Commission meeting, calling for a special election and approving a ballot question (and, the proposed re-naming, would be subject a majority vote in a Citywide referendum).

MIAMIBEACH

CITY OF MIAMI BEACH
NOTICE OF A PUBLIC HEARING

NOTICE IS HEREBY given that a public hearing will be held by the City Commission of the City of Miami Beach, in the Commission Chambers, 3rd floor, City Hall, 1700 Convention Center Drive, Miami Beach, Florida, on **Wednesday, July 12, 2006 at 10:30 a.m.**, To Consider Naming Fire Station No. 4, Located At 6880 Indian Creek Drive, In Honor Of Leonard "Lenny" Rubin, Who Died In The Line Of Duty In A Building Fire At The Old Carillon Hotel On March 8, 1962.

INQUIRIES may be directed to the Fire Department at (305) 673-7123.

INTERESTED PARTIES are invited to appear at this meeting, or be represented by an agent, or to express their views in writing addressed to the City Commission, c/o the City Clerk, 1700 Convention Center Drive, 1st Floor, City Hall, Miami Beach, Florida 33139. This meeting may be opened and continued and, under such circumstances additional legal notice would not be provided.

Robert E. Parcher
City Clerk
City of Miami Beach

Pursuant to Section 286.0105, Fla. Stat., the City hereby advises the public that: if a person decides to appeal any decision made by the City Commission with respect to any matter considered at its meeting or its hearing, such person must ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. This notice does not constitute consent by the City for the introduction or admission of otherwise inadmissible or irrelevant evidence, nor does it authorize challenges or appeals not otherwise allowed by law.

To request this material in accessible format, sign language interpreters, information on access for persons with disabilities, and/or any accommodation to review any document or participate in any city-sponsored proceeding, please contact (305) 604-2489 (voice), (305) 673-7218(TTY) five days in advance to initiate your request. TTY users may also call 711 (Florida Relay Service).
(Ad #375)

MB MiamiHerald.com | THE MIAMI HERALD | SUNDAY, JUNE 18, 2006 | 9

RESOLUTION TO BE SUBMITTED

Condensed Title:

A Resolution following a duly noticed public hearing held on July 12, 2006, to consider an after-the-fact revocable permit request by Mr. Michael R. Buckner and his wife Margaret Buckner, owners of the property located at 6120 La Gorce Drive, for retaining an iron gate with columns, a paved driveway, hedges, a canvas canopy, a paved walkway and portion of a wood deck within the adjacent Apache Avenue city right-of-way.

Key Intended Outcome Supported:

Ensure compliance with code within reasonable time frame.

Issue:

Shall an after-the-fact revocable permit be granted for encroachments on Apache Avenue?

Item Summary/Recommendation:

Mr. Michael Buckner, and his wife Margaret, acquired the property at 6120 La Gorce Drive in April 2004. Said property has encroachments within the adjacent Apache Avenue right-of-way, which is a platted street-end leading to the La Gorce Golf Course. The encroachments consist of an iron gate with two columns, a ficus hedge, a canvas canopy, used as a carport, a paved walkway, a paved driveway and the corner of a wood deck.

Following a violation notice issued by the City's Code Compliance Division in January 2005, the Buckner's removed the gate which was blocking the access to the east half of Apache Avenue and made application to the City for an after-the-fact revocable permit to allow the retention of the original encroachments, including the gate and the use of a portion of Apache Avenue's right-of-way.

On May 10, 2006, the City Commission adopted resolution # 2006-26187, setting a public hearing to consider the request for the after-the-fact revocable permit on June 7, 2006. At the request of Mr. and Mrs. Buckner, the public hearing was opened and continued to the July 12, 2006 City Commission meeting.

The request for an after-the-fact revocable permit does not satisfy all the criteria listed in Section 82-94 of the City Code.

The Administration recommends disapproval of an after-the-fact revocable permit.

Advisory Board Recommendation:

N/A

Financial Information:

Source of Funds:

OBPI

	Amount	Account	Approved
1			
2			
3			
4			
Total			

Financial Impact Summary:

City Clerk's Office Legislative Tracking:

Robert Halfhill, Public Works 6833

Sign-Offs:

Department Director	Assistant City Manager	City Manager
FHB	RCM	JMG

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MIAMIBEACH

AGENDA ITEM R7B

DATE 7-12-06

MIAMIBEACH

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

COMMISSION MEMORANDUM

TO: Mayor David Dermer and Members of the City Commission

FROM: Jorge M. Gonzalez, City Manager

DATE: July 12, 2006

SUBJECT: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, FOLLOWING A DULY NOTICED PUBLIC HEARING TO HEAR PUBLIC COMMENT ON SAME, AND HAVING CONSIDERED THE CITY ADMINISTRATION'S RECOMMENDATION AND THE CRITERIA FOR GRANTING REVOCABLE PERMITS PURSUANT TO SECTION 82-94 OF THE MIAMI BEACH CITY CODE, DENYING AN AFTER-THE-FACT REVOCABLE PERMIT IN FAVOR OF THE APPLICANTS, MR. MICHAEL R. BUCKNER AND HIS WIFE MARGO BUCKNER, OWNERS OF THE PROPERTY LOCATED AT 6120 LA GORCE DRIVE, FOR RETAINING AN IRON GATE, COLUMNS, HEDGES, PAVED WALKWAY, PAVED DRIVEWAY, A CANVAS CANOPY AND PORTION OF A WOOD DECK WITHIN THE ADJACENT APACHE AVENUE CITY RIGHT-OF-WAY: FURTHER REQUIRING REMOVAL OF ENCROACHMENTS AND RESTORATION OF PORTIONS OF THE STREETEND AFFECTED BY SUCH ENCROACHMENTS.**

ADMINISTRATION RECOMMENDATION

Adopt the Resolution denying the after-the-fact revocable permit for existing encroachments.

BACKGROUND

Mr. Michael Buckner and his wife Margaret purchased the property located at 6120 La Gorce Drive in April 2004. Said property has encroachments (See Exhibit "A") within the adjacent Apache Avenue right-of-way. Said encroachments consist of the following:

1. An iron gate with two columns (pillars)
2. A ficus hedge
3. A canvas canopy used as a carport
4. A paved walkway
5. A paved driveway
6. Corner of a wood deck.

Apache Avenue is a platted street-end in Beach View Addition Subdivision, as recorded in the Miami-Dade County public records Book 16, Page 10. It leads to the La Gorce Golf Course and it is an access way to utility easements located at the rear of properties along 62nd Street.

A violation was issued to the property owners in January 2005 for encroachments within setbacks. Subsequently, the owners relocated the canvas canopy and removed the gate, which was blocking the access to the east half of Apache Avenue, and requested that the City grant an after-the-fact revocable permit for the retention of all of the encroachments. This request includes the gate, and the use of a portion of Apache Avenue's right-of-way enclosed by the gate and hedges. The application and letter of intent dated March 15, 2006 (attached Exhibit "B"), was submitted by Mr. Michael Larkin of Bercow and Radell, who is representing the owners.

On May 10, 2006, the City Commission adopted resolution # 2006-26187, setting a public hearing to review the request for the after-the-fact revocable permit on June 7, 2006. At the request of Mr. and Mrs. Buckner, the public hearing was opened and continued to the July 12, 2006 Commission meeting.

ANALYSIS

The application for an after-the-fact revocable permit was evaluated by City Administration pursuant to Section 82-94 of the City Code. The Administration's conclusions following review of the application are as follows:

1) That the applicant's need is substantial.

   Not satisfied. The Applicant has approximately 100 ft. frontage along La Gorce Drive with sufficient setback (about 20 ft. wide) to accommodate a 10 ft. wide driveway and parking space along La Gorce Drive within the applicant's property (see Exhibit "C"). Additionally, there is a 20 ft. by 20 ft. area along the south side of the house where additional parking may be assigned.

2) That the applicant holds title to an abutting property.

   Satisfied. The applicant is the fee simple owner of the property located at 6120 La Gorce Drive which abuts the Apache Avenue right-of-way and for which an after-the-fact revocable permit is being requested.

3) That the proposed improvements comply with applicable codes, ordinances, regulations, neighborhood plans and laws.

   Not Satisfied. These encroachments are located within public right-of-way and constructed without a permit, City review or inspection. These encroachments are illegal and as such do not comply with applicable codes, ordinances, regulations and neighborhood plans and laws. The property owners were fully aware that the encroachments were built on public property when they purchased the property in 2004.

4) That the grant of such application will have no adverse effect on governmental/utility easements and uses on the property.

   Not Satisfied. Swale areas adjacent to right-of-ways are generally utilized as water quality retention areas for stormwater management in compliance with County and State environmental regulations. The occupancy of these public areas by illegal encroachments inhibits the City's ability to comply with both stormwater quantity and quality management requirements.

5) Alternatively:

   a) That an unnecessary hardship exists that deprives the applicant of a reasonable use of the land, structure or building for which the revocable permit is sought arising out of special circumstances and conditions that exist and were not self-

generally applicable to other lands, structures or buildings in the same zoning district and the grant of the application is the minimum that will allow reasonable use of the land, structures or building.

Not Satisfied. The property consists of an 11,000 square foot lot and does not constitute a hardship for the applicant to reasonably use the land. There is sufficient driveway space for parking within the property along La Gorce Drive, and additional space for canopy parking on the south side. The applicant may need to do some modifications and obtain the proper reviews and permits from the City's Planning, Building and Public Works Departments to reconfigure the parking areas and driveway approaches.

b) That the grant of the revocable permit will enhance the neighborhood and/or community by such amenities as, for example, enhanced landscaping, improved drainage, improved lighting, and improved security.

Not Satisfied. The after-the fact revocable permit being sought serves and benefits solely this property owner who defacto has built and enclosed public property for private use. The un-permitted improvements do not provide any public enhancements to the neighborhood or community

6) That granting the revocable permit requested will not confer on the applicant any special privilege that is denied to other owner of land, structures or buildings subject to similar conditions.

Not Satisfied. The granting of this revocable permit will confer on the applicant a special privilege that is generally denied to others. City's policy is to maintain street ends for public use and utility accommodations. City's policy does not permit encroachments which may interfere with future development and improvement of such right-of-ways.

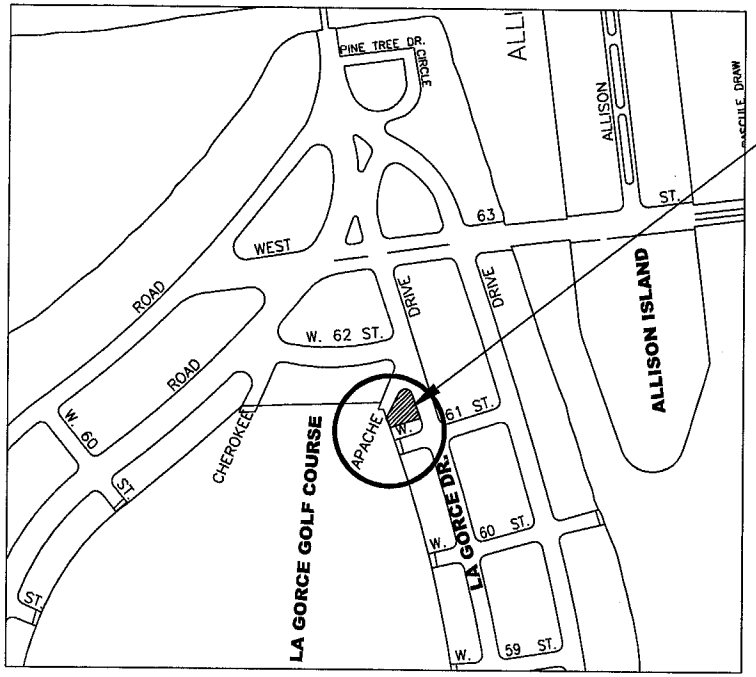
7) That granting the revocable permit will be in harmony with the general intent and purpose of Article III of the City Code, and that such revocable permit will not be injurious to surrounding properties, the neighborhood, or otherwise detrimental to the public welfare.

Not Satisfied. Granting a revocable permit for illegal encroachments in the public right-of-way is not in harmony with the general intent of Article III of the City Code and would not be a benefit to the neighborhood and public welfare. Additionally, granting a revocable permit for enclosing the street end will create a visual barrier and reduction in publicly accessible greenways.

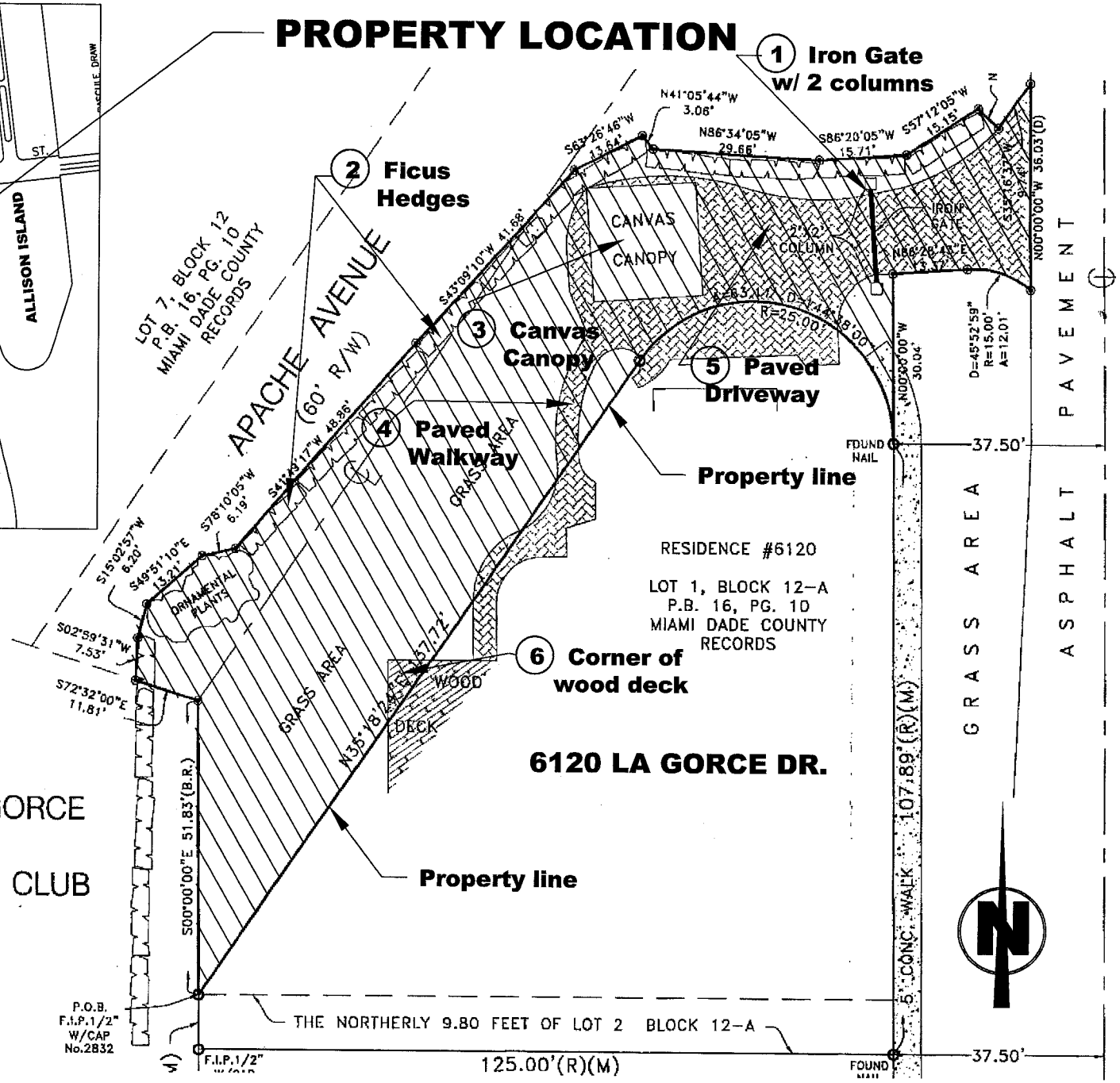
CONCLUSION

The Administration's analysis does not support granting of an after-the-fact revocable permit requested by Mr. Michael R. Buckner and his wife Margo Buckner, owners of the property located at 6120 La Gorce Drive, to retain an iron gate, columns, hedges, paved walkway, paved driveway, canvas canopy and portion of a wood deck within the adjacent Apache Avenue City right-of-way. The analysis shows that the granting of an after-the-fact permit would be contradictive to the City's policy of not allowing encroachments or the use of public right-of-ways which may interfere with future development and improvement of such right-of-ways and maintenance of open green space.

The City Administration recommends that the City Commission adopt the attached Resolution denying the request for an after-the-fact revocable permit.



LOCATION MAP



LEGEND

Requested Revocable Permit Area

SURVEY OF 6120 LA GORCE DR. AND APACHE AVENUE

EXHIBIT " A "

BERCOW & RADELL
ZONING, LAND USE AND ENVIRONMENTAL LAW

DIRECT LINE: (305) 377-6231
E-Mail: MLarkin@BRZoningLaw.com

VIA HAND-DELIVERY

March 15, 2006

Mr. Fred Beckmann, Director
Public Works Department
City of Miami Beach
1700 Convention Center Drive, 2nd Floor
Miami Beach, Florida 33139

Re: Revocable Permit Application in connection with Property located at 6120 La Gorce Drive, Miami Beach, Florida – Letter of Intent.

Dear Mr. Beckmann:

This law firm represents Michael R. Buckner and Margo Buckner ("Applicants"), owners of the above-referenced property ("Property"). Attached to this letter please find the necessary submittal requirements, including a survey of the Property, a sketch of the adjacent Miami Beach Right-of-Way, opinions of title for the Property and the adjacent Right-of-Way, an application and a check for the processing fee. The following letter will describe the Property and the Applicant's requested use of the adjacent Miami Beach Right-of-Way.

Description of Existing Property and Right-of-Way. The Property is a triangular shaped parcel lying west of La Gorce Drive and south of West 62nd Street. A single-family home, built in 1947, occupies the Property. Immediately adjacent to the north and west of the Property lays the entire length of Apache Avenue, an unimproved City of Miami Beach Right-of-Way ("Apache Avenue"). Apache Avenue is approximately 60 feet wide and 230 feet long. Apache Avenue begins at the intersection of W 62nd Street and La Gorce Drive, runs diagonally to the southwest, and terminates at the property border with La Gorce Golf Course. See attached Sketch of Apache Avenue.

The City of Miami Beach owns Apache Avenue by way of a plat entitled "Beach View Addition," recorded in Plat Book 16, at Page 10 of the Public Records of Miami-Dade County, Florida, and dated April 8, 1925. See attached Plat. The Plat dedicated Apache Avenue to the City of Miami as of July 3, 1925.

EXHIBIT "B"

See attached opinion of title prepared by Samuel Spencer Blum, Esq. Since the time of dedication, Apache Avenue has remained unimproved.

Apache Avenue is a small dead-end ROW. It was never platted to go through the Golf Course and the La Gorce Golf Course will remain for the distant and foreseeable future. Apache Avenue is not needed as a roadway. If improved it would serve only two properties, the two single-family homes to the east and west. Both of these homes were built facing other existing roadways as if Apache Avenue did not exist.

Description of Existing Encroachments. Currently, the Applicants utilize a portion of Apache Avenue as a driveway. The paved driveway sits north of the residence, extending from the west side of La Gorce Drive to the center of Apache Avenue. An iron gate, suspended between two posts, lies across the driveway and a canvas canopy used as a carport is located at the western end of the driveway. Part of a paved walkway, which extends south along the rear of the residence from the western edge of driveway to a wood deck, and a small corner of the wood deck jut out into Apache Avenue.

Further, the Applicants maintain landscaping in Apache Avenue. A ficus hedge follows the north border of the driveway and then extends to the southwest along the center line of Apache Avenue to the property border of La Gorce Golf Course. The open land situated within the perimeter of the ficus hedge is covered with grass.

Proposed Use of Apache Avenue. The Applicants intend to continue using the Property as currently utilized. The Applicants do not propose any additions to the existing encroachments.

Satisfaction of Criteria. The Applicants satisfy the criteria for granting a revocable permit listed in the following subsections of the City of Miami Beach Code Section 82-94.

(1) Applicant's Need Is Substantial.

The Applicants' need for the permit is substantial. Maintaining the encroachments subjects them to possible code enforcement. Further, denial of the permit will deprive the Applicants' of a place to park as they may not park along the right-of-way of La Gorce Drive.

(2) Applicant Holds Title to an Abutting Property.

The Applicants hold title to the property abutting Apache Avenue. See the attached opinion of title for 6120 La Gorce Drive.

(3) Proposed Improvements Comply with Regulations.

Except for their location on the public right-of-way, the existing encroachments comply with all applicable regulations.

(4) Grant of Application Will Have No Adverse Effect on Governmental/Utility Easements.

Granting the permit will not adversely effect any easements on or uses of Apache Avenue. Apache Avenue is unencumbered by any easements, such as water and sewer. See the attached opinion of title for Apache Avenue. The City of Miami Beach is not using Apache Avenue for any purpose at this time. Nor has the City made any use of the property since at least January 1967 based on a review of aerial photographs of the area on file with the Miami-Dade County Public Works Department.

(5) Alternatively: (a) Unnecessary Hardship Exists Depriving Applicant of Reasonable Use of the Land Arising out of Special Circumstances, or (b) Grant of Permit Will Enhance Neighborhood.

A special circumstance exists that the denial of the permit would deprive the Applicants of a reasonable use of the right-of-way. The driveway for the Property has historically been located in its present position. Aerial photographs on file with the Miami-Dade County Public Works Department indicate that, at least since January 1967, the driveway for the Property has been located just as today, north of the Property in Apache Avenue. This situation represents an unnecessary hardship because if the permit is not granted the Applicants will be deprived of the traditional means of access to their property.

The reason for the placement of the driveway off of the Property is unknown. However, the combination of the location of the lot and the shape of the lot may have compelled the placement of the driveway on the unused right-of-way. Of the numerous lots in the surrounding area, the Property is the only lot that is triangular-shaped and sandwiched between two intersecting rights-of-way. Therefore, the circumstances are peculiar to the Property and the use of Apache Avenue is not generally applicable to other lands. Only one other residence abuts Apache Avenue, 400 W 62 Street located to the west, and the

Applicants' use of the right-of-way in no way deprives that property of any current or future use of Apache Avenue.

Further, the Applicants did not create this special circumstance because they became the owners of the Property in April 2004. At a minimum, the City of Miami Beach has not used Apache Avenue for municipal purposes for over 39 years. During this same period or longer, the City has allowed the use of Apache Avenue by the prior owners of 6120 La Gorce Drive as a driveway. Furthermore, the possibility exists that the City has never used Apache Avenue since it was platted in 1925, 81 years ago.

The issuance of a revocable permit by the City will permit the applicants to have a reasonable use of Apache Avenue.

(6) Granting Permit Does Not Confer Special Privileges.

As stated above, only one other residence abuts Apache Avenue, and if they wish, they could also request a revocable permit for use of the western half of Apache Avenue. Therefore, granting the permit will not confer any special privilege on the Applicants that would otherwise be denied to others similarly situated in the same zoning district.

(7) Granting Permit Will Be In Harmony With Code and Not Injurious to Surrounding Properties.

The Applicants seek continued use of a portion of the right-of-way that is not being used either by the City or the public. Therefore, granting the permit will not adversely impact the surrounding properties and neighborhood and will not in any way be detrimental to the public welfare.

Summary. Granting the requested revocable permit will be in harmony with the intent and purpose of the Code, and will not be injurious to the area involved or otherwise detrimental to the public welfare. The permit will provide the Applicants with a reasonable use of the right-of-way without harming anyone. Based on these reasons, the Applicants respectfully request your favorable review and recommendation of this application.

If you have any questions or comments with regard to the application, please give me a call at (305) 377-6231.

Sincerely,

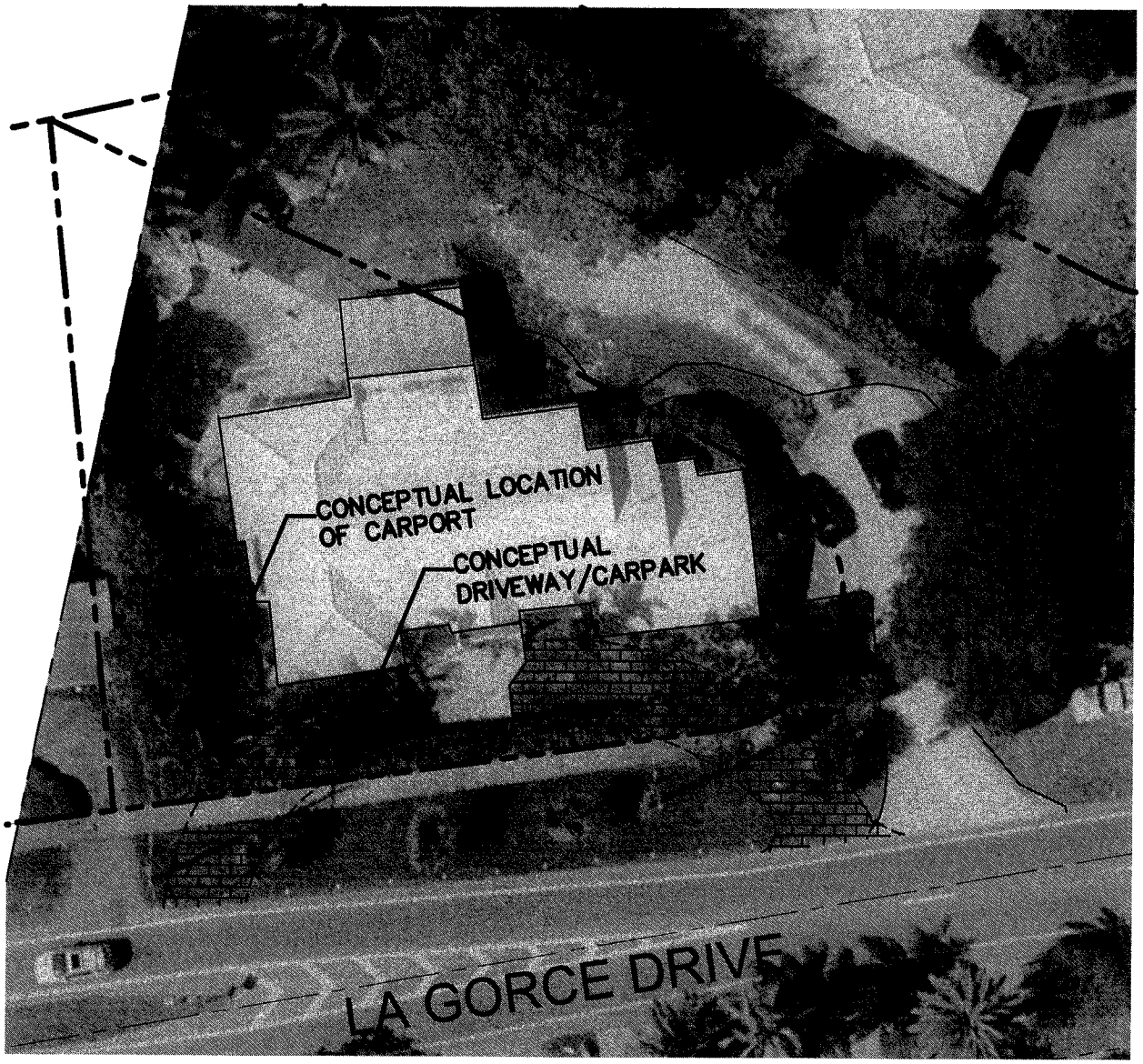
Michael W. Larkin

cc: Mr. & Mrs. Michael and Margo Buckner
Mr. Matthew Amster

NOTE:

THIS IS ONLY A CONCEPTUAL SKETCH TO PROVIDE AN ALTERNATE PARKING SPACE/ DRIVEWAY CONFIGURATION AT 6120 LA GORCE DRIVE.

FINAL PLANS FOR PERMITTING MUST BE SUBMITTED FOR REVIEW AND APPROVAL BY PLANNING, BUILDING AND PUBLIC WORKS DEPARTMENTS PRIOR TO CONSTRUCTION



CONCEPTUAL LAYOUT OF DRIVEWAY/ CANOPY FOR PARKING AT 6120 LA GORCE DRIVE

EXHIBIT "C"

MIAMIBEACH

CITY OF MIAMI BEACH
NOTICE OF A PUBLIC HEARING

NOTICE IS HEREBY given that a public hearing will be held by the City Commission of the City of Miami Beach, in the Commission Chambers, 3rd floor, City Hall, 1700 Convention Center Drive, Miami Beach, Florida, on **Wednesday, June 7, 2006 at 11:00 a.m.,** To Consider An After-The Fact Revocable Permit Request By Mr. Michael R. Buckner And His Wife Margo Buckner, Owners Of The Property Located At 6120 La Gorce Drive, To Retain An Iron Gate, Columns, Hedges, Canvas Canopy And Portion Of A Wood Deck All Within The Adjacent City Right-Of-Way On Apache Avenue.

INQUIRIES may be directed to the Public Works Department at (305) 673-7080.

INTERESTED PARTIES are invited to appear at this meeting, or be represented by an agent, or to express their views in writing addressed to the City Commission, c/o the City Clerk, 1700 Convention Center Drive, 1st Floor, City Hall, Miami Beach, Florida 33139. This meeting may be opened and continued and, under such circumstances additional legal notice would not be provided.

Robert E. Parcher
City Clerk
City of Miami Beach

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(Ad #374)

RESOLUTION TO BE SUBMITTED

Condensed Title:

Resolution approving a lease agreement with the Log Cabin Enterprises, Inc.

Key Intended Outcome Supported:

Increase satisfaction with recreational programs.

Issue:

Should the Mayor and the City Commission approve the lease?

Item Summary/Recommendation:

The City and the Log Cabin Enterprises are proposing to enter into a lease for a term of 3 years for use of the approximately 52,000 square feet of City-owned property, located on the west side of Collins Avenue between 81st and 82nd Streets, more specifically defined as those parcels of land known as Lots 1-6 of Block 81, Altos Del Mar No. 1, PB 31-40, (not including the 2,500 square foot one-story building, commonly referred to as the "classroom building", "training center" and/or "building A").

Log Cabin Enterprises will pay the City one ($1) dollar a year and will be responsible for the operating expenses and interior/exterior building maintenance for the sole purpose of providing an educational and sheltered work program for developmentally disabled adults.

Log Cabin Enterprises evolved from its original status as a City of Miami Beach Recreational program to a Community Development Block funded program until 2003. Given that the City has continued its support by providing the property and has maintained a longstanding relationship which is directly related to its support of the Log Cabin Adult Developmental Training (ADT) center, the Administration recommends that the Mayor and City Commission adopt the Resolution approving the Lease Agreement on second reading following a duly noticed public hearing on July 12, 2006.

Advisory Board Recommendation:

n/a

Financial Information:

Source of Funds:

OBPI

	Amount	Account	Approved
1			
2			
3			
4			
Total			

Financial Impact Summary:

City Clerk's Office Legislative Tracking:

Asset Management

Sign-Offs:

Department Director	Assistant City Manager	City Manager
ACV	TH	

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MIAMIBEACH

AGENDA ITEM R7C

DATE 7-12-06

MIAMIBEACH

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

COMMISSION MEMORANDUM

TO: Mayor David Dermer and Members of the City Commission

FROM: Jorge M. Gonzalez, City Manager

DATE: July 12, 2006

SECOND READING PUBLIC HEARING

SUBJECT: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING, ON SECOND READING, FOLLOWING A DULY NOTICED PUBLIC HEARING, A LEASE AGREEMENT BETWEEN THE CITY AND LOG CABIN ENTERPRISES, INC., FOR USE OF APPROXIMATELY 52,000 SQUARE FEET OF CITY-OWNED PROPERTY, LOCATED ON THE WEST SIDE OF COLLINS AVENUE BETWEEN 81ST AND 82ND STREETS, MIAMI BEACH, FLORIDA, MORE SPECIFICALLY DEFINED AS THOSE PARCELS OF LAND KNOWN AS LOTS 1-6 OF BLOCK 81, ALTOS DEL MAR NO. 1, PB 31-40, FOR AN INITIAL THREE (3) YEAR TERM COMMENCING ON AUGUST 1, 2006, AND ENDING ON JULY 31, 2009, WITH TWO (2) ADDITIONAL THREE (3) YEAR RENEWAL TERMS, AT THE CITY'S SOLE DISCRETION; AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE THE LEASE AGREEMENT.**

ADMINISTRATION RECOMMENDATION

Adopt the Resolution.

ANALYSIS

Log Cabin Enterprises, Inc. has expressed an interest in continuing its occupancy of the City-owned building property, located on the west side of Collins Avenue between 81st and 82nd Streets (the Property), Miami Beach, Florida, more specifically defined as those parcels of land known as Lots 1-6 of Block 81, Altos Del Mar No. 1, PB 31-40, (not including the 2,500 square foot one-story building, commonly referred to as the "classroom building", "training center" and/or "building A").

The City of Miami Beach established and maintained the Miami Beach Activity Center from 1975 through 1983 as a service of the City designed to provide a sheltered work site for the developmentally disabled adults being trained at the Log Cabin Training Center located adjacent to same. In 1983, the Miami Beach Activity Center incorporated as Log Cabin Enterprises, Inc, a not-for-profit entity, and was maintained by the City through a Community Development Block grant until 2003. The City has allowed the Log Cabin to continue its work on the Property; however, there is a need for a formalized lease agreement in order for the City to maintain its legal standing in part in terms of the Property operating expenses, facility maintenance, insurance, taxes and indemnification. The Property was also being used by other retail entities not related to the purpose of supporting the developmentally disabled without knowledge or approval of the Commission. The lease agreement, as currently drafted, will preclude any type of subletting due to its nature.

Additionally, it is expected that there will be a companion lease agreement for the Log Cabin Training Center submitted to Commission for approval. This will allow the two entities to remain independent due to the relationship of client and provider, while allowing the City the benefit and protection of a lease agreement.

The Lease Agreement, as negotiated, includes the following additional terms and conditions:

- BASE RENT:
  Log Cabin Enterprises, Inc. will pay an annual Base Rent in the amount of One ($1) Dollar.

- OPERATION, MAINTENANCE and REPAIR:
  Log Cabin Enterprises, Inc. has agreed to be solely responsible for the operation, maintenance, and repair of the premises.

- TENANT RESPONSIBILITIES FOR UTILITIES:
  Log Cabin Enterprises, Inc. has agreed to pay charges for water, gas, electricity, sewer, cable, telephone and any other utility service provided to the facility including, without limitation, all hookup fees and impact fees.

Section 82-39 of the Miami Beach City Code, governing the sale/lease of public property, as amended, requires a competitive bidding process, a Planning Department analysis, and an independent appraisal to determine the value of the leasehold interest, as well as two (2) readings of the proposed lease, with the second (and final) reading followed by an advertised public hearing to obtain citizen input.

On June 7, 2006, pursuant to Resolution No. 2006-26228, the Mayor and City Commission approved the Lease Agreement on first reading; waived by 5/7^{ths} vote, the competitive bidding and appraisal requirements; and set the public hearing for the second and final reading on July 12, 2006.

Based on the foregoing and long standing relationship with City of Miami Beach, the Administration recommends that the Mayor and City Commission approve the attached Lease Agreement between the City and Log Cabin Enterprises, Inc. for the use of the approximately 52,000 square feet of City-owned property, located on the west side of Collins Avenue between 81st and 82nd Streets, Miami Beach, Florida, more specifically defined as those parcels of land known as Lots 1-6 of Block 81, Altos Del Mar No. 1, PB 31- for a term of three years commencing on August 1, 2006 and ending on July 31, 2009 with two additional three year renewal terms, at the City's sole discretion, further authorizing the Mayor and City Clerk to execute the Lease Agreement.

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RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING, ON SECOND READING, FOLLOWING A DULY NOTICED PUBLIC HEARING, A LEASE AGREEMENT BETWEEN THE CITY AND LOG CABIN ENTERPRISES, INC., FOR USE OF APPROXIMATELY 52,000 SQUARE FEET OF CITY-OWNED PROPERTY, LOCATED ON THE WEST SIDE OF COLLINS AVENUE BETWEEN 81ST AND 82ND STREETS, MIAMI BEACH, FLORIDA, MORE SPECIFICALLY DEFINED AS THOSE PARCELS OF LAND KNOWN AS LOTS 1-6 OF BLOCK 81, ALTOS DEL MAR NO. 1, PB 31-40, FOR AN INITIAL THREE (3) YEAR TERM COMMENCING ON AUGUST 1, 2006, AND ENDING ON JULY 31, 2009, WITH TWO (2) ADDITIONAL THREE (3) YEAR RENEWAL TERMS, AT THE CITY'S SOLE DISCRETION; AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE THE LEASE AGREEMENT

WHEREAS, the City of Miami Beach has established and maintained the Miami Beach Activity Center a City of Miami Beach recreational program serving as a sheltered work site for developmentally disabled adults in the community at 8128 Collins Avenue, a City-owned property, from 1975 to 1983; and

WHEREAS, the Miami Beach Activity Center incorporated as a not-for-profit under the name of Log Cabin Enterprises, Inc. and has continued to serve as a sheltered work site for developmentally disabled adults in the community since its incorporation in 1983; and

WHEREAS, the Log Cabin Enterprises, Inc. had received support from the City of Miami Beach in the form of a Community Development Block Grant until 2003; and

WHEREAS, the Log Cabin Enterprises, Inc. has strived to reach a level of self-sufficiency while maintaining its mission to provide a safe, dignified, happy and professional environment for developmentally disabled clients, enabling them to learn life and work skills, earn a decent income, and eventually experience life as employed, independent, and self-sufficient individuals within the community; and

WHEREAS, the Log Cabin Enterprises, Inc. has expressed an interest in continuing to occupy the property and, accordingly, the Administration has negotiated the attached Lease Agreement, for an initial term of three (3) years, commencing on August 1, 2006, and ending on July 31, 2009, with two (2) additional three (3) year renewal terms, at the City's sole discretion; and

WHEREAS, Section 82-39 of the Miami Beach City Code, governing the sale/lease of public property, as amended, requires a competitive bidding process, a Planning Department analysis, and an independent appraisal to determine the value of the leasehold interest, as well as two (2) readings of the proposed lease, with the second (and final) reading followed by an advertised public hearing to obtain citizen input; and

WHEREAS, on June 7, 2006, pursuant to Resolution No. 2006-26228, the Mayor and City Commission approved the Lease Agreement on first reading; waived by 5/7ths vote, the competitive bidding and appraisal requirements; and set the public hearing for the second and final reading; and

WHEREAS, said public hearing was held on July 12, 2006.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Mayor and City Commission hereby approve, on second reading, following a duly noticed public hearing, the attached Lease Agreement between the City and Log Cabin Enterprises, Inc., for the use of approximately 52,000 square feet of City-owned property, located on the west side of Collins Avenue between 81st and 82nd streets, Miami Beach, Florida, more specifically defined as those parcels of land known as Lots 1-6 of block 81, Altos del Mar No. 1, PB 31-40, for a term of three (3) years, commencing on August 1, 2006, and ending on July 31, 2009, with two (2) additional three (3) year renewal terms, at the City's sole discretion, further authorizing the Mayor and City Clerk to execute the Lease Agreement.

PASSED and ADOPTED this 12th day of July, 2006.

ATTEST:

CITY CLERK	**MAYOR**

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APPROVED AS TO FORM & LANGUAGE & FOR EXECUTION

6/15/06

City Attorney Date

LEASE AGREEMENT

THIS LEASE AGREEMENT, made this _____ day of _____, 2006, by and between the **CITY OF MIAMI BEACH**, a Florida municipal corporation, (hereinafter referred to as "City" or "Landlord"), and **LOG CABIN ENTERPRISES, INC.**, a Florida not-for-profit corporation (hereinafter referred to as "Tenant").

1. Demised Premises.
City, in consideration of the rentals hereinafter reserved to be paid and of the covenants, conditions and agreements to be kept and performed by the Tenant, hereby leases, lets and demises to the Tenant, and Tenant hereby leases and hires from the City, those certain premises hereinafter referred to as the "Demised Premises", located in the City of Miami Beach, 8108-8140 Collins Avenue, Miami Beach, Florida, 33141, and more fully described as follows:

> Approximately 52,000 square feet of City-owned property, located on the west side of Collins Avenue between 81st and 82nd Streets, Miami Beach, Florida, more specifically defined as those parcels of land known as Lots 1-6 of Block 81, Altos Del Mar No. 1, PB 31-40, (but not including the 2,500 square foot one-story building thereon, commonly referred to as the "classroom building" and/or "training center") and, as further delineated in Exhibit 1, attached hereto and incorporated herein.

2. Term.

2.1 Tenant shall be entitled to have and to hold the Demised Premises for an initial term of three (3) years, commencing on the **1st** day of **August**, **2006** (Commencement Date), and ending on the **31st** day of **July**, **2009**.

2.2 (i) Provided Tenant is in good standing and free from default(s) hereunder, and (ii) upon written notice from Tenant, which notice shall be submitted to the City Manager no earlier than one hundred twenty (120) days, but in any case no later than sixty (60) days prior to the expiration of the initial term (or any renewal term, as the case may be), this Agreement may be extended by the City Manager, in his sole discretion (as the Chief Operating Officer of the City), for two (2) additional three (3) year terms. Any extensions, if approved, shall be memorialized in writing and signed by the parties hereto (with the City hereby designating the City Manager as the individual authorized to execute such extension on its behalf).

In the event that the City Manager determines, in his sole discretion, not to extend or renew this Agreement (upon expiration of the initial term or any renewal term, as the case may be), the City Manager shall notify Tenant of same in writing, which notice shall be provided to Tenant within thirty (30)

business days of the City Manager's receipt of Tenant's written notice.

2.3 Notwithstanding Subsections 2.1 and 2.2 herein, this Agreement may be terminated without cause and for convenience of either party at any time during the Term (including any renewal term, as the case may be), upon furnishing thirty (30) days written notice to the other party.

3. Rent.

3.1 Base Rent:
Base Rent for the Demised Premises shall begin to accrue on August 1, 2006 (the Commencement Date).

3.1.1 Throughout the Term herein, the Base Rent for the Demised Premises shall be One ($1.00) Dollar per year, payable by Tenant in advance, annually, commencing on the Commencement Date and, thereafter, (annually) on each anniversary of the Commencement Date.

3.1.2 Concurrent with the payment of the Base Rent, Tenant, if deemed applicable by the City, shall also include any and all additional sums for all applicable sales and use tax, now or hereafter prescribed by Federal, State or local law.

3.2 Additional Rent:
Tenant shall also pay, as "Additional Rent", any and all other tax(es), including without limitation, Property Taxes, imposed, levied or assessed against the Demised Premises, or any other charge or payment required here by any governmental authority having jurisdiction there over, even though the taxing statute or ordinance may purport to impose such tax against the City.

4. Location for Payments.
All rents or other payments due hereunder shall be paid to the City of Miami Beach at the following address:

City of Miami Beach
Finance Department
c/o Revenue Supervisor
1700 Convention Center Drive
Miami Beach, Florida 33139

5. Parking.
Intentionally Omitted.

6. Security Deposit.
Intentionally Omitted.

7. Use and Possession of Demised Premises.

7.1 The Demised Premises shall be used by the Tenant as a retail / wholesale nursery, and other ancillary retail activities, for the sole purpose of providing an educational and sheltered work program for developmentally disabled adults. Said Premises shall be open for operation a minimum of five (5) days a week, with normal hours of operation being from Monday through Sunday, 9:00 A.M. to 5:00 P.M. Daily hours of operation may be extended up to 9:00 P.M., at Tenant's option. Tenant shall not otherwise modify the days or hours of operation without the prior written approval of the City Manager, which approval shall not be unreasonably withheld. Nothing herein contained shall be construed to authorize hours contrary to the laws governing such operations.

7.2 It is understood and agreed that the Demised Premises shall be used by the Tenant during the Term of this Agreement only for the above purposes, and for no other purposes or uses whatsoever. Tenant will not make or permit any use of the Demised Premises that, directly or indirectly, is forbidden by law, ordinance or government regulation, or that may be dangerous to life, limb or property. Tenant may not commit (nor permit) waste on the Demised Premises, nor permit the use of the Demised Premises for any illegal purposes, commit a nuisance on the Demised Premises. In the event that the Tenant uses the Demised Premises (or otherwise allows the Demised Premises to be used) for any purposes not expressly permitted herein, or permits and/or allows any prohibited uses as provided herein, then the City may declare this Agreement in default pursuant to Section 18, or without notice to Tenant, restrain such improper use by injunction or other legal action.

7.3 Tenant shall also maintain its not-for-profit status in full force and effect, and in good standing, throughout the Term herein.

8. Improvements.

8.1 Tenant accepts the Demised Premises in their present "as is" condition and shall, at its own cost and expense, construct or cause to be constructed, all interior and exterior improvements and maintenance to the Demised Premises, as reasonably necessary for it to carry on its permitted use(s), as set forth in Section 7. The plans for such improvements shall be submitted to the City for the City's prior written consent, which will not be unreasonably withheld or delayed. All permanent (fixed) improvements to the Demised Premises shall remain the property of the City upon termination and/or expiration of this Agreement. Upon termination and/or expiration of this Agreement, all personal property and non-permanent trade fixtures may be removed by the Tenant from the Demised Premises without damage to the Demised Premises. Tenant will permit no liens to attach to the Demised Premises arising from, connected with, or related to the design and construction of any improvements. Moreover, such construction shall be

accomplished through the use of licensed, reputable contractors who are acceptable to the City. Any and all permits and or licenses required for the installation of improvements shall be the sole cost and responsibility of Tenant.

8.2 Notwithstanding Subsection 8.1 above, upon termination and/or expiration of this Agreement, and at City's sole option and discretion, any and all alterations or additions made by Tenant to or in the Demised Premises shall, upon written request from the City, be promptly removed by Tenant at its cost and expense, and Tenant further hereby agrees, in such event, to restore the Demised Premises to their original condition prior to the Commencement Date of this Agreement.

8.3 The above requirements for submission of plans and the use of specific contractors shall not apply to improvements (which term, for purposes of this Subsection 8.3 only, shall also include improvements as necessary for Tenant's maintenance and repair of the Demised Premises) which do not exceed Five Hundred ($500.00) Dollars, provided that the work is not structural, and provided that it is permitted by applicable law.

9. Landlord's Right of Entry.

9.1 The City, or its authorized agent or agents, shall have the right to enter upon the Demised Premises at all reasonable times for the purpose of inspecting same, preventing waste, making such repairs as the City may consider necessary, and for the purpose of preventing fire, theft or vandalism. However, the City agrees that whenever reasonably possible, the City shall provide reasonable notice to Tenant, unless the need to enter the Demised Premises is an emergency, as deemed by the City, at its sole discretion, which if not immediately addressed could cause property damage, loss of life or limb, or other injury to persons. Nothing herein shall imply any duty on the part of the City to do any work that under any provisions of this Agreement the Tenant may be required to perform, and the performance thereof by the City shall not constitute a waiver of the Tenant's default.

9.2 If the Tenant shall not be personally present to open and permit entry into the Demised Premises at any time, for any reason, and any entry thereon shall be necessary or permissible, the City, or its agents, may enter the Demised Premises by master key, or may forcibly enter the Demised Premises without rendering the City or such agents liable therefore.

9.3 Tenant shall furnish the City with duplicate keys to all locks including exterior and interior doors upon the Commencement Date of this Agreement. Tenant shall not change the locks to the Demised Premises without the prior written consent of the City, not to be unreasonably withheld, and in the event such consent is given Tenant shall furnish the City with duplicate keys to said locks in advance of their installation.

10. Tenant's Insurance.

10.1 The Tenant shall, at its sole cost and expense, comply with all insurance requirements of the City. It is agreed by the parties that the Tenant shall not occupy the Demised Premises until proof of the following insurance coverages have been furnished to and approved by the City's Risk Manager:

10.1.1 Comprehensive General Liability in the minimum amount of $1,000,000 per occurrence for bodily injury and property damage. The City of Miami Beach must be named as additional insured parties on this policy.

10.1.2 Workers Compensation and Employers Liability coverage in accordance with Florida statutory requirements.

10.1.3 All-Risks property and casualty insurance, written at a minimum of 80% of replacement cost value and with replacement cost endorsement, covering all of Tenant's personal property in the Demised Premises (including, without limitation, inventory, trade fixtures, floor coverings, furniture and other property removable by Tenant under the provisions of this Agreement) and all leasehold improvements installed in the Demised Premises by or on behalf of Tenant.

10.2 Proof of these coverages must be provided by submitting original certificates of insurance. All policies must provide thirty (30) days written notice of cancellation to both the City's Risk Manager and Asset Manager at 1700 Convention Center Drive, Miami Beach, Florida, 33139. All insurance policies shall be issued by companies authorized to do business under the laws of the State of Florida and must have a rating of B+:VI or better per A.M. Best's Key Rating Guide, latest edition, and certificates are subject to the approval of the City's Risk Manager.

11. Property Taxes and Assessments.
For the purposes of this Section and other provisions of this Agreement:

11.1 The term "Property Taxes" shall mean (i) the real estate taxes, assessments, and special assessments of any kind which may be imposed upon the Demised Premises and/or the tax lot which may include the Demised Premises, and (ii) any expenses incurred by the City in obtaining a reduction of any such taxes or assessments.

11.2 The term "Property Tax Year" shall mean the period of twelve (12) calendar months, beginning on January 1st of each year.

11.3 Tenant shall pay, as Additional Rent pursuant to Section 3.2, for such Property Tax Year an amount ("Property Tax Payment") equal to Tenant's proportionate share of the Property Taxes (if any) for such Property Tax

Year; said proportionate share to be determined by the City based upon the ratio of the Demised Premises to the tax lot. If a Property Tax Year ends after the expiration or termination of the term of this Agreement, the Property Tax Payment therefore shall be prorated to correspond to that portion of such Property Tax Year occurring within the term of this Agreement. The Property Tax Payment shall be payable by Tenant immediately upon receipt of notice from the City. A copy of the tax bill(s) or other evidence of such taxes issued by the taxing authorities, together with the City's computation of the Property Tax Payment, will be made available to Tenant once received from the taxing authorities, if requested by Tenant. Tenant shall pay any difference in the amount between the estimated property taxes and the actual property taxes to the City immediately, upon receipt of request for said payment from the City.

12. Assignment and Subletting.
Tenant shall not have the right to assign or sublet the Demised Premises.

13. Operation, Maintenance and Repair.

13.1 Tenant shall be solely responsible for the operation, maintenance and repair of the Demised Premises. Tenant shall, at its sole cost and expense, maintain the Demised Premises, and the fixtures and appurtenances therein, and shall make all repairs thereto, as and when needed, to preserve them in good working order and condition. Tenant shall be responsible for all interior walls and the interior and exterior of all windows and doors, as well as immediate replacement of any and all plate glass or other glass in the Demised Premises which may become broken using glass of the same or better quality.

The City shall be responsible for the maintenance of the roof, the structural exterior of the building, and the structural electrical and plumbing (other than plumbing surrounding any sink within the Demised Premises.

Tenant agrees and understands that while the City has provided air-conditioning unit(s) for the Demised Premises, the City shall require that Tenant obtain, and continuously maintain in good standing, at Tenant's expense, throughout the Term of this Agreement, a maintenance and repair contract, approved by the City, with a service company previously approved in writing by the City, providing for the preventative maintenance and repair of all air conditioning units servicing the Demised Premises. Tenant shall provide the City, in writing, within ten (10) business days, the name(s) and telephone number(s) of service company(ies) for the City's review and approval. Tenant shall provide a copy of a current, enforceable and fully executed maintenance and repair contract, no later than ten (10) business days after receipt of the City's approval of the service company, as proof of Tenant's compliance with this Subsection.

13.2 All damage or injury of any kind to the Demised Premises and to its fixtures,

glass, appurtenances, and equipment, if any, or to the building fixtures, glass, appurtenances, and equipment, if any, except damage caused by the wrongful acts or negligence of the City, shall be the obligation of Tenant, and shall be repaired, restored or replaced promptly by Tenant at its sole cost and expense to the satisfaction of the City.

13.3 All of the aforesaid repairs, restorations and replacements shall be in quality and class equal to or better than the original work or installations and shall be done in good and workmanlike manner.

13.4 If Tenant fails to make such repairs or restorations or replacements, the same may be made by the City, at the expense of Tenant, and all sums spent and expenses incurred by the City shall be collectable by the City and shall be paid by Tenant within ten (10) days after rendition of a bill or statement thereof.

13.5 It shall be Tenant's obligation to insure that any renovations, repairs and/or improvements made by Tenant to the Demised Premises comply with all applicable building codes and life safety codes of governmental authorities having jurisdiction.

13.6 Tenant Responsibilities for Utilities.
Tenant is solely responsible for and shall promptly pay when due all charges for water, gas, electricity, sewer, cable, telephone and any other utility service provided to the Demised Premises, including, without limitation, all hook-up fees and impact fees. In addition to other rights and remedies hereinafter reserved to the City, upon the failure of Tenant to pay for such utility services when due, City may elect to pay same whereby Tenant agrees to promptly reimburse the City upon demand. In no event, however, shall the City be liable for an interruption or failure in the supply of any utilities or services to the Demised Premises.

13.7 **TENANT HEREBY ACKNOWLEDGES AND AGREES THAT THE DEMISED PREMISES ARE BEING LEASED IN THEIR PRESENT "AS IS" CONDITION.**

14. Governmental Regulations.
The Tenant covenants and agrees to fulfill and comply with all statutes, ordinances, rules, orders, regulations, and requirements of any and all governmental bodies, including but not limited to Federal, State, Miami-Dade County, and City governments, and any and all of their departments and bureaus applicable to the Demised Premises and shall also comply with and fulfill all rules, orders, and regulations for the prevention of fire, all at Tenant's own cost and expense. The Tenant shall pay all cost, expenses, claims, fines, penalties, and damages that may be imposed because of the failure of the Tenant to comply with this Section, and shall indemnify and hold harmless the City from all liability arising from each non-compliance.

15. Liens.

Tenant will not permit any mechanics, laborers, or materialman's liens to stand against the leased premises or improvements for any labor or materials to Tenant or claimed to have been furnished to Tenant's agents, contractors, or sub-tenants, in connection with work of any character performed or claimed to have performed on said premises, or improvements by or at the direction or sufferance of the Tenant, provided however, Tenant shall have the right to contest the validity or amount of any such lien or claimed lien. In the event of such contest, Tenant shall give the City reasonable security as may be demanded by the City to insure payment thereof and prevent sale, foreclosure, or forfeiture of the premises or improvements by reasons of such non-payment. Such security need not exceed one and one half (1½) times the amount of such lien or such claim of lien. Such security shall be posted by Tenant within ten (10) days of written notice from the City, or Tenant may "bond off" the lien according to statutory procedures. Tenant will immediately pay any judgment rendered with all proper cost and charges and shall have such lien released or judgment satisfied at Tenant's own expense.

16. Enforcement.

Tenant agrees to pay the Base Rent, Additional Rent, and any other amounts as may be due and payable by Tenant under this Agreement, at the time and in the manner provided herein, and should said rents and/or other additional amounts due herein provided, at any time remain due and unpaid for a period of fifteen (15) days after the same shall become due, the City may exercise any or all options available to it hereunder, which options may be exercised concurrently or separately, or the City may pursue any other remedies enforced by law.

17. Condemnation.

17.1 If at any time during the term of this Agreement and any renewal term hereunder, all or any part or portion of the Demised Premises is taken, appropriated, or condemned by reason of Eminent Domain proceedings (except if the Eminent Domain proceedings are initiated by the City of Miami Beach), then this Agreement shall be terminated as of the date of such taking, and shall thereafter be completely null and void, and neither of the parties hereto shall thereafter have any rights against the other by reason of this Agreement or anything contained therein, except that any rent prepaid beyond the date of such taking shall be prorated to such date, and the Tenant shall pay any and all rents, additional rents, utility charges, or other costs including excess taxes for which it is liable under the terms of this Agreement, up to the date of such taking.

17.2 Except as hereunder provided, Tenant shall not be entitled to participate in the proceeds of any award made to the City in any such Eminent Domain proceeding, excepting, however, the Tenant shall have the right to claim and recover from the condemning authority, but not from the City, such compensation as may be separately awarded or recoverable by Tenant in Tenant's own right on account of any and all damage to Tenant's business

by reasons of the condemnation and for or on account of any cost or loss which Tenant might incur in removing Tenant's furniture and fixtures.

18. Default.

18.1 Default by Tenant:
At the City's option, any of the following shall constitute an Event of Default under this Agreement:

18.1.1 The Base Rent, Additional Rent, or any installment thereof, is not paid promptly when and where due within fifteen (15) days of due date, and if Tenant shall not cure such failure within five (5) days after receipt of written notice from the City specifying such default;

18.1.2 Any other payment provided for under this Agreement is not paid promptly when and where due;

18.1.3 The Demised Premises shall be deserted, abandoned, or vacated;

18.1.4 The Tenant shall fail to comply with any material term, provision, condition or covenant contained herein other than the payment of rent and shall not cure such failure within thirty (30) days after the receipt of written notice from the City specifying any such default; or such longer period of time acceptable to the City, at its sole discretion;

18.1.5 Receipt of notice of violation from any governmental authority having jurisdiction dealing with a law, code, regulation, ordinance or the like, which remains uncured for a period of thirty (30) days from its issuance, or such longer period of time acceptable to the City, at its sole discretion;

18.1.6 Any petition is filed by or against Tenant under any section or chapter of the Bankruptcy Act, as amended, which remains pending for more than sixty (60) days, or any other proceedings now or hereafter authorized by the laws of the United States or of any state for the purpose of discharging or extending the time for payment of debts;

18.1.7 Tenant shall become insolvent;

18.1.8 Tenant shall make an assignment for benefit of creditors;

18.1.9 A receiver is appointed for Tenant by any court and shall not be dissolved within thirty (30) days thereafter; or

18.1.10 The leasehold interest is levied on under execution.

19. Rights on Default.

19.1 Rights on Default:
In the event of any default by Tenant as provided herein, City shall have the option to do any of the following in addition to and not in limitation of any other remedy permitted by law or by this Agreement;

19.1.1 Terminate this Agreement, in which event Tenant shall immediately surrender the Demised Premises to the City, but if Tenant shall fail to do so the City may, without further notice, and without prejudice to any other remedy the City may have for possession or arrearages in rent or damages for breach of contract, enter upon Demised Premises and expel or remove Tenant and its effects in accordance with law, without being liable for prosecution or any claim for damages therefore, and Tenant agrees to indemnify and hold harmless the City for all loss and damage which the City may suffer by reasons of such Agreement termination, whether through inability to re-let the Demised Premises, or through decrease in rent, or otherwise.

19.1.2 Declare the entire amount of the Base Rent and Additional Rent which would become due and payable during the remainder of the term of this Agreement to be due and payable immediately, in which event Tenant agrees to pay the same at once, together with all rents therefore due, at the address of the City, as provided in the Notices section of this Agreement; provided, however, that such payment shall not constitute a penalty, forfeiture, or liquidated damage, but shall merely constitute payment in advance of the rents for the remainder of said term and such payment shall be considered, construed and taken to be a debt provable in bankruptcy or receivership.

19.1.3 Enter the Demised Premises as the agent of Tenant, by force if necessary, without being liable to prosecution or any claim for damages therefore, remove Tenant's property there from, and re-let the Demised Premises, or portions thereof, for such terms and upon such conditions which the City deems, in its sole discretion, desirable, and to receive the rents therefore, and Tenant shall pay the City any deficiency that may arise by reason of such re-letting, on demand at any time and from time to time at the office of the City; and for the purpose of re-letting, the City may (i) make any repairs, changes, alterations or additions in or to said Demised Premises that may be necessary or convenient; (ii) pay all costs and expenses therefore from rents resulting from re-letting; and (iii) Tenant shall pay the City any deficiency as aforesaid.

19.1.4 Take possession of any personal property owned by Tenant on said Demised Premises and sell the same at public or private sale,

and apply same to the payment of rent due, holding the Tenant liable for the deficiency, if any.

19.1.5 It is expressly agreed and understood by and between the parties hereto that any installments of rent accruing under the provisions of this Agreement which shall not be paid when due shall bear interest at the maximum legal rate of interest per annum then prevailing in Florida from the date when the same was payable by the terms hereof, until the same shall be paid by Tenant. Any failure on the City's behalf to enforce this Section shall not constitute a waiver of this provision with respect to future accruals of past due rent. No interest will be charged for payments made within the grace period, such grace period to be defined as within five days of the due date. In addition, there will be a late charge of Fifty ($50.00) Dollars for any payments submitted after the grace period.

19.1.6 If Tenant shall default in making any payment of monies to any person or for any purpose as may be required hereunder, the City may pay such expense but the City shall not be obligated to do so. Tenant upon the City's paying such expense shall be obligated to forthwith reimburse the City for the amount thereof. All sums of money payable by Tenant to the City hereunder shall be deemed as rent for use of the Demised Premises and collectable by the City from Tenant as rent, and shall be due from Tenant to the City on the first day of the month following the payment of the expense by the City.

19.1.7 The rights of the City under this Agreement shall be cumulative but not restrictive to those given by law and failure on the part of the City to exercise promptly any rights given hereunder shall not operate to waive or to forfeit any of the said rights.

19.2 Default by City:

The failure of the City to perform any of the covenants, conditions and agreements of this Agreement which are to be performed by the City and the continuance of such failure for a period of thirty (30) days after notice thereof in writing from Tenant to the City (which notice shall specify the respects in which Tenant contends that the City failed to perform any such covenant, conditions and agreements) shall constitute a default by the City, unless such default is one which cannot be cured within thirty (30) days because of circumstances beyond the City's control, and the City within such thirty (30) day period shall have commenced and thereafter shall continue diligently to prosecute all actions necessary to cure such defaults.

However, in the event the City fails to perform within the initial 30 day period provided above, and such failure to perform prevents Tenant from operating its business in a customary manner and causes an undue hardship for the

Tenant, then such failure to perform (regardless of circumstances beyond its control) as indicated above, shall constitute a default by the City.

19.3 Tenant's Rights on Default:
If an event of the City's default shall occur, Tenant, to the fullest extent permitted by law, shall have the right to pursue any and all remedies available at law or in equity, including the right to sue for and collect damages, including reasonable attorney fees and costs, to terminate this Agreement (and all of its obligations hereunder by giving notice of such election to the City, whereupon this Agreement shall terminate as of the date of such notice), to specifically enforce Tenant's rights; and/or to enjoin the City.

20. Indemnity Against Costs and Charges.

20.1 The Tenant shall be liable to the City for all costs and charges, expenses, reasonable attorney's fees, and damages which may be incurred or sustained by the City, by reason of the Tenant's breach of any of the provisions of this Agreement. Any sums due the City under the provisions of this item shall constitute a lien against the interest of the Tenant and the Demised Premises and all of Tenant's property situated thereon to the same extent and on the same conditions as delinquent rent would constitute a lien on said premises and property.

20.2 If Tenant shall at any time be in default hereunder, and if the City shall deem it necessary to engage an attorney to enforce the City's rights and Tenant's obligations hereunder, the Tenant will reimburse the City for the reasonable expenses incurred thereby, including, but not limited to, court costs and reasonable attorney's fees, whether suit be brought or not and if suit be brought, then Tenant shall be liable for expenses incurred at both the trial and appellate levels.

21. Indemnification Against Claims.

21.1 The Tenant shall indemnify and save the City harmless from and against any and all claims or causes of action (whether groundless or otherwise) by or on behalf of any person, firm, or corporation, for personal injury or property damage occurring upon the Demised Premises or upon any other land or other facility or appurtenance used in connection with the Demised Premises, occasioned in whole or in part by any of the following:

21.1.1 An act or omission on the part of the Tenant, or any employee, agent, contractor, invitee, guest, assignee, sub-tenant or subcontractor of the Tenant;

21.1.2 Any misuse, neglect, or unlawful use of the Demised Premises by Tenant, or any employee, agent, contractor, invitee, guest, assignee, sub-tenant or subcontractor of the Tenant, but not to

include trespassers upon the Demised Premises;

21.1.3 Any breach, violation, or non-performance of any undertaking of the Tenant under this Agreement;

21.1.4 Anything growing out of the use or occupancy of the Demised Premises by the Tenant or anyone holding or claiming to hold through or under this Agreement.

21.2 Tenant agrees to pay all damages to the Demised Premises and/or other facilities used in connection therewith, caused by the Tenant or any employee, guest, or invitee of the Tenant.

22. Signs and Advertising.
Without the prior written consent of the City, Tenant shall not permit the painting and display of any signs, plaques, lettering or advertising material of any kind on or near the Demised Premises. All additional signage shall comply with signage standards established by the City and comply with all applicable building codes, and any other municipal, County, State and Federal laws.

23. Effect of Conveyance.
Intentionally Omitted.

24. Damage to the Demised Premises.

24.1 If the Demised Premises shall be damaged by the elements or other casualty not due to Tenant's negligence, or by fire, but are not thereby rendered untenantable, as determined by the City, in its sole discretion, in whole or in part, and such damage is covered by the City's insurance, if any, (hereinafter referred to as "such occurrence"), the City, shall, as soon as possible after such occurrence, utilize the insurance proceeds to cause such damage to be repaired and the Rent shall not be abated. If by reason of such occurrence, the Demised Premises shall be rendered untenantable, as determined by the City, in its sole discretion, only in part, the City shall as soon as possible utilize the insurance proceeds to cause the damage to be repaired, and the Rent meanwhile shall be abated proportionately as to the portion of the Demised Premises rendered untenantable; provided however, if the Demised Premises are by reason of such occurrence, rendered more than 50% but less than 100% untenantable, as determined by the City, in its sole discretion, the City shall promptly obtain a good faith estimate of the time required to render the Demised Premises tenantable. If such time exceeds sixty (60) days, either party shall have the option of canceling this Agreement, which option shall be exercised by the party opting to cancel, in writing within ten (10) days of receipt of notice of same to the other party.

24.2 If the Demised Premises shall be rendered wholly untenantable by reason of such occurrence, the City shall have the option, but not the obligation, in its sole discretion, to utilize the insurance proceeds to cause such damage to be

repaired and the Rent meanwhile shall be abated. However, the City shall have the right, to be exercised by notice in writing delivered to Tenant within sixty (60) days from and after said occurrence, to elect not to reconstruct the destroyed Demised Premises, and in such event, this Agreement and the tenancy hereby created shall cease as of the date of said occurrence, the rent to be adjusted as of such date. If the Demised Premises shall be rendered wholly untenantable, the Tenant shall have the right, to be exercised by notice in writing, delivered to the City within thirty (30) days from and after said occurrence, to elect to terminate this Agreement, the Rent to be adjusted accordingly. Notwithstanding any clause contained in this Section, if the damage is not covered by the City's insurance, then the City shall have no obligation to repair the damage, but the City shall advise Tenant in writing within thirty (30) days of the occurrence giving rise to the damage and of its decision not to repair, and the Tenant may, at any time thereafter, elect to terminate this Agreement, and the Rent shall be adjusted accordingly.

25. Quiet Enjoyment.
The Tenant shall enjoy quiet enjoyment of the Demised Premises and shall not be evicted or disturbed in possession of the Demised Premises so long as Tenant complies with the terms of this Agreement.

26. Waiver.

26.1 It is mutually covenanted and agreed by and between the parties hereto that the failure of the City to insist upon the strict performance of any of the conditions, covenants, terms or provisions of this Agreement, or to exercise any option herein conferred, will not be considered or construed as a waiver or relinquishment for the future of any such conditions, covenants, terms, provisions or options but the same shall continue and remain in full force and effect.

26.2 A waiver of any term expressed herein shall not be implied by any neglect of the City to declare a forfeiture on account of the violation of such term if such violation by continued or repeated subsequently and any express waiver shall not affect any term other than the one specified in such waiver and that one only for the time and in the manner specifically stated.

26.3 The receipt of any sum paid by Tenant to the City after breach of any condition, covenant, term or provision herein contained shall not be deemed a waiver of such breach, but shall be taken, considered and construed as payment for use and occupation, and not as rent, unless such breach be expressly waived in writing by the City.

27. Notices.
The addresses for all notices required under this Agreement shall be as follows, or at such other address as either party shall be in writing, notify the other:

LANDLORD:	City Manager City of Miami Beach 1700 Convention Center Drive Miami Beach, Florida 33139
With copies to:	Asset Manager City of Miami Beach 1700 Convention Center Drive Miami Beach, Florida 33139
TENANT:	Executive Director Log Cabin Enterprises, Inc. 8128 Collins Avenue Miami Beach, Florida 33141

All notices shall be hand delivered and a receipt requested, or by certified mail with Return receipt requested, and shall be effective upon receipt.

28. Entire and Binding Agreement.
This Agreement contains all of the agreements between the parties hereto, and it may not be modified in any manner other than by agreement in writing signed by all the parties hereto or their successors in interest. The terms, covenants and conditions contained herein shall inure to the benefit of and be binding upon the City and Tenant and their respective successors and assigns, except as may be otherwise expressly provided in this Agreement.

29. Provisions Severable.
If any term or provision of this Agreement or the application thereof to any person or circumstance shall, to any extent, be invalid or unenforceable, the remainder of this Agreement, or the application of such term or provision to persons or circumstances other than those as to which it is held invalid or unenforceable, shall not be affected thereby and each term and provision of this Agreement shall be valid and be enforced to the fullest extent permitted by law.

30. Captions.
The captions contained herein are for the convenience and reference only and shall not be deemed a part of this Agreement or construed as in any manner limiting or amplifying the terms and provisions of this Agreement to which they relate.

31. Number and Gender.
Whenever used herein, the singular number shall include the plural and the plural shall include the singular, and the use of one gender shall include all genders.

32. Governing Law.
This Agreement shall be governed by and construed in accordance with the law of the State of Florida.

33. Limitation of Liability.
The City desires to enter into this Agreement only if in so doing the City can place a limit on the City's liability for any cause of action for money damages due to an alleged breach by the City of this Agreement, so that its liability for any such breach never exceeds the sum of Ten Thousand ($10,000.00) Dollars and 00/100. Tenant hereby expresses its willingness to enter into this Agreement with the Tenant's recovery from the City for any damage action for breach of contract to be limited to a maximum amount of Ten Thousand (10,000.00) Dollars and 00/100. Accordingly, and notwithstanding any other term or condition of this Agreement, Tenant hereby agrees that the City shall not be liable to Tenant for damage in an amount in excess of Ten Thousand ($10,000.00) Dollars and 00/100 for any action or claim for breach of contract arising out of the performance or non-performance of any obligations imposed upon the City by this Agreement. Nothing contained in this Section or elsewhere in this Agreement is in any way intended to be a waiver of the limitation placed upon the City's liability as set forth in Florida Statutes, Section 768.28.

34. Surrender of the Demised Premises.
The Tenant shall, on or before the last day of the Term herein demised, or the sooner termination thereof, peaceably and quietly leave, surrender and yield upon to the City the Demised Premises, together with any and all equipment, fixtures, furnishings, appliances or other personal property, if any, located at or on the Demised Premises and used by Tenant in the maintenance, management or operation of the Demised Premises, excluding any trade fixtures or personal property, if any, which can be removed without material injury to the Demised Premises, free of all liens, claims and encumbrances and rights of others or broom-clean, together with all structural changes, alterations, additions, and improvements which may have been made upon the Demised Premises, in good order, condition and repair, reasonable wear and tear excepted, subject, however, to the subsequent provisions of this Section. Any property which pursuant to the provisions of this Section is removable by Tenant on or at the Demised Premises upon the termination of this Agreement and is not so removed may, at the option of the City, be deemed abandoned by the Tenant, and either may be retained by the City as its property or may be removed and disposed of at the sole cost of the Tenant in such manner as the City may see fit. If the Demised Premises and personal property, if any, be not surrendered at the end of the Term as provided in this Section, the Tenant shall make good the City all damages which the City shall suffer by reason thereof, and shall indemnify and hold harmless the City against all claims made by any succeeding tenant or purchaser, so far as such delay is occasioned by the failure of the Tenant to surrender the Demised Premises as and when herein required.

35. Time is of the Essence.
Time is of the essence in every particular and particularly where the obligation to pay money is involved.

36. Attorneys Fees.
If it becomes necessary for City or Concessionaire to enforce their respective rights under this Agreement or any part hereof through litigation, Concessionaire and City

agree that the prevailing party shall be entitled to recover from the other party all costs and expenses of such litigation, including a reasonable attorney's fee and costs, for all trial and appellate proceedings.

37. Venue.
This Agreement shall be enforceable in Miami-Dade County, Florida, and if legal action is necessary by either party with respect to the enforcement of any and all the terms or conditions herein, exclusive venue for the enforcement of same shall lie in Miami-Dade County, Florida.

CITY AND TENANT HEREBY KNOWINGLY AND INTENTIONALLY WAIVE THE RIGHT TO TRIAL BY JURY IN ANY ACTION OR PROCEEDING THAT THE CITY AND TENANT MAY HEREIN AFTER INSTITUTE AGAINST EACH OTHER WITH RESPECT TO ANY MATTER ARISING OUT OF OR RELATED TO THIS AGREEMENT.

38. Radon is a naturally occurring radioactive gas that, when it is accumulated in a building in sufficient quantities, may present health risks to persons who are exposed to it over time. Levels of Radon that exceed Federal and State guidelines have been found in buildings in Florida. Additional information regarding Radon and Radon testing may be obtained from your County Public Health Unit.

(REMAINDER OF THIS PAGE INTENTIALLY LEFT BLANK)

IN WITNESS WHEREOF, the parties hereto have caused these presents to be signed by the respective duly authorized officers and the respective corporate seals to be affixed this _____ day of _____, 2006.

ATTEST:

CITY OF MIAMI BEACH, FLORIDA

BY: _____
Robert Parcher, City Clerk

BY: _____
David Dermer, Mayor

ATTEST:

LOG CABIN ENTERPRISES, INC.

BY: _____
Secretary

BY: _____
Bernard Edelstein, President
Board of Directors

_____
(Print Name)

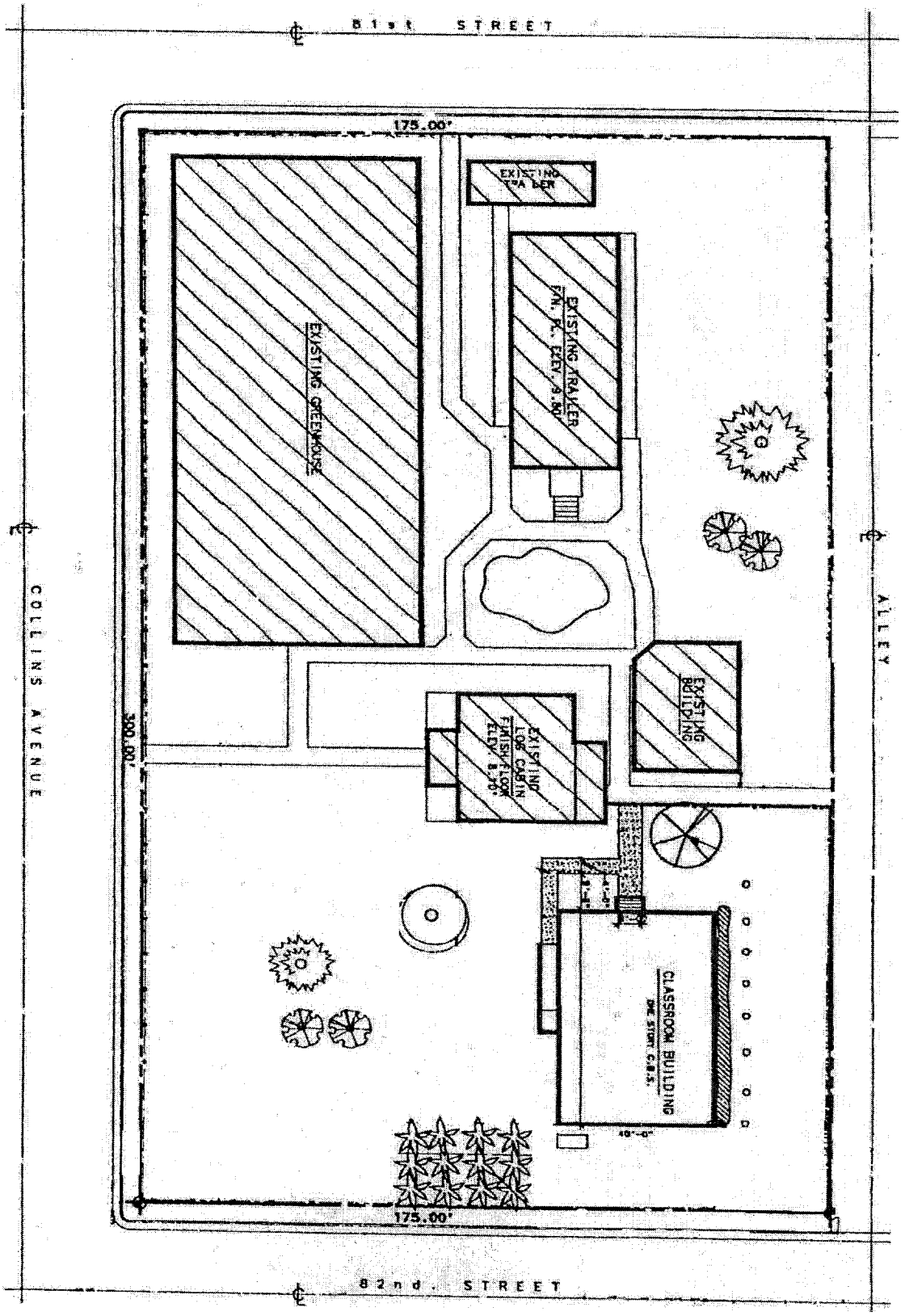
APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

CORPORATE SEAL
(affix here)

City Attorney 5/30/06
Date

F:\DDHP\$ALL\ASSET\Log Cabin\LogCabin.Lease.FINAL.Doc

Exhibit 1



81st STREET
175.00'
EXISTING TRAILER
EXISTING TRAILER
EXISTING GREENHOUSE
EXISTING BUILDING
EXISTING LOG CABIN
CLASSROOM BUILDING
COLLINS AVENUE
ALLEY
300.00'
175.00'
82nd. STREET

MIAMIBEACH

CITY OF MIAMI BEACH
NOTICE OF A PUBLIC HEARING

NOTICE IS HEREBY given that a second reading and public hearing will be held by the City Commission of the City of Miami Beach, in the Commission Chambers, 3rd floor, City Hall, 1700 Convention Center Drive, Miami Beach, Florida, on **Wednesday, July 12, 2006 at 1:45 p.m.,** Approving A Lease Agreement Between The City And The Log Cabin Enterprises, Inc., For Use Of Approximately 52,000 Square Feet Of City-Owned Property, Located On The West Side Of Collins Avenue Between 81st And 82nd Streets, Miami Beach, Florida, More Specifically Defined As Those Parcels Of Land Known As Lots 1-6 Of Block 81, Altos Del Mar No. 1, PB 31-40 For An Initial Three (3) Year Term Commencing On August 1, 2006, And Ending On July 31, 2009, With Two (2) Additional Three (3) Year Renewal Terms, At The City's Sole Discretion; Further Waiving By 5/7ths Vote, The Competitive Bidding And Appraisal Requirements, As Required By Section 82-39 Of The Miami Beach City Code, Finding Such Waiver To Be In The Best Interest Of The City.

INQUIRIES may be directed to the Asset Management Office at (305) 673-7193.

INTERESTED PARTIES are invited to appear at this meeting, or be represented by an agent, or to express their views in writing addressed to the City Commission, c/o the City Clerk, 1700 Convention Center Drive, 1st Floor, City Hall, Miami Beach, Florida 33139. This meeting may be opened and continued and, under such circumstances additional legal notice would not be provided.

Robert E. Parcher
City Clerk
City of Miami Beach

Pursuant to Section 286.0105, Fla. Stat., the City hereby advises the public that: if a person decides to appeal any decision made by the City Commission with respect to any matter considered at its meeting or its hearing, such person must ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. This notice does not constitute consent by the City for the introduction or admission of otherwise inadmissible or irrelevant evidence, nor does it authorize challenges or appeals not otherwise allowed by law.

To request this material in accessible format, sign language interpreters, information on access for persons with disabilities, and/or any accommodation to review any document or participate in any city-sponsored proceeding, please contact (305) 604-2489 (voice), (305) 673-7218(TTY) five days in advance to initiate your request. TTY users may also call 711 (Florida Relay Service).

(Ad #379)

MB MiamiHerald.com | THE MIAMI HERALD | SUNDAY, JUNE 18, 2006 | 4

Condensed Title:

Resolution approving a lease agreement with the Boys and Girls Club of Miami, Inc.

Key Intended Outcome Supported:

Increase satisfaction with recreational programs.

Issue:

Should the Mayor and the City Commission approve the lease agreement?

Item Summary/Recommendation:

The City and the Boys and Girls Club are proposing to enter into a lease for a term of 3 years for use of the one story building located within Flamingo Park encompassing approximately four thousand four hundred fifty (4,450 sq. ft) square feet. Said lease is intended to run until such time as the Boys and Girls Club secure the funding and permitting for construction of a new building at which time this lease will terminate.

The Boys and Girls Club will pay the City one ($1) dollar per year and will be responsible for all operating expenses and interior/exterior building maintenance as delineated in the lease.

The Administration recommends that the Mayor and City Commission adopt the Resolution approving the lease agreement on second and final reading, following a duly noticed public hearing on July 12, 2006, as the Boys and Girls Club provides supervised programming for children to the local community.

Advisory Board Recommendation:

N/A

Financial Information:

Source of Funds:

OBPI

	Amount	Account	Approved
1			
2			
3			
4			
Total			

Financial Impact Summary:

City Clerk's Office Legislative Tracking:

Asset Management

Sign-Offs:

Department Director	Assistant City Manager	City Manager
ACV	TH	

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MIAMIBEACH

AGENDA ITEM R7D
DATE 7-12-06

MIAMIBEACH

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

COMMISSION MEMORANDUM

TO: Mayor David Dermer and Members of the City Commission

FROM: Jorge M. Gonzalez, City Manager

DATE: July 12, 2006

SECOND READING PUBLIC HEARING

SUBJECT: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING, ON SECOND READING, FOLLOWING A DULY NOTICED PUBLIC HEARING, A LEASE AGREEMENT BETWEEN THE CITY AND THE BOYS AND GIRLS CLUB OF MIAMI, INC., FOR USE OF THE ONE STORY BUILDING LOCATED WITHIN FLAMINGO PARK, ENCOMPASSING APPROXIMATELY 4,450 SQUARE FEET OF CITY-OWNED PROPERTY, FOR AN INITIAL THREE (3) YEAR TERM, COMMENCING ON AUGUST 1, 2006, AND ENDING ON JULY 31, 2009, WITH TWO (2) ADDITIONAL THREE (3) YEAR RENEWAL TERMS, AT THE CITY'S SOLE DISCRETION; AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE THE LEASE AGREEMENT.**

ADMINISTRATION RECOMMENDATION

Adopt the Resolution.

ANALYSIS

On January 13, 1995 the Mayor and City Commission adopted Resolution No. 95-21465, authorizing an agreement between the City and the Boys and Girls Club of Miami, Inc. for the purpose of providing programs/activities/classes during after-school and summer vacation hours. This agreement expired on April 4, 1999 and continued on a month-to-month basis.

On July 18, 2001 the Mayor and City Commission adopted Resolution No. 2001-24529 an approval for lease of the city-owned building in Flamingo Park for a term of four years and 364 days commencing on August 1, 2001 and ending on July 30, 2006.

The Boys and Girls Club of Miami, Inc. has expressed an interest in continuing its occupancy of the City-owned building located within Flamingo Park encompassing approximately 4,450 square feet for a term of three years commencing on August 1, 2006 and ending on July 31, 2009. The lease agreement contains a clause for termination for convenience to accommodate the plans for future construction on said property. Currently, the City and the Boys and Girls Club of Miami, Inc. are in conversations regarding the specifics on a management and operations agreement for a new facility which would be located in generally the same area that may expand their current capacity significantly and encompass additional programming after the demolition of the building now in place. At the time the Boys and Girls Club of Miami, Inc. secures funding and permitting; they will terminate this lease agreement and move to a temporary site during construction. This is projected to occur within the next three years.

The Lease Agreement, as negotiated, includes the following additional terms and conditions:

- BASE RENT:
  Boys and Girls Club of Miami, Inc. will pay an annual Base Rent in the amount of One ($1) Dollar.

- OPERATION, MAINTENANCE and REPAIR:
  Boys and Girls Club of Miami, Inc. has agreed to be solely responsible for the operation, maintenance, and repair of the premises.

- TENANT RESPONSIBILITIES FOR UTILITIES:
  Boys and Girls Club of Miami, Inc. has agreed to pay charges for water, gas, electricity, sewer, cable, telephone and any other utility service provided to the facility including, without limitation, all hookup fees and impact fees.

Section 82-39 of the Miami Beach City Code, governing the sale/lease of public property, as amended, requires a competitive bidding process, a Planning Department analysis, and an independent appraisal to determine the value of the leasehold interest, as well as two (2) readings of the proposed lease, with the second (and final) reading followed by an advertised public hearing to obtain citizen input.

On June 7, 2006, pursuant to Resolution No. 2006-26229, the Mayor and City Commission approved the Lease Agreement on first reading; waived by 5/7^{ths} vote, the competitive bidding and appraisal requirements; and set the public hearing for the second and final reading on July 12, 2006.

Based on the foregoing, the Administration recommends that the Mayor and City Commission approve the attached Lease Agreement between the City and the Boys and Girls Club of Miami, Inc. for the use of the one story building located within Flamingo Park encompassing approximately 4,450 square feet of City-owned property for a term of three years commencing on August 1, 2006 and ending on July 31, 2009 with two additional three year renewal terms, at the City's sole discretion, further authorizing the Mayor and City Clerk to execute the Lease Agreement.

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RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING, ON SECOND READING, FOLLOWING A DULY NOTICED PUBLIC HEARING, A LEASE AGREEMENT BETWEEN THE CITY AND THE BOYS AND GIRLS CLUB OF MIAMI, INC., FOR USE OF THE ONE STORY BUILDING LOCATED WITHIN FLAMINGO PARK, ENCOMPASSING APPROXIMATELY 4,450 SQUARE FEET OF CITY-OWNED PROPERTY, FOR AN INITIAL THREE (3) YEAR TERM, COMMENCING ON AUGUST 1, 2006, AND ENDING ON JULY 31, 2009, WITH TWO (2) ADDITIONAL THREE (3) YEAR RENEWAL TERMS, AT THE CITY'S SOLE DISCRETION; AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE THE LEASE AGREEMENT

WHEREAS, on January 13, 1995, the Mayor and City Commission adopted Resolution No. 95-21465, authorizing an agreement between the City and the Boys and Girls Club of Miami, Inc. for the purpose of providing programs/activities/classes during after-school and summer vacation hours; and

WHEREAS, this agreement expired on April 4, 1999, and continued on a month-to-month basis; and

WHEREAS, on July 18, 2001 the Mayor and City Commission adopted Resolution No. 2001-24529 approving a lease of the City-owned building in Flamingo Park, encompassing approximately 4,450 square feet (the Property) for a term of four (4) years and 364 days, commencing on August 1, 2001, and ending on July 30, 2006; and

WHEREAS, the Boys and Girls Club of Miami, Inc. has expressed an interest in continuing to occupy the property and, accordingly, the Administration has negotiated the attached lease agreement, for an initial term of three (3) years, commencing on August 1, 2006, and ending on July 31, 2009, and two (2) additional three (3) year renewal terms, at the City's sole discretion; and

WHEREAS, Section 82-39 of the Miami Beach City Code, governing the sale/lease of public property, as amended, requires a competitive bidding process, a Planning Department analysis, and an independent appraisal to determine the value of the leasehold interest, as well as two (2) readings of the proposed lease, with the second (and final) reading followed by an advertised public hearing to obtain citizen input; and

WHEREAS, on June 7, 2006, pursuant to Resolution No. 2006-26229, the Mayor and City Commission approved the Lease Agreement on first reading; waived by 5/7^{ths} vote, the competitive bidding and appraisal requirements; and set the public hearing for the second and final reading; and

WHEREAS, said public hearing was held on July 12, 2006.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Mayor and City Commission hereby approve, on second reading, following a duly noticed public hearing, the attached Lease Agreement between the City and the Boys and Girls Club of Miami, Inc., for the use of the one story building located within Flamingo Park, encompassing approximately 4,450 square feet of City-owned property, for a term of three (3) years, commencing on August 1, 2006, and ending on July 31, 2009, with two (2)

additional three (3) year renewal terms, at the City's sole discretion, further authorizing the Mayor and City Clerk to execute the Lease Agreement.

PASSED and ADOPTED this 12th day of July, 2006.

ATTEST:

CITY CLERK	**MAYOR**

JMG:TH:ACV:rlr

F:\DDHP\$ALL\ASSET\FLAMINGO\B&GC.Lease.RES2.doc

APPROVED AS TO FORM & LANGUAGE & FOR EXECUTION

City Attorney 6/14/06 Date

LEASE AGREEMENT

THIS LEASE AGREEMENT, made this _____ day of _____, 2006, by and between the **CITY OF MIAMI BEACH**, a Florida municipal corporation, (hereinafter referred to as "City" or "Landlord"), and the **BOYS AND GIRLS CLUB OF MIAMI, INC.**, a not-for-profit corporation established in accordance with State of Florida requirements, (hereinafter referred to as "Tenant").

1. Demised Premises.

City, in consideration of the rentals hereinafter reserved to be paid and of the covenants, conditions and agreements to be kept and performed by the Tenant, hereby leases, lets and demises to the Tenant, and Tenant hereby leases and hires from the City, those certain premises hereinafter referred to as the "Demised Premises", located in the City of Miami Beach, 1000 12th Street, Miami Beach, Florida, 33139, and more fully described as follows:

> The one story building located within Flamingo Park, encompassing approximately four thousand four hundred fifty (4,450 sq. ft.) square feet, as more specifically delineated in Exhibit 1, attached hereto and hereby made part of this Lease Agreement (Agreement).

In the event Tenant desires to use any other portion, including but not limited to courts, fields, playgrounds, pools and amenities, of Flamingo Park, other than the Demised Premises, prior arrangements must be made through, and approved in writing by, the City's Parks and Recreation Department Director. To that end, and in each instance, Tenant agrees to submit a written request no less than sixty (60) days in advance of the first date the use (of any portion of Flamingo Park, or all or any portion of any facility thereto) is requested, and the City (through its Parks and Recreation Director) shall use reasonable efforts to respond no later than fourteen (14) days after receipt of Tenant's written request. Approval for any of the aforestated requests shall be given (if at all) at the sole and reasonable discretion of the Director. Notwithstanding the preceding, Tenant agrees and understands that in no event shall the City's failure to respond within said fourteen (14) day period be considered to be an approval of Tenant's request.

2. Term.

2.1 Tenant shall be entitled to have and to hold the Demised Premises for an initial term of three (3) years, commencing on the **1st** day of **August**, **2006** (Commencement Date), and ending on the **31st** day of **July**, **2009**.

2.2 (i) Provided Tenant is in good standing and free from default(s) hereunder, and (ii) upon written notice from Tenant, which notice shall be submitted to the City Manager no earlier than one hundred twenty (120) days, but in any case no later than sixty (60) days, prior to the expiration of the initial term (or

any renewal term, as the case may be), this Agreement may be extended by the City Manager, in his sole discretion (as the Chief Operating Officer of the City), for two (2) additional three (3) year terms. Any extensions, if approved, shall be memorialized in writing and signed by the parties hereto (with the City hereby designating the City Manager as the individual authorized to execute such extension on its behalf).

In the event that the City Manager determines, in his sole discretion, not to extend or renew this Agreement (upon expiration of the initial term or any renewal term, as the case may be), the City Manager shall notify Tenant of same in writing, which notice shall be provided to Tenant within thirty (30) business days of the City Manager's receipt of Tenant's written notice.

2.3 **Notwithstanding Subsections 2.1 and 2.2 herein, this Agreement may be terminated by either party, without cause and for convenience, at any time during the Term (or any renewal term, as the case may be), upon furnishing thirty (30) days written notice to the other party.**

3. Rent.

3.1 Base Rent:
Base Rent for the Demised Premises shall begin to accrue on August 1, 2006 (the Commencement Date).

3.1.1 Throughout the Term herein, the Base Rent for the Demised Premises shall be One ($1.00) Dollar per year, payable by Tenant in advance, annually, commencing on the Commencement Date and, thereafter, (annually) on each anniversary of the Commencement Date.

3.1.2 Concurrent with the payment of the Base Rent, Tenant, if applicable, shall also include any and all additional sums for all applicable sales and use tax, now or hereafter prescribed by Federal, State or local law.

3.2 Additional Rent:
Tenant shall also pay, as "Additional Rent", any and all other tax(es), including without limitation, Property Taxes, imposed, levied or assessed against the Demised Premises, or any other charge or payment required here by any governmental authority having jurisdiction there over, even though the taxing statute or ordinance may purport to impose such tax against the City.

4. Location for Payments.
All rents or other payments due hereunder shall be paid to the City of Miami Beach at the following address:

City of Miami Beach
Finance Department
c/o Revenue Supervisor
1700 Convention Center Drive
Miami Beach, Florida 33139

5. Parking.
Intentionally Omitted.

6. Security Deposit.
Intentionally Omitted.

7. Use and Possession of Demised Premises.

7.1 The Demised Premises shall be used by the Tenant solely as a public recreation center to be used for the purpose of providing children with after school and Summer programs including, but not limited to, sports, arts and computer education. Said Premises shall be open for operation a minimum of five (5) days a week, with normal hours of operation being from Monday through Friday, 8:00 A.M. to 7:00 P.M. These days and hours of operation may be extended up to seven (7) days per week, and up to 9:00 P.M. daily, at Tenant's option. Tenant shall not otherwise modify the days or hours of operation without the prior written approval of the City Manager, which approval shall not be unreasonably withheld. Nothing herein contained shall be construed to authorize hours contrary to the laws governing such operations.

7.2 It is understood and agreed that the Demised Premises shall be used by the Tenant during the Term of this Agreement only for the above purposes, and for no other purposes or uses whatsoever. Tenant will not make or permit any use of the Demised Premises that, directly or indirectly, is forbidden by law, ordinance or government regulation, or that may be dangerous to life, limb or property. Tenant may not commit (nor permit) waste on the Demised Premises, nor permit the use of the Demised Premises for any illegal purposes, commit a nuisance on the Demised Premises. In the event that the Tenant uses the Demised Premises (or otherwise allows the Demised Premises to be used) for any purposes not expressly permitted herein, or permits and/or allows any prohibited uses as provided herein, then the City may declare this Agreement in default pursuant to Section 18, or without notice to Tenant, restrain such improper use by injunction or other legal action.

7.3 Tenant shall also maintain its not-for-profit status in full force and effect, and in good standing, throughout the Term herein.

8. Improvements.

8.1 Tenant accepts the Demised Premises in their present "as is" condition and

shall, at its own cost and expense, construct or cause to be constructed, all interior and exterior improvements and maintenance to the Demised Premises, as reasonably necessary for it to carry on its permitted use(s), as set forth in Section 7. The plans for such improvements shall be submitted to the City for the City's prior written consent, which will not be unreasonably withheld or delayed. All permanent (fixed) improvements to the Demised Premises shall remain the property of the City upon termination and/or expiration of this Agreement. Upon termination and/or expiration of this Agreement, all personal property and non-permanent trade fixtures may be removed by the Tenant from the Demised Premises without damage to the Demised Premises. Tenant will permit no liens to attach to the Demised Premises arising from, connected with, or related to the design and construction of any improvements. Moreover, such construction shall be accomplished through the use of licensed, reputable contractors who are acceptable to the City. Any and all permits and or licenses required for the installation of improvements shall be the sole cost and responsibility of Tenant.

8.2 Notwithstanding Subsection 8.1 above, upon termination and/or expiration of this Agreement, and at City's sole option and discretion, any and all alterations or additions made by Tenant to or in the Demised Premises shall, upon written request from the City, be promptly removed by Tenant at its cost and expense, and Tenant further hereby agrees, in such event, to restore the Demised Premises to their original condition prior to the Commencement Date of this Agreement.

8.3 The above requirements for submission of plans and the use of specific contractors shall not apply to improvements (which term, for purposes of this Subsection 8.3 only, shall also include improvements as necessary for Tenant's maintenance and repair of the Demised Premises) which do not exceed $1,000.00, provided that the work is not structural, and provided that it is permitted by applicable law.

9. Landlord's Right of Entry.

9.1 The City, or its authorized agent or agents, shall have the right to enter upon the Demised Premises at all reasonable times for the purpose of inspecting same, preventing waste, making such repairs as the City may consider necessary, and for the purpose of preventing fire, theft or vandalism. However, the City agrees that whenever reasonably possible, the City shall provide reasonable notice to Tenant, unless the need to enter the Demised Premises is an emergency, as deemed by the City, at its sole discretion, which if not immediately addressed could cause property damage, loss of life or limb, or other injury to persons. Nothing herein shall imply any duty on the part of the City to do any work that under any provisions of this Agreement the Tenant may be required to perform, and the performance thereof by the City shall not constitute a waiver of the Tenant's default.

9.2 If the Tenant shall not be personally present to open and permit entry into the Demised Premises at any time, for any reason, and any entry thereon shall be necessary or permissible, the City, or its agents, may enter the Demised Premises by master key, or may forcibly enter the Demised Premises without rendering the City or such agents liable therefore.

9.3 Tenant shall furnish the City with duplicate keys to all locks including exterior and interior doors upon the Commencement Date of this Agreement. Tenant shall not change the locks to the Demised Premises without the prior written consent of the City, not to be unreasonably withheld, and in the event such consent is given Tenant shall furnish the City with duplicate keys to said locks in advance of their installation.

10. Tenant's Insurance.

10.1 The Tenant shall, at its sole cost and expense, comply with all insurance requirements of the City. It is agreed by the parties that the Tenant shall not occupy the Demised Premises until proof of the following insurance coverages have been furnished to and approved by the City's Risk Manager:

10.1.1 Comprehensive General Liability in the minimum amount of $1,000,000 per occurrence for bodily injury and property damage. The City of Miami Beach must be named as additional insured parties on this policy.

10.1.2 Workers Compensation and Employers Liability coverage in accordance with Florida statutory requirements.

10.1.3 All-Risks property and casualty insurance, written at a minimum of 80% of replacement cost value and with replacement cost endorsement, covering all of Tenant's personal property in the Demised Premises (including, without limitation, inventory, trade fixtures, floor coverings, furniture and other property removable by Tenant under the provisions of this Agreement) and all leasehold improvements installed in the Demised Premises by or on behalf of Tenant.

10.2 Proof of these coverages must be provided by submitting original certificates of insurance. All policies must provide thirty (30) days written notice of cancellation to both the City's Risk Manager and Asset Manager at 1700 Convention Center Drive, Miami Beach, Florida, 33139. All insurance policies shall be issued by companies authorized to do business under the laws of the State of Florida and must have a rating of B+:VI or better per A.M. Best's Key Rating Guide, latest edition, and certificates are subject to the approval of the City's Risk Manager.

11. Property Taxes and Assessments.
For the purposes of this Section and other provisions of this Agreement:

11.1 The term "Property Taxes" shall mean (i) the real estate taxes, assessments, and special assessments of any kind which may be imposed upon the Demised Premises and/or the tax lot upon which the Demised Premises (the "Building") is constructed (the "Land"), and (ii) any expenses incurred by the City in obtaining a reduction of any such taxes or assessments.

11.2 The term "Property Tax Year" shall mean the period of twelve (12) calendar months, beginning on January 1st of each year.

11.3 Tenant shall pay, as Additional Rent pursuant to Section 3.2, for such Property Tax Year an amount ("Property Tax Payment") equal to Tenant's proportionate share of the Property Taxes (if any) for such Property Tax Year; said proportionate share to be determined by the City based upon the ratio of the Demised Premises to the tax lot. If a Property Tax Year ends after the expiration or termination of the term of this Agreement, the Property Tax Payment therefore shall be prorated to correspond to that portion of such Property Tax Year occurring within the term of this Agreement. The Property Tax Payment shall be payable by Tenant immediately upon receipt of notice from the City. A copy of the tax bill(s) or other evidence of such taxes issued by the taxing authorities, together with the City's computation of the Property Tax Payment, will be made available to Tenant once received from the taxing authorities, if requested by Tenant. Tenant shall pay any difference in the amount between the estimated property taxes and the actual property taxes to the City immediately, upon receipt of request for said payment from the City.

12. Assignment and Subletting.

12.1. Tenant shall not have the right to assign or sublet the Demised Premises, in whole or in part, without the prior written consent of the City. Such written consent is not a matter of right and the City is not obligated to give such consent. If granted, the making of any assignment or sublease will not release Tenant from any of its obligations under this Agreement.

12.2 Any consent by the Landlord to any act of assignment shall apply only to the specific transaction thereby authorized. Such consent shall not be construed as a waiver of the duty of the Tenant, or the legal representatives or assigns of the Tenant, to obtain from the City consent to any other or subsequent assignment.

13. Operation, Maintenance and Repair.

13.1 Tenant shall be solely responsible for the operation, maintenance and repair of the Demised Premises. Tenant shall, at its sole cost and expense, maintain the Demised Premises, and the fixtures and appurtenances therein, and shall make all repairs thereto, as and when needed, to preserve them in good working order and condition. Tenant shall be responsible for all interior

walls and the interior and exterior of all windows and doors, as well as immediate replacement of any and all plate glass or other glass in the Demised Premises which may become broken using glass of the same or better quality.

The City shall be responsible for the maintenance of the roof, the structural exterior of the building, and the structural electrical and plumbing (other than plumbing surrounding any sink within the Demised Premises).

Tenant agrees and understands that while the City has provided a **heating/ventilation/air-conditioning (HVAC) system** for the Demised Premises, the City shall require that Tenant obtain, and continuously maintain in good standing, at Tenant's expense, throughout the Term of this Agreement, a maintenance and repair contract, approved by the City, with a service company previously approved in writing by the City, providing for the preventative maintenance and repair of all **HVAC equipment** servicing the Demised Premises. Tenant shall provide the City, in writing, within ten (10) business days, the name(s) and telephone number(s) of service company(ies) for the City's review and approval. Tenant shall provide a copy of a current, enforceable and fully executed maintenance and repair contract, no later than ten (10) business days after receipt of the City's approval of the service company, as proof of Tenant's compliance with this Subsection.

13.2 All damage or injury of any kind to the Demised Premises and to its fixtures, glass, appurtenances, and equipment, if any, or to the building fixtures, glass, appurtenances, and equipment, if any, except damage caused by the wrongful acts or negligence of the City, shall be the obligation of Tenant, and shall be repaired, restored or replaced promptly by Tenant at its sole cost and expense to the satisfaction of the City.

13.3 All of the aforesaid repairs, restorations and replacements shall be in quality and class equal to or better than the original work or installations and shall be done in good and workmanlike manner.

13.4 If Tenant fails to make such repairs or restorations or replacements, the same may be made by the City, at the expense of Tenant, and all sums spent and expenses incurred by the City shall be collectable by the City and shall be paid by Tenant within ten (10) days after rendition of a bill or statement thereof.

13.5 It shall be Tenant's obligation to insure that any renovations, repairs and/or improvements made by Tenant to the Demised Premises comply with all applicable building codes and life safety codes of governmental authorities having jurisdiction.

13.6 Tenant Responsibilities for Utilities.
Tenant is solely responsible for and shall promptly pay when due all charges

for water, gas, electricity, sewer, cable, telephone and any other utility service provided to the Demised Premises, including, without limitation, all hook-up fees and impact fees. In addition to other rights and remedies hereinafter reserved to the City, upon the failure of Tenant to pay for such utility services when due, City may elect to pay same whereby Tenant agrees to promptly reimburse the City upon demand. In no event, however, shall the City be liable for an interruption or failure in the supply of any utilities or services to the Demised Premises.

13.7 **IN ALL OTHER RESPECTS, THE DEMISED PREMISES ARE BEING LEASED IN THEIR PRESENT "AS IS" CONDITION.**

14. Governmental Regulations.
The Tenant covenants and agrees to fulfill and comply with all statutes, ordinances, rules, orders, regulations, and requirements of any and all governmental bodies, including but not limited to Federal, State, Miami-Dade County, and City governments, and any and all of their departments and bureaus applicable to the Demised Premises and shall also comply with and fulfill all rules, orders, and regulations for the prevention of fire, all at Tenant's own cost and expense. The Tenant shall pay all cost, expenses, claims, fines, penalties, and damages that may be imposed because of the failure of the Tenant to comply with this Section, and shall indemnify and hold harmless the City from all liability arising from each non-compliance.

15. Liens.
Tenant will not permit any mechanics, laborers, or materialman's liens to stand against the leased premises or improvements for any labor or materials to Tenant or claimed to have been furnished to Tenant's agents, contractors, or sub-tenants, in connection with work of any character performed or claimed to have performed on said premises, or improvements by or at the direction or sufferance of the Tenant, provided however, Tenant shall have the right to contest the validity or amount of any such lien or claimed lien. In the event of such contest, Tenant shall give the City reasonable security as may be demanded by the City to insure payment thereof and prevent sale, foreclosure, or forfeiture of the premises or improvements by reasons of such non-payment. Such security need not exceed one and one half (1½) times the amount of such lien or such claim of lien. Such security shall be posted by Tenant within ten (10) days of written notice from the City, or Tenant may "bond off" the lien according to statutory procedures. Tenant will immediately pay any judgment rendered with all proper cost and charges and shall have such lien released or judgment satisfied at Tenant's own expense.

16. Enforcement.
Tenant agrees to pay the Base Rent, Additional Rent, and any other amounts as may be due and payable by Tenant under this Agreement, at the time and in the manner provided herein, and should said rents and/or other additional amounts due herein provided, at any time remain due and unpaid for a period of fifteen (15) days after the same shall become due, the City may exercise any or all options available

to it hereunder, which options may be exercised concurrently or separately, or the City may pursue any other remedies enforced by law.

17. Condemnation.

17.1 If at any time during the term of this Agreement and any renewal term hereunder, all or any part or portion of the Demised Premises is taken, appropriated, or condemned by reason of Eminent Domain proceedings (except if the Eminent Domain proceedings are initiated by the City of Miami Beach), then this Agreement shall be terminated as of the date of such taking, and shall thereafter be completely null and void, and neither of the parties hereto shall thereafter have any rights against the other by reason of this Agreement or anything contained therein, except that any rent prepaid beyond the date of such taking shall be prorated to such date, and the Tenant shall pay any and all rents, additional rents, utility charges, or other costs including excess taxes for which it is liable under the terms of this Agreement, up to the date of such taking.

17.2 Except as hereunder provided, Tenant shall not be entitled to participate in the proceeds of any award made to the City in any such Eminent Domain proceeding, excepting, however, the Tenant shall have the right to claim and recover from the condemning authority, but not from the City, such compensation as may be separately awarded or recoverable by Tenant in Tenant's own right on account of any and all damage to Tenant's business by reasons of the condemnation and for or on account of any cost or loss which Tenant might incur in removing Tenant's furniture and fixtures.

18. Default.

18.1 Default by Tenant:
At the City's option, any of the following shall constitute an Event of Default under this Agreement:

18.1.1 The Base Rent, Additional Rent, or any installment thereof, is not paid promptly when and where due within fifteen (15) days of due date, and if Tenant shall not cure such failure within five (5) days after receipt of written notice from the City specifying such default;

18.1.2 Any other payment provided for under this Agreement is not paid promptly when and where due;

18.1.3 The Demised Premises shall be deserted, abandoned, or vacated;

18.1.4 The Tenant shall fail to comply with any material term, provision, condition or covenant contained herein other than the payment of rent and shall not cure such failure within thirty (30) days after the receipt of written notice from the City specifying any such default;

or such longer period of time acceptable to the City, at its sole discretion;

18.1.5 Receipt of notice of violation from any governmental authority having jurisdiction dealing with a law, code, regulation, ordinance or the like, which remains uncured for a period of thirty (30) days from its issuance, or such longer period of time acceptable to the City, at its sole discretion;

18.1.6 Any petition is filed by or against Tenant under any section or chapter of the Bankruptcy Act, as amended, which remains pending for more than sixty (60) days, or any other proceedings now or hereafter authorized by the laws of the United States or of any state for the purpose of discharging or extending the time for payment of debts;

18.1.7 Tenant shall become insolvent;

18.1.8 Tenant shall make an assignment for benefit of creditors;

18.1.9 A receiver is appointed for Tenant by any court and shall not be dissolved within thirty (30) days thereafter; or

18.1.10 The leasehold interest is levied on under execution.

19. Rights on Default.

19.1 Rights on Default:
In the event of any default by Tenant as provided herein, City shall have the option to do any of the following in addition to and not in limitation of any other remedy permitted by law or by this Agreement;

19.1.1 Terminate this Agreement, in which event Tenant shall immediately surrender the Demised Premises to the City, but if Tenant shall fail to do so the City may, without further notice, and without prejudice to any other remedy the City may have for possession or arrearages in rent or damages for breach of contract, enter upon Demised Premises and expel or remove Tenant and its effects in accordance with law, without being liable for prosecution or any claim for damages therefore, and Tenant agrees to indemnify and hold harmless the City for all loss and damage which the City may suffer by reasons of such Agreement termination, whether through inability to re-let the Demised Premises, or through decrease in rent, or otherwise.

19.1.2 Declare the entire amount of the Base Rent and Additional Rent which would become due and payable during the remainder of the term of this Agreement to be due and payable immediately, in

which event Tenant agrees to pay the same at once, together with all rents therefore due, at the address of the City, as provided in the Notices section of this Agreement; provided, however, that such payment shall not constitute a penalty, forfeiture, or liquidated damage, but shall merely constitute payment in advance of the rents for the remainder of said term and such payment shall be considered, construed and taken to be a debt provable in bankruptcy or receivership.

19.1.3 Enter the Demised Premises as the agent of Tenant, by force if necessary, without being liable to prosecution or any claim for damages therefore, remove Tenant's property there from, and re-let the Demised Premises, or portions thereof, for such terms and upon such conditions which the City deems, in its sole discretion, desirable, and to receive the rents therefore, and Tenant shall pay the City any deficiency that may arise by reason of such re-letting, on demand at any time and from time to time at the office of the City; and for the purpose of re-letting, the City may (i) make any repairs, changes, alterations or additions in or to said Demised Premises that may be necessary or convenient; (ii) pay all costs and expenses therefore from rents resulting from re-letting; and (iii) Tenant shall pay the City any deficiency as aforesaid.

19.1.4 Take possession of any personal property owned by Tenant on said Demised Premises and sell the same at public or private sale, and apply same to the payment of rent due, holding the Tenant liable for the deficiency, if any.

19.1.5 It is expressly agreed and understood by and between the parties hereto that any installments of rent accruing under the provisions of this Agreement which shall not be paid when due shall bear interest at the maximum legal rate of interest per annum then prevailing in Florida from the date when the same was payable by the terms hereof, until the same shall be paid by Tenant. Any failure on the City's behalf to enforce this Section shall not constitute a waiver of this provision with respect to future accruals of past due rent. No interest will be charged for payments made within the grace period, such grace period to be defined as within five days of the due date. In addition, there will be a late charge of Fifty ($50.00) Dollars for any payments submitted after the grace period.

19.1.6 If Tenant shall default in making any payment of monies to any person or for any purpose as may be required hereunder, the City may pay such expense but the City shall not be obligated to do so. Tenant upon the City's paying such expense shall be obligated to forthwith reimburse the City for the amount thereof. All sums of money payable by Tenant to the City hereunder shall be deemed

as rent for use of the Demised Premises and collectable by the City from Tenant as rent, and shall be due from Tenant to the City on the first day of the month following the payment of the expense by the City.

19.1.7 The rights of the City under this Agreement shall be cumulative but not restrictive to those given by law and failure on the part of the City to exercise promptly any rights given hereunder shall not operate to waive or to forfeit any of the said rights.

19.2 Default by City:
The failure of the City to perform any of the covenants, conditions and agreements of this Agreement which are to be performed by the City and the continuance of such failure for a period of thirty (30) days after notice thereof in writing from Tenant to the City (which notice shall specify the respects in which Tenant contends that the City failed to perform any such covenant, conditions and agreements) shall constitute a default by the City, unless such default is one which cannot be cured within thirty (30) days because of circumstances beyond the City's control, and the City within such thirty (30) day period shall have commenced and thereafter shall continue diligently to prosecute all actions necessary to cure such defaults.

However, in the event the City fails to perform within the initial 30 day period provided above, and such failure to perform prevents Tenant from operating its business in a customary manner and causes an undue hardship for the Tenant, then such failure to perform (regardless of circumstances beyond its control) as indicated above, shall constitute a default by the City.

19.3 Tenant's Rights on Default:
If an event of the City's default shall occur, Tenant, to the fullest extent permitted by law, shall have the right to pursue any and all remedies available at law or in equity, including the right to sue for and collect damages, including reasonable attorney fees and costs, to terminate this Agreement (and all of its obligations hereunder by giving notice of such election to the City, whereupon this Agreement shall terminate as of the date of such notice), to specifically enforce Tenant's rights; and/or to enjoin the City.

20. Indemnity Against Costs and Charges.

20.1 The Tenant shall be liable to the City for all costs and charges, expenses, reasonable attorney's fees, and damages which may be incurred or sustained by the City, by reason of the Tenant's breach of any of the provisions of this Agreement. Any sums due the City under the provisions of this item shall constitute a lien against the interest of the Tenant and the Demised Premises and all of Tenant's property situated thereon to the same extent and on the same conditions as delinquent rent would constitute a lien on said premises and property.

20.2 If Tenant shall at any time be in default hereunder, and if the City shall deem it necessary to engage an attorney to enforce the City's rights and Tenant's obligations hereunder, the Tenant will reimburse the City for the reasonable expenses incurred thereby, including, but not limited to, court costs and reasonable attorney's fees, whether suit be brought or not and if suit be brought, then Tenant shall be liable for expenses incurred at both the trial and appellate levels.

21. Indemnification Against Claims.

21.1 The Tenant shall indemnify and save the City harmless from and against any and all claims or causes of action (whether groundless or otherwise) by or on behalf of any person, firm, or corporation, for personal injury or property damage occurring upon the Demised Premises or upon any parking lot or other facility or appurtenance used in connection with the Demised Premises, occasioned in whole or in part by any of the following:

21.1.1 An act or omission on the part of the Tenants, or any employee, agent, invitee, or guest, assignee or sub-tenant of the Tenant;

21.1.2 Any misuse, neglect, or unlawful use of the Demised Premises or the building in which the Demised Premises is located or any of its facilities by Tenant, or any employee, agent, invitee, or guest, assignee or sub-tenant or the Tenant, but not to include trespassers upon the Demised Premises;

21.1.3 Any breach, violation, or non-performance of any undertaking of the Tenant under this Agreement;

21.1.4 Anything growing out of the use or occupancy of the Demised Premises by the Tenant or anyone holding or claiming to hold through or under this Agreement.

21.2 Tenant agrees to pay all damages to the Demised Premises or other facilities used in connection therewith, caused by the Tenant or any employee, guest, or invitee of the Tenant.

22. Signs and Advertising.
Without the prior written consent of the City, Tenant shall not permit the painting and display of any additional signs, plaques, lettering or advertising material of any kind on or near the Demised Premises. All additional signage shall comply with signage standards established by the City and comply with all applicable building codes, and any other municipal, County, State and Federal laws.

23. Effect of Conveyance.
Intentionally Omitted.

24. Damage to the Demised Premises.

24.1 The building in which the Demised Premises are located is insured under the City's fire insurance policy. If the Demised Premises shall be damaged by the elements or other casualty not due to Tenant's negligence, or by fire, but are not thereby rendered untenantable, as determined by the City, in its sole discretion, in whole or in part, and such damage is covered by the City's insurance, if any, (hereinafter referred to as "such occurrence"), the City, shall, as soon as possible after such occurrence, utilize the insurance proceeds to cause such damage to be repaired and the Rent shall not be abated. If by reason of such occurrence, the Demised Premises shall be rendered untenantable, as determined by the City, in its sole discretion, only in part, the City shall as soon as possible utilize the insurance proceeds to cause the damage to be repaired, and the Rent meanwhile shall be abated proportionately as to the portion of the Demised Premises rendered untenantable; provided however, if the Demised Premises are by reason of such occurrence, rendered more than 50% but less than 100% untenantable, as determined by the City, in its sole discretion, the City shall promptly obtain a good faith estimate of the time required to render the Demised Premises tenantable. If such time exceeds sixty (60) days, either party shall have the option of canceling this Agreement, which option shall be exercised by the party opting to cancel, in writing within ten (10) days of receipt of notice of same to the other party.

24.2 If the Demised Premises shall be rendered wholly untenantable by reason of such occurrence, the City shall have the option, but not the obligation, in its sole discretion, to utilize the insurance proceeds to cause such damage to be repaired and the Rent meanwhile shall be abated. However, the City shall have the right, to be exercised by notice in writing delivered to Tenant within sixty (60) days from and after said occurrence, to elect not to reconstruct the destroyed Demised Premises, and in such event, this Agreement and the tenancy hereby created shall cease as of the date of said occurrence, the rent to be adjusted as of such date. If the Demised Premises shall be rendered wholly untenantable, the Tenant shall have the right, to be exercised by notice in writing, delivered to the City within thirty (30) days from and after said occurrence, to elect to terminate this Agreement, the Rent to be adjusted accordingly. Notwithstanding any clause contained in this Section, if the damage is not covered by the City's insurance, then the City shall have no obligation to repair the damage, but the City shall advise Tenant in writing within thirty (30) days of the occurrence giving rise to the damage and of its decision not to repair, and the Tenant may, at any time thereafter, elect to terminate this Agreement, and the Rent shall be adjusted accordingly.

25. Quiet Enjoyment:

The Tenant shall enjoy quiet enjoyment of the Demised Premises and shall not be evicted or disturbed in possession of the Demised Premises so long as Tenant complies with the terms of this Agreement.

26. Waiver.

26.1 It is mutually covenanted and agreed by and between the parties hereto that the failure of the City to insist upon the strict performance of any of the conditions, covenants, terms or provisions of this Agreement, or to exercise any option herein conferred, will not be considered or construed as a waiver or relinquishment for the future of any such conditions, covenants, terms, provisions or options but the same shall continue and remain in full force and effect.

26.2 A waiver of any term expressed herein shall not be implied by any neglect of the City to declare a forfeiture on account of the violation of such term if such violation by continued or repeated subsequently and any express waiver shall not affect any term other than the one specified in such waiver and that one only for the time and in the manner specifically stated.

26.3 The receipt of any sum paid by Tenant to the City after breach of any condition, covenant, term or provision herein contained shall not be deemed a waiver of such breach, but shall be taken, considered and construed as payment for use and occupation, and not as rent, unless such breach be expressly waived in writing by the City.

27. Notices.
The addresses for all notices required under this Agreement shall be as follows, or at such other address as either party shall be in writing, notify the other:

LANDLORD:	City Manager City of Miami Beach 1700 Convention Center Drive Miami Beach, Florida 33139
With copies to:	Asset Manager City of Miami Beach 1700 Convention Center Drive Miami Beach, Florida 33139
TENANT:	Executive Director Boys & Girls Club of Miami, Inc. 2805 SW 32nd Avenue Miami, Florida 33133

All notices shall be hand delivered and a receipt requested, or by certified mail with Return receipt requested, and shall be effective upon receipt.

28. Entire and Binding Agreement.
This Agreement contains all of the agreements between the parties hereto, and it may not be modified in any manner other than by agreement in writing signed by all

the parties hereto or their successors in interest. The terms, covenants and conditions contained herein shall inure to the benefit of and be binding upon the City and Tenant and their respective successors and assigns, except as may be otherwise expressly provided in this Agreement.

29. Provisions Severable.
If any term or provision of this Agreement or the application thereof to any person or circumstance shall, to any extent, be invalid or unenforceable, the remainder of this Agreement, or the application of such term or provision to persons or circumstances other than those as to which it is held invalid or unenforceable, shall not be affected thereby and each term and provision of this Agreement shall be valid and be enforced to the fullest extent permitted by law.

30. Captions.
The captions contained herein are for the convenience and reference only and shall not be deemed a part of this Agreement or construed as in any manner limiting or amplifying the terms and provisions of this Agreement to which they relate.

31. Number and Gender.
Whenever used herein, the singular number shall include the plural and the plural shall include the singular, and the use of one gender shall include all genders.

32. Governing Law.
This Agreement shall be governed by and construed in accordance with the law of the State of Florida.

33. Limitation of Liability.
The City desires to enter into this Agreement only if in so doing the City can place a limit on the City's liability for any cause of action for money damages due to an alleged breach by the City of this Agreement, so that its liability for any such breach never exceeds the sum of Ten Thousand ($10,000.00) Dollars and 00/100. Tenant hereby expresses its willingness to enter into this Agreement with the Tenant's recovery from the City for any damage action for breach of contract to be limited to a maximum amount of Ten Thousand (10,000.00) Dollars and 00/100. Accordingly, and notwithstanding any other term or condition of this Agreement, Tenant hereby agrees that the City shall not be liable to Tenant for damage in an amount in excess of Ten Thousand ($10,000.00) Dollars and 00/100 for any action or claim for breach of contract arising out of the performance or non-performance of any obligations imposed upon the City by this Agreement. Nothing contained in this Section or elsewhere in this Agreement is in any way intended to be a waiver of the limitation placed upon the City's liability as set forth in Florida Statutes, Section 768.28.

34. Surrender of the Demised Premises.
The Tenant shall, on or before the last day of the Term herein demised, or the sooner termination thereof, peaceably and quietly leave, surrender and yield upon to the City the Demised Premises, together with any and all equipment, fixtures, furnishings, appliances or other personal property, if any, located at or on the Demised Premises and used by Tenant in the maintenance, management or

operation of the Demised Premises, excluding any trade fixtures or personal property, if any, which can be removed without material injury to the Demised Premises, free of all liens, claims and encumbrances and rights of others or broom-clean, together with all structural changes, alterations, additions, and improvements which may have been made upon the Demised Premises, in good order, condition and repair, reasonable wear and tear excepted, subject, however, to the subsequent provisions of this Section. Any property which pursuant to the provisions of this Section is removable by Tenant on or at the Demised Premises upon the termination of this Agreement and is not so removed may, at the option of the City, be deemed abandoned by the Tenant, and either may be retained by the City as its property or may be removed and disposed of at the sole cost of the Tenant in such manner as the City may see fit. If the Demised Premises and personal property, if any, be not surrendered at the end of the Term as provided in this Section, the Tenant shall make good the City all damages which the City shall suffer by reason thereof, and shall indemnify and hold harmless the City against all claims made by any succeeding tenant or purchaser, so far as such delay is occasioned by the failure of the Tenant to surrender the Demised Premises as and when herein required.

35. Time is of the Essence.
Time is of the essence in every particular and particularly where the obligation to pay money is involved.

36. Attorneys Fees.
If it becomes necessary for City or Concessionaire to enforce their respective rights under this Agreement or any part hereof through litigation, Concessionaire and City agree that the prevailing party shall be entitled to recover from the other party all costs and expenses of such litigation, including a reasonable attorney's fee and costs, for all trial and appellate proceedings.

37. Venue.
This Agreement shall be enforceable in Miami-Dade County, Florida, and if legal action is necessary by either party with respect to the enforcement of any and all the terms or conditions herein, exclusive venue for the enforcement of same shall lie in Miami-Dade County, Florida.

CITY AND TENANT HEREBY KNOWINGLY AND INTENTIONALLY WAIVE THE RIGHT TO TRIAL BY JURY IN ANY ACTION OR PROCEEDING THAT THE CITY AND TENANT MAY HEREIN AFTER INSTITUTE AGAINST EACH OTHER WITH RESPECT TO ANY MATTER ARISING OUT OF OR RELATED TO THIS AGREEMENT.

38. Radon is a naturally occurring radioactive gas that, when it is accumulated in a building in sufficient quantities, may present health risks to persons who are exposed to it over time. Levels of Radon that exceed Federal and State guidelines have been found in buildings in Florida. Additional information regarding Radon and Radon testing may be obtained from your County Public Health Unit.

IN WITNESS WHEREOF, the parties hereto have caused these presents to be signed by the respective duly authorized officers and the respective corporate seals to be affixed this _____ day of _____, 2006.

ATTEST:

CITY OF MIAMI BEACH, FLORIDA

BY: _____
Robert Parcher, City Clerk

BY: _____
David Dermer, Mayor

ATTEST:

BOYS & GIRLS CLUB OF MIAMI, INC.

BY: _____
Secretary

_____
(Print Name)

BY: _____
Alex Rodriguez-Roig,
Executive Director

CORPORATE SEAL
(affix here)

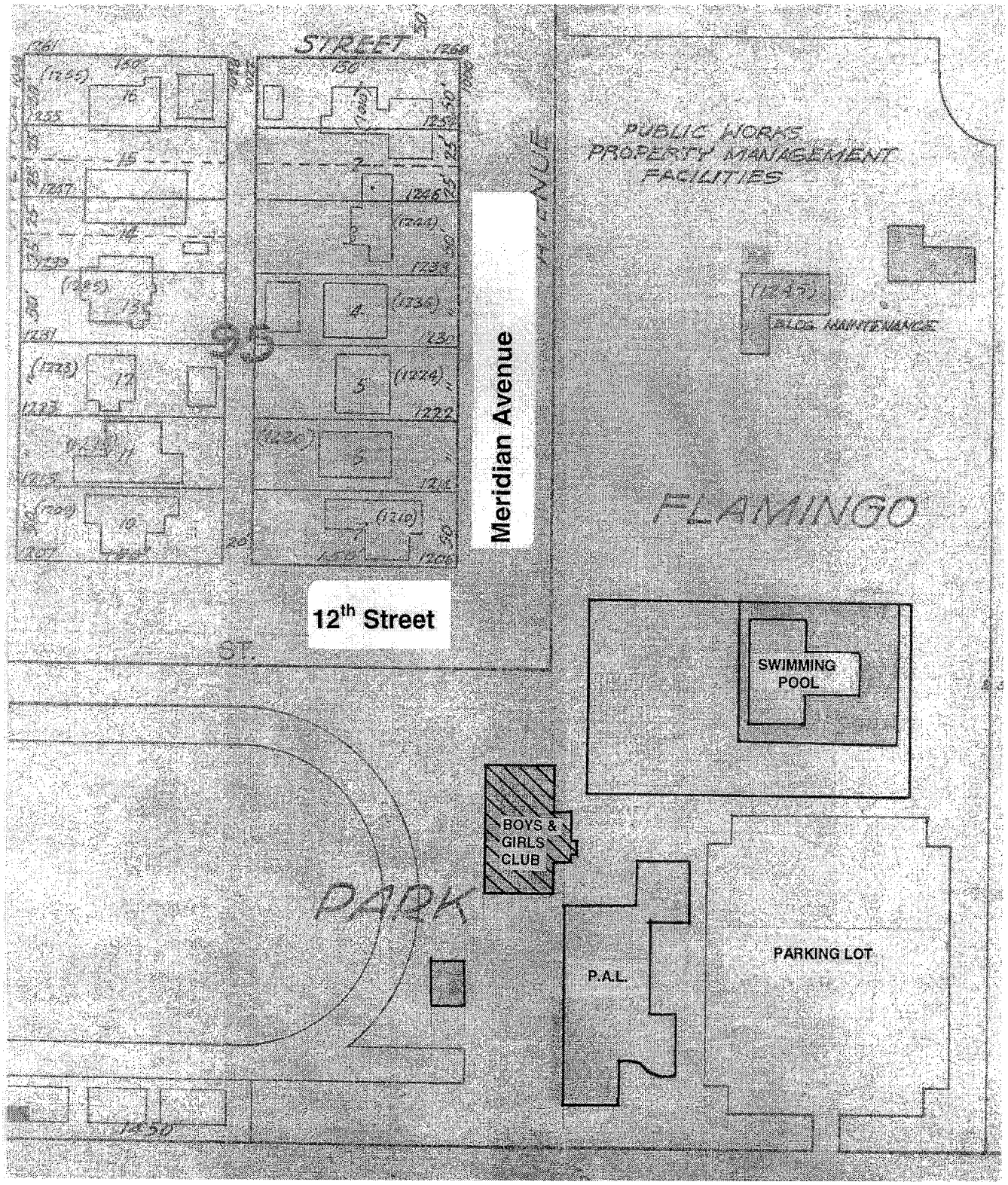
APPROVED AS TO FORM & LANGUAGE & FOR EXECUTION

5/18/04

City Attorney Date

F:\DDHP\$ALL\ASSET\FLAMINGO\B&GC.Lease.DOC

Exhibit 1


STREET
PUBLIC WORKS
PROPERTY MANAGEMENT
FACILITIES
BLDG. MAINTENANCE
Meridian Avenue
FLAMINGO
12th Street
ST.
SWIMMING
POOL
BOYS &
GIRLS
CLUB
PARK
P.A.L.
PARKING LOT

MIAMIBEACH

CITY OF MIAMI BEACH
NOTICE OF A PUBLIC HEARING

NOTICE IS HEREBY given that a second reading and public hearing will be held by the City Commission of the City of Miami Beach, in the Commission Chambers, 3rd floor, City Hall, 1700 Convention Center Drive, Miami Beach, Florida, on **Wednesday, July 12, 2006 at 1:50 p.m.,** Approving A Lease Agreement Between The City And The Boys And Girls Club Of Miami, Inc., For Use Of The One Story Building Located Within Flamingo Park, Encompassing Approximately 4,450 Square Feet Of City-Owned Property, For An Initial Three (3) Year Term, Commencing On August 1, 2006, And Ending On July 31, 2009, With Two (2) Additional Three (3) Year Renewal Terms, At The City's Sole Discretion; Further Waiving, By 5/7ths Vote, The Competitive Bidding And Appraisal Requirements, As Required By Section 82-39 Of The Miami Beach City Code, Finding Such Waiver To Be In The Best Interest Of The City.

INQUIRIES may be directed to the Asset Management Office at (305) 673-7193.

INTERESTED PARTIES are invited to appear at this meeting, or be represented by an agent, or to express their views in writing addressed to the City Commission, c/o the City Clerk, 1700 Convention Center Drive, 1st Floor, City Hall, Miami Beach, Florida 33139. This meeting may be opened and continued and, under such circumstances additional legal notice would not be provided.

Robert E. Parcher
City Clerk
City of Miami Beach

Pursuant to Section 286.0105, Fla. Stat., the City hereby advises the public that: if a person decides to appeal any decision made by the City Commission with respect to any matter considered at its meeting or its hearing, such person must ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. This notice does not constitute consent by the City for the introduction or admission of otherwise inadmissible or irrelevant evidence, nor does it authorize challenges or appeals not otherwise allowed by law.

To request this material in accessible format, sign language interpreters, information on access for persons with disabilities, and/or any accommodation to review any document or participate in any city-sponsored proceeding, please contact (305) 604-2489 (voice), (305) 673-7218(TTY) five days in advance to initiate your request. TTY users may also call 711 (Florida Relay Service).
(Ad #380)

Condensed Title:

A Resolution approving, on second and final reading, a lease agreement between the City and Sunrise Community, Inc., for use of approximately 2,500 square feet of City-owned property located at 8128 Collins Avenue (on the west side of Collins Avenue between 81st and 82nd Streets.)

Key Intended Outcome Supported:

Increase satisfaction with recreational programs.

Issue:

Should the Mayor and the City Commission approve the lease agreement?

Item Summary/Recommendation:

On March 10, 2005, the City issued an RFP to assume the administration and management of the Log Cabin Training Center and its various programs. The City-owned building located at 8128 Collins Avenue, provides a variety of vocational training services for developmentally disabled adults. Sunrise Community, Inc. submitted the first-ranked proposal to the RFP.

On July 6th, 2005, the City Commission approved the Administration's recommendation to proceed with an agreement with Sunrise Community, Inc. However, after careful consideration and extensive review, the Administration is recommending a lease agreement instead of a management agreement as they are not only taking over the program but also are currently occupying a City owned building. Additionally, Exhibit 2 of the lease includes specific language to ensure that existing programming and services remain the same and delineates the Development Services Monitoring by the City.

Sunrise Community, Inc. will pay the City $600 per month ($7,200 per year) plus fixture rentals of $450 per month ($5,400 per year) and will be responsible for the operating expenses and interior/exterior building maintenance for the sole purpose of providing vocational training programs and support services (defined as Adult Day Training, Supported Employment, and Supported Living in the State of Florida Medicaid Waiver Services Manual).

Advisory Board Recommendation:

N/A

Financial Information:

Source of Funds:

OBPI

	Amount	Account	Approved
1			
2			
3			
4			
Total			

Financial Impact Summary:

City Clerk's Office Legislative Tracking:

Asset Management

Sign-Offs:

Department Director	Assistant City Manager	City Manager
ACV	TH	

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MIAMIBEACH

AGENDA ITEM R7E

DATE 7-12-06

MIAMIBEACH

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

COMMISSION MEMORANDUM

TO: Mayor David Dermer and Members of the City Commission

FROM: Jorge M. Gonzalez, City Manager

DATE: July 12, 2006

SECOND READING PUBLIC HEARING

SUBJECT: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING, ON SECOND READING, FOLLOWING A DULY NOTICED PUBLIC HEARING, A LEASE AGREEMENT BETWEEN THE CITY AND SUNRISE COMMUNITY, INC., FOR USE OF APPROXIMATELY 2,500 SQUARE FEET OF CITY-OWNED PROPERTY, LOCATED AT 8128 COLLINS AVENUE (ON THE WEST SIDE OF COLLINS AVENUE BETWEEN 81ST AND 82ND STREETS) FOR THE PURPOSE OF OPERATING AND MANAGING A VOCATIONAL TRAINING SITE FOR DEVELOPMENTALLY DISABLED ADULTS, SAID LEASE HAVING AN INITIAL ONE (1) YEAR TERM, COMMENCING RETROACTIVELY ON SEPTEMBER 1, 2005, AND ENDING ON AUGUST 31, 2006, WITH TWO (2) ADDITIONAL ONE (1) YEAR RENEWAL TERMS, AT THE CITY'S SOLE DISCRETION; AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE THE LEASE AGREEMENT.**

ADMINISTRATION RECOMMENDATION

Adopt the Resolution.

ANALYSIS

The City of Miami Beach established and maintained the Log Cabin Training Center from 1975 through 2005 as a service of the City designed to provide vocational training and support for developmentally disabled adults. The Center houses three programs: Adult Day Training (ADT), Supported Employment (SE) and Supported Independent Living (SIL).

On March 10, 2005, the City issued a Request for Proposal (RFP) to assume the administration and management of the Log Cabin Training Center and its various programs. The City-owned building located at 8128 Collins Avenue, Miami Beach, Florida, provides a variety of vocational training services for developmentally disabled adults. The Sunrise Community, Inc. submitted the first-ranked proposal to a Request for Proposal (RFP).

On July 6th, 2005, the City Commission approved the Administration's recommendation to proceed with an agreement with The Sunrise Community, Inc. However, after careful consideration and extensive review, and in light of their occupancy of a city-owned facility, the Administration is recommending a lease agreement instead of a management agreement. The lease agreement incorporates the Scope of Services requested in the RFP. Exhibit 7.1 of the attached lease includes specific language to ensure that existing programming and services remain the same and delineates the Development Services Monitoring by the City. Pending the formulation and approval of this lease agreement,

Sunrise Community, Inc. has paid rent through March 2006. Sunrise Community, Inc. will bring the payments up-to-date upon execution of the attached lease agreement.

A companion lease agreement for the Log Cabin Enterprises, Inc., a nursery, is also being submitted to Commission for consideration and approval. This will allow the two entities to remain independent due to the relationship of client and provider, while allowing the City the benefit and protection of a lease agreement.

The Lease Agreement, as negotiated, includes the following additional terms and conditions:

- BASE RENT:
  Sunrise Community, Inc. will pay an annual Base Rent in the amount of Seven Thousand Two Hundred ($7,200) Dollars.

- ADDITIONAL RENT:
  Sunrise Community, Inc. will pay annual furniture and fixtures rent in the amount of Five Thousand Four Hundred ($5,400) Dollars.

- OPERATION, MAINTENANCE and REPAIR:
  Sunrise Community, Inc. has agreed to be solely responsible for the operation, maintenance, and repair of the premises.

- TENANT RESPONSIBILITIES FOR UTILITIES:
  Sunrise Community, Inc. has agreed to pay charges for water, gas, electricity, sewer, cable, telephone and any other utility service provided to the facility including, without limitation, all hookup fees and impact fees.

Section 82-39 of the Miami Beach City Code, governing the sale/lease of public property, as amended, requires a competitive bidding process, a Planning Department analysis, and an independent appraisal to determine the value of the leasehold interest, as well as two (2) readings of the proposed lease, with the second (and final) reading followed by an advertised public hearing to obtain citizen input.

As required, the Planning Department's analysis of the proposed lease is attached as Exhibit 1.

On June 7, 2006, pursuant to Resolution No. 2006-26230, the Mayor and City Commission approved the Lease Agreement on first reading; waived by 5/7^{ths} vote, the competitive bidding and appraisal requirements; and set the public hearing for the second and final reading on July 12, 2006.

Based on the recommendation of the Log Cabin Training Center Selection Committee, the Administration recommends that the Mayor and City Commission approve the attached Lease Agreement between the City and the Sunrise Community, Inc. for the use of the one story building located at 8128 Collins Avenue, Miami Beach, Florida, encompassing approximately 2,500 square feet of City-owned property for a term of one year commencing retroactively on September 1, 2005 and ending on August 31, 2006 with two additional one year renewal terms, at the City's sole discretion, further authorizing the Mayor and City Clerk to execute the Lease Agreement.

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EXHIBIT 1

MIAMIBEACH

PLANNING DEPARTMENT

MEMORANDUM

TO: Vivian P. Guzman
Director, Neighborhood Services

FROM: Jorge G. Gomez, AICP
Planning Director

DATE: June 7, 2006

SUBJECT: Sunrise Community, Inc. – 8128 Collins Avenue

Pursuant to your request, this memorandum will serve as an analysis of the lease Agreement between the City of Miami Beach and Sunrise Community, Inc. for the use of the City-owned property, located at 8128 Collins Avenue.

Section 82-38 of the Code of the City of Miami Beach requires that any proposed sale or lease of City-owned land be analyzed from a planning perspective so that the City Commission and the public are fully appraised of all conditions relating to the proposed sale or lease. The following is an analysis of the criteria delineated in the Code:

1. **Whether or not the proposed use is in keeping with city goals and objectives and conforms to the city comprehensive plan.**

   Consistent - The property is located within the RM-1 Residential Multiple Family Low Intensity future land use category, and surrounded by the RM-1 Residential Multiple Family Low Intensity and ROS Recreation and Open Space future land use categories. The lease agreement between the City and Sunrise Community, Inc. is consistent with the future land use category description contained in the Comprehensive Plan.

2. **The impact on adjacent property, including the potential positive or negative impacts such as diminution of open space, increased traffic, noise level or enhanced property values, improved development patterns and provision of necessary services. Based on the proposed use of the property, the city shall determine the potential impact of the project on city utilities and other infrastructure needs and the magnitude of costs associated with needed infrastructure improvements. Should it become apparent that further evaluation of traffic impact is needed, the proponent shall be responsible for obtaining a traffic impact analysis from a reputable traffic engineer.**

   Consistent - The property subject to the lease is part of the "West Lots" across Collins Avenue from North Shore Open Space Park. The property has been and is currently in use by the Log Cabin, and no change in operations is proposed. There would be no diminution of open space as no new construction is being proposed. No additional utility or infrastructure is expected to be necessary.

3. **A determination as to whether or not the proposed use is in keeping with a public purpose and community needs, such as expanding the city's revenue base, creating jobs, creating a significant revenue stream, and improving the community's overall quality of life.**

Consistent - This proposal does not accrue funds to the City, however, there is a potential to create additional jobs. The benefits of having such a facility within the City for training and education are important.

4. **Determination as to whether or not the development is in keeping with the surrounding neighborhood, will block views or create environmental intrusions, and evaluation of the design and aesthetic considerations of the project.**

   Consistent - The surrounding neighborhood consists of the North Shore Open Space Park and the North Shore residential neighborhood. The continued use of this building will not be out of character with the surrounding uses. View and environmental considerations are not applicable.

5. **The impact on adjacent properties, whether or not there is adequate parking, street and infrastructure needs.**

   Consistent – The impact on adjacent properties should be minimal, as the facility is already in use by the Log Cabin. The use should be contained within the subject property. Parking is available, and the Sunrise Community's program provides other transport options. No further infrastructure needs are anticipated.

6. **A determination as to whether or not alternatives are available for the proposed disposition, including assembly of adjacent properties, and whether the project could be accomplished under a private ownership assembly.**

   Not applicable - This property is part of the larger assembly of the City-owned west lots. No assembly of land is necessary, nor would such be under private ownership. Placing such a public service facility on privately owned land is probably not a feasible option economically.

7. **Within the constraints of public objectives, the department should examine financial issues such as job generation, providing housing opportunities, and the return to the city for its disposition of property.**

   The Sunrise Community programs do contribute to training, education and job creation, which are important goals for the City.

8. **Such other issues as the Planning Department may deem appropriate in analysis of the proposed disposition.**

   Not applicable - The Planning Department has no other issues it deems appropriate to analyze for this proposal.

JGG/RL
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RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING, ON SECOND READING, FOLLOWING A DULY NOTICED PUBLIC HEARING, A LEASE AGREEMENT BETWEEN THE CITY AND SUNRISE COMMUNITY, INC., FOR USE OF APPROXIMATELY 2,500 SQUARE FEET OF CITY-OWNED PROPERTY, LOCATED AT 8128 COLLINS AVENUE (ON THE WEST SIDE OF COLLINS AVENUE BETWEEN 81ST AND 82ND STREETS) FOR THE PURPOSE OF OPERATING AND MANAGING A VOCATIONAL TRAINING SITE FOR DEVELOPMENTALLY DISABLED ADULTS, SAID LEASE HAVING AN INITIAL ONE (1) YEAR TERM, COMMENCING RETROACTIVELY ON SEPTEMBER 1, 2005, AND ENDING ON AUGUST 31, 2006, WITH TWO (2) ADDITIONAL ONE (1) YEAR RENEWAL TERMS, AT THE CITY'S SOLE DISCRETION; AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE THE LEASE AGREEMENT

WHEREAS, the City had been providing services for the developmentally disabled at the City-owned commonly referred to as the Log Cabin Training Center, located at 8128 Collins Avenue, from 1975 until 2005; and

WHEREAS, on March 10, 2005, the City issued Request For Proposals, No. 12-04/05 to identify a qualified provider to ensure the continued provision of services to the developmentally disabled population served at the Log Cabin Training Center (the RFP); and

WHEREAS, on July 6, 2005, the Mayor and City Commission selected Sunrise Community, Inc., as the top ranked firm pursuant to the RFP; and

WHEREAS, the Administration was authorized to negotiate an agreement with the Sunrise Community, Inc.; accordingly, the Administration recommended that a lease be negotiated for the City-owned building, located at 8128 Collins Avenue, encompassing approximately 2,500 square feet (the Property); and

WHEREAS, on June 7, 2006, pursuant to Resolution No. 2006-26230, the Mayor and City Commission approved the Lease Agreement on first reading; waived by 5/7ths vote, the competitive bidding and appraisal requirements; and set the public hearing for the second and final reading; and

WHEREAS, said public hearing was held on July 12, 2006.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Mayor and City Commission hereby approve, on second reading, following a duly noticed public hearing, the attached Lease Agreement between the City and Sunrise Community, Inc., for the use of the one story building located at 8128 Collins Avenue, encompassing approximately 2,500 square feet of City-owned property, for the purpose of operating and managing a vocational training site for developmentally disabled adults, for an initial term of one (1) year, commencing retroactively on September 1, 2005, and ending on August 31, 2006, with two (2) additional one (1) year renewal terms, at the City's sole discretion, further authorizing the Mayor and City Clerk to execute the Lease Agreement.

PASSED and ADOPTED this 12th day of July, 2006.

ATTEST:

CITY CLERK	**MAYOR**

JMG:TH:ACV:rlr

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APPROVED AS TO FORM & LANGUAGE & FOR EXECUTION

City Attorney 6/14/06 Date

LEASE AGREEMENT

THIS LEASE AGREEMENT, made this _____ day of _____, 2006, by and between the **CITY OF MIAMI BEACH**, a Florida municipal corporation, (hereinafter referred to as "City" or "Landlord"), and **SUNRISE COMMUNITY, INC.**, a Florida not-for-profit corporation (hereinafter referred to as "Tenant").

1. Demised Premises.
City, in consideration of the rentals hereinafter reserved to be paid and of the covenants, conditions and agreements to be kept and performed by the Tenant, hereby leases, lets and demises to the Tenant, and Tenant hereby leases and hires from the City, those certain premises hereinafter referred to as the "Demised Premises", located in the City of Miami Beach, 8128 Collins Avenue, Miami Beach, Florida, 33141, and more fully described as follows:

> The City-owned property located at 8128 Collins Avenue, and comprised of the "classroom building" and/or "training center", a 2,500 square foot one-story building thereon, on the west side of Collins Avenue, between 81st and 82nd Streets, Miami Beach, Florida, and more specifically defined as those parcels of land known as Lots 1-6 of Block 81, Altos Del Mar No. 1, PB 31-40; all as further delineated in Exhibit 1, attached hereto and incorporated herein.

2. Term.

2.1 Tenant shall be entitled to have and to hold the Demised Premises for an initial term of one (1) year, commencing retroactively on the **1st** day of **September**, **2005** (Commencement Date), and ending on the **31st** day of **August**, **2006**.

2.2 (i) Provided Tenant is in good standing and free from default(s) hereunder, and (ii) upon written notice from Tenant, which notice shall be submitted to the City Manager no earlier than one hundred twenty (120) days, but in any case no later than sixty (60) days prior to the expiration of the initial term (or any renewal term, as the case may be), this Agreement may be extended by the City Manager, in his sole discretion (as the Chief Operating Officer of the City), for two (2) additional one (1) year terms. Any extensions, if approved, shall be memorialized in writing and signed by the parties hereto (with the City hereby designating the City Manager as the individual authorized to execute such extension on its behalf).

In the event that the City Manager determines, in his sole discretion, not to extend or renew this Agreement (upon expiration of the initial term or any renewal term, as the case may be), the City Manager shall notify Tenant of same in writing, which notice shall be provided to Tenant within thirty (30)

business days of the City Manager's receipt of Tenant's written notice.

2.3 Notwithstanding Subsections 2.1 and 2.2 herein, this Agreement may be terminated by the City without cause and for convenience at any time during the Term (including any renewal term, as the case may be), upon furnishing thirty (30) days written notice to Tenant.

3. Rent.

3.1 Base Rent:
Base Rent for the Demised Premises shall begin to accrue on September 1, 2005 (the Commencement Date).

3.1.1 Throughout the Term herein, the Base Rent for the Demised Premises shall be Seven Thousand Two Hundred ($7,200.00) Dollars per year, payable by Tenant in twelve (12) equal monthly installments of Six Hundred ($600.00) Dollars per month, commencing on the Commencement Date and, thereafter, on the first day of each month during the Term herein.

3.1.2 Concurrent with the payment of the Base Rent, Tenant, if deemed applicable by the City, shall also include any and all additional sums for all applicable sales and use tax, now or hereafter prescribed by Federal, State or local law.

3.2 Additional Rent:
Tenant shall also pay, throughout the term herein, as "Additional Rent", the following:

3.2.1 The sum of Five Thousand Four Hundred ($5,400) Dollars per year, payable in twelve (12) monthly installments of Four Hundred and Fifty ($450) Dollars per month, commencing on the Commencement Date and, thereafter, on the first of each month during the Term herein. Said amount shall represent the additional consideration under this Lease for Tenant's use of the City-owned equipment as set forth in Exhibit 3.2.1, attached hereto and incorporated herein (collectively, the "Equipment"). Tenant hereby accepts all Equipment in its "as is" condition. Any and all such Equipment shall be inventoried, repaired, renovated and/or replaced (if necessary) by Tenant, at its sole cost and expense, and shall be returned to Landlord at the end of the Term hereof (or upon earlier termination of this Lease Agreement) in equal or better condition.

3.2.2 Tenant shall also be responsible for payment of any and all other tax(es), including without limitation, Property Taxes (as defined herein), imposed, levied or assessed against the Demised Premises, or any other charge or payment required here by any

governmental authority having jurisdiction here over, even though the taxing statute or ordinance may purport to improve such tax against the City.

3.3 Late Charges.
If any installment of Base Rent or Additional Rent provided for in this Lease, or any part thereof, is not paid within ten (10) days of the due date, Tenant shall pay Landlord a late payment service charge to equal $100.00, in addition to the payment then owing, regardless of whether or not a notice of default or termination has been given by Landlord.

4. Location for Payments.
All rents or other payments due hereunder shall be paid to the City of Miami Beach at the following address:

City of Miami Beach
Finance Department
c/o Revenue Supervisor
1700 Convention Center Drive
Miami Beach, Florida 33139

5. Parking.
Intentionally Omitted.

6. Security Deposit.
Intentionally Omitted.

7. Use and Possession of Demised Premises.

7.1 The Demised Premises shall be used by the Tenant solely as a vocational training site for up to a maximum of thirty-five (35) developmentally disabled adults, as defined by the State of Florida Developmental Disabilities Home and Community-Based Services Waiver Programs, as same may be amended from time to time (the Programs), for the provision of the following services: Adult Day Labor (exclusive to horticultural vocational skills); and Supported Employment and Supported Independent Living services; all as further provided in City of Miami Beach Request for Proposals No.12-04/05 , and Tenant's proposal in response hereto (collectively, the Proposal Documents), which are incorporated by reference as if fully set forth herein, provided that in the event of an express conflict between this Lease and the Proposal Documents the provisions of this Lease shall govern. Tenant must adhere to all Medicaid-stipulated benchmarks, documentation and licensing (including, but not limited to, the documentation referred to in the Programs and the Proposal Documents). The Tenant must remain in good standing with any and all agencies (whether Federal, State, County, and/or City) having regulatory authority in the provision of the Programs.

The City's Neighborhood Services Department will monitor compliance with

respect to Tenant's satisfactory provision of the services and uses set forth in this Article 7, compliance with the requirements incident thereto. The City reserves the right to conduct inspections and request appropriate documentation to ensure compliance.

7.2 It is understood and agreed that the Demised Premises shall be used by the Tenant during the Term of this Agreement only for the above purposes, and for no other purposes or uses whatsoever. Tenant will not make or permit any use of the Demised Premises that, directly or indirectly, is forbidden by law, ordinance or government regulation, or that may be dangerous to life, limb or property. Tenant may not commit (nor permit) waste on the Demised Premises, nor permit the use of the Demised Premises for any illegal purposes, commit a nuisance on the Demised Premises. In the event that the Tenant uses the Demised Premises (or otherwise allows the Demised Premises to be used) for any purposes not expressly permitted herein, or permits and/or allows any prohibited uses as provided herein, then the City may declare this Agreement in default pursuant to Section 18, or without notice to Tenant, restrain such improper use by injunction or other legal action.

7.3 Tenant shall also maintain its not-for-profit status in full force and effect, and in good standing, throughout the Term herein.

7.4 The Demised Premises shall be open for operation a minimum of five (5) days a week, with normal hours of operation being Monday through Friday, 8:00am to 4:00pm. Tenant shall not otherwise modify the days or hours of operation without the prior written approval of the City Manager, which approval shall not be unreasonably withheld. Nothing herein contained shall be construed to authorize hours contrary to the laws governing such operations.

8. Improvements.

8.1 Tenant accepts the Demised Premises (and any Equipment provided by the City) in their present "as is" condition and shall, at its own cost and expense, construct or cause to be constructed, all interior and exterior improvements and maintenance to the Demised Premises, as reasonably necessary for it to carry on its permitted use(s), as set forth in Section 7. The plans for such improvements shall be submitted to the City for the City's prior written consent, which will not be unreasonably withheld or delayed. All permanent (fixed) improvements to the Demised Premises shall remain the property of the City upon termination and/or expiration of this Agreement. Upon termination and/or expiration of this Agreement, all personal property and non-permanent trade fixtures may be removed by the Tenant from the Demised Premises without damage to the Demised Premises. Tenant will permit no liens to attach to the Demised Premises arising from, connected with, or related to the design and construction of any improvements. Moreover, such construction shall be accomplished through the use of

licensed, reputable contractors who are acceptable to the City. Any and all permits and or licenses required for the installation of improvements shall be the sole cost and responsibility of Tenant.

8.2 Notwithstanding Subsection 8.1 above, upon termination and/or expiration of this Agreement, and at City's sole option and discretion, any and all alterations or additions made by Tenant to or in the Demised Premises shall, upon written request from the City, be promptly removed by Tenant at its cost and expense, and Tenant further hereby agrees, in such event, to restore the Demised Premises to their original condition prior to the Commencement Date of this Agreement.

8.3 The above requirements for submission of plans and the use of specific contractors shall not apply to improvements (which term, for purposes of this Subsection 8.3 only, shall also include improvements as necessary for Tenant's maintenance and repair of the Demised Premises) which do not exceed Five Hundred ($500.00) Dollars, provided that the work is not structural, and provided that it is permitted by applicable law.

9. Landlord's Right of Entry.

9.1 The City, or its authorized agent or agents, shall have the right to enter upon the Demised Premises at all reasonable times for the purpose of inspecting same, preventing waste, making such repairs as the City may consider necessary, preventing fire, theft or vandalism, and to assure Tenant's compliance (including without limitation inspection of appropriate documentation) with the use requirements in Article 7 hereto. However, the City agrees that whenever reasonably possible, the City shall provide reasonable notice to Tenant, unless the need to enter the Demised Premises is an emergency, as deemed by the City, at its sole discretion, which if not immediately addressed could cause property damage, loss of life or limb, or other injury to persons. Nothing herein shall imply any duty on the part of the City to do any work that under any provisions of this Agreement the Tenant may be required to perform, and the performance thereof by the City shall not constitute a waiver of the Tenant's default.

9.2 If the Tenant shall not be personally present to open and permit entry into the Demised Premises at any time, for any reason, and any entry thereon shall be necessary or permissible, the City, or its agents, may enter the Demised Premises by master key, or may forcibly enter the Demised Premises without rendering the City or such agents liable therefore.

9.3 Tenant shall furnish the City with duplicate keys to all locks including exterior and interior doors upon the Commencement Date of this Agreement. Tenant shall not change the locks to the Demised Premises without the prior written consent of the City, not to be unreasonably withheld, and in the event such consent is given Tenant shall furnish the City with duplicate keys to said locks in advance of their installation.

10. Tenant's Insurance.

10.1 The Tenant shall, at its sole cost and expense, comply with all insurance requirements of the City. It is agreed by the parties that the Tenant shall not occupy the Demised Premises until proof of the following insurance coverages have been furnished to and approved by the City's Risk Manager:

10.1.1 Comprehensive General Liability in the minimum amount of $1,000,000 per occurrence for bodily injury and property damage. The City of Miami Beach must be named as additional insured parties on this policy.

10.1.2 Workers Compensation and Employers Liability coverage in accordance with Florida statutory requirements.

10.1.3 All-Risks property and casualty insurance, written at a minimum of 80% of replacement cost value and with replacement cost endorsement, covering all of Tenant's and City's personal property in the Demised Premises (including, without limitation the Equipment and other trade fixtures, floor coverings, furniture and/or other property removable by Tenant under the provisions of this Agreement), and all leasehold improvements installed in the Demised Premises by or on behalf of Tenant.

10.2 Proof of these coverages must be provided by submitting original certificates of insurance. All policies must provide thirty (30) days written notice of cancellation to both the City's Risk Manager and Asset Manager at 1700 Convention Center Drive, Miami Beach, Florida, 33139. All insurance policies shall be issued by companies authorized to do business under the laws of the State of Florida and must have a rating of B+:VI or better per A.M. Best's Key Rating Guide, latest edition, and certificates are subject to the approval of the City's Risk Manager.

11. Property Taxes and Assessments.
For the purposes of this Section and other provisions of this Agreement:

11.1 The term "Property Taxes" shall mean (i) the real estate taxes, assessments, and special assessments of any kind which may be imposed upon the Demised Premises and/or the tax lot which may include the Demised Premises, and (ii) any expenses incurred by the City in obtaining a reduction of any such taxes or assessments.

11.2 The term "Property Tax Year" shall mean the period of twelve (12) calendar months, beginning on January 1st of each year.

11.3 Tenant shall pay, as Additional Rent pursuant to Section 3.2, for such Property Tax Year an amount ("Property Tax Payment") equal to Tenant's

proportionate share of the Property Taxes (if any) for such Property Tax Year; said proportionate share to be determined by the City based upon the ratio of the Demised Premises to the tax lot. If a Property Tax Year ends after the expiration or termination of the term of this Agreement, the Property Tax Payment therefore shall be prorated to correspond to that portion of such Property Tax Year occurring within the term of this Agreement. The Property Tax Payment shall be payable by Tenant immediately upon receipt of notice from the City. A copy of the tax bill(s) or other evidence of such taxes issued by the taxing authorities, together with the City's computation of the Property Tax Payment, will be made available to Tenant once received from the taxing authorities, if requested by Tenant. Tenant shall pay any difference in the amount between the estimated property taxes and the actual property taxes to the City immediately, upon receipt of request for said payment from the City.

12. Assignment and Subletting.
Tenant shall not have the right to assign or sublet the Demised Premises.

13. Operation, Maintenance and Repair.

13.1 Tenant shall be solely responsible for the operation, maintenance and repair of the Demised Premises. Tenant shall, at its sole cost and expense, maintain the Demised Premises, and the fixtures and appurtenances therein, and shall make all repairs thereto, as and when needed, to preserve them in good working order and condition. Tenant shall be responsible for all interior walls and the interior and exterior of all windows and doors, as well as immediate replacement of any and all plate glass or other glass in the Demised Premises which may become broken using glass of the same or better quality.

The City shall be responsible for the maintenance of the roof, the structural exterior of the building, and the structural electrical and plumbing (other than plumbing surrounding any sink within the Demised Premises.

Tenant agrees and understands that while the City has provided air-conditioning unit(s) for the Demised Premises, the City shall require that Tenant obtain, and continuously maintain in good standing, at Tenant's expense, throughout the Term of this Agreement, a maintenance and repair contract, approved by the City, with a service company previously approved in writing by the City, providing for the preventative maintenance and repair of all air conditioning units servicing the Demised Premises. Tenant shall provide the City, in writing, within ten (10) business days, the name(s) and telephone number(s) of service company(ies) for the City's review and approval. Tenant shall provide a copy of a current, enforceable and fully executed maintenance and repair contract, no later than ten (10) business days after receipt of the City's approval of the service company, as proof of Tenant's compliance with this Subsection.

13.2 All damage or injury of any kind to the Demised Premises and to its fixtures, glass, appurtenances, and equipment (including, without limitation, the Equipment), except damage caused by the wrongful acts or negligence of the City, shall be the obligation of Tenant, and shall be repaired, restored or replaced promptly by Tenant at its sole cost and expense to the satisfaction of the City.

13.3 All of the aforesaid repairs, restorations and replacements shall be in quality and class equal to or better than the original work or installations and shall be done in good and workmanlike manner.

13.4 If Tenant fails to make such repairs or restorations or replacements, the same may be made by the City, at the expense of Tenant, and all sums spent and expenses incurred by the City shall be collectable by the City and shall be paid by Tenant within ten (10) days after rendition of a bill or statement thereof.

13.5 It shall be Tenant's obligation to insure that any renovations, repairs and/or improvements made by Tenant to the Demised Premises comply with all applicable building codes and life safety codes of governmental authorities having jurisdiction.

13.6 Tenant Responsibilities for Utilities.
Tenant is solely responsible for and shall promptly pay when due all charges for water, gas, electricity, sewer, cable, telephone and any other utility service provided to the Demised Premises, including, without limitation, all hook-up fees and impact fees. In addition to other rights and remedies hereinafter reserved to the City, upon the failure of Tenant to pay for such utility services when due, City may elect to pay same whereby Tenant agrees to promptly reimburse the City upon demand. In no event, however, shall the City be liable for an interruption or failure in the supply of any utilities or services to the Demised Premises.

13.7 **TENANT HEREBY ACKNOWLEDGES AND AGREES THAT THE DEMISED PREMISES ARE BEING LEASED IN THEIR PRESENT "AS IS" CONDITION.**

14. Governmental Regulations.
The Tenant covenants and agrees to fulfill and comply with all statutes, ordinances, rules, orders, regulations, and requirements of any and all governmental bodies, including but not limited to Federal, State, Miami-Dade County, and City governments, and any and all of their departments and bureaus applicable to the Demised Premises (including, without limitation Tenant's proposed uses under Article 7) and shall also comply with and fulfill all rules, orders, and regulations for the prevention of fire, all at Tenant's own cost and expense. The Tenant shall pay all cost, expenses, claims, fines, penalties, and damages that may be imposed because of the failure of the Tenant to comply with this Section, and shall indemnify

and hold harmless the City from all liability arising from each non-compliance.

15. Liens.
Tenant will not permit any mechanics, laborers, or materialman's liens to stand against the Demised Premises or improvements for any labor or materials to Tenant or claimed to have been furnished to Tenant's agents, contractors, or sub-tenants, in connection with work of any character performed or claimed to have performed on said premises, or improvements by or at the direction or sufferance of the Tenant, provided however, Tenant shall have the right to contest the validity or amount of any such lien or claimed lien. In the event of such contest, Tenant shall give the City reasonable security as may be demanded by the City to insure payment thereof and prevent sale, foreclosure, or forfeiture of the premises or improvements by reasons of such non-payment. Such security need not exceed one and one half (1½) times the amount of such lien or such claim of lien. Such security shall be posted by Tenant within ten (10) days of written notice from the City, or Tenant may "bond off" the lien according to statutory procedures. Tenant will immediately pay any judgment rendered with all proper cost and charges and shall have such lien released or judgment satisfied at Tenant's own expense.

16. Enforcement.
Tenant agrees to pay the Base Rent, Additional Rent, and any other amounts as may be due and payable by Tenant under this Agreement, at the time and in the manner provided herein, and should said rents and/or other additional amounts due herein provided, at any time remain due and unpaid for a period of fifteen (15) days after the same shall become due, the City may exercise any or all options available to it hereunder, which options may be exercised concurrently or separately, or the City may pursue any other remedies enforced by law.

17. Condemnation.

17.1 If at any time during the term of this Agreement and any renewal term hereunder, all or any part or portion of the Demised Premises is taken, appropriated, or condemned by reason of Eminent Domain proceedings (except if the Eminent Domain proceedings are initiated by the City of Miami Beach), then this Agreement shall be terminated as of the date of such taking, and shall thereafter be completely null and void, and neither of the parties hereto shall thereafter have any rights against the other by reason of this Agreement or anything contained therein, except that any rent prepaid beyond the date of such taking shall be prorated to such date, and the Tenant shall pay any and all rents, additional rents, utility charges, or other costs including excess taxes for which it is liable under the terms of this Agreement, up to the date of such taking.

17.2 Tenant shall not be entitled to participate in the proceeds of any award made to the City in any such Eminent Domain proceeding, excepting, however, that Tenant shall have the right to claim and recover from the condemning authority, but not from the City, such compensation as may be separately awarded or recoverable by Tenant in Tenant's own right on account of any

and all damage to Tenant's business by reasons of the condemnation and for or on account of any cost or loss which Tenant might incur in removing Tenant's furniture and fixtures.

18. Default.

18.1 Default by Tenant:
At the City's option, any of the following shall constitute an Event of Default under this Agreement:

18.1.1 The Base Rent, Additional Rent, or any installment thereof, is not paid promptly when and where due within fifteen (15) days of due date, and if Tenant shall not cure such failure within three (3) days after receipt of written notice from the City specifying such default;

18.1.2 Any other payment provided for under this Agreement is not paid promptly when and where due;

18.1.3 The Demised Premises shall be deserted, abandoned, or vacated;

18.1.4 The Tenant shall fail to comply with any material term, provision, condition or covenant contained herein other than the payment of rent and shall not cure such failure within thirty (30) days after the receipt of written notice from the City specifying any such default; or such longer period of time acceptable to the City, at its sole discretion;

18.1.5 Receipt of notice of violation from any governmental authority having jurisdiction dealing with a law, code, regulation, ordinance or the like, which remains uncured for a period of thirty (30) days from its issuance, or such longer period of time acceptable to the City, at its sole discretion;

18.1.6 Any petition is filed by or against Tenant under any section or chapter of the Bankruptcy Act, as amended, which remains pending for more than sixty (60) days, or any other proceedings now or hereafter authorized by the laws of the United States or of any state for the purpose of discharging or extending the time for payment of debts;

18.1.7 Tenant shall become insolvent;

18.1.8 Tenant shall make an assignment for benefit of creditors;

18.1.9 A receiver is appointed for Tenant by any court and shall not be dissolved within thirty (30) days thereafter;

18.1.10 The leasehold interest is levied on under execution; or

18.1.11 Tenant shall fail to use the Demised Premises in accordance with the permitted uses in Article 7, and/or shall fail to comply with any requirements, and/or fail to provide/maintain the necessary documentation, with regard to the State of Florida Developmental Disabilities Home and Community-Based Services Waiver Programs, as same may be amended from time to time.

19. Rights on Default.

19.1 Rights on Default:
In the event of any default by Tenant as provided herein, City shall have the option to do any of the following in addition to and not in limitation of any other remedy permitted by law or by this Agreement;

19.1.1 Terminate this Agreement, in which event Tenant shall immediately surrender the Demised Premises to the City, but if Tenant shall fail to do so the City may, without further notice, and without prejudice to any other remedy the City may have for possession or arrearages in rent or damages for breach of contract, enter upon Demised Premises and expel or remove Tenant and its effects in accordance with law, without being liable for prosecution or any claim for damages therefore, and Tenant agrees to indemnify and hold harmless the City for all loss and damage which the City may suffer by reasons of such Agreement termination, whether through inability to re-let the Demised Premises, or through decrease in rent, or otherwise.

19.1.2 Declare the entire amount of the Base Rent and Additional Rent which would become due and payable during the remainder of the Term of this Agreement to be due and payable immediately, in which event Tenant agrees to pay the same at once, together with all rents therefore due, at the address of the City, as provided in the Notices section of this Agreement; provided, however, that such payment shall not constitute a penalty, forfeiture, or liquidated damage, but shall merely constitute payment in advance of the rents for the remainder of said term and such payment shall be considered, construed and taken to be a debt provable in bankruptcy or receivership.

19.1.3 Enter the Demised Premises as the agent of Tenant, by force if necessary, without being liable to prosecution or any claim for damages therefore, remove Tenant's property there from, and re-let the Demised Premises, or portions thereof, for such terms and upon such conditions which the City deems, in its sole discretion, desirable, and to receive the rents therefore, and Tenant shall pay the City any deficiency that may arise by reason of such re-letting, on demand at any time and from time to time at the office of the

City; and for the purpose of re-letting, the City may (i) make any repairs, changes, alterations or additions in or to said Demised Premises that may be necessary or convenient; (ii) pay all costs and expenses therefore from rents resulting from re-letting; and (iii) Tenant shall pay the City any deficiency as aforesaid.

19.1.4 Take possession of any personal property owned by Tenant on said Demised Premises and sell the same at public or private sale, and apply same to the payment of rent due, holding the Tenant liable for the deficiency, if any.

19.1.5 It is expressly agreed and understood by and between the parties hereto that any installments of rent accruing under the provisions of this Agreement which shall not be paid when due shall bear interest at the maximum legal rate of interest per annum then prevailing in Florida from the date when the same was payable by the terms hereof, until the same shall be paid by Tenant. Any failure on the City's behalf to enforce this Section shall not constitute a waiver of this provision with respect to future accruals of past due rent. No interest will be charged for payments made within the grace period, such grace period to be defined as within five days of the due date. In addition, there will be a late charge of One Hundred ($100.00) Dollars for any payments submitted after the grace period.

19.1.6 If Tenant shall default in making any payment of monies to any person or for any purpose as may be required hereunder, the City may pay such expense but the City shall not be obligated to do so. Tenant upon the City's paying such expense shall be obligated to forthwith reimburse the City for the amount thereof. All sums of money payable by Tenant to the City hereunder shall be deemed as rent for use of the Demised Premises and collectable by the City from Tenant as rent, and shall be due from Tenant to the City on the first day of the month following the payment of the expense by the City.

19.1.7 The rights of the City under this Agreement shall be cumulative but not restrictive to those given by law and failure on the part of the City to exercise promptly any rights given hereunder shall not operate to waive or to forfeit any of the said rights.

19.2 <u>Default by City:</u>
The failure of the City to perform any of the covenants, conditions and agreements of this Agreement which are to be performed by the City and the continuance of such failure for a period of thirty (30) days after notice thereof in writing from Tenant to the City (which notice shall specify the respects in which Tenant contends that the City failed to perform any such covenant, conditions and agreements) shall constitute a default by the City, unless

such default is one which cannot be cured within thirty (30) days because of circumstances beyond the City's control, and the City within such thirty (30) day period shall have commenced and thereafter shall continue diligently to prosecute all actions necessary to cure such defaults.

However, in the event the City fails to perform within the initial thirty (30) day period provided above, and such failure to perform prevents Tenant from operating its business in a customary manner and causes an undue hardship for the Tenant, then such failure to perform (regardless of circumstances beyond its control) as indicated above, shall constitute a default by the City.

19.3 Tenant's Rights on Default:
If an event of the City's default shall occur, Tenant, to the fullest extent permitted by law, shall have the right to pursue any and all remedies available at law or in equity, including the right to sue for and collect damages, including reasonable attorney fees and costs, to terminate this Agreement (and all of its obligations hereunder by giving notice of such election to the City, whereupon this Agreement shall terminate as of the date of such notice), to specifically enforce Tenant's rights; and/or to enjoin the City.

20. Indemnity Against Costs and Charges.

20.1 The Tenant shall be liable to the City for all costs and charges, expenses, reasonable attorney's fees, and damages which may be incurred or sustained by the City, by reason of the Tenant's breach of any of the provisions of this Agreement. Any sums due the City under the provisions of this item shall constitute a lien against the interest of the Tenant and the Demised Premises and all of Tenant's property situated thereon to the same extent and on the same conditions as delinquent rent would constitute a lien on said premises and property.

20.2 If Tenant shall at any time be in default hereunder, and if the City shall deem it necessary to engage an attorney to enforce the City's rights and Tenant's obligations hereunder, the Tenant will reimburse the City for the reasonable expenses incurred thereby, including, but not limited to, court costs and reasonable attorney's fees, whether suit be brought or not and if suit be brought, then Tenant shall be liable for expenses incurred at both the trial and appellate levels.

21. Indemnification Against Claims.

21.1 The Tenant shall indemnify and save the City harmless from and against any and all claims or causes of action (whether groundless or otherwise) by or on behalf of any person, firm, or corporation, for personal injury or property damage occurring upon the Demised Premises or upon any other land or other facility or appurtenance used in connection with the Demised Premises, occasioned in whole or in part by any of the following:

21.1.1 An act or omission on the part of the Tenants, or any employee, agent, contractor, invitee, guest, assignee, sub-tenant or subcontractor of the Tenant;

21.1.2 Any misuse, neglect, or unlawful use of the Demised Premises by Tenant, or any employee, agent, contractor, invitee, guest, assignee, sub-tenant or subcontractor of the Tenant, but not to include trespassers upon the Demised Premises;

21.1.3 Any breach, violation, or non-performance of any undertaking of the Tenant under this Agreement;

21.1.4 Anything growing out of the use or occupancy of the Demised Premises by the Tenant or anyone holding or claiming to hold through or under this Agreement.

21.2 Tenant agrees to pay all damages to the Demised Premises or other land or facilities used in connection therewith, caused by the Tenant or any employee, guest, or invitee of the Tenant.

22. Signs and Advertising.
Without the prior written consent of the City, Tenant shall not permit the painting and display of any signs, plaques, lettering or advertising material of any kind on or near the Demised Premises. All additional signage shall comply with signage standards established by the City and comply with all applicable building codes, and any other municipal, County, State and Federal laws.

23. Effect of Conveyance.
Intentionally Omitted.

24. Damage to the Demised Premises.

24.1 If the Demised Premises shall be damaged by the elements or other casualty not due to Tenant's negligence, or by fire, but are not thereby rendered untenantable, as determined by the City, in its sole discretion, in whole or in part, and such damage is covered by the City's insurance, if any, (hereinafter referred to as "such occurrence"), the City, may, at its sole discretion, utilize the insurance proceeds to cause such damage to be repaired and the Rent shall not be abated. If by reason of such occurrence, the Demised Premises shall be rendered untenantable, as determined by the City, in its sole discretion, only in part, the City may, at its discretion, utilize the insurance proceeds to cause the damage to be repaired, and the Rent meanwhile shall be abated proportionately as to the portion of the Demised Premises rendered untenantable; provided however, if the Demised Premises are by reason of such occurrence, rendered more than 50% but less than 100% untenantable, as determined by the City, in its sole discretion, the City (should it choose, at its sole option, to proceed with repair of the Demised

Premises) shall promptly obtain a good faith estimate of the time required to render the Demised Premises tenantable. If such time exceeds sixty (60) days, either party shall have the option of canceling this Agreement, which option shall be exercised by the party opting to cancel, in writing within ten (10) days of receipt of notice of same to the other party.

24.2 If the Demised Premises shall be rendered wholly untenantable by reason of such occurrence, the City shall have the option, but not the obligation, in its sole discretion, to utilize the insurance proceeds to cause such damage to be repaired and the Rent meanwhile shall be abated. However, the City shall have the right, to be exercised by notice in writing delivered to Tenant within sixty (60) days from and after said occurrence, to elect not to reconstruct the destroyed Demised Premises, and in such event, this Agreement and the tenancy hereby created shall cease as of the date of said occurrence, the rent to be adjusted as of such date. If the Demised Premises shall be rendered wholly untenantable, the Tenant shall have the right, to be exercised by notice in writing, delivered to the City within thirty (30) days from and after said occurrence, to elect to terminate this Agreement, the Rent to be adjusted accordingly. Notwithstanding any clause contained in this Section, if the damage is not covered by the City's insurance, then the City shall have no obligation to repair the damage, but the City shall advise Tenant in writing within thirty (30) days of the occurrence giving rise to the damage and of its decision not to repair, and the Tenant may, at any time thereafter, elect to terminate this Agreement, and the Rent shall be adjusted accordingly.

25. Quiet Enjoyment.
The Tenant shall enjoy quiet enjoyment of the Demised Premises and shall not be evicted or disturbed in possession of the Demised Premises so long as Tenant complies with the terms of this Agreement.

26. Waiver.

26.1 It is mutually covenanted and agreed by and between the parties hereto that the failure of the City to insist upon the strict performance of any of the conditions, covenants, terms or provisions of this Agreement, or to exercise any option herein conferred, will not be considered or construed as a waiver or relinquishment for the future of any such conditions, covenants, terms, provisions or options but the same shall continue and remain in full force and effect.

26.2 A waiver of any term expressed herein shall not be implied by any neglect of the City to declare a forfeiture on account of the violation of such term if such violation by continued or repeated subsequently and any express waiver shall not affect any term other than the one specified in such waiver and that one only for the time and in the manner specifically stated.

26.3 The receipt of any sum paid by Tenant to the City after breach of any condition, covenant, term or provision herein contained shall not be deemed a waiver of such breach, but shall be taken, considered and construed as payment for use and occupation, and not as rent, unless such breach be expressly waived in writing by the City.

27. Notices.
The addresses for all notices required under this Agreement shall be as follows, or at such other address as either party shall be in writing, notify the other:

LANDLORD:	City Manager City of Miami Beach 1700 Convention Center Drive Miami Beach, Florida 33139
With copies to:	Asset Manager City of Miami Beach 1700 Convention Center Drive Miami Beach, Florida 33139
	Neighborhood Services Director City of Miami Beach 555 17th Street Miami Beach, Florida 33139
TENANT:	Sunrise Community, Inc. 8128 Collins Avenue Miami Beach, Florida 33141 ATTN: Kathy Childs
With a copy to:	Sunrise Community, Inc. 5450 Sterling Road Davie, Florida 33314 ATTN: Kathy Childs

All notices shall be hand delivered and a receipt requested, or by certified mail with Return receipt requested, and shall be effective upon receipt.

28. Entire and Binding Agreement.
This Agreement contains all of the agreements between the parties hereto, and it may not be modified in any manner other than by agreement in writing signed by all the parties hereto or their successors in interest. The terms, covenants and conditions contained herein shall inure to the benefit of and be binding upon the City and Tenant and their respective successors and assigns, except as may be otherwise expressly provided in this Agreement.

29. Provisions Severable.
If any term or provision of this Agreement or the application thereof to any person or

circumstance shall, to any extent, be invalid or unenforceable, the remainder of this Agreement, or the application of such term or provision to persons or circumstances other than those as to which it is held invalid or unenforceable, shall not be affected thereby and each term and provision of this Agreement shall be valid and be enforced to the fullest extent permitted by law.

30. Captions.
The captions contained herein are for the convenience and reference only and shall not be deemed a part of this Agreement or construed as in any manner limiting or amplifying the terms and provisions of this Agreement to which they relate.

31. Number and Gender.
Whenever used herein, the singular number shall include the plural and the plural shall include the singular, and the use of one gender shall include all genders.

32. Governing Law.
This Agreement shall be governed by and construed in accordance with the law of the State of Florida.

33. Limitation of Liability.
The City desires to enter into this Agreement only if in so doing the City can place a limit on the City's liability for any cause of action for money damages due to an alleged breach by the City of this Agreement, so that its liability for any such breach never exceeds the sum of Ten Thousand ($10,000.00) Dollars and 00/100. Tenant hereby expresses its willingness to enter into this Agreement with the Tenant's recovery from the City for any damage action for breach of contract to be limited to a maximum amount of Ten Thousand (10,000.00) Dollars and 00/100. Accordingly, and notwithstanding any other term or condition of this Agreement, Tenant hereby agrees that the City shall not be liable to Tenant for damage in an amount in excess of Ten Thousand ($10,000.00) Dollars and 00/100 for any action or claim for breach of contract arising out of the performance or non-performance of any obligations imposed upon the City by this Agreement. Nothing contained in this Section or elsewhere in this Agreement is in any way intended to be a waiver of the limitation placed upon the City's liability as set forth in Florida Statutes, Section 768.28.

34. Surrender of the Demised Premises.
The Tenant shall, on or before the last day of the Term herein demised, or the sooner termination thereof, peaceably and quietly leave, surrender and yield upon to the City the Demised Premises, together with any and all equipment, fixtures, furnishings, appliances or other personal property, if any, located at or on the Demised Premises and used by Tenant in the maintenance, management or operation of the Demised Premises, excluding any trade fixtures or personal property, if any, which can be removed without material injury to the Demised Premises, free of all liens, claims and encumbrances and rights of others or broom-clean, together with all structural changes, alterations, additions, and improvements which may have been made upon the Demised Premises, in good order, condition and repair, reasonable wear and tear excepted, subject, however, to the subsequent provisions of this Section. Any property which pursuant to the provisions

of this Section is removable by Tenant on or at the Demised Premises upon the termination of this Agreement and is not so removed may, at the option of the City, be deemed abandoned by the Tenant, and either may be retained by the City as its property or may be removed and disposed of at the sole cost of the Tenant in such manner as the City may see fit. If the Demised Premises and personal property, if any, be not surrendered at the end of the Term as provided in this Section, the Tenant shall make good the City all damages which the City shall suffer by reason thereof, and shall indemnify and hold harmless the City against all claims made by any succeeding tenant or purchaser, so far as such delay is occasioned by the failure of the Tenant to surrender the Demised Premises as and when herein required.

35. Time is of the Essence.
Time is of the essence in every particular and particularly where the obligation to pay money is involved.

36. Attorneys Fees.
If it becomes necessary for City or Tenant to enforce their respective rights under this Agreement or any part hereof through litigation, Tenant and City agree that the prevailing party shall be entitled to recover from the other party all costs and expenses of such litigation, including a reasonable attorney's fee and costs, for all trial and appellate proceedings, except as otherwise provided in Article 20 of this Lease.

37. Venue.
This Agreement shall be enforceable in Miami-Dade County, Florida, and if legal action is necessary by either party with respect to the enforcement of any and all the terms or conditions herein, exclusive venue for the enforcement of same shall lie in Miami-Dade County, Florida.

CITY AND TENANT HEREBY KNOWINGLY AND INTENTIONALLY WAIVE THE RIGHT TO TRIAL BY JURY IN ANY ACTION OR PROCEEDING THAT THE CITY AND TENANT MAY HEREIN AFTER INSTITUTE AGAINST EACH OTHER WITH RESPECT TO ANY MATTER ARISING OUT OF OR RELATED TO THIS AGREEMENT.

38. Radon is a naturally occurring radioactive gas that, when it is accumulated in a building in sufficient quantities, may present health risks to persons who are exposed to it over time. Levels of Radon that exceed Federal and State guidelines have been found in buildings in Florida. Additional information regarding Radon and Radon testing may be obtained from your County Public Health Unit.

IN WITNESS WHEREOF, the parties hereto have caused these presents to be signed by the respective duly authorized officers and the respective corporate seals to be affixed this _____ day of _____, 2006.

ATTEST:

CITY OF MIAMI BEACH, FLORIDA

BY: _____
Robert Parcher, City Clerk

BY: _____
David Dermer, Mayor

ATTEST:

SUNRISE COMMUNITY, INC.

BY: _____
Secretary

BY: _____
President

_____
(Print Name)

_____
(Print Name)

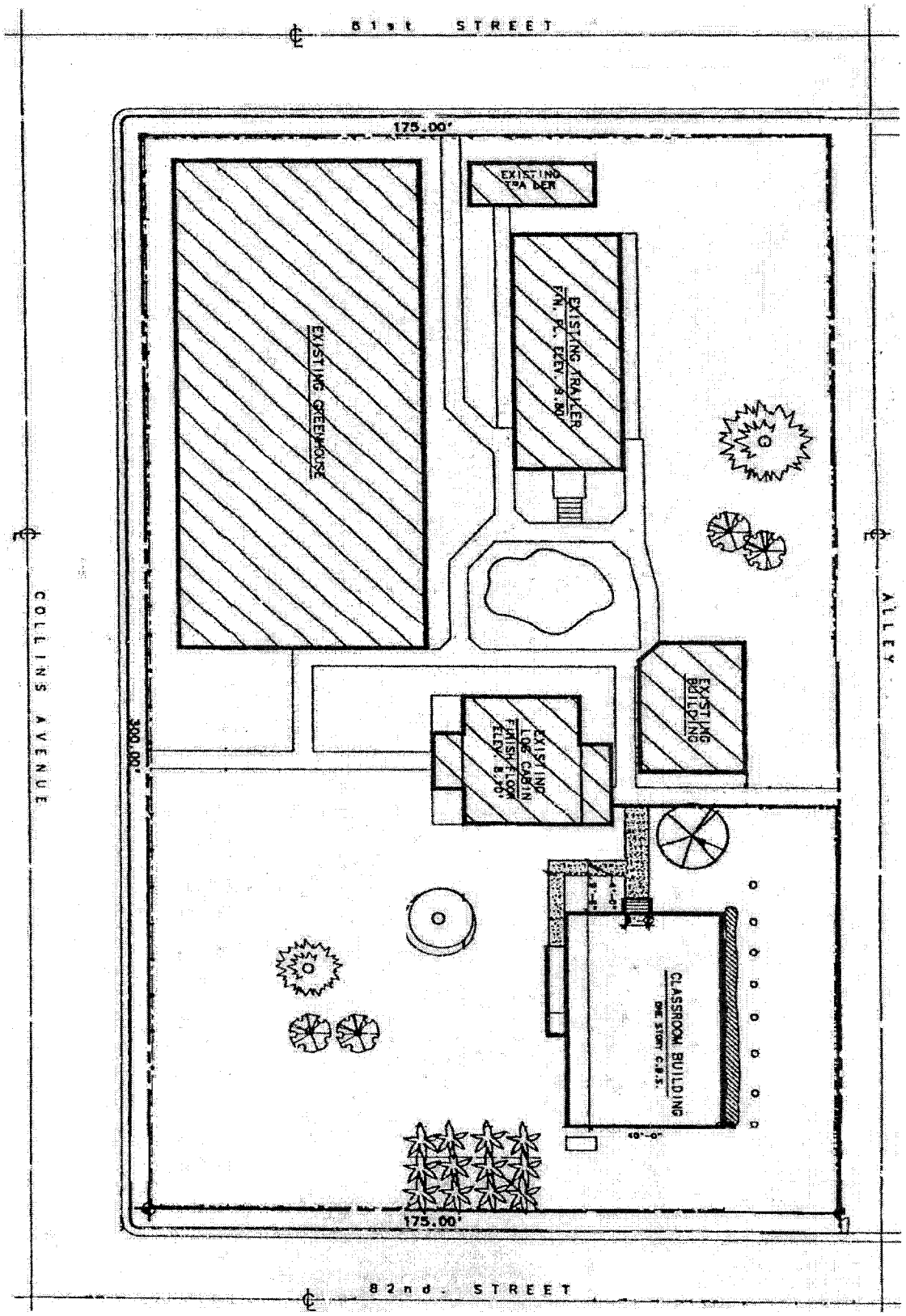
CORPORATE SEAL
(affix here)

APPROVED AS TO FORM & LANGUAGE & FOR EXECUTION

F:\DDHP\$ALL\ASSET\Log Cabin\SunriseCommunity.Lease.Final.doc

City Attorney 6/15/06 **Date**

Exhibit 1



81st STREET
175.00'
EXISTING TRAILER
EXISTING TRAILER
EXISTING GREENHOUSE
EXISTING BUILDING
EXISTING LOG CABIN
CLASSROOM BUILDING
COLLINS AVENUE
ALLEY
300.00'
175.00'
82nd STREET

Exhibit 3.2.1

Office of Community Services Log Cabin Training Center Inventory Report		
Item	**Quantity**	**Location**
Singer Sawing Machine	1	Classroom 1
Sharp 27" TV set with remote control	4	Classrooms 1, 2, 3 & Client Service Office
Sony Radio/CD/Cassette player/recorder no electric cord	1	Classroom 2
Siemens telephone	5	Offices and Classrooms 1& 2
Gateway Computer with monitor,, keyboard & mouse	1	Classroom 2
RCA Widescreen 52" TV with control	1	Classroom 3
RCA VCR with control	1	Classroom 3
DVD Player/recorder with control	3	Classrooms 1, 2 & 3
Dell computer (white) with keyboard, monitor & mouse	1	Classroom 3
Magnavox 17" TV set with remote control	1	Kitchen
Frigidaire Stove Oven	1	Kitchen
General Electric Dishwasher	1	Kitchen
Cuisinart Mini Processor	2	Kitchen
Black & Decker Can opener	2	Kitchen
Sun Bean Mixer	1	Kitchen
Krups Food Processor (Optipro)	2	Kitchen
T-Fal Steamer	2	Kitchen
True Refrigerator	1	Kitchen
True Freezer	1	Kitchen
Grilling Machine (George Foreman)	2	Kitchen
Gray Desk	2	Classroom 1
Black Storage Cabinets	2	Classroom 1
Small File Cabinet	1	Classroom 1
Blue Chairs	14	Classroom 1
TV Desk	1	Classroom 1
Blue Chairs	2	Kitchen
Tables	12	Classroom 2
Blue Chairs	20	Classroom 2
Gray File Cabinet	1	Classroom 2
Black Storage Cabinets	2	Classroom 2
Tables	11	Classroom 3
Desk	1	Classroom 3
Blue Chairs	21	Classroom 3
Black Storage Cabinets	2	Classroom 3
Gray Chair	1	Classroom 3
Blue Chairs	8	Client Service Office
Gray Chair	1	Client Service Office
Conference Table	1	Client Service Office
Desk	1	Client Service Office
Book Shelf	1	Client Service Office
File Cabinets (brown)	2	Client Service Office
Art Easel	2	Client Service Office
Small Garywood Draw	1	Client Service Office
Desks	2	Support Employment
Gray Chair	1	Support Employment
Blue Chairs	1	Support Employment
Book Shelf	1	Support Employment
Gray Desk	1	Administrator's Office
Gray Cabinet	1	Administrator's Office
Table	1	Administrator's Office
Gray File Cabinet	1	Administrator's Office
Gray Chair	1	Administrator's Office
Blue Chair	1	Administrator's Office
Cork Boards	2	Classroom 1
Wall Clock	3	Classrooms 1, 2 & 3
Electronic Mist Air-freshener	3	Classrooms 1, 2 & 3
Fire Extinguishers	3	Classrooms 1, 2 & 3
Dry Erase Boards	3	Classroom 1, 2 & Client Service Office
Cork Boards	2	Hallway
Display Cases	2	Hallway
Classroom supplies various		Classrooms 1, 2 & 3

Exhibit 7.1

The City reserves the right to inspect all items, services and documentation required for compliance as defined by the State of Florida Developmental Disabilities Home and Community-Based Services Wavier Programs Monitoring Checklist, as same may be amended from time to time, attached hereto and incorporated herein.

TO BE SUBMITTED

MIAMIBEACH

CITY OF MIAMI BEACH
NOTICE OF A PUBLIC HEARING

NOTICE IS HEREBY given that a second reading and public hearing will be held by the City Commission of the City of Miami Beach, in the Commission Chambers, 3rd floor, City Hall, 1700 Convention Center Drive, Miami Beach, Florida, on **Wednesday, July 12, 2006 at 1:55 p.m.,** Approving A Lease Agreement Between The City And Sunrise Community, Inc., For Use Of Approximately 2,500 Square Feet Of City-Owned Property, Located At 8128 Collins Avenue (On The West Side Of Collins Avenue Between 81st And 82nd Streets) For The Purpose Of Operating And Managing A Vocational Training Site For Developmentally Disabled Adults, Said Lease Having An Initial One (1) Year Term, Commencing Retroactively On September 1, 2005, And Ending On August 31, 2006, With Two (2) Additional One (1) Year Renewal Terms, At The City's Sole Discretion; Further Waiving By 5/7ths Vote, The Competitive Bidding And Appraisal Requirements, As Required By Section 82-39 Of The Miami Beach City Code, Finding Such Waiver To Be In The Best Interest Of The City.

INQUIRIES may be directed to the Asset Management Office at (305) 673-7193.

INTERESTED PARTIES are invited to appear at this meeting, or be represented by an agent, or to express their views in writing addressed to the City Commission, c/o the City Clerk, 1700 Convention Center Drive, 1st Floor, City Hall, Miami Beach, Florida 33139. This meeting may be opened and continued and, under such circumstances additional legal notice would not be provided.

Robert E. Parcher
City Clerk
City of Miami Beach

Pursuant to Section 286.0105, Fla. Stat., the City hereby advises the public that: if a person decides to appeal any decision made by the City Commission with respect to any matter considered at its meeting or its hearing, such person must ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. This notice does not constitute consent by the City for the introduction or admission of otherwise inadmissible or irrelevant evidence, nor does it authorize challenges or appeals not otherwise allowed by law.

To request this material in accessible format, sign language interpreters, information on access for persons with disabilities, and/or any accommodation to review any document or participate in any city-sponsored proceeding, please contact (305) 604-2489 (voice), (305) 673-7218(TTY) five days in advance to initiate your request. TTY users may also call 711 (Florida Relay Service).
(Ad #381)

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OFFICE OF THE CITY ATTORNEY

City of Miami Beach

F L O R I D A

JOSE SMITH
City Attorney

Telephone: **(305) 673-7470**
Facsimile: **(305) 673-7002**

COMMISSION MEMORANDUM

DATE: JULY 12, 2006

TO: **MAYOR DAVID DERMER and MEMBERS OF THE CITY COMMISSION**

FROM: **JOSE SMITH CITY ATTORNEY**

SUBJECT: **A RESOLUTION CALLING FOR NOVEMBER 7, 2006 SPECIAL ELECTION TO FILL VACANCY**

In accordance with Miami Beach City Charter Sections 2.01 and 2.07, and City Code Section 38-3, a Special municipal election is being called via Resolution for the purpose of electing one City Commissioner in Group No. V on November 7, 2006, and providing for the City Clerk to notice said Resolution through publication of an appropriate advertisement in a newspaper meeting the requirements set forth in Section 50.031, Florida Statutes.

JKO\sc

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Agenda Item R7F
Date 7-12-06

RESOLUTION NO. _____

A RESOLUTION CALLING FOR A SPECIAL ELECTION TO BE HELD ON NOVEMBER 7, 2006 IN THE CITY OF MIAMI BEACH FOR THE PURPOSE OF ELECTING ONE CITY COMMISSIONER IN GROUP NUMBER V; PROVIDING FOR CONDUCT OF SAME BY THE MIAMI-DADE COUNTY ELECTIONS DIVISION; PROVIDING THAT VOTING PRECINCTS SHALL BE THOSE AS ESTABLISHED BY MIAMI-DADE COUNTY; PROVIDING FOR NOTICE OF ELECTIONS; PROVIDING FOR THE FORM OF BALLOT AND REGISTRATION OF VOTERS IN ACCORDANCE WITH STATE LAW; PROVIDING FOR PAYMENT FOR CONDUCTING ELECTION TO MIAMI-DADE COUNTY.

BE IT RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH:

SECTION 1.

In accordance with provisions of the Charter of the City of Miami Beach, Florida, and the general laws of the State of Florida, a Special Election is hereby called and directed to be held in the City of Miami Beach, Florida, from 7:00 a.m. to 7:00 p.m. on November 7, 2006 for the purpose of electing one City Commissioner in Group V, who shall hold office for the one year term (November 2006 – November 2007) as provided by law.

SECTION 2.

That the appropriate and proper Miami-Dade County election officials shall conduct the said Special Election hereby called, with acceptance of the certification of the results of said Special Election to be performed by the City Commission. The official returns for each precinct shall be furnished to the City Clerk of the City of Miami Beach as soon as the ballots from all precincts have been tabulated.

SECTION 3.

That the said voting precincts in the City of said Special Election shall be as established by the proper and appropriate Miami-Dade County Election Officials. All electors shall vote at the polling places and the voting precincts in which the Official Registration Books show that the said electors reside. Registration of persons desiring to vote in said Special Election shall be in accordance with the general laws of the State governing voter registration.

SECTION 4.

The City Clerk shall have published a "Notice of Special Election to Fill Vacancy in Office" pursuant to § 100.141, Fla. Statutes -- this Notice shall be published two times in the Miami Herald, a newspaper of several circulation in the City of Miami Beach, Florida, at least 10 days prior to the first day of qualifying for Miami Beach City Commission Group V.

Additionally, not less than thirty days notice of the Special Election shall be given by publication in the Miami Herald, a newspaper of general circulation in Miami Beach, Miami-Dade County, Florida. Such publication shall be made in accordance with the provisions of Section 100.342, Florida Statutes, and Section 38-3 of the Code of the City of Miami Beach.

SECTION 5.

The notice of election shall be substantially in the following form:

THE CITY OF MIAMI BEACH, FLORIDA

NOTICE OF SPECIAL ELECTION

NOTICE IS HEREBY GIVEN THAT A SPECIAL ELECTION HAS BEEN CALLED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AND WILL BE HELD IN SAID CITY FROM 7:00 A.M. UNTIL 7:00 P.M. ON THE 7th DAY OF NOVEMBER, 2006, FOR THE PURPOSE OF ELECTING ONE (1) CITY COMMISSIONER IN GROUP V, WHO SHALL HOLD OFFICE FOR THE ONE YEAR TERM (NOVEMBER 2006 – NOVEMBER 2007) AS PROVIDED BY LAW.

Said Notice shall further set forth the several polling places in the election precincts as established in accordance with Section 3 hereof, and shall further set forth pertinent information regarding eligibility of electors to participate in said election.

SECTION 6.

That the official ballot to be used in the Special Election to be held on November 7, 2006, hereby called, shall be in substantially the following form, to-wit:

"OFFICIAL BALLOT"

SPECIAL ELECTION

FOR

ELECTING ONE

COMMISSIONER

OF THE

CITY OF MIAMI BEACH, FLORIDA

ON NOVEMBER 7, 2006

Vote for one (1) only:

FOR CITY COMMISSIONER	**GROUP V**
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

The City Clerk shall prepare the ballot so that the names of qualified candidates will appear on said ballot in alphabetical order according to surname; provided, however, that said ballot and its preparation shall be such as to permit compliance with the Laws of the State of Florida with respect to the use of an electronic voting system.

SECTION 7.

That the absentee voters participating in said Special Election shall be entitled to cast their ballots in accordance with the provisions of the Laws of the State of Florida with respect to absentee voting.

SECTION 8.

That the City of Miami Beach shall pay all expenses for conducting this Special Election and will pay to Miami-Dade County or directly to all persons or firms, upon receipt of invoice or statement approved by the Supervisor of Elections of Miami-Dade County, Florida.

SECTION 9.

This resolution shall be effective immediately upon its passage.

PASSED and **ADOPTED** this 12th day of July, 2006.

MAYOR

ATTEST:

CITY CLERK

JKO/sc

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

City Attorney 6/20/06
Date

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OFFICE OF THE CITY ATTORNEY

City of Miami Beach

F L O R I D A

JOSE SMITH
City Attorney

Telephone: (305) 673-7470
Facsimile: (305) 673-7002

COMMISSION MEMORANDUM

DATE: JULY 12, 2006

TO: **MAYOR DAVID DERMER,**
MEMBERS OF THE CITY COMMISSION
CITY MANAGER JORGE M. GONZALEZ

FROM: **JOSE SMITH**
CITY ATTORNEY

SUBJECT: **A RESOLUTION CALLING FOR NOVEMBER 7, 2006 SPECIAL ELECTION, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORATE OF THE CITY OF MIAMI BEACH A QUESTION ASKING WHETHER CITY CHARTER SECTION 1.03 SHOULD BE AMENDED TO REQUIRE A PUBLIC VOTE PRIOR TO THE TRANSFER OF CITY INTEREST IN PUBLIC BEACH RIGHT OF WAYS.**

Pursuant to City Commission directive of June 6, 2006, the attached Resolution has been drafted calling for a November 7, 2006 Special Election to consider the following ballot question amending § 1.03 of the Miami Beach City Charter:

PUBLIC VOTE PRIOR TO TRANSFER OF CITY INTEREST IN PUBLIC BEACH RIGHT OF WAYS

SHALL MIAMI BEACH CITY CHARTER SECTION 1.03 BE AMENDED TO REQUIRE VOTER APPROVAL PRIOR TO THE SALE, EXCHANGE, CONVEYANCE, LEASE, OR OTHER TRANSFER OF ANY CITY INTEREST IN PUBLIC BEACH RIGHT OF WAYS (EXTENDING EASTWARD FROM COLLINS AVENUE/OCEAN DRIVE TO THE EROSION CONTROL LINE), EXCLUDING PERMITS OF NO GREATER THAN ONE YEAR, AND EXCLUDING THE SALE, EXCHANGE, CONVEYANCE, LEASE OR OTHER TRANSFERS NOT EXCEEDING 10% IN WIDTH OF SUCH PUBLIC BEACH RIGHT OF WAYS?

The attached Resolution is in proper form and is thus ready for the City Commission's review.

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Agenda Item R7G
Date 7-12-06

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, CALLING FOR A SPECIAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 7, 2006, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORATE OF THE CITY OF MIAMI BEACH A QUESTION ASKING WHETHER CITY CHARTER SECTION 1.03 SHOULD BE AMENDED TO REQUIRE A PUBLIC VOTE PRIOR TO THE TRANSFER OF CITY INTEREST IN PUBLIC BEACH RIGHT OF WAYS.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH:

SECTION 1.

In accordance with provisions of the Charter of the City of Miami Beach, Florida and the general laws of the State of Florida, a Special Election is hereby called and directed to be held in the City of Miami Beach, Florida, from 7:00 a.m. to 7:00 p.m. on Tuesday, November 7, 2006, for the purpose of submitting to the electorate the question as set forth hereinafter.

SECTION 2.

That the appropriate and proper Miami-Dade County election officials shall conduct the said Special Election hereby called, with acceptance of the certification of the results of said Special Election to be performed by the City Commission. The official returns for each precinct shall be furnished to the City Clerk of the City of Miami Beach as soon as the ballots from all precincts have been tabulated.

SECTION 3.

That the said voting precincts in the City of said Special Election shall be as established by the proper and appropriate Miami-Dade County Election Officials. All electors shall vote at the polling places and the voting precincts in which the official registration books show that the said electors reside.

SECTION 4.

Registration of persons desiring to vote in the Special Election shall be in accordance with the general law of the State of Florida governing voter registration. Qualified persons may obtain registration forms to vote at the Office of the City Clerk, City Hall, 1700 Convention Center Drive, First Floor, Miami Beach, Florida 33139, during normal business hours, and at such other voter registration centers and during such times as may be provided by the Supervisor of Elections of Miami-Dade County. Each person desiring to become a registered voter shall be responsible for properly filling out the registration form and returning it to the Miami-Dade County Elections Office. All questions concerning voter registration should be directed to the Miami-Dade County Elections Office, 111 Northwest 1st Street, Suite 112, Miami, Florida 33130; Mailing Address: P.O. Box 521550, Doral, Florida 33152-1550; Telephone: (305)375-5553.

SECTION 5.

Not less than thirty days' notice of said Special Election shall be given by publication in a newspaper of general circulation in Miami Beach, Miami-Dade County, Florida. Such publication shall be made in accordance with the provisions of §100.342, Florida Statutes, and Section 38-3 of the Code of the City of Miami Beach.

SECTION 6.

The notice of election shall be substantially in the following form:

THE CITY OF MIAMI BEACH, FLORIDA

NOTICE OF SPECIAL ELECTION

NOTICE IS HEREBY GIVEN THAT A SPECIAL ELECTION HAS BEEN CALLED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AND WILL BE HELD IN SAID CITY FROM 7:00 A.M. UNTIL 7:00 P.M. ON THE 7TH DAY OF NOVEMBER, 2006, AT WHICH TIME THERE SHALL BE SUBMITTED TO THE DULY REGISTERED AND QUALIFIED VOTERS OF THE CITY OF MIAMI BEACH THE FOLLOWING QUESTION:

PUBLIC VOTE PRIOR TO TRANSFER OF CITY INTEREST IN PUBLIC BEACH RIGHT OF WAYS

SHALL MIAMI BEACH CITY CHARTER SECTION 1.03 BE AMENDED TO REQUIRE VOTER APPROVAL PRIOR TO THE SALE, EXCHANGE, CONVEYANCE, LEASE, OR OTHER TRANSFER OF ANY CITY INTEREST IN PUBLIC BEACH RIGHT OF WAYS (EXTENDING EASTWARD FROM COLLINS AVENUE/OCEAN DRIVE TO THE EROSION CONTROL LINE), EXCLUDING PERMITS OF NO GREATER THAN ONE YEAR, AND EXCLUDING THE SALE, EXCHANGE, CONVEYANCE, LEASE OR OTHER TRANSFERS NOT EXCEEDING 10% IN WIDTH OF SUCH PUBLIC BEACH RIGHT OF WAYS?

_____ YES

_____ NO

SECTION 7.

That the official ballot to be used in the Special Election to be held on November 7, 2006, hereby called shall be in substantially the following form, to-wit:

"OFFICIAL BALLOT"

PUBLIC VOTE PRIOR TO TRANSFER OF CITY INTEREST IN PUBLIC BEACH RIGHT OF WAYS

SHALL MIAMI BEACH CITY CHARTER SECTION 1.03 BE AMENDED TO REQUIRE VOTER APPROVAL PRIOR TO THE SALE, EXCHANGE, CONVEYANCE, LEASE, OR OTHER TRANSFER OF ANY CITY INTEREST IN PUBLIC BEACH RIGHT OF WAYS (EXTENDING EASTWARD FROM COLLINS AVENUE/OCEAN DRIVE TO THE EROSION CONTROL LINE), EXCLUDING PERMITS OF NO GREATER THAN ONE YEAR, AND EXCLUDING THE SALE, EXCHANGE, CONVEYANCE, LEASE OR OTHER TRANSFERS NOT EXCEEDING 10% IN WIDTH OF SUCH PUBLIC BEACH RIGHT OF WAYS?

_____ YES

_____ NO

SECTION 8.

That the absentee voters participating in said Special Election shall be entitled to cast their ballots in accordance with the provisions of the Laws of the State of Florida with respect to absentee voting.

SECTION 9.

That the City of Miami Beach shall pay all expenses for conducting this Special Election and will pay to Miami-Dade County or directly to all persons or firms, upon receipt of invoice or statement approved by the Supervisor of Elections of Miami-Dade County, Florida.

SECTION 10.

If any section, sentence, clause or phrase of the proposed ballot measure is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of said ballot measure.

SECTION 11.

This resolution shall be effective immediately upon its passage.

PASSED and ADOPTED this 12th day of July, 2006.

ATTEST:

MAYOR

CITY CLERK

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

City Attorney 6/20/06
Date

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PROPOSED BALLOT QUESTION AND TEXT –
NOVEMBER 7, 2006 SPECIAL ELECTION

I. PROPOSED BALLOT QUESTION

PUBLIC VOTE PRIOR TO TRANSFER OF
CITY INTEREST IN PUBLIC BEACH RIGHT OF WAYS

SHALL MIAMI BEACH CITY CHARTER SECTION 1.03 BE AMENDED TO REQUIRE VOTER APPROVAL PRIOR TO THE SALE, EXCHANGE, CONVEYANCE, LEASE, OR OTHER TRANSFER OF ANY CITY INTEREST IN PUBLIC BEACH RIGHT OF WAYS (EXTENDING EASTWARD FROM COLLINS AVENUE/OCEAN DRIVE TO THE EROSION CONTROL LINE), EXCLUDING PERMITS OF NO GREATER THAN ONE YEAR, AND EXCLUDING THE SALE, EXCHANGE, CONVEYANCE, LEASE OR OTHER TRANSFERS NOT EXCEEDING 10% IN WIDTH OF SUCH PUBLIC BEACH RIGHT OF WAYS?

II. PROPOSED CHARTER TEXT

Sec. 1.03. POWERS OF CITY.

(a) *General.* The City shall have all governmental, corporate, and proprietary powers to enable it to conduct municipal government, perform municipal functions, and render municipal services, and may exercise any power for municipal purposes except as expressly prohibited by law or this Charter.

(b) *Alienability of property.*

1. The only limitation concerning alienability of City-owned park, recreation or waterfront property is the restriction of the sale, exchange, conveyance or lease of ten (10) years or longer (including option periods) of park, recreation, or waterfront property in the City of Miami Beach, unless such sale, exchange, conveyance or lease is approved by a majority vote of the voters in a City-wide referendum. This provision shall be liberally construed in favor of the preservation of all park, recreation and waterfront lands.

2. The sale, exchange, conveyance or lease of ten years or longer of the following properties shall also require approval by a majority vote of the voters in a City-wide referendum: (1) Lots West of the North Shore Open Space Park: All City-owned property bounded by 87th Street on the North, Collins Avenue on the East, 79th Street on the South, and Collins Court on the West; (2) Cultural Campus: All City-owned property bounded by 22nd Street on the North, Park Avenue on the West, 21st Street on the South, and Miami Beach Drive on the East; (3) 72nd Street Parking Lot: The City-owned surface parking lot bounded by 73rd Street on

the North, Collins Avenue on the East, 72nd Street on the South, and Harding Avenue on the West; (4) Convention Center Parking Lots: All City-owned surface parking lots located in the Civic and Convention Center District, generally bounded by Lincoln Lane on the South, Washington Avenue on the East, Meridian Avenue on the West and Dade Boulevard on the North; and (5) Lincoln Road Parking Lots: All City-owned surface parking lots in the vicinity of Lincoln Road located within the area bounded by 17th Street on the North, Euclid Avenue on the East, 16th Street on the South, and West Avenue on the West.

3. The sale, exchange, conveyance or lease of ten years or longer of all remaining City-owned property (other than public beach right of ways – see (d) hereinbelow) shall, as provided by Ordinance, require approval by a majority (4/7) vote of all members of the Planning Board and five-sevenths vote of all members of the City Commission.

4. The terms of this Charter section shall not apply to any valid written contractual commitments or bids or bonded indebtedness, which commitments, bids or indebtedness existed prior to January 14, 2004; nor shall this Charter section apply to any City property which is the subject of a settlements of a claim which the City had notice of as of January 14, 2004.

(c) The floor area ratio of any property or street end within the City of Miami Beach shall not be increased by zoning, transfer, or any other means from its current zoned floor area ratio as it exists on the date of adoption of this Charter Amendment [November 7, 2001], including any limitations on floor area ratios which are in effect by virtue of development agreements through the full term of such agreements, unless any such increase in zoned floor area ratio for any such property shall first be approved by a vote of the electors of the City of Miami Beach. The provision shall not preclude or otherwise affect the division of lots, or the aggregation of development rights on unified abutting parcels, as may be permitted by ordinance. In addition, this provision shall not apply to settlements of any claims the City has notice of as of December 10, 2003. This Charter Amendment shall become effective on the day after its approval by the voters of the City of Miami Beach. No rights in derogation of the provisions of this Amendment under any ordinance or any other action of the Miami Beach City Commission between the time this measure is approved by the Miami Beach City Commission for placement on a ballot and the adoption of this Amendment shall be enforced against the City of Miami Beach.

(d) *Public Beach Right of Ways*.

The sale, exchange, conveyance, lease, or any other transfer of any City interest in a public beach right of way (extending eastward from Collins Avenue/Ocean Drive to the erosion control line) shall require approval by a majority vote of the voters in a Citywide referendum, excluding permits of no greater than one year, and excluding the sale, exchange, conveyance, lease or any other transfer not exceeding 10% in width of such public beach right of way.

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OFFICE OF THE CITY ATTORNEY

City of Miami Beach

F L O R I D A

JOSE SMITH
City Attorney

Telephone: (305) 673-7470
Facsimile: (305) 673-7002

COMMISSION MEMORANDUM

DATE: JULY 12, 2006

TO: **MAYOR DAVID DERMER,**
MEMBERS OF THE CITY COMMISSION
CITY MANAGER JORGE M. GONZALEZ

FROM: **JOSE SMITH**
CITY ATTORNEY

SUBJECT: **A RESOLUTION CALLING FOR NOVEMBER 7, 2006 SPECIAL ELECTION, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORATE OF THE CITY OF MIAMI BEACH A QUESTION ASKING WHETHER CITY OF MIAMI BEACH'S RELATED SPECIAL ACTS SECTION 2 REGARDING "BOARD OF ADJUSTMENT" SHOULD BE AMENDED TO PROVIDE THAT HEIGHT VARIANCES GRANTED BY BOARD BE SUBJECT TO 5/7ths VOTE OF CITY COMMISSION.**

Pursuant to prior discussion of the Land Use Committee, and at the request of Commissioner Matti Bower, the attached Resolution has been drafted calling for a November 7, 2006 Special Election to consider the following ballot question amending the City of Miami Beach's Related Special Acts, section 2 thereof, regarding the granting of height variances by the Board of Adjustment:

HEIGHT VARIANCE APPROVAL BY BOARD OF ADJUSTMENT
SUBJECT TO 5/7ths VOTE OF CITY COMMISSION

SHALL THE CITY OF MIAMI BEACH'S RELATED SPECIAL ACTS, SECTION 2 THEREOF REGARDING "BOARD OF ADJUSTMENT," BE AMENDED TO PROVIDE THAT THE BOARD'S GRANTING OF A HEIGHT VARIANCE SHALL BE SUBJECT TO THE 5/7's VOTE OF THE CITY COMMISSION, IN ACCORDANCE WITH CRITERIA FOR GRANTING VARIANCES AS ESTABLISHED IN THE CITY'S LAND DEVELOPMENT REGULATIONS?

The attached Resolution is in proper form and is thus ready for the City Commission's review.

F:\atto\OLIJ\ELECTION\RESO\CMEMO\Board of Adjustment Height Variance.doc

Agenda Item R7H
Date 7-12-06

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, CALLING FOR A SPECIAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 7, 2006, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORATE OF THE CITY OF MIAMI BEACH A QUESTION ASKING WHETHER CITY OF MIAMI BEACH'S RELATED SPECIAL ACTS SECTION 2 REGARDING BOARD OF ADJUSTMENT SHOULD BE AMENDED TO PROVIDE THAT HEIGHT VARIANCES GRANTED BY BOARD BE SUBJECT TO 5/7ths VOTE OF CITY COMMISSION.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH:

SECTION 1.

In accordance with provisions of the Charter of the City of Miami Beach, Florida and the general laws of the State of Florida, a Special Election is hereby called and directed to be held in the City of Miami Beach, Florida, from 7:00 a.m. to 7:00 p.m. on Tuesday, November 7, 2006, for the purpose of submitting to the electorate the question as set forth hereinafter.

SECTION 2.

That the appropriate and proper Miami-Dade County election officials shall conduct the said Special Election hereby called, with acceptance of the certification of the results of said Special Election to be performed by the City Commission. The official returns for each precinct shall be furnished to the City Clerk of the City of Miami Beach as soon as the ballots from all precincts have been tabulated.

SECTION 3.

That the said voting precincts in the City of said Special Election shall be as established by the proper and appropriate Miami-Dade County Election Officials. All electors shall vote at the polling places and the voting precincts in which the official registration books show that the said electors reside.

SECTION 4.

Registration of persons desiring to vote in the Special Election shall be in accordance with the general law of the State of Florida governing voter registration. Qualified persons may obtain registration forms to vote at the Office of the City Clerk, City Hall, 1700 Convention Center Drive, First Floor, Miami Beach, Florida 33139, during normal business hours, and at such other voter registration centers and during such times as may be provided by the Supervisor of Elections of Miami-Dade County. Each person desiring to become a registered voter shall be responsible for properly filling out the registration form and returning it to the Miami-Dade County Elections Office. All questions concerning voter registration should be directed to the Miami-Dade County Elections Office, 111 Northwest 1st Street, Suite 112, Miami, Florida 33130; Mailing Address: P.O. Box 521550, Doral, Florida 33152-1550; Telephone: (305)375-5553.

SECTION 5.

Not less than thirty days' notice of said Special Election shall be given by publication in a newspaper of general circulation in Miami Beach, Miami-Dade County, Florida. Such publication shall be made in accordance with the provisions of §100.342, Florida Statutes, and Section 38-3 of the Code of the City of Miami Beach.

SECTION 6.

The notice of election shall be substantially in the following form:

THE CITY OF MIAMI BEACH, FLORIDA

NOTICE OF SPECIAL ELECTION

NOTICE IS HEREBY GIVEN THAT A SPECIAL ELECTION HAS BEEN CALLED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AND WILL BE HELD IN SAID CITY FROM 7:00 A.M. UNTIL 7:00 P.M. ON THE 7TH DAY OF NOVEMBER, 2006, AT WHICH TIME THERE SHALL BE SUBMITTED TO THE DULY REGISTERED AND QUALIFIED VOTERS OF THE CITY OF MIAMI BEACH THE FOLLOWING QUESTION:

HEIGHT VARIANCE APPROVED BY BOARD OF ADJUSTMENT SUBJECT TO 5/7ths VOTE OF CITY COMMISSION

SHALL THE CITY OF MIAMI BEACH'S RELATED SPECIAL ACTS, SECTION 2 THEREOF REGARDING "BOARD OF ADJUSTMENT," BE AMENDED TO PROVIDE THAT THE BOARD'S GRANTING OF A HEIGHT VARIANCE SHALL BE SUBJECT TO THE 5/7ths VOTE OF THE CITY COMMISSION, IN ACCORDANCE WITH CRITERIA FOR GRANTING VARIANCES AS ESTABLISHED IN THE CITY'S LAND DEVELOPMENT REGULATIONS?

_____ YES

_____ NO

SECTION 7.

That the official ballot to be used in the Special Election to be held on November 7, 2006, hereby called shall be in substantially the following form, to-wit:

"OFFICIAL BALLOT"

HEIGHT VARIANCE APPROVED BY BOARD OF ADJUSTMENT SUBJECT TO 5/7ths VOTE OF CITY COMMISSION

SHALL THE CITY OF MIAMI BEACH'S RELATED SPECIAL ACTS, SECTION 2 THEREOF REGARDING "BOARD OF ADJUSTMENT," BE AMENDED TO PROVIDE THAT THE BOARD'S GRANTING OF A HEIGHT VARIANCE SHALL BE SUBJECT TO THE 5/7ths VOTE OF THE CITY COMMISSION, IN ACCORDANCE WITH CRITERIA FOR GRANTING VARIANCES AS ESTABLISHED IN THE CITY'S LAND DEVELOPMENT REGULATIONS?

_____ YES

_____ NO

SECTION 8.

That the absentee voters participating in said Special Election shall be entitled to cast their ballots in accordance with the provisions of the Laws of the State of Florida with respect to absentee voting.

SECTION 9.

That the City of Miami Beach shall pay all expenses for conducting this Special Election and will pay to Miami-Dade County or directly to all persons or firms, upon receipt of invoice or statement approved by the Supervisor of Elections of Miami-Dade County, Florida.

SECTION 10.

If any section, sentence, clause or phrase of the proposed ballot measure is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of said ballot measure.

SECTION 11.

This resolution shall be effective immediately upon its passage.

PASSED and ADOPTED this 12th day of July, 2006.

ATTEST: **MAYOR**

CITY CLERK

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

City Attorney Date

PROPOSED BALLOT QUESTION AND TEXT –
NOVEMBER 7, 2006 SPECIAL ELECTION

I. PROPOSED BALLOT QUESTION

HEIGHT VARIANCE APPROVED BY BOARD OF ADJUSTMENT
SUBJECT TO 5/7ths VOTE OF CITY COMMISSION

SHALL THE CITY OF MIAMI BEACH'S RELATED SPECIAL ACTS, SECTION 2 THEREOF REGARDING "BOARD OF ADJUSTMENT," BE AMENDED TO PROVIDE THAT THE BOARD'S GRANTING OF A HEIGHT VARIANCE SHALL BE SUBJECT TO THE 5/7ths VOTE OF THE CITY COMMISSION, IN ACCORDANCE WITH CRITERIA FOR GRANTING VARIANCES AS ESTABLISHED IN THE CITY'S LAND DEVELOPMENT REGULATIONS?

II. PROPOSED RELATED SPECIAL ACTS TEXT

Sec. 2. Appointment, composition and duties of board of adjustment.

The board of adjustment shall consist of seven voting members.

The members shall consist of the following:

One member shall be appointed from one of the following professions or callings: Law, architecture, engineering, real estate development, certified public accounting, financial consultation, and general business. The members representing the professions of law, architecture, engineering and public accounting shall be duly licensed by the State of Florida; the member representing general business shall be of responsible standing in the community, and each member shall be bound by the requirements of the Conflict of Interest Ordinance of the city and shall be subject to removal from office for the violation of the terms thereof. No member shall have any financial or other interest in any matter coming before the board. Members shall be appointed for a term of one year by a five-sevenths vote of the city commission. Members of the board of adjustment must be either residents or have their principal place of business in Miami Beach; provided, however, that this amendment shall not affect the term of existing members of the board of adjustment.

Such board of adjustment shall hear and decide appeals from, and review, any order, requirements, decision or determination made by an administrative official charged with the enforcement of the Zoning Ordinance of the City of Miami Beach. Where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of said Zoning Ordinance, the board of adjustment shall have the power in passing upon appeals, to vary or modify any regulations or provisions of such ordinance relating to the use, construction, or alteration of buildings or structures, or the use of land, so that the spirit of the Zoning Ordinance shall be observed, public safety and welfare secured, and

substantial justice done. In no case shall the board have any power to amend the Zoning Ordinance with reference to the use of land, or jurisdiction over any request for variance which shall constitute an amendment to the Zoning Ordinance as to the use of land. The board's granting of a height variance shall be subject to city commission approval by a five-sevenths vote after a de novo public hearing, in accordance with the criteria for granting variances in the land development regulations. The board shall fix a reasonable time for the hearing of any matter before it and shall give due notice thereof to the parties.

Upon the hearing, any person may appear in person or by agent or by attorney. The board may require that all testimony given before it shall be under oath. Any order or decision of the board of adjustment shall require an affirmative five-sevenths vote of the board. The decision of the board of adjustment shall be final, except as to height variances as provided above, wherein the decision of the city commission shall be final, and there shall be no further review thereof except by resort to a court of competent jurisdiction by petition for writ of certiorari.

All variance requests shall be first submitted to the city attorney for a determination whether the requested variance is properly such, and does not constitute a change or amendment to the Zoning Ordinance. The jurisdiction of the board of adjustment shall not attach unless and until the board has before it a written certificate of the city attorney that the subject matter of the request is properly before the board. The separate written recommendations of the planning and zoning director and of the public works director shall be before the board prior to its consideration of any matter before it.

(Laws of Fla., 1923, ch. 9837, § 7; election of 5-29-62; election of 11-5-68; election of 4-23-70; election of 3-8-77; election of 11-1-77; Res. No. 2003-25391, election of 11-4-03)

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OFFICE OF THE CITY ATTORNEY

City of Miami Beach

F L O R I D A

JOSE SMITH
City Attorney

Telephone: **(305) 673-7470**
Facsimile: **(305) 673-7002**

COMMISSION MEMORANDUM

DATE: JULY 12, 2006

TO: **MAYOR DAVID DERMER,**
MEMBERS OF THE CITY COMMISSION AND
CITY MANAGER JORGE GONZALEZ

FROM: **JOSE SMITH**
CITY ATTORNEY

SUBJECT: **RESOLUTION AUTHORIZING MIAMI-DADE COUNTY CANVASSING BOARD TO SERVE AS CITY'S CANVASSING BOARD FOR NOVEMBER 7, 2006 SPECIAL ELECTION**

Pursuant to Florida Statutes, an election's Canvassing Board is charged with responsibilities relating to the conduct of elections. The attached Resolution has thus been prepared as a housekeeping matter for the purpose of formally authorizing the Miami-Dade County Canvassing Board to serve as Canvassing Board for the City of Miami Beach's November 7, 2006 Special Election.

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Agenda Item R7I
Date 7-12-06

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AUTHORIZING THE MIAMI-DADE COUNTY CANVASSING BOARD TO SERVE AS CANVASSING BOARD FOR THE SPECIAL ELECTION OF THE CITY OF MIAMI BEACH TO BE HELD ON NOVEMBER 7, 2006 AT THE TIME OF THE COUNTYWIDE GENERAL ELECTION.

WHEREAS, on November 7, 2006, Miami-Dade County will be conducting elections at which time the City of Miami Beach has authorized the holding of a Special Election for the purposes of electing one City Commissioner in Group Number V to fill the vacancy on the City Commission occasioned as a result of Commissioner Luis Garcia's resignation, and for the purpose of presenting several ballot questions to the City's voters; and

WHEREAS, Miami-Dade County is charged with the full responsibility of conducting the aforesaid election, except for accepting the Miami-Dade County Department of Election's certificate of elections concerning the results of the City of Miami Beach's Special Election; and

WHEREAS, the Miami-Dade County Canvassing Board shall be charged with the statutory responsibilities relating to the conduct of elections for the November 7, 2006 election and is thus authorized to act as Canvassing Board for the City of Miami Beach Special Election.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Miami-Dade County Canvassing Board is hereby authorized to act as Canvassing Board for the City of Miami Beach's November 7, 2006 Special Election.

PASSED and **ADOPTED** this 12th day of July, 2006.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

City Attorney 6/20/06
Date

JKO/sc

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OFFICE OF THE CITY ATTORNEY

City of Miami Beach

F L O R I D A

JOSE SMITH
City Attorney

Telephone: **(305) 673-7470**
Facsimile: **(305) 673-7002**

COMMISSION MEMORANDUM

TO: Mayor David Dermer and Members of the City Commission

FROM: Jose Smith, City Attorney

DATE: July 12, 2006

SUBJECT: A Resolution of the Mayor and City Commission of the City of Miami Beach, Florida eliminating the position of Special Counsel to the Personnel Board

A Related Special Act establishes the Personnel Board. Historically, the Board heard appeals of disciplinary actions from classified employees. Under the Related Special Act, and the Personnel Rules, the City Attorney's Office pursued disciplinary actions on behalf of the City.

As a result of this responsibility, and mindful that a potential conflict of interest could arise, the City Attorney's Office recommended that outside Special Counsel be appointed to advise the Personnel Board.

Recently, the City entered into collective bargaining agreements with all five City unions, AFSCME, CWA, FOP, GSA, and IAFF, all of which eliminate the Personnel Board as an avenue for appeals of classified employee disciplinary action. All five collective bargaining agreements allow for a grievance procedure with binding arbitration as the final step. Three of the unions, AFSCME, FOP and IAFF have also added an option for employees covered by their collective bargaining agreements to pursue an alternative procedure of a hearing examiner performing the function that the Personnel Board previously performed for disciplinary appeals.

Therefore, there is no longer a need for outside Special Counsel retained by the City Commission to advise the Personnel Board inasmuch as the Personnel Board no longer hears appeals of disciplinary actions, and therefore there is no longer a potential conflict of interest for the City Attorney's Office.

Agenda Item R7J
Date 7-12-06

1700 Convention Center Drive -- Fourth Floor -- Miami Bea

In 1995, the City Commission pursuant to Resolution 95-21578 retained Betty Capote, Esq. as Special Counsel for the Personnel Board. The retention is subject to termination at the will of either party.

Therefore, the City Attorney's Office recommends that the position of Special Counsel be eliminated, that the retention of Betty Capote, Esquire, as Special Counsel be terminated, and that no Special Counsel be retained for the Personnel Board unless a conflict of interest arises.

JS/ym
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RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ELIMINATING THE POSITION OF THE SPECIAL COUNSEL TO THE PERSONNEL BOARD.

WHEREAS, the City Commission of the City of Miami Beach, Florida, found and determined that it was in the best interest of the City to employ special counsel to advise the City's Personnel Board because of an inherent conflict of interest by the City Attorney's Office which is required by a Related Special Act to represent the City's Appointing Officers before the Board in disciplinary appeals by classified employees; and

WHEREAS, all five collective bargaining units for classified employees of the City have agreed in collective bargaining agreements to eliminate the Personnel Board as an avenue for employee disciplinary appeals and use instead the grievance/arbitration procedure or a neutral hearing examiner in lieu of the Personnel Board; and

WHEREAS, the City Attorney's Office no longer has an inherent conflict of interest and may advise the Personnel Board; and

WHEREAS, there is no longer a need for the position of special counsel to advise the Personnel Board on a regular basis and a Special Counsel could be appointed, as needed, if a conflict of interest arises; and

WHEREAS, the services of the currently Special Counsel, Betty Capote, Esquire, retained pursuant to Resolution 95-21578, are terminable at will and are no longer needed.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the position of Special

Counsel to the Personnel Board is hereby eliminated and the employment of Betty Capote, Esquire, as Special Counsel to the Personnel Board, is hereby terminated.

PASSED and **ADOPTED** this _____ day of _____ , 2006.

ATTEST:

_____ _____

CITY CLERK **MAYOR**

F:\atto\PAPD\Resolution for Elimination of Special Counsel of Personnel Board.doc

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

City Attorney 7/5/06
Date

Condensed Title:

A Resolution authorizing an increase to the Maximum Compensation Limit (MCL) of the Professional Services Agreement (PSA) with Camp Dresser and McKee Inc. for the Citywide Sanitary Sewer System Improvements Project

Key Intended Outcome Supported:

Ensure Well Maintained Infrastructure

Issue:

Shall the Mayor and City Commission approve the Resolution?

Item Summary/Recommendation:

On December 11, 2002, the City entered into a PSA with the firm of Camp Dresser and McKee Inc. (the Consultant) pursuant to the Request for Qualification No. 35-00/01 (Resolution 2002-25086). The PSA established a maximum compensation limit of $1,000,000.

The City has employed professional engineering services from the Consultant for over three years and is satisfied with their overall execution. The City must continue the ongoing sewer infrastructure rehabilitation program in order to meet regulatory mandates.

The Consultant has proficiently assisted the City in the execution of the sewer infrastructure system improvements. The City has identified additional technical assistance needs in areas where the Consultant has expertise and a firm understanding of the City's requirements and expectations.

The City's current and future sewer system professional engineering services needs will exceed the $1,000,000 MCL. Since CDM has been extremely responsive and has provided timely and quality work, the Administration considers to be in the best interest of the City to increase the MCL to $ 2,000,000. Increasing the maximum compensation limit is non-binding and is not a guarantee that the City will contract with the Consultant for future services. Each task or service is specifically directed and authorized by the city. The City reserves the right to perform any and all the work in-house or with another engineering firm.

The Administration recommends approval of the Resolution.

Advisory Board Recommendation:

Financial Information:

Source of Funds:

	Amount	Account	Approved
1	$ 1,000,000.	Gulf Breeze Loan approved as per Reso. 2006-26153.	
2			
3			
4			
Total			

OBPI

Financial Impact Summary:

City Clerk's Office Legislative Tracking:

Sign-Offs:

Department Director	Assistant City Manager	City Manager
FHB	RCM	JMG

MIAMIBEACH

AGENDA ITEM R7K

DATE 7-12-06

MIAMIBEACH

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

COMMISSION MEMORANDUM

TO: Mayor David Dermer and Members of the City Commission

FROM: Jorge M. Gonzalez, City Manager

DATE: July 12, 2006

Subject: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING AND AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AMENDMENT NO. 1 TO THE AGREEMENT BETWEEN THE CITY AND CAMP DRESSER & MCKEE, INC. DATED DECEMBER 11, 2002, FOR PROFESSIONAL ENGINEERING SERVICES FOR CITYWIDE SANITARY SEWER IMPROVEMENT PROJECTS; SAID AMENDMENT INCREASING CONSULTANT'S MAXIMUM ALLOWED COMPENSATION, FROM A NOT TO EXCEED AMOUNT OF $1,000,000, TO A NOT TO EXCEED AMOUNT OF $2,000,000, FOR ENGINEERING SERVICES RELATED TO CITY SANITARY SEWER AND TRANSMISSION SYSTEM STUDY, AS REQUIRED BY THE DEPARTMENT OF ENVIRONMENTAL RESOURCES MANAGEMENT (DERM).**

ADMINISTRATION RECOMMENDATION

Adopt the Resolution.

FUNDING

Funding in the amount of $1,000,000 for Professional Engineering Services, is available from a Gulf Breeze Loan fund approved as per Resolution No. 2006-26153.

BACKGROUND

On December 11, 2002, the City of Miami Beach authorized a Professional Services Agreement (PSA), Service Order No. 1, with the firm Camp Dresser & McKee Inc. (the Consultant) pursuant to Request for Qualifications (RFQ) No. 35-00/01 (Resolution No. 2002-25086) for Citywide Sanitary Sewer Improvements Projects. The PSA established a maximum compensation limit of $1,000,000, unless amended by the City Commission.

The City of Miami Beach is a Volume Sewer Customer (VSC) of the Miami-Dade County Water and Sewer Department (MDWASD). As such, the City must comply with the requirements set forth in the VSC Ordinance 96-166 of the County, subsequently incorporated into Section 24-42.2 of the County Code.

The VSC Ordinance is enforced by the Department of Environmental Resources Management (DERM) and stipulates that public and sanitary sewer collection systems must have the following requirements completed:

1. Annual Report
2. Operation and Maintenance Manual for the Sewer System
3. System Atlas
4. Sanitary Sewer Evaluation Survey (SSES Phases I, II and III)
5. Collection and Transmission System Model
6. Peak Flow Management Study

The City has been complying with all of the above regulatory requirements with the assistance of the Consultant which specializes in this area of civil engineering. In addition to the DERM required assistance, the Consultant provides services related to other wastewater system technical issues. The City's Public Works Department recommends continuing to employ the Consultant's services to provide technical assistance in meeting the ongoing regulatory compliance requirements and to continue to assist in the technical review and inspections of the sewer infrastructure rehabilitation program.

In January 2003, the City issued the Consultant a purchase order for Professional Engineering Services during the rehabilitation of sanitary sewer lines throughout the City. The project has been satisfactory completed. More recently, the City authorized the Consultant in April 21, 2006 to undertake the DERM required Sanitary Sewer Evaluation Survey (SSES) flow monitoring and post rehabilitation report which is due to DERM by November 12, 2006. This study is required to report the completion of required corrective work on the sewer system and obtain final field measurements of the system to determine its compliance with infiltration percentage rates. In June 2007, DERM requires a Peak Flow Management Study (PFMS) to be completed. This study will gather flow monitoring data of the sanitary sewer system by basin size including the calculation of Inflow/Infiltration (I/I) as a percentage of rainfall falling on each of the basins.

The City has expended $373,845 from the current Professional Service Agreement (PSA) Service Order No. 1 and committed/authorize an additional $425,145 from the original amount compensation limit of $1,000,000; the remaining balance is $201,010. The City anticipates the need for additional professional engineering services for projects shown on page 3 that will exceed the current PSA authorized maximum compensation of $1,000,000; and now seeks Commission approval to increase the maximum compensation limit to $2,000,000 with no other change to the terms of the PSA.

The Consultant is a well established firm having provided services to the City for over ten years. The Consultant offers continuity in professional engineering services ranging from: engineering analysis, investigation, program definition, planning, design, preparation of construction documents, permitting, preparation of construction cost opinions, bidding/ contract award assistance, construction inspections, project management, project coordination and construction observation/contract administration. The Consultant has completed all assignments to the City's overall satisfaction and is responsive to the City's needs.

The following listing summarizes identified future projects with estimated budget fee estimates for professional services:

City of Miami Beach
Sanitary Sewer Collection and Transmission System Needs

Project	Budget Estimate
1. Peak Flow Management Study (PFMS) – *MD Code Section 24-42.2 (1) (c)*	$500,000
2. Sunset Isles 3 & 4 Subaqueous Force Main Replacement Feasibility Report	$60,000
3. Pump Station 31 In-place generator - *FAC Chapter 62-604 requirement*	$30,000
4. FDEP Consent Order In-Kind Services	$32,000
5. Evaluation of 1930s and 1960s 30" and 42" Diameter Force Mains	$150,000
6. Engineer's Report - Financial and Operational Assessment	$60,000
7. Wastewater Master Plan Update	$140,000
8. Miscellaneous Projects approved by Public Works-Director	$140,000
Subtotal	**$1,112,000**
Contingency (5.845%)	$65,000
Subtotal	**$1,177,000**
Remaining PSA Balance	<$201,010>
TOTAL	**$975,990**
USE	**$1,000,000**

Each of the tasks is specifically authorized by the City and funded by the Gulf Breeze Loan fund.

CONCLUSION

The City Administration recommends that the Mayor and City Commission of the City of Miami Beach, Florida, approve and authorize the Mayor and City Clerk to execute Amendment No. 1 to the Agreement between the City and Camp Dresser & McKee, Inc., for Professional Engineering Services for Citywide Sanitary Sewer Improvement Projects, said Amendment increasing Consultant's maximum compensation under the allowable Agreement, from a not to exceed amount of $1,000,000, to a not to exceed amount of $2,000,000, for the City Sanitary Sewer Collection and Transmission System needs as required by the Department of Environmental Resources Management (DERM).

JMG/RM/FHB/RH/MA
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RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING AND AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AMENDMENT NO. 1 TO THE AGREEMENT BETWEEN THE CITY AND CAMP DRESSER & MCKEE, INC., DATED DECEMBER 11, 2002, FOR PROFESSIONAL ENGINEERING SERVICES FOR CITYWIDE SANITARY SEWER IMPROVEMENT PROJECTS; SAID AMENDMENT INCREASING THE CONSULTANT'S MAXIMUM ALLOWABLE COMPENSATION, FROM A NOT TO EXCEED AMOUNT OF $ 1,000,000, TO A NOT TO EXCEED AMOUNT OF $ 2,000,000, FOR ENGINEERING SERVICES RELATED TO THE CITY SANITARY SEWER COLLECTION AND TRANSMISSION SYSTEM STUDY, AS REQUIRED BY THE DEPARTMENT OF ENVIRONMENTAL RESOURCES MANAGEMENT (DERM).

WHEREAS, on May 3, 2002, the City issued Request for Qualifications (RFQ) No. 35-00/01, for Citywide Sanitary Sewer System Improvement Projects (the Project) and, pursuant to this competitive process, selected the firm of Camp Dresser and McKee, Inc. (Consultant), as the top-ranked proposer in response thereto; and

WHEREAS, on December 11, 2002, the City approved and authorized the execution of a Professional Services Agreement with the Consultant, with a maximum compensation limit of $1,000,000; and

WHEREAS, the City is continuing with the ongoing regulatory compliance efforts and Citywide infrastructure rehabilitation program related to the Project; and

WHEREAS, in January 2003, as part of the Project, the City authorized the Consultant to proceed with professional engineering services during the rehabilitation of sanitary sewer lines throughout the City; this work has been satisfactorily completed; and

WHEREAS, on April 21, 2006, the City authorized Consultant to proceed with work relative to the DERM-required Sanitary Sewer Evaluation Survey (SSES) flow monitoring and post rehabilitation report, which is due to DERM by November 12, 2006; and

WHEREAS, this study is for the completion of required corrective work on the sewer system and final measurements of the system to determine

compliance with infiltration percentage rates; and

WHEREAS, in June 2007, DERM also required a Peak Flow Management Study (PFMS) to be completed, which is a flow monitoring data gathering of sanitary sewer by basin size, including the calculation of inflow/infiltration (I/I) as a percentage of rainfall falling on the basins; and

WHEREAS, the aforestated services will necessarily require an Amendment to the Agreement, increasing the original not to exceed compensation amount from $ 1,000,000, to $ 2,000,000, and the Public Works Department would recommend that the Mayor and City Commission approve said Amendment; and

WHEREAS, funding, in the amount of $ 1,000,000, are available from a Gulf Breeze Loan funds (as approved pursuant to Resolution No. 2006-26153); and

WHEREAS, the City Manager has reviewed the Public Works Department's recommendation and concurs with same.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Mayor and City Commission hereby approve and authorize the Mayor and City Clerk to execute Amendment No. 1 to the Agreement between the City and Camp Dresser & Mckee, Inc., dated December 11, 2002, for Professional Engineering Services for Citywide Sanitary Sewer Improvement Projects; said Amendment increasing the Consultant's maximum allowable compensation, from a not to exceed amount of $ 1,000,000, to a not to exceed amount of $ 2,000,000, for engineering services related to the City Sanitary Sewer Collection and Transmission System Study, as required by the Department of Environmental Resources Management (Derm).

PASSED and **ADOPTED** this _____ day of _____ , 2006

ATTEST:

_____ _____

CITY CLERK **MAYOR**

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APPROVED AS TO FORM & LANGUAGE & FOR EXECUTION

6/30/06

City Attorney Date

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Condensed Title:

A Resolution Authorizing The City Manager, Or His Designee To Select, Negotiate, Award And Reject All Bids, Contracts, Agreements, Purchase Orders, Change Orders And Grant Applications; Renew Existing Contracts Which May Expire, And Terminate Existing Contracts As Needed From The Last City Commission Meeting On July 12, 2006, Until The First Regularly Scheduled City Commission Meeting On September 6, 2006, Subject To Ratification By The City Commission At Its First Regularly Scheduled Meeting On September 6, 2006.

Key Intended Outcome Supported:

August Recess Authorization Supports All City Key Intended Outcomes.

Issue:

Whether to Adopt the Resolution?

Item Summary/Recommendation:

Between the last meeting on July 12, 2006, and the first regularly scheduled meeting on September 6, 2006, the City Commission will not be in session. During this period there may be bids or contracts in excess of the $25,000, which may need to be rejected, awarded or terminated.

Based on the above, it is requested, that the City Manager, or his designee, be authorized to sign all contracts, agreements, purchase orders, change orders, and grant applications; renew any existing contracts, for an appropriate period of time; terminate existing contracts, as needed, from the last Commission meeting on July 12, 2006, until the first regularly scheduled Commission meeting on September 6, 2006, subject to ratification by the City Commission at its first regularly scheduled meeting on September 6, 2006.

ADOPT THE RESOLUTION.

Advisory Board Recommendation:

Financial Information:

Source of Funds:

OBPI

	Amount	Account	Approved
1			
2			
3			
4			
Total			

Financial Impact Summary:

City Clerk's Office Legislative Tracking:

Gus Lopez, extension 6641

Sign-Offs: Department Director	Assistant City Manager	City Manager
GL	PDW	JMG

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MIAMIBEACH

AGENDA ITEM R7L

DATE 7-12-06

MIAMIBEACH

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

COMMISSION MEMORANDUM

TO: Mayor David Dermer and Members of the City Commission

FROM: Jorge M. Gonzalez, City Manager

DATE: July 12, 2006

SUBJECT: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO SELECT, NEGOTIATE, AWARD AND REJECT ALL BIDS, CONTRACTS, AGREEMENTS, PURCHASE ORDERS, CHANGE ORDERS AND GRANT APPLICATIONS; RENEW EXISTING CONTRACTS WHICH MAY EXPIRE; AND TERMINATE EXISTING CONTRACTS, AS NEEDED, FROM THE LAST COMMISSION MEETING ON JULY 12, 2006, UNTIL THE FIRST REGULARLY SCHEDULED COMMISSION MEETING ON SEPTEMBER 6, 2006, SUBJECT TO RATIFICATION BY THE CITY COMMISSION AT ITS FIRST REGULARLY SCHEDULED MEETING ON SEPTEMBER 6, 2006.**

ADMINISTRATION RECOMMENDATION

Adopt the Resolution.

BACKGROUND

Between the last meeting on July 12, 2006, and the first regularly scheduled meeting on September 6, 2006, the City Commission will not be in session. During this period there may be bids or contracts in excess of the $25,000, which may need to be rejected, awarded or terminated.

Based on the above, it is requested, that the City Manager, or his designee, be authorized to sign all contracts, agreements, purchase orders, change orders, and grant applications; renew any existing contracts, for an appropriate period of time; terminate existing contracts, as needed, from the last Commission meeting on July 12, 2006, until the first regularly scheduled Commission meeting on September 6, 2006, subject to ratification by the City Commission at its first regularly scheduled meeting on September 6, 2006.

Since this authorization is necessary to ensure that essential services and projects continue during the period between the last Commission meeting on July 12, 2006, until the first regularly scheduled Commission meeting on September 6, 2006, it is recommended that the City Commission adopt this Resolution.

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RESOLUTION TO BE SUBMITTED

Condensed Title:

A Resolution of the Mayor and City Commission of the City of Miami Beach, Florida, ratifying a contract to National Concrete Preservation, Inc., in the amount of $1,911,095 for stucco façade restoration and replacement of all windows; and the appropriation of $1,900,000 for unforeseen structural repairs and project contingency for the Historic City Hall Building, and further ratifying a change order in the total amount of $1,758,504.

Key Intended Outcome Supported:

Well Maintained Facilities

Issue:

Shall the Commission ratify the resolution?

Item Summary/Recommendation:

Structural surveys have revealed severe delamination and spalling of exterior surfacing materials of the Historic City Hall Building and the need to replace the windows in the building with impact resistant glass and frames to provide the building a means of protection from hurricanes. The Mayor and City Commission, at the April 20, 2005 Commission meeting, adopted Resolution No. 2005-25857, which authorized the Property Management Director to serve as the Certified General Contractor for the renovation/restoration of the building. After developing approved plans and specifications, five (5) contractors, that specialized in concrete facade restorations, were contacted to provide quotes on the project that resulted in two (2) responsive/responsible quotes. An evaluation committee unanimously agreed that the low bid contractor had the qualifications, background, and capacity to perform the work. The Property Management Director issued a contract to National Concrete Preservation, Inc., in the total amount of $1,911,095 for the required work.

After the demolition work of the project had begun, severe structural deficiencies were found under the stucco façade and in the structural elements of the building. Plans and specifications for the additional structural repair requirements were ordered and the structural repair cost was negotiated with National Concrete Preservation, Inc. As required by Resolution No.2005-25857, the Administration requests that the Mayor and City Commission appropriate a total of $1,900,000 from the Capital Reserve Fund and ratify a change order to the existing contract with National Concrete Preservation, Inc., in the total amount of $1,758,504, as is deemed necessary to complete the additional structural repair work on the Historic City Hall Building.

County Courts and Clerks' office and City offices are being temporarily relocated for approximately six months to perform the structural repairs. Total project completion is estimated to be August 2007.

Adopt the Resolution.

Advisory Board Recommendation:

Historic Preservation Board approved the project.

Financial Information:

Source of Funds:

	Amount	Account	Approved
1	$ 1,911,095	$2,000,000 Miami-Dade County GO Bond Program	
2		$ 500,000 FY 04/05 Capital Renewal and Replacement Program # 390.2086.061357	
3		# 390.2086.069357	
4	$ 1,900,000	Capital Reserve Fund	
Total	$ 3,811,095		

OBPI

Financial Impact Summary:

City Clerk's Office Legislative Tracking:

Brad A. Judd; Property Management Director

Sign-Offs:

Department Director	Assistant City Manager	City Manager

MIAMIBEACH

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

COMMISSION MEMORANDUM

TO: Mayor David Dermer and Members of the City Commission

FROM: Jorge M. Gonzalez, City Manager For JMG

DATE: July 12, 2006

SUBJECT: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, RATIFYING A CONTRACT TO NATIONAL CONCRETE PRESERVATION, INC., IN THE TOTAL AMOUNT OF $1,911,095, TO PROVIDE FOR THE REMOVAL OF THE EXTERIOR STUCCO AND REPLACEMENT WITH FIBER REINFORCED STUCCO, THE REMOVAL OF ALL WINDOWS AND REPLACEMENT WITH HURRICANE RESISTANT IMPACT RESISTANT WINDOWS AND FRAMES, AND THE REPAIR OR REPLACEMENT OF ALL DAMAGED EXTERIOR DECORATIVE MOLDINGS, CORNICES, AND BALUSTERS AT THE HISTORIC CITY HALL BUILDING AND FURTHER APPROPRIATING $1,900,000 FROM THE CAPITAL RESERVE FOR UNFORESEEN STRUCTURAL REPAIRS AND PROJECT CONTINGENCY AND RATIFYING A CONTRACT CHANGE ORDER IN THE TOTAL AMOUNT OF $1,758,504, TO NATIONAL CONCRETE PRESERVATION, INC., TO PROVIDE FOR THE STRUCTURAL REPAIR.**

ADMINISTRATION RECOMMENDATION

Adopt the Resolution.

ANALYSIS

Exterior renovations were completed on the Historic City Hall Building in 1987, 1993 and 2001. However, large sections of the concrete decorative moldings continued to fall from the upper floors of the building to the street below. A safety net was installed to prevent any injury to persons below and a structural evaluation of the condition of the building was ordered from BEA International. Because of the previous projects completion on the building that were intended to address the building's substrate issues, the structural evaluation survey consisted of a "Ping" test to determine if there were any loose materials that were in danger of falling from the building. In March of 2002, the report from BEA International was received that found that at least 40% of the exterior plaster surfaces of the building had delaminated from the substrate surface. Additionally, the decorative concrete moldings had severe spalling due to water intrusion that had deteriorated the structural steel reinforcement that held them in place.

In February 2004 funding was approve by the Finance and Citywide Projects Committee for the development of structural plans and specification for the removal and replacement of all exterior plaster surfaces of the building and replacement of all damaged decorative moldings on the building and the replacement of all windows in the building with hurricane resistant impact resistant glass and frames. A notice to proceed was issued to BEA International for the development of the construction documents required for the project on March 9, 2004.

When the completed plans were received by the City, the Property Management Director filed an application for the Historic Preservation Board to review the project on September 16, 2004 for the October 12, 2004 meeting. With minor revision requests completed, the plans were again reviewed by the Historic Preservation Board at their November 9, 2004 meeting and a Certificate of Appropriateness was issued on November 9, 2004 for approval of the project. A construction cost estimate of $2,500,000 was provided for the required exterior work, window replacements, repairs to the building's interior from water intrusion damage, the replacement of the historic entrance doors on each side of the building, engineering fees, required work to protect IT and telecommunication equipment, and project contingencies. Funding to support the project was obtained in the amount of $500,000 from the City's GO Bond program and $2,000,000 from the Miami Dade County GO Bond program. The Property Management Director submitted the plans and specification to the Building Department on February 28, 2005 for review of all disciplines.

The Mayor and City Commission, at the April 20, 2005 Commission meeting, adopted Resolution No. 2005-25857, which authorized the Property Management Director to serve as the Certified General Contractor of Record for all of the FY 04/05 Capital Renewal and Replacement projects which included the required renovation/restoration work on the Historic City Hall Building. With the approval, the Property Management Director exercised his authority and obtained the master building permit for the entire project on June 13, 2005.

After developing specifications specific to the exterior work, a Request for Quotations # VA-QT12-005 was prepared and a pre-bid meeting was scheduled for August 9, 2005 with a bid opening date set for September 6, 2005.

The scope of work for this portion of the project included the following:

1) The removal of all existing stucco and the replacement with fiber reinforced stucco, painted.
2) The removal of concrete copings, ornamental bands, and cornices only where shown on the permit drawings. Where removed, replace with either EPS shapes or pre-cast concrete shapes to match the existing shapes as specified in the drawings and specifications.
3) Removal of the existing balusters and replacement with cast concrete balusters as per plans and specifications.
4) Removal of windows and frames and replacement with Miami Dade County product approved impact resistant windows and frames.

Because of the historic significance of the building, five (5) contractors that specialized in concrete and ornamental decorative molding restoration and historic building restoration were contacted to provide quotes for the project that resulted in two (2) responsive/responsible quotes. After receiving the quotes, and again because of the historic significance of the building, the Property Management Director put together an evaluation committee to review the quotes and to determine if the contractors had the ability, background, and team necessary to successfully complete the project. The evaluation committee consisted of the following:

1) Brad A. Judd, Property Management Director, Contractor of Record, (State Certified General Contractor)

2) Viviana Alemany, Property Management Capital Projects Coordinator, (Structural Engineer, Project Manager)

3) William Cary, Planning Department Assistant Planning Director (Historic Preservation)

4) Thomas Mooney, Planning Department Preservation and Design Manager, (Historic Preservation)

The evaluation committee unanimously agreed that National Concrete Preservation, Inc. had the experience, qualifications, and ability to perform the work on the restoration of the Historic City Hall Building. A contract was prepared in the total amount of $1,911,095 to National Concrete Preservation, Inc. for the work. After a review by the Legal Department and execution by the Mayor and City Clerk, the contract was issued to National Concrete Preservation, Inc. for the project on November 4, 2005. After an asbestos survey was performed as required by the Department of Environmental Resource Management (DERM), and a structural engineer was retained to provide for the special threshold inspections required for the project, the Property Management Director issued a Notice to Proceed on January 6, 2006.

Serious structural deficiencies were revealed during the initial removal of the unforeseen exterior stucco. These deficiencies include, but are not limited to, concrete loss, reinforcement corrosion including structural steel beams and columns, brick wall damage, and window anchoring systems that are missing. In addition, the previous renovations to the building had applied stucco over the existing stucco rather than removing the old stucco and applying the new stucco directly to the substrate. In essence, the building requires major structural repairs in conjunction with the previously funded and awarded façade restoration project. The Property Management Director contacted BEA International, Inc., (Engineer of Record) to determine the extent of the structural damages and to develop a structural repair plan. The findings of the structural repair needs include the following:

<u>Skirt Building</u>

Beam:

- The joints between beams and columns exhibited large, concentrated, vertical cracks (shear cracks). The joint discontinuity will cause further corrosion damage and might result in structural failure.
- Reinforcement misplacement is observed.
- Poor quality in initial concrete construction was also observed.

Column:

- The columns are subjected to severe corrosion damages, with multiple continuous cracks along longitudinal reinforcement (coincident cracks), loss of concrete surface, extensive loss of longitudinal steel reinforcement (25%-75%), and extensive loss of hoop steel reinforcement (25%-100%).
- Poor quality in initial concrete construction is also observed.

Window:

- No support system was found for the window frames. Therefore, the window frame has no anchoring mechanism against wind load.
- The connection between window frame and brick wall revealed poor construction quality.

- Severe damage is common around the perimeter of the existing window frames and wall joints.

Wall:

- No connection was found between brick wall and reinforced concrete structural elements. Separation between wall and column was discovered at various locations.
- Moderate to severe damage to the wall brick surface was discovered.
- Severe damage was found at the wall-column interface.

Tower Building

Beam and Column:

- Previous drawings indicated structural deficiencies and repair plans.
- Spalling of concrete chunks was observed, posing great hazards to human safety.
- Investigation was performed at a distance, limited by the accessibility of the spall locations.

Window:

- Severe damage to the exterior surface due to corrosion of steel wire meshes.
- The investigation was limited to a typical window frame with external stucco removed.

Wall:

- Spalling of exterior wall chunks was observed, posing great hazards to human safety.
- Investigation was performed at a distance, limited by the accessibility of the spall locations.

The cause and effect of the findings include the following:

Vertical Cracks Cause and Effect:

The coincident cracks in the column member, defined as Category M in Concrete Society Technical Report No. 22, are caused by corrosion of steel reinforcement for the following reasons:

- Weathering-introduced corrosion was deemed to be the main drive force for the system deficiency.
- The observed poor quality in initial concrete construction facilitated the corrosion of internal reinforcement.

Corrosion in longitudinal steel and ties is a major defect in the column and could eventually lead to failure of a column member. Considering the importance of the columns among the overall structural system, the consequence can be catastrophic.

Brick Wall Damage Cause and Effect:

Brick wall damage is caused mainly by stress concentration. Stress concentration comes from a variety of sources including poor quality in initial concrete construction such as mishandling of bricks, the interaction between brick wall and the main structural system, and impact load during the stucco removal process.

The damaged wall units and connections caused corrosion damage and, if not properly resolved, will cause further corrosion damage at the inner surface of the building. The damage will also compromise the connection between wall and concrete member posing potential wall failure under hurricane-imposed wind load.

Other Concerns Raised During Investigation:

Unintentional structural damage revealed during the investigation compounds system uncertainty. Corrosion prone material, such as wire mesh, used in the last rehabilitation effort, failed to protect the building and potentially contributed to further deterioration of the condition of the building.

After reviewing the findings, and multiple meeting with their structural engineers, the Property Management Director authorized BEA International, Inc., to prepare structural repair plans and specifications, in accordance with Florida Building Code, to address the structural conditions of the Historic City Hall building and to provide a construction cost estimate of the required work. The scope of work included the following:

- To provide specialized cover and concrete materials that will be used to ensure a durable controlled environment for internal reinforcement.

- Supplemental reinforcement is to be installed as needed to reinstate system integrity.

- Repair external wrapping with layers of non-corrosive, composite material to provide a solution with minimum disruption of the system, quick and simple construction, significant system integrity and capacity improvement, and extensive service life, all while maintaining original system geometry.

- For the non-structural element, preliminary examination revealed severe damage of the wall and structural deficiency between window frames and main structural frame. It is recommended to demolish the damaged brick wall and replace it with concrete masonry unit (CMU) wall, while replacing the window frames and installing window support systems.

- A concrete mix with low water permeability shall be selected. Certain reinforcement shall be selected to replace or reinforce the corroded reinforcement. Proper external wrapping material and bonding agencies shall be selected to facilitate simple construction as well as prolonged protection to the core structure. The selection of construction methods and materials, with consideration of the City's objective and contractor's capability, shall be optimized to achieve a cost-effective plan.

- Configurations of the repair material shall be designed to restore system capacities and maintain robustness in the future service life. The design will establish several rehabilitation scenarios, with respective configurations, for different categories of structural deficiencies. The deficiency categories will be defined by key parameters stated in the ACI concrete repair specifications.

- Construction documents shall include guidelines for:
    a. Removal of concrete material and surface preparations;
    b. Reinforcement treatment and replacement;
    c. Concrete restoration;
    d. External wrapping material handling and construction;
    e. Quality inspection during construction, and future monitoring;

The rehabilitation proposal details are based on the structural components in the follow sections of the Florida Building Code.

- Article 407.1.2, "Wind design of existing buildings shall be in accordance with the building codes that were in effect when the building was permitted."

- Article 1003.1, "The historic preservation goal of this code shall be to minimize damage to and loss of historic structures ....."

- Article 1004.1, "Nothing in this code shall be intended to prevent the use of systems, methods or devices of equivalent or superior quality, strength ....."

The Administration recommends that the Mayor and Members of the City Commission ratify the Property Management Director's contract to National Concrete Preservation, Inc., in the total amount of $1,911,095, to provide for the removal of the exterior stucco and replacement with fiber reinforced stucco, the removal of all windows and replacement with hurricane resistant impact resistant windows and frames, and the repair or replacement of all damaged exterior decorative moldings, cornices, and balusters. The Administration also recommends appropriating $1,900,000 from the Capital Reserve account for project costs and contingencies and ratification of the Property Management Director's change order to National Concrete Preservation, Inc., in the amount of $1,759,504, to provide for the structural repair needs at the Historic City Hall Building.

JMG\RCM\FHB\RTH\BAJ

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Figure 1. Longitudinal Reinforcement Corrosion and Concrete Loss

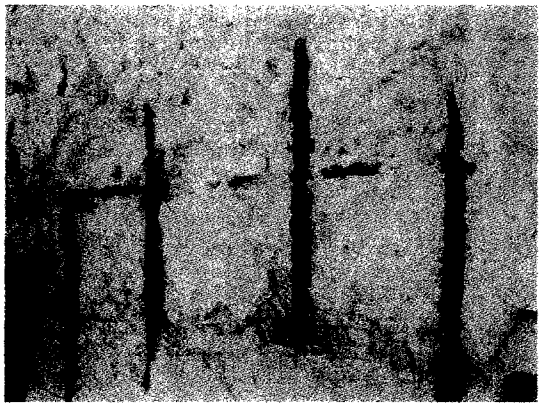

Figure 2. Total Loss of Steel Ties

Figure 3. Separation Between Brick Wall and Column

Figure 4. Connection Between Window Frame and Column

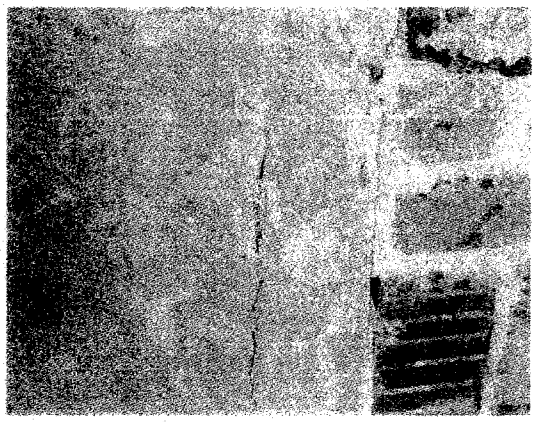

Figure 5. Column Longitudinal Cracks

Figure 6. Misplacement of Concrete Beam Reinforcement

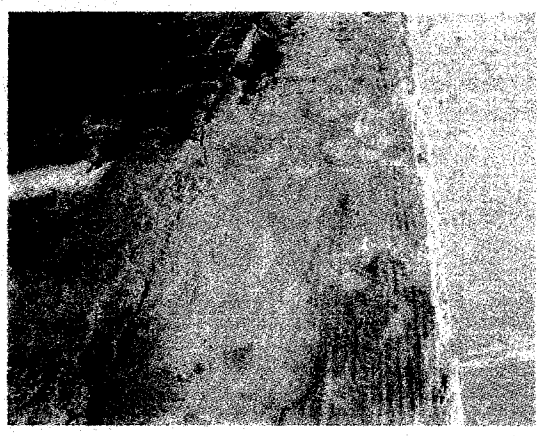

Figure 7. Shear Cracks Between Concrete Beam and Column

Figure 8. Damaged Brick Wall

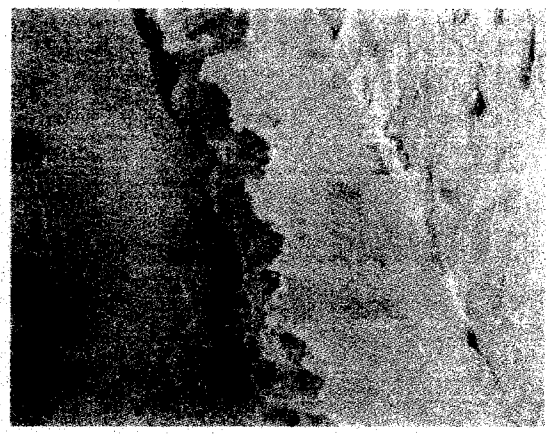

Figure 9. Cracks Between Original Concrete and Repaired Concrete

Figure 10. Total Loss of Wire Mesh for External Stuccos

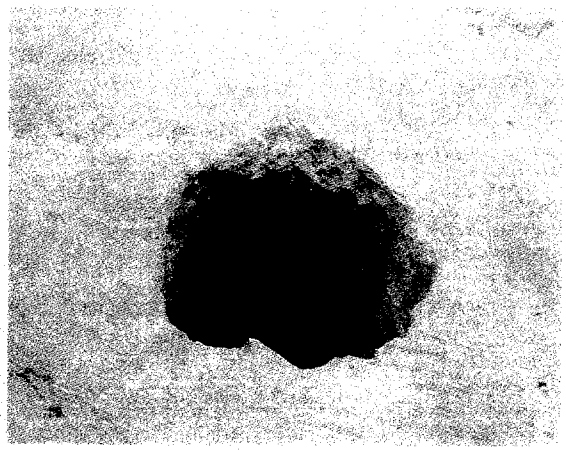

Figure 11. Man-Made Anomalies in Concrete Beam

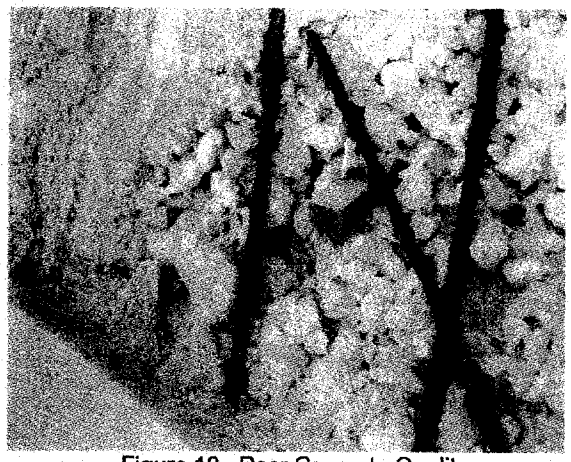

Figure 12. Poor Concrete Quality

RESOLUTION TO BE SUBMITTED

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Condensed Title:

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA SETTING 1) THE PROPOSED OPERATING MILLAGE RATE; 2) THE REQUIRED DEBT SERVICE MILLAGE RATE; 3) THE CALCULATED "ROLLED-BACK" RATE; AND, 4) THE DATE, TIME, AND PLACE OF THE FIRST PUBLIC HEARING TO CONSIDER THE MILLAGE RATES AND BUDGETS FOR FISCAL YEAR (FY) 2006/07; FURTHER AUTHORIZING THE CITY MANAGER TO TRANSMIT THIS INFORMATION TO THE MIAMI-DADE COUNTY PROPERTY APPRAISER IN THE FORM REQUIRED BY SECTION 200.065, FLORIDA STATUTES

Key Intended Outcome Supported:

Ensure expenditure trends are sustainable over the long term
Improve the City's overall financial Health and maintain overall bond rating
Increase Community Satisfaction with City Services

Issue:

Shall the Mayor and City Commission adopt the attached resolution which sets the Proposed General Fund Operating Millage Rate; the Calculated Rolled-Back Rate; and sets the date, time and place for the first public hearing?

Item Summary/Recommendation:

The Proposed FY 2006/07 General Fund Operating Budget (Proposed General Fund Budget), net of the Redevelopment Agency (RDA), totals $237.7million and reduces the overall combined millage rate from 8.073 to 7.673, an unprecendented reduction of 0.4 mills. For the average homeowner, this results in a reduction in taxes paid to the City of Miami Beach by $30.75. It is recommended that the Commission adopt resolution the Proposed Operating Budget for FY 2006/07 which sets the Proposed General Fund Operating Millage Rate; the Calculated Rolled-Back Rate; and sets the date, time and place for the first public hearing.

Advisory Board Recommendation:

Financial Information:

Source of Funds:

N/A

OBPI

	Amount	Account	Approved
1			
2			
3			
4			
Total			

Financial Impact Summary:

City Clerk's Office Legislative Tracking:

Sign-Offs:

Department Director	Assistant City Manager	City Manager

MIAMIBEACH

AGENDA ITEM R7N
DATE 7-12-06

MIAMIBEACH

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

COMMISSION MEMORANDUM

TO: Mayor David Dermer and Members of the City Commission

FROM: Jorge M. Gonzalez, City Manager

DATE: July 12, 2006

SUBJECT: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA SETTING 1) THE PROPOSED OPERATING MILLAGE RATE; 2) THE REQUIRED DEBT SERVICE MILLAGE RATE; 3) THE CALCULATED "ROLLED-BACK" RATE; AND, 4) THE DATE, TIME, AND PLACE OF THE FIRST PUBLIC HEARING TO CONSIDER THE MILLAGE RATES AND BUDGETS FOR FISCAL YEAR (FY) 2006/07; FURTHER AUTHORIZING THE CITY MANAGER TO TRANSMIT THIS INFORMATION TO THE MIAMI-DADE COUNTY PROPERTY APPRAISER IN THE FORM REQUIRED BY SECTION 200.065, FLORIDA STATUTES.**

SUMMARY

The Administration is recommending the City's total millage rate be reduced by an unprecedented 0.400 mills to a rate of 7.673 mills. The operating millage rate will decrease to the rate of 7.192, a decrease of 0.107 mills, and debt service millage rate will decrease by 0.293, from 0.592 to 0.299. The General Fund Capital Renewal and Replacement millage will remain at the current millage of 0.182 mills. Further, the combined millage rate overall is more than an entire 1.0 mills lower than it was in Fiscal Year 2000, and lower than most municipalities in Miami-Dade County.

In addition to the overall millage decrease by 0.400 mills, and despite increases in assessed value there will be a net decrease of $30.75 in the amount of taxes that "the average residential homeowner" (who owns a $247,000 home with homestead exemption) will pay to the City in the coming fiscal year. The County has announced a decrease in their property tax rate, but changes in millage rates for other jurisdictions are unknown at this time and so are assumed unchanged. None-the-less, it is anticipated that the $30.75 decrease in taxes paid to the City of Miami Beach for the average homesteaded property will help offset estimated increases in taxes paid to other jurisdictions due to increases in assessed values.

ADMINISTRATION RECOMMENDATION

The Administration recommends that the Mayor and City Commission adopt the attached resolution which authorizes the City Manager to transmit the following information to the Miami-Dade County Property Appraiser:

1) Proposed Millage Rates for FY 2006/07:
   General Operating 7.192mills (7.299 last year)

Capital Renewal & Replacement	0.182 mills	(0.182 last year)
Debt Service	0.299 mills	(0.592 last year)
Total	7.673 mills	(8.073 last year)

2) "Rolled-Back" Rate (Truth in Millage) 5.872 mills

3) The first public hearing to consider the proposed millage rates and tentative budgets for FY 2006/07 shall be Wednesday, September 6, 2006 at 5:01 p.m., in the City Commission Chambers, City Hall, 1700 Convention Center Drive, Miami Beach, Florida

DECISION-MAKING PROCESS

The budget development process has included participation from within and from outside City Hall. A Commission Retreat was held on April 28thth and 29th to provide preliminary budget information to the Commission and establish priorities. Additionally, budget briefings were held on June 1st and June 2nd to inform the Commission and the citizens of department expenditure requests for FY 2006/07. Further, and overview of the Proposed Operating Budget for FY 2005/06 was presented to the Finance and Citywide Projects Committee and to the Budget Advisory Committee on July 6th, 2006. In addition, the Budget Advisory Committee (BAC) reviewed major budget issues and trends and department expenditure requests and offered comments and suggestions throughout the process. In addition, this year we have been able to refine our strategic priorities with information obtained through focus groups held throughout the City in follow-up to the first -ever set of community surveys conducted in FY 2006/07.

The Proposed FY 2006/07 General Fund Operating Budget (Proposed General Fund Budget), net of the Redevelopment Agency (RDA), totals $237.7million and reduces the overall combined millage rate from 8.073 to 7.673, an unprecendented reduction of 0.400 mills. For the average homeowner, this results in a reduction in taxes paid to the City of Miami Beach by $30.75. Further, the combined millage rate overall is more than an entire 1.0 mills lower than it was in Fiscal Year 2000, and lower than most municipalities in Miami-Dade County.

In addition, the Proposed Operating Budget continues our focus on enhancing "value of services for tax dollars paid" by increasing the homeowners dividend from $200 to $300; providing fee relief in water, sewer, sanitation, and life safety inspections; enhancing free services to the community; providing over $3.7 million in enhancements in the Proposed General Fund Operating Budget (and $6 million across all departments) primarily in public safety, sanitation, landscaping and beautification, parks and cultural arts programming, and in the Building Department; and continues structural changes that enhance capital funding and reserves.

Increases in the cost of current service levels and the cost of enhancements increase the budget by percentages similar to prior years. Current service levels increase the budget by 8.1%, as compared to 7.2% and 7.5% in each of the last 2 years; enhancements increase the budget by 1.8% as compared to 2.3% and 1.9% in each of the last 2 years.

In addition, the Proposed General Fund Budget absorbs the impact of the General Fund component of the pension restructure approved in 2006 of $2.7 million.

Further, the Proposed General Fund Budget includes $4.9 million for a Miami Beach Homeowners Dividend Fund to provide a return on investment to homesteaded property owners, an increase of $1.6 million and absorbs $ 1million in cost of the County's fee increases to wholesale water and sewer rates. Finally, the Proposed General Fund Budget continues to enhance structural changes that will help ensure the long term financial sustainability of the City and ensure that our capital assets are fully funded. These initiatives represent an increase of $3.6 million and increase the prior year General Fund budget by 1.7%.

	Budget	% Increase over prior year Adopted Budget
FY 2005/06 Adopted Budget	$ 207,925,117	
FY 2006/07 Proposed Budget		
Maintaining Current services	$ 224,865,381	8.1%
One-Time Pension Restructure	2,715,000	1.3%
Service Enhancements	3,652,111	1.8%
Impact of Internal Service Fund Enhancements	209,724	0.1%
Increase in Homeowners Dividend	1,630,880	0.8%
Absorbing Partial FY 2005/06 WASD fee impact	1,000,000	0.5%
Structural Enhancements	3,600,000	1.7%
Total FY 2006/07	$ 237,673,096	14.3%

Therefore, the total Proposed General Fund Operating Budget is $237,673,096 which is $29.7 million or 14.3% greater than the FY 2005/06 adopted budget of $207,925,117.

Please see my attached transmittal letter for the FY 2006/07 City Of Miami Beach Proposed Operating Budget and Work Plan for specific details.

STATUTORY REQUIREMENTS

FS 200.065, entitled "Method of Fixing Millage" establishes specific guidelines that must be used by all local government entities in setting millage (property tax) rates. Under the statute, the City is required, within 35 days of receipt of the "Certification of Taxable Value" (received June 30, 2006), to advise the Miami-Dade County Property Appraiser of the proposed general operating millage rate, the calculated "rolled-back" rate and the date, time, and place of the first public hearing to consider the proposed millage rates and tentative budgets for FY 2006/07. The required Debt Service millage rate must also be set at the same time.

After setting the proposed operating millage rate, the Commission may, at any time prior to the final adoption, lower the rates by adjusting priorities. Increasing the millage rate may only be accomplished by an expensive mailing and advertising process to every property owner on Miami Beach.

ANALYSIS OF PROPERTY VALUES IN MIAMI BEACH

On June 30, 2006, the City received the "2006 Certification of Taxable Value" from the

Property Appraiser's Office stating that the taxable value for the City of Miami Beach is $22,739,947,828, including $785,995,928 in new construction.

The preliminary 2006 value represents an increase of $5.5 billion or 32 percent over 2005's final value of $17,231,010,766, the largest increase this City has experienced in its recent history. Alternately, the increase is $5.3 billion or 30.3 percent over 2005's preliminary value of $17,445,766,574. The difference of $214,755,808 between 2005's preliminary and final values represents the equalization loss of less than 1.2 percent due to appeals, etc.

The comparative assessed values for the Miami Beach Redevelopment Agency City Center redevelopment district increased from $2,270,499,203 to $3,003,565,939, an increase of $733,066,736, or a 32.3% increase in values over 2005 values. In addition, assessed values within the geographic area formerly known as the South Pointe redevelopment district increased from $2,174,516,070 to $2,905,687,850, an increase of $731,171,780, or a 33.6% increase in values over 2005 values.

DETERMINING THE OPERATING MILLAGE LEVY

The first building block in developing a municipal budget is the establishment of the value of one mill of taxation, wherein the mill is defined as $1.00 of ad valorem tax for each $1,000 of property value. For the City of Miami Beach, this value for each mill is determined by the 2006 Certification of Taxable Value and has been set at $22,739,948. Florida Statutes permit a discount of up to five percent for early payment discounts, delinquencies, etc. For the City of Miami Beach, the discount utilized is 3.5 percent. Therefore, the 96.5 percent value of the mill is $21,944,050.

Based on preliminary budget estimates, the millage rate of 7.374 mills will be sufficient to fund a current, basic service level as it presently exists, and service enhancements desired by the community, into the next year. It also reserves 0.182 mills for Capital Renewal and Replacement needs.

The proposed millage rate of 7.192 mills for general City operations will generate ad valorem tax revenues of $157.8 million, $35 million more than the prior year levy of $122.9 million, reflecting a 28% increase. This increase is net of $2.35 million due to the decrease in the millage for general operations from 7.299 mills, a decrease of 0.107 mills.

Of the total citywide ad valorem tax revenues of $157.82 million, $18.52 million will be transferred to the Redevelopment Agency for the City Center Redevelopment district for a net of $139.3 million. Further $7.72 million of the $139.3 million is restricted for operating expenditures within the geographic area formerly known as South Pointe redevelopment district and an additional $2.52 is transferred for capital projects within that geographic area.

The net result is an increase in the General Fund ad valorem revenue available for use Citywide from $101.45 million to $129.06 million, an increase of $27.61 million, or a 27% increase in General Fund ad valorem revenue available for use Citywide.

DETERMINING THE DEBT SERVICE MILLAGE LEVY

The debt service payment for FY 2006/07 is $6,651,271 and requires a tax rate of 0.299

mills. This rate is 0.293 mills, or twenty and fifty percent (50%) less than the FY 2005/06 rate of 0.592 mill, reducing the overall millage by the same 0.293 mills.

COMBINING THE OPERATING AND DEBT SERVICE MILLAGE LEVIES

Illustrated below is a comparison of the combined millage rates and ad valorem revenues to the City of Miami Beach for FY 2005/06 (final) and FY 2006/07 (preliminary) including RDA.

	Tax Rate				Tax Levy		
	FY 2005/06	FY 2006/07	Inc/ (Dec)		FY 2005/06	FY 2006/07	Inc/(Dec)
General Operating	7.481	7.374	(0.107)		$124,393,514	$161,815,425	$37,421,911
Debt	0.592	0.299	(0.293)		9,843,732	6,561,271	($3,282,461)
TOTAL	8.073	7.673	(0.400)		$134,237,246	$168,376,696	$34,139,450

If these recommended millage rates are tentatively adopted, then the overall combined tax rate millage will decrease by 0.400 mills as compared to the current year, the operating millage will decline by 0.107 mills and the debt service millage will decrease by 0.293mills.

COMBINING JURISDICTIONAL OPERATING AND DEBT SERVICE MILLAGE LEVIES

City of Miami Beach property owners must also pay property taxes to Miami-Dade County, the Miami-Dade County School Board, the South Florida Water Management District, and the Florida Inland Navigation District.

Revised FY 2006/07 tax rates may be considered by Miami-Dade County on September 7, 2006. The countywide tax rate is proposed to decrease to 5.775 mills; the County's debt service will remain at 0.285 mills. The Library District has proposed that the millage will remain at 0.486 mills. While it is not possible to determine the exact amount returned in additional services, it should be noted that Miami-Dade County is estimated to return approximately $30 million during FY 2006/07 in tax-increment funds for the Redevelopment Agency and the South Pointe area.

Changes in tax rates for other jurisdictions are unknown at this time and are shown as unchanged.

Using tax rates known at this time, the changes in tax rates is estimated as follows:

Changes in Tax Rates

Taxing Jurisdiction	Adopted FY 05/06	FY 06/07	Inc/ (Dec)	% Change	% of Total
Miami Beach					
General Operating	7.299	7.192	(0.107)	(1.5%)	
Capital Replacement	0.182	0.182	0.000	0.0%	
Debt Service	0.592	0.299	(0.293)	(49.5%)	32.2
Miami-Dade County					
Countywide Operating	5.835	5.775	(0.060)	(1.0%)	
Library	0.486	0.486	0.000	0.0%	
Children's Trust	0.429	0.429	0.000	0.0%	29.3
Debt Service	0.285	0.285	0.000	0.0%	
School Board	8.438	8.438	0.000	0.0%	35.4
Other	0.736	0.736	0.000	0.0%	3.1
Totals	24.282	23.822	(0.460)	(1.9%)	100.0

In FY 2005/06, the Miami Beach portion of the total tax bill was 33.3 percent. **The recommended millage rates for FY 2006/07 will place the Miami Beach portion of the tax bill at 32.2 percent based on tax rates known at this time.**

COMBINED MILLAGE LEVY IMPACT ON THE HOMEOWNER

Amendment 10 to the State Constitution took effect on January 1, 1995 and limited the increase in assessed value of homesteaded property to the percentage increase in the consumer price index (CPI) or three percent (3%), whichever is less. For 2005, the CPI has been determined to be 3.4 percent and therefore, the increase is capped at 3% for increased values as of January 1, 2005. The $25,000 homestead exemption is applied after the increase in value as follows: **assuming** that the average residential property in Miami Beach was valued at $239,990, that value is increased by the 3% to a new value of $247,190. The homestead exemption of $25,000 is then deducted, yielding a taxable value of $222,190.

Changes in tax rates for other jurisdictions are unknown at this time and are shown as unchanged. None-the-less the $30.75 decrease in taxes paid to the City of Miami Beach by the "average homeowner", will offset increases in taxes paid to other jurisdictions.

Using tax rates known at this time, the changes in taxes paid is estimated as follows:

Changes in Tax Millage & Assessment to "Average Homeowner"	
Taxing Jurisdiction	**FY 2006/07 Changes**
	Taxes
City of Miami Beach	
Operating	**$28.78**
Capital Renewal & Replacement	**1.31**
Debt Service	**(60.84)**
Total Savings	**$(30.75)**
Other Jurisdictions:	
Miami-Dade County	$37.31
School Board	60.75
Other	5.31
Total increase to County, School Board and Others	$103.37
Total Combined Change	$72.62

BUDGET RECOMMENDATION

The Administration recommends that you adopt the **operating millage rate of 7.374 mills (includes 0.182 for Capital Renewal & Replacement) and 0.299 mills for debt service**, which will maintain current basic service levels, fund operational costs for projects as they come on-line, fund enhanced service levels as possible and continue dedicated funds for Capital Renewal and Replacement. In addition, you may select any millage rate up to the constitutional cap of 10 mills.

FIRST PUBLIC HEARING

The first public hearing on the proposed millage rates and tentative budgets for Fiscal Year 2006/07 must be held no later than 80 days (September 18th) or earlier than 65 days (September 3rd) from the start of the TRIM ("Truth In Millage") calendar (July 1st). Other guidelines are: 1) the public hearing cannot be scheduled on a Sunday or on those days utilized by Miami-Dade County or the Miami-Dade County School Board for their public hearings; and 2) if on a day other than Saturday, the public hearing must be after 5:00 P.M.

Based on these guidelines, the first hearing must be held between September 3rd and September 18th. These dates are unavailable for the following reasons:

September 3, 10 and 17	Sundays
September 7 and 20	Proposed dates for Miami-Dade County Public Hearings
September 13	Miami-Dade County School Board Public Hearing

Of the remaining days, it is recommended that the first public hearing be set for Wednesday, September 6, 2006 at 5:01 P.M., in the City Commission Chambers, City Hall, 1700 Convention Center Drive, Miami Beach, Florida.

ACKNOWLEDGEMENTS

The development of this year's Proposed Operating Budget has taken a great deal of time, energy, and hard work. I would like to thank you, Mayor Dermer, and the Members of the Miami Beach City Commission, for your continued guidance, support and leadership with the budget process and in helping to accomplish so much on behalf of our residents and for the entire Miami Beach community. Together, we continue to make Miami Beach a world-class city and a better place for everyone to live, work, visit and play.

I would also like to thank all our employees for their continued commitment to the City's mission of providing excellent public services and working so hard to help accomplish so many positive results that benefit the entire community. Finally, I would like to thank all staff from throughout the City who worked so hard to ensure that this year's process resulted in a fiscally prudent and balanced budget. I would particularly like to thank my Assistant City Managers, Chief Financial Officer, and all Department and Division Directors. I appreciate all of us working together to accomplish our goals.

In particular, I would like to recognize and thank Kathie Brooks, Director of the Office of Budget and Performance Improvement (OBPI), Jose Cruz, Budget Officer, Carmen Carlson, William Gonzalez and Joseph Reilly, Senior Management and Budget Analysts, Management Consultants Jorge Fraga and Isabel Stillone, as well as Paula Calderon and Sailyn Arce-Christiansen, Office Associates. OBPI has worked particularly hard to continue to enhance the budget process by facilitating greater input and direction from the City Commission and all City departments in developing the Proposed Operating Budget, as well as ensuring that we continue to focus on our community's priorities and measurable performance results.

JMG:KGB:JC

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, SETTING THE PROPOSED MILLAGE RATES FOR FISCAL YEAR (FY) 2006/07, THE CALCULATED "ROLLED-BACK" RATE, AND THE DATE, TIME, AND PLACE OF THE FIRST PUBLIC HEARING; FURTHER AUTHORIZING THE CITY MANAGER TO TRANSMIT THIS INFORMATION TO THE MIAMI-DADE COUNTY PROPERTY APPRAISER IN THE FORM REQUIRED BY SECTION 200.065, FLORIDA STATUTES

WHEREAS, Section 200.065, Florida Statutes, has specified the method by which municipalities may fix the millage rate and adopt an annual budget; and

WHEREAS, the City of Miami Beach is required to advise the Miami-Dade County Property Appraiser of the Proposed Millage Rates, the "Rolled-Back" Rate, and the date, time, and place of the first public hearing.

NOW THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND THE CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the following recommendations of the Administration be and are hereby ratified for transmittal to the Miami- Dade County Property Appraiser, as specified in Section 200.065, Florida Statutes:

1) Proposed Millage Rates for FY 2006/07

General Operating	7.192 mills
Capital Renewal & Replacement	0.182 mills
Debt Service	0.299 mills
	7.673 mills

2) "Rolled-Back" Rate 5.872 mills

3) The first public hearing on the proposed millage rate and the tentative budget for FY 2006/07 shall be held on Wednesday, September 6, 2006 at 5:01 P.M., in the City Commission Chambers, City Hall, 1700 Convention Center Drive, Miami Beach, Florida.

PASSED and ADOPTED, this 12th day of July, 2006.

ATTEST:

_____
MAYOR

_____
CITY CLERK

APPROVED AS TO FORM & LANGUAGE & FOR EXECUTION

_____ 7/7/06
City Attorney Date

MIAMIBEACH

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

Jorge M. Gonzalez, City Manager
Tel: 305-673-7010 , Fax: 305-673-7782

July 12, 2006

Honorable Mayor David Dermer and Members of the City Commission:

I am pleased to submit for your consideration the Proposed Operating Budget and Work Plan for the Fiscal Year (FY) 2006/07, commencing on October 1, 2006 and ending on September 30, 2007 (Proposed Operating Budget). Balancing the priorities of the community with the need to ensure long term sustainability is increasingly important. While the City has experienced unprecedented growth in assessed values in recent years, it would not be prudent to envision that the recent rate of growth can be sustained long into the future. Further, the effects of the current and expected economic environment are reflected in the Proposed Operating Budget. These include the rising cost of property insurance, fuel and electricity, inflation, and resulting pressures on employee salaries. In addition, the dramatic change in the City since 1980 and the unique nature of our vibrant, urban City continues to result in greater demand for services. Our average daily population of over 163,000 is almost double the resident population and has grown steadily since first measured in 2000, resulting in greater demand for sanitation and public safety services. Similarly, costs associated with special events continue to increase. In FY 2006/07 we are already planning for several major events, including the Super Bowl, Memorial Day 2007, Bike Week, Spring Break, etc. Therefore, this Proposed Operating Budget continues to promote fiscally prudent practices, and supports our Strategic Plan Key Intended Outcomes of *"ensuring expenditure trends are sustainable in the long term"* and *"improving overall financial health and maintain bond rating"*.

The Proposed FY 2006/07 General Fund Operating Budget (Proposed General Fund Budget), net of the Redevelopment Agency (RDA), totals $237.7 million and reduces the overall combined millage rate from 8.073 to 7.673, an unprecedented reduction of 0.400 mills. For the average homeowner, this results in a <u>reduction</u> in taxes paid to the City of Miami Beach by $30.75. Further, the combined millage rate overall is an entire 1.0 mills lower than it was in FY 1999/00, and lower than most municipalities in Miami-Dade County.

The proposed millage reduction represents the largest reduction in more than 15 years

In addition, the Proposed Operating Budget continues our focus on enhancing "value of services for tax dollars paid" by increasing the homeowners dividend from $200 to $300; providing fee relief in water, sewer, sanitation, and life safety inspections; enhancing free services to the community; providing over $3.7 million in enhancements in the Proposed General Fund Operating Budget (and $6 million across all departments) primarily in public safety, sanitation, landscaping and beautification, parks and cultural arts programming, and in the Building Department; and continues structural changes that enhance capital funding and reserves. I would like to thank the Mayor and Commission for your guidance and direction throughout the budget process and the City staff who contributed greatly to this effort.

CONTINUE TO ADDRESS PRIORITIES IDENTIFIED BY THE COMMUNITY

The recommendations made in the Proposed Operating Budget for FY 2006/07 are aligned with and support the City's Strategic Plan adopted by the Commission in 2005 to address priorities identified through surveys of our residents, businesses and community organizations and those from the more recent focus groups in 2006. The recommendations also address priorities identified through an environmental scan of the City's demographics, socioeconomics, and service workloads and performance data. A summary of our Citywide Work Plan aligning Citywide initiatives for FY 2006/07 and resulting budget impacts is attached for your review along with the highlights presented below.

Cleaner and Safer

Key Intended Outcomes:

- *Increase resident ratings of Public Safety services*
- *Maintain crime rates at or below national trends*

Addition of 22 new police officers over the next two years

The resident surveys revealed that safety is one of the top quality of life factors for our residents. I am proposing the addition of 22 new officers over the next 2 years, 17 of which are incorporated in this year's Proposed Operating Budget. Following the recommendations of the recently completed staffing study for our Police Department, the Proposed Operating Budget includes 13 new officers for recently implemented 4th shift with duty hours from 8pm to 6am with an additional 5 to be added in FY 2007/08; 2 new ATV units on the beaches at night, and 2 new motor units to assist the Parking Department with traffic enforcement. Together with the midnight shift deployments that occurred in FY 2005/06, planned refinements to shift hours, and redeployment of 2 community policing officers from the redevelopment district officers, 27 officers will be available on the 4th shift between the hours of 8pm and 6am as compared to 7 currently.

These officers will supplement those already assigned in the afternoon and evening and, together with community policing officers, will provide a staffing level of 71 officers available between the hours of 10pm and 2am. Further, 47 of these officers will be deployed in the South Beach area,

providing for more proactive assignments and reducing the need for officers to respond to calls for service from the mid-beach and north beach districts.

In addition, the City will expand the Neighborhoods contact program initiated in FY 2005/06, expand lifeguard coverage by adding 3 new lifeguard stands at 5th Street, Lincoln Road, and 18th Street and fund a new quality assurance position for fire inspections. With the addition of the 3 lifeguard stands 100% of our publicly accessible beaches will be covered by lifeguard towers.

Key Intended Outcomes:

- *Improve cleanliness of Miami Beach rights-of-way, especially in business areas*
- *Improve cleanliness of Miami Beach waterways*

Cleanliness of streets remains a top priority for our residents and businesses. We have significantly expanded services in recent years, enhancing service along Washington Avenue from 5th Street to Lincoln Road, the Flamingo Park area, Lincoln Road between Washington and Collins Avenue Harding Avenue from 79th Street to Indian Creek, including Abbott, Byron and Carlyle (five days per week), the Beach and Boardwalk zones, and 41st Street and 71st Street. Through our recently implemented cleanliness assessment program we are beginning to see results from these initiatives, but further improvement is still needed. This is further supported by benchmark data from comparable cities that indicate that our resources dedicated to sanitation are low. The Proposed Operating Budget incorporates the following enhancements to ensure the cleanliness of our rights-of-way and public areas:

Expanded sanitation services for commercial and entertainment areas, alleys, parking lots and the beaches

New roving litter squads in mid-beach and north beach

- Expanded sanitation services on Washington Avenue, Lincoln Road, and Ocean Drive, including a new entertainment shift;
- Enhanced service levels in alleys citywide and City parking lots;
- Roving litter squads in each of mid-beach and north beach;
- Enhanced beach cleanliness through the addition of new sandsifting equipment, and enhanced sanitation services from 14th street to S. Pointe; and
- Additional funds for waterway cleaning.

These enhancements will bring us more in line with our comparable benchmark cities.

More Beautiful and Vibrant; Mature and Stable; Unique Historic and Urban Environment

Key Intended Outcomes:

- *Increase resident satisfaction with the level of code enforcement; Ensure compliance with code enforcement within a reasonable timeframe*

The Proposed Operating Budget absorbs funding for code enforcement positions previously funded by Community Development Block Grant (CDBG) funds and adds a code ombudsman position to assist in problem resolution, expedite special master cases, and provide quality assurance oversight.

Key Intended Outcome:

- *Maintain Miami Beach public areas and rights-of-way, especially in business areas*
- *Ensure all historically significant structures and districts are considered for local designation by the Commission; Protect historic building stock:*

A half million in new funding for replacing trees

Funding for landscaping and beautification continues to be a priority. Landscape stock has been replaced in needed areas, including: Julia Tuttle interchange, Collins Avenue, MacArthur Causeway, Sunset Harbour Streetscape, Pinetree/Flamingo Bark Parks, Marseille Drive, and Lincoln Road Tree/Palm replanting. The Proposed Operating Budget continues funding replacement of landscaping, pavers, up-lighting, etc. through the Capital Investment Upkeep Account and provides additional funding for replacing landscaping and trees damaged or destroyed by hurricanes. Additional funding is also proposed for an inspector position to allow follow-up inspections to monitor compliance with plan requirements after a project is complete.

Key Intended Outcomes:

- *Increase satisfaction with recreational programs*
- *Increase satisfaction with neighborhood character and increase satisfaction with development and growth management* across the City

New programs offer children enrolled in our parks after-school and summer programs weekly classes in visual or performing arts

In addition to maintaining the free programs and access to facilities implemented in FY 2005/06, the Proposed Operating Budget expands the scholarship program to traveling athletic leagues, provides a reduced fee for intramural athletic leagues for residents, increases funding for the teen club, and expands hours of operation at Flamingo Park Pool as a result of the lighting improvements that will be in place by the end of FY 2005/06. Further, enhancements to after school and summer camp programs ensure that our camps provide a program consistent with recommendations from the Children's Trust, provide a uniform level of service between programs funded by the Children's Trust and programs funded by the City, and cover literacy and the cultural arts, in addition to other athletic and recreation programs. The

City of Miami Beach has received over $600,000 in funding from the Children's Trust to fund these enhancements and offset other program related costs for after school and summer camps at the North Shore Youth Center over the past 2 years, in addition to almost $200,000 in funding received for truancy intervention programs. Over $700,000 in additional funding is approved for the next year.

Key Intended Outcome:

- *Reduce the number of homeless*

Much has been accomplished in the last several years, with the census count for the number of homeless in the City declining from 314 in November 2000 to 218 in January 2006. Despite these decreases, homelessness remains a major concern throughout the City. In FY 2006/07, the City will continue our enhanced funding of approximately $500,000 per year for homeless services from prior years, including partnering with Citrus Health to provide a coordinated approach to addressing mental health issues often associated with the chronically homeless. Further, the Proposed Operating Budget includes funding for the purchase of 2 treatment beds for placement of homeless persons with mental health or drug addiction issues.

Cultural, Entertainment and Tourism Capital

Key Intended Outcomes:

- *Increase community rating of cultural activities*
- *Improve availability and accessibility of major events*

The City continues to expand support of the arts in recent years, providing $643,000 for grants in FY 2006/07 and focusing on arts for our children as well as family-oriented cultural activities. Anticipated new programs include a partnership with Arts for Learning to offer each of the selected park sites a resident artist who will teach up to 4 classes per week ,divided up according to age and/or grade levels and offering children enrolled in our parks after-school and summer program weekly classes in visual or performing arts. The type of program (for example visual, dance, theater, music) to be offered will depend largely upon the site's ability to facilitate the class. In addition, a new, free "Music in the Parks" series will provide monthly concerts.

International Center for Innovation in Culture, Recreation and Business

Key Intended Outcome:

- *Make City more business friendly*

New positions added in Building Department to improve customer service and reduce wait times

Under the direction of a new Building Department Director, the Proposed Operating Budget includes positions to reduce the number of open Temporary Certificates of Occupancy and number of overdue re-certifications, reduce the backlog of building plan reviews, and reduce response time to Answer Center requests. In addition, positions will be added to improve customer service, particularly the ability to help expedite wait times. Technology

upgrades, including a more customer-friendly inquiry system, and upgrades to the wireless devices for inspections to allow greater flexibility in adapting the software to a changing environment, allow the department to track reasons for rejections, and provide the ability to view on-line the daily inspections assigned to each Building inspector. These technology upgrades will be funded from the Building Department Training and Technology Fund.

Well-Improved Infrastructure

Key Intended Outcomes:

- *Maintain or improve traffic flow*
- *Ensure well designed quality capital projects*
- *Ensure well-maintained facilities and well-maintained infrastructure*

Along with, and related to, growth management, traffic flow is one of our community's major concerns. In FY 2006/07 we will continue to focus on traffic flow enforcement related to vehicles blocking traffic lanes for deliveries, vehicles blocking intersections, etc.; developing our coastal communities master plan to evaluate how best to address traffic concerns; and implementing pedestrian and bike path enhancements and bicycle rack needs to include in our capital program, providing alternatives to the large portion of our community who do not use a car as their primary mode of travel.

Our priority is to continue to expedite the City's capital improvement program. In the last year alone, we have completed the Colony Theatre, Fairway Park Lighting, Lummus Park Restroom, Maurice Gibb Memorial Park, North Shore Open Space Park Improvements, 18th Street Streetend and Beach Connector, Espanola Way Reconstruction, Sunset Harbour Stormwater Pump Stations, and Washington Avenue Streetscape. In addition to funding new positions, the Proposed Operating Budget continues the annual funding of the Capital Reserve Fund to help ensure that projects are not delayed due to funding shortfalls, and provides funding for the capital pay-as-you-go fund. Together with other sources of funds, such as Quality of Life, South Pointe and City Center capital funds, People's Transportation funds, etc., this will allow funding of several important projects in FY 2006/07, including full funding for the Normandy Shores Golf Course clubhouse, cart barn, maintenance facilities and course restrooms, and development of transportation improvements such as enhanced cross walks, speed monitors and countdown signals.

In FY 2004/05 the city began two important initiatives: (1) funding of the Capital Renewal and Replacement Reserve for general fund facilities; and (2) initiation of assessments of our facilities to identify and plan for both renewal and replacement needs, as well as the more routine maintenance, both of which are continued in FY 2006/07. In addition, the Proposed Operating Budget continues to fund a citywide pavement assessment and repair program, broken sidewalk replacement, a regular maintenance program for outfall and catch basin cleaning as well as adding funding for street light maintenance and assessments.

Communications, Customer Service and Internal Support Functions

Key Intended Outcomes:

- *Enhance external and internal communications from and within the City*
- *Increase resident satisfaction with employee contact*
- *Expand hours and service through e-government*
- *Improve processes through information technology*
- *Ensure expenditure trends are sustainable over the long term and improve the City's overall financial health and maintain overall bond rating*
- *Attract and maintain a quality workforce*
- *Increase overall community satisfaction with City Service*

We have also prioritized Key Intended Outcomes to ensure the long-term sustainability of our City government, including improved communications with our residents, ensuring financial sustainability and ensuring that we have the best possible employees to deliver services to our community. The Proposed Operating Budget includes funding to enhance the availability of city services and processes that can be accessed and transacted via the internet, and enhances our technology infrastructure through continued funding of the Information and Communications Technology Fund. Further, the Proposed Operating Budget funds organizational development focusing on leadership development, a results-oriented organizational culture, technology skills, process improvement and performance management.

INCREASE TAXPAYER VALUE FOR SERVICES

While our community satisfaction levels were overall very favorable, "Value of City Services for Tax Dollars Paid" was a key driver for residents' perceptions by residents and businesses of the City of Miami Beach as a place to live, and their perceptions of whether City government is meeting their needs. The FY 2006/07 Proposed Operating Budget continues to focus on increasing the value of services for taxes paid by the community as outlined below. In addition, the Proposed Operating Budget also includes funding for a set of follow-up community surveys in 2007.

Increasing the "value of services for taxes paid" continues to be our focus

Millage Reduction

'07 millage is almost half the level of '87 millage

The Proposed Operating Budget also significant tax relief to both residents and business owners in Miami Beach by reducing the overall combined millage rate by 0.400 mills. This represents a reduction of $30.75 of taxes paid to Miami Beach by the average residential property owner. The Proposed Budget represents the largest millage

reduction in more than 10 years while at the same time enhancing services.

Miami Beach Homeowners Dividend

The Adopted Operating budget for FY 2005/06 incorporated the Miami Beach Homeowners Dividend Fund proposed by Mayor David Dermer during his 2005 State of the City address to provide a mechanism for a return-on-investment to homesteaded property owners that reside in the City of Miami Beach. In April 2006, each Miami Beach year-round homeowner received a return of $200. The Proposed Operating Budget incorporates continued funding for this program and increases the amount of the return to $300. The estimated impact of this program is $4.9 million, to be funded from non ad valorem revenues such as franchise fees, utility taxes, occupational licenses, interest earnings, fines, etc.

$300 Dividend for Homeowners

Fee Relief for Businesses and Residents

As the City of Miami Beach continues to prosper, the Proposed Operating Budget also focuses on businesses by providing a one-time relief in the fees paid for life safety inspections. This is an annual fee that is paid by businesses that hold an occupational license. It is proposed that this fee be suspended next year as the General fund has sufficient revenues to offset the related expenses.

The Proposed Operating Budget absorbs the impact of increases in water and sewer wholesale rates charges to cities for FY 2005/06 which the County has allowed to be deferred until FY 2006/07. In effect, the Proposed Operating Budget absorbs a charge of $0.29 per thousand gallon for households and businesses – equivalent to $38 per household for the average residential customer - an increase that otherwise would have been passed on to households, as well as to our businesses.

Further, for the second year in a row, the Proposed Operating Budget also absorbs the impact of contractual CPI increases in payments to the contractor responsible for the collection and disposal of waste from single and multi-family households in the City, as well as Miami-Dade County's disposal fee increases. In effect, the Proposed Operating Budget absorbs a $8.40 per household fee increase that otherwise would have been passed on to these households, for a total of $17 per household over the past 2 years.

Average household saves $77 due to reduced tax rate and absorbing fee increases in water, sewer and sanitation

Free or Reduced Fee Offerings for Residents

The Proposed Operating Budget continues to add benefits specifically for City of Miami Beach residents, including:

- A new, free "Music in the Parks" series;
- Expanded access to free cultural arts programs (theater, dance, music and visual arts) for children involved in after school and summer camps;
- Elimination of the residential alarm permit fee; and
- Expansion of scholarship programs for traveling athletic leagues.

These benefits are in addition to some our residents currently enjoy, including:

- Free access to City pools on weekends and during non-programmed hours;
- Free general admission to our Youth Centers on weekends and during non-programmed hours, including both Youth Centers seven days per week;
- Free Family Saturday Nights at one of our park facilities four times per year - families are welcomed, free of charge, to experience special activities;
- Free Learn-to-Swim programs for 3 to 4 year old residents;
- Expanded scholarship programs for specialty camps in the summer, in addition children to participating in day camps;
- Free "family friendly" Movies in the Park;
- Special programming by the Miami City Ballet for the Miami Beach community, including a new contemporary dance series;
- Free admission to museums on Miami Beach, including the Bass and Wolfsonian Museums every day and the Jewish Museum on Wednesdays, Fridays and Saturdays;
- Free "Fundays" - residents are welcomed to experience special activities, games, and food at some of our Parks facilities including North Shore Park and Youth Center, the Scott Rakow Youth Center/Ice Rink, and Flamingo Park pool;
- Free bi-annual Sports Expo for our residents –hosted in fall and spring, residents have an opportunity to register for sports programs offered throughout the year - games and activities (bounce house, climbing wall, music, inflatable slide, etc.) are provided;
- Free access to the majority of our senior citizen programs and special populations programs, including several free dances that take place throughout the year;
- Free of charge play at the Par 3 golf course for all residents;
- Free crime analysis of residents' homes by our Police Department; and
- Free child safety seat checks by our Fire Department.

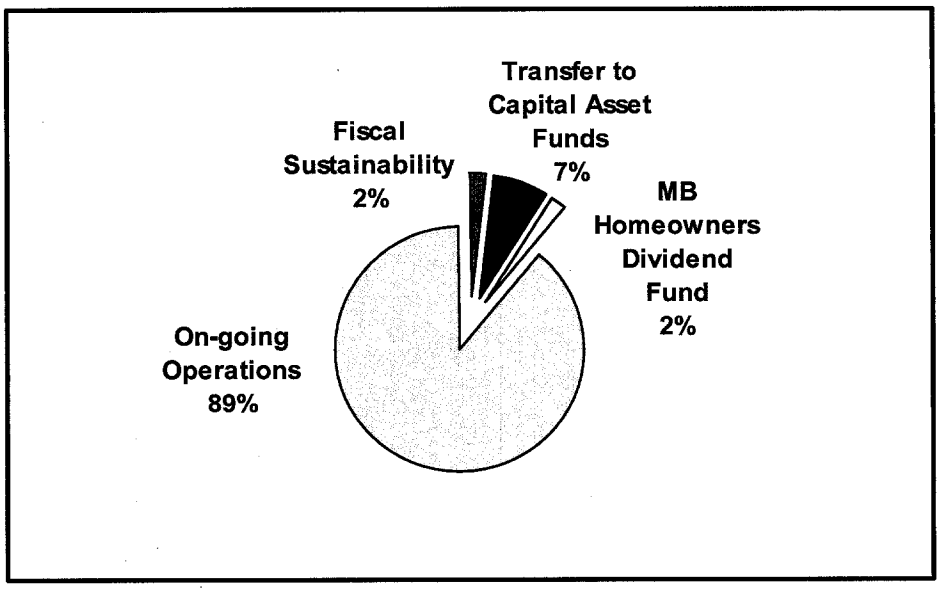
MAINTAIN STRUCTURAL CHANGES FOR THE FUTURE THAT ENSURE THE FISCAL MANAGEMENT & SUSTAINABILITY FOR THE CITY IN THE LONG TERM

The Proposed budget continues to strengthen funding for structural changes incorporated in the FY 2005/06 budget as follows:

- Continues the annual transfer of $2.5 million to the City's Capital Reserve to fund unforeseen capital project costs throughout the year;
- Provides for a $7.5 million transfer to maintain the pay-as-you-go component of the capital budget, an increase of $2.5 million from the prior year;
- Continues the annual $1.5 million transfer to the Capital Investment Upkeep Fund for non-facility related upkeep (landscape renewal and restoration, replacement of up-lighting and pavers, etc.), and funds an additional $0.5 million to begin a comprehensive reforestation program to replace trees lost through hurricanes in the last 2 years;
- Provides a $1.4 million transfer for the Information and Communications Technology Fund;
- Maintains the $1 million transfer to the Risk Management Fund as part of the multi-year plan to continue to address funding shortfalls in the reserve for claims against the City;
- Continues to provide $3.3 million in funding for the City's 11% emergency reserve; and
- Provides for the first time $200,000 towards hazard mitigation funding to be used to supplement grants received for shutters, generators, etc.

These structural improvements continue to ensure that the General Fund Budget is comprised of almost 89% for on-going operations, and a little more than 11% for structural components that help ensure long term sustainability of the City and value for our residents. While ensuring greater value for our resident, and a continuous reinvestment in our City's assets, this continues to provide flexibility in the future, and the ability to more easily adapt to changing economic conditions.

FY 2006/07 General Fund Major Expenditure Components



GENERAL FUND FINANCIAL SUMMARY

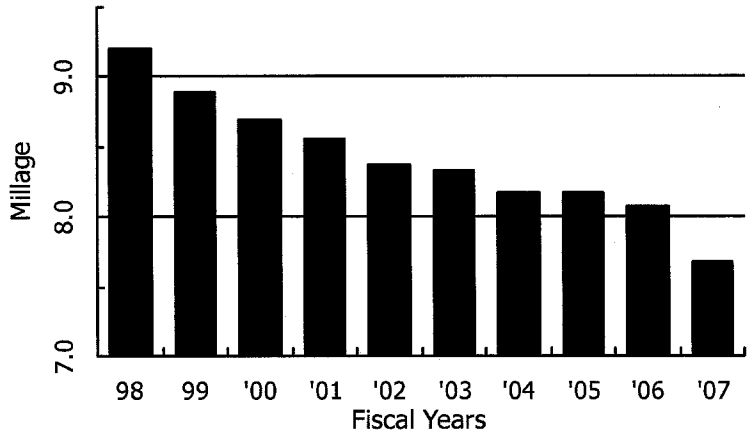
The General Fund is the primary source of funding for the majority of City services. Revenues are derived from ad valorem property taxes, franchise and utility taxes, business license and permit fees, revenue sharing from various statewide taxes, user fess for services, fines, rents and concession fees and interest income. Additionally, intergovernmental revenues from Miami-Dade County and Resort Taxes contribute funding for tourist-related activities provided by General Fund departments.

General Fund Revenues

As in past years, the largest increase in budgeted revenues for FY 2006/07 comes from ad valorem property tax, which includes a levy for the general operations of the City, a levy for a Capital Renewal and Replacement reserve, as well as a levy for the debt service on outstanding general obligation bonds. This budget reduces the overall combined millage for the City by 0.400 mills from 8.073 to 7.673, the largest reduction in the past 10 years.

The City's FY 2006/07 operating millage for general operations is reduced to the rate of 7.192 mills, a decrease of 0.107 mills. The funding for the General Fund Capital Renewal and Replacement Reserve is maintained at 0.182 mills, and the Debt Service Millage is 0.299, a reduction of 0.293 mills. The combined millage rate overall is an entire 1.0 mills lower than it was in Fiscal Year 1999/00.

Overall Combined Tax Rates



Property Values and Ad Valorem Taxes

According to the 2006 Certification of Taxable Value received from the Miami-Dade County Property Appraisers Office, the taxable value for the City of Miami Beach increased from $17.45 billion (preliminary taxable value as of January 1, 2005) to $22.74 billion as of January 1, 2006. This included over $786 million in new construction. This preliminary taxable value represents an increase of $5.3 billion or 30.3% over 2005's preliminary taxable value and $5.5 billion and

32% over 2005's final taxable values of $17.23 billion, and represents another record setting year.

The comparative taxable values for the Miami Beach Redevelopment Agency City Center redevelopment district increased from $2.27 billion to $3 billion, an increase of $733 million, a 32.3% increase in values over 2005 values.

The Proposed Operating Budget continues to include the impacts of the expiration of the South Pointe redevelopment district as of September 30, 2005. With the expiration of the district, and pursuant to the 2001 and 2003 amendments to the Convention Development Tax (CDT) Interlocal Agreement with Miami-Dade County, one half of the City ad valorem revenues previously restricted to the South Pointe redevelopment district became available for use Citywide. Further, the Amended CDT Interlocal Agreement provides for additional intergovernmental revenues for a limited number of years that can be used to offset CDT or municipal resort tax type eligible expenditures. The South Pointe redevelopment district was the most successful redevelopment district in the State of Florida to date. Assessed values increased from $59 million when the district was established in 1976 to almost $2.2 billion when the district expired, and $2.9 billion as of January 1, 2006 – an increase of $731 million and 34% over 2005 values. The Proposed Operating Budget continues to provide funding for operating costs previously funded through this redevelopment district.

The South Pointe redevelopment district was the most successful redevelopment district in the State of Florida to date

The Proposed reduced millage rate of 7.192 mills for general City operations will generate ad valorem tax revenues of $157.82 million, $35 million more than the prior year levy of $122.88 million, reflecting a 28% increase. The impact of reducing the millage by 0.107 mills is net of $2.35 million.

Of the total citywide ad valorem general operating tax revenues of $157.82 million:

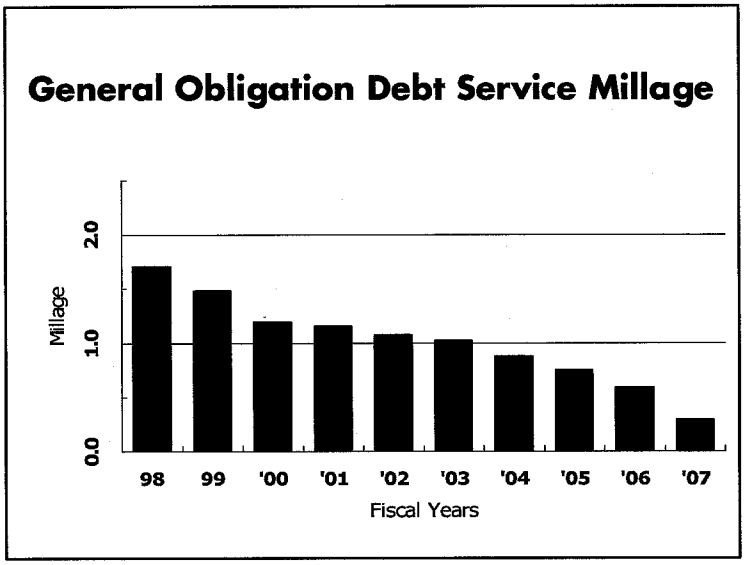
- $18.52 million will be transferred to the Redevelopment Agency for the City Center Redevelopment district;
- $7.72 million is restricted for operating expenditures within the geographic area formerly known as the South Pointe redevelopment district; and
- $2.52 is transferred for capital projects within that geographic area.

The net result is an increase in the General Fund ad valorem operating revenue available for use Citywide from $101.45 million in FY 2005/06 to $129.06 million for FY 2006/07, an increase of $27.61 million, or 27% increase in General Fund ad valorem revenues.

Of the $129.06 million, $9.21 million are equivalent to the tax increment revenues that would have been transferred to the South Pointe redevelopment district tax had it still been in place.

General Obligation Debt Service Fund

The general obligation debt service payment for FY 2006/07 is approximately $6.56 million, reflecting a decrease of $3.4 million. These bonds require the levy of a reduced debt service millage of 0.299 mills, a reduction is 0.293 mills from the prior year. This is 50% less than the FY 2005/06 rate of 0.592 mills and a cumulative decrease of 1.185 mills since the $92.465 million General Obligation Bond Referendum in FY 1999. This decrease is due to the increase in assessed property values, the reduction in outstanding principal and lower interest rates on more recent debt issues. Further, the reduced rate provides capacity to address important capital needs that could arise in the future should it be needed.



Millage for Capital Renewal and Replacement

In FY 2004/05, the City established a restricted account for the renewal and replacement of the City's General Fund facilities to extend the useful life or replace equipment whose useful life has expired. Project specific appropriations from the fund are reviewed and approved each year by the City Commission as part of the budget process, and are used exclusively for those capital expenditures that help to extend or replace the useful life of our facilities. The Proposed Operating Budget for FY 2006/07 maintains the level of Renewal and Replacement millage at 0.182 mills.

Ad valorem revenues restricted to the City's Capital Renewal and Replacement Reserve will increase from $2.529 million to $3.266 million, an increase of $0.74 million or 29% due to increased property values. An additional $0.26 million in renewal and replacement revenues is restricted to the South Pointe area, and $0.5 million is included for renewal and replacement in the City Center budget.

Impact on the Homesteaded Properties

The chart below illustrates the changes in overall combined millage:

	Overall Combined City of Miami Beach Tax Millage		
	FY 2005/06	**FY 2006/07**	Inc/(Dec)
General Operating	7.299	**7.192**	(0.107)
Renewal & Replacement	0.182	**0.182**	0.000
Total Operating Millage	7.481	**7.374**	(0.107)
Debt Service	0.592	**0.299**	(0.293)
TOTAL	8.073	**7.673**	(0.400)

Amendment 10 to the State Constitution took effect on January 1, 1995 and limited the increase in assessed value of homesteaded property to the percentage increase in the consumer price index (CPI) or three percent (3%), whichever is less. For 2006, the CPI has been determined to be 3.4 percent and, therefore, the increase is capped at 3 percent for increased values as of January 1, 2006. The $25,000 homestead exemption is applied after the increase in value as follows: the average assessed value of residential property as of January 1, 2006 in Miami Beach was estimated at $239,990, that value is increased by the 3 percent to a new value of $247,190. The homestead exemption of $25,000 is then deducted, yielding a taxable value of $222,190 and an increase of $7,200 in taxable value over the prior year. Despite these increases in assessed values, there is net decrease of $30.75 in the estimated taxes that "the average homeowner" will pay to the City of Miami Beach next year.

The County has proposed a decrease in their property tax rate, but changes in tax rates for other jurisdictions are unknown at this time. None-the-less the $30.75 decrease in taxes paid to the City of Miami Beach by the "average homeowner", will offset increases in taxes paid to other jurisdictions. Using tax rates known at this time, the changes in taxes paid is estimated as follows:

Changes in Tax Millage & Assessment to "Average Homeowner"		
Taxing Jurisdiction	**FY 2006/07 Changes**	
	Millage	**Taxes**
City of Miami Beach		
Operating	**(0.107)**	**$28.78**
Capital Renewal & Replacement	**0.000**	**1.31**
Debt Service	**0.293**	**(60.84)**
Total Savings	**(0.400)**	**$(30.75)**
Other Jurisdictions:		
Miami-Dade County (Countywide, Library, Debt & Children's Trust)	(0.060)	$37.31
School Board	0.000	60.75
Other	0.000	5.31
Total increase to County, School Board and Others	(0.060)	$103.37
Total Combined Change	(0.460)	$72.62

For homesteaded property owners, in addition to decreases in the City portion, the increases in taxes levied by other jurisdictions are more than offset by the $300 Miami Beach Homeowners Dividend Fund payment to year-round homeowners.

Other General Fund Revenues

Resort tax revenues transferred to the General Fund for tourism-related expenditures are anticipated to remain at $19.6 million, the same as in the FY 2005/06 budget, to help offset tourism-related services provided by General Fund departments. Although occupancy rates and annual revenue per available room continue to be at record levels, the Proposed Operating Budget takes into account anticipated reduced resort taxes from 2 major hotels due to the Fountainebleau hotel closure and the Eden Roc hotel renovation, as well as any unknown effects of hurricanes.

Interest revenues are projected at $5.3 million, approximately an increase of $1 million over the FY 2005/06 budget, primarily due to increased interest rates. Franchise fees and utility taxes are projected to increase by $1.4 million based on current revenue trends, primarily due to increased electrical rates. Licenses/permits and sales tax revenues are increased by $1 million each, based on FY 2005/06 trends. The FY 2005/06 General Fund Budget included approximately $2.9 million intergovernmental revenues, pursuant to the Amended CDT Interlocal Agreement, that were used to offset CDT or municipal resort tax type eligible expenditures. In FY 2006/07 these revenues are used to fund capital projects within the South Pointe area.

General Fund Expenditures

Increases in the cost of current service levels and the cost of enhancements increase the budget by percentages similar to prior years, despite the impacts of current economic conditions such as the rising cost of property insurance, fuel and electricity, the impact of inflation on employee salaries, increases in special event costs, etc. Current service levels increase the budget by 8.1%, as compared to 7.2% and 7.5% in each of the last 2 years; enhancements increase the budget by 1.8% as compared to 2.3% and 1.9% in each of the last 2 years. Details of proposed enhancements are contained in the attached City of Miami Beach Work Plan for FY 2006/07.

In addition, the Proposed General Fund Budget absorbs the impact of the General Fund component of the pension restructure approved in 2006. The total restructure was estimated to cost the City $4.5 million, and the General Fund component is $2.7 million.

Further, the Proposed General Fund Budget includes $4.9 million for a Miami Beach Homeowners Dividend Fund to provide a return on investment to homesteaded property owners, an increase of $1.6 million and absorbs $ 1million in cost of the impact of the County's fee increases to wholesale water and sewer rates. Finally, the Proposed General Fund Budget continues to enhance structural changes that will help ensure the long term financial sustainability of the City and ensure that our capital assets are fully funded. These initiatives represent an increase of $3.6 million and increase the prior year General Fund budget by 1.7%.

FY 2006/07 Operating Budget Highlights

	Budget	% Increase over prior year Adopted Budget
FY 2005/06 Adopted Budget	$ 207,925,117	
FY 2006/07 Proposed Budget - Major Changes		
Maintaining Current services	$ 16,940,264	8.1%
Pension Restructure	2,715,000	1.3%
Service Enhancements	3,652,111	1.8%
Impact of Internal Service Fund Enhancements	209,724	0.1%
Increase in Homeowners Dividend	1,630,880	0.8%
Absorbing Partial FY 2005/06 WASD fee impact	1,000,000	0.5%
Structural Enhancements	3,600,000	1.7%
Total FY 2006/07 Proposed Operating Budget	$ 237,673,096	14.3%

Therefore, the total Proposed General Fund Operating Budget is $237,673,096 which is $29.7 million or 14.3% greater than the FY 2005/06 adopted budget of $207,925,117.

ENTERPRISE FUNDS

Enterprise Funds are comprised of Sanitation, Water, Sewer, Stormwater, Parking, and Convention Center Departments. The Proposed FY 2006/07 Enterprise Fund Budget is $120.3 million including enhancements. This represents an increase of $12.6 million from the FY 2005/06 Enterprise Fund Budget. Increases in current service level costs are primarily as the result of increases in Miami-Dade County wholesale water and sewer rates, salaries and benefits including one-time pension benefits, offset by deferred water and sewer debt payments due to refunding water and sewer bonds. Approximately $2.9 million in enhancements are proposed, with over $1.9 million for Sanitation improvements offset by $0.4 million in equipment loan financing. In addition, approximately $1.0 million in the Parking Fund primarily for the cost of the police department motor units and the payment to Sanitation for enhanced cleaning of parking lots. These are offset by approximately $1.1 million in increased intergovernmental revenues received through the Amended CDT Interlocal Agreement for sanitation services along major thoroughfares, walkways, alleys, parking lots and beaches throughout the City.

INTERNAL SUPPORT SERVICES

Internal Support Services are comprised of the Central Services, Fleet Management, Information Technology, Risk Management and Property Management Divisions. The Proposed FY 2006/07 Internal Service Fund budget is $51.2 million. This represents an increase of $5.1 million from the FY 2005/06 budget. The current service level increases are primarily the result of increases in salaries and benefits, fuel, increased software maintenance, and additional property insurance.

This includes approximately $300,000 in enhancements, primarily in information technology. These costs are completely allocated to the General Fund and Enterprise Fund departments.

RESORT TAX BUDGET

The Proposed FY 2006/07 Resort Tax budget is $35.9 including a $19.6 million transfer to the General Fund for tourism-related services provided by General Fund departments, $5.8 million for operating expenditures and debt service and $3 million is transferred for quality of life capital projects and the arts. In addition, $5.3 million and $1.4 million are transferred to the Greater Miami Convention and Visitors Bureau and Miami Beach Visitors Convention Authority, respectively; $400,000 is funded for a Miami Beach marketing campaign; and $400,000 is funded in contingency. The Resort Tax marketing funds will be added to by contributions from the Greater Miami Convention and Visitors Bureau, The Miami Beach Visitors Convention Authority, and the Cultural Arts Council to market Miami Beach as a local destination.

CONCLUSION

Although the development of our budget this year has been rigorous, through fiscal prudence and good leadership, the Proposed Operating Budget and Work Plan for FY 2006/07 is balanced and enables the City of Miami Beach to continue delivering outstanding, enhanced services to our residents, businesses and visitors, while reducing the overall tax rate, providing a return for homesteaded property owners, providing fee relief, and continuing structural enhancements to ensure the long-term sustainability of the City.

ACKNOWLEDGEMENTS

The development of this year's Proposed Operating Budget has taken a great deal of time, energy, and hard work. I would like to thank you, Mayor Dermer, and the Members of the Miami Beach City Commission, for your continued guidance, support and leadership with the budget process and in helping to accomplish so much on behalf of our residents and the entire Miami Beach community. Together, we continue to make Miami Beach a world-class city and a better place for everyone to live, work, visit and play.

I would also like to thank all our employees for their continued commitment to the City's mission of providing excellent public services and working so hard to help accomplish so many positive results that benefit the entire community. Finally, I would like to thank all staff from throughout the City who worked so hard to ensure that this year's process resulted in a fiscally prudent and balanced budget. I would particularly like to thank my Assistant City Managers, Chief Financial Officer, and all Department and Division Directors. I appreciate all of us working together to accomplish our goals.

I would also like to thank our Central Services Division. They have provided tremendous support, not only in the preparation of this budget document but throughout the entire budget development process.

More specifically, I would like to recognize and thank Kathie Brooks, Director of the Office of Budget and Performance Improvement (OBPI), Jose Cruz, Budget Officer, Carmen Carlson, William Gonzalez and Joseph Reilly, Senior Management and Budget Analysts, Management Consultants Jorge Fraga and Isabel Stillone, as well as Paula Calderon and Sailyn Arce-Christiansen, Office Associates. OBPI has worked particularly hard to facilitate greater input and direction from the City Commission and all City departments in developing the Proposed Operating Budget, as well as ensuring that we continue to focus on our community's priorities and measurable results.

Respectfully submitted,

Jorge M. Gonzalez
City Manager

CITY OF MIAMI BEACH
FY 2006/07

PROPOSED WORK PLAN

MISSION, VISION, STRATEGIC PRIORITIES, AND FY 2006/07 INITIATIVES

The City of Miami Beach continues to make great strides in accomplishing our mission of providing excellent public service and safety to all who live, work, visit and play in our vibrant, tropical, historic community; and in achieving our vision of becoming a community that is cleaner and safer; more beautiful and vibrant; mature and stable with a well-improved infrastructure; a unique historic, urban environment; a cultural, entertainment and tourism capital; and an international center for innovation in culture, recreation and business. By staying focused on our mission, vision and strategic priorities, the City has achieved a great deal.

In FY 2005/06 we introduced several major initiatives to address the priorities of the community:

- In the second quarter of FY 2005/06 over 3,000 contacts were made with residents and with businesses through the new police "neighborhoods contacts" program
- Ocean rescue response capability was expanded by adding ATVs at five lifeguard stations and replacing lifeguard towers
- Improved cleanliness throughout the City.
- Landscape restoration projects have been completed at several sites, with other in various stages of progress including but not limited to: Julia Tuttle; Collins Avenue; MacArthur Causeway; Sunset Harbour Streetscape; Pinetree/Flamingo Bark Parks; Marseille Drive; Lincoln Road Tree/Palm replanting; Star Island , Palm/ Hibiscus Islands, 5th Street, Washington Avenue South of 5th Street; 41st Street, North Shore Streetscape; Allison Island; and Espanola Way.
- New and expanded recreational programming has
    - Increased participation in our senior scenes club from 75 to 200, in our Teen Club at North Shore Youth Center to 100 teens;
    - Provided 6 movies per year as part of our free movies in the parks series;
    - Provided 291 scholarships for intramural athletics, gymnastics, and summer specialty camps as of June 1, 2006;
    - Provided free-of-charge "Learn to Swim" programs to 89 3 to 4-year old residents in the first 4 months of operation; and
    - Expanded cultural offerings free-of-charge to participants in our after school programs and summer camps, including free band participation, animation of their drawings through the "Little Director program, field trips to plays, violin lessons through the Youth Symphony, etc.
- Expanded support of the arts, providing $587,000 in grants in FY 2005/06.

- Created a one stop lien shop consolidating building, code, finance and fire lien functions, in addition to 8 positions added to the Building Department in mid FY 2004/05.
- Expedited implementation of bikeways and pedestrian walkways throughout the City with a new bike pedestrian network coordinator.
- Expedited plan review and project management for our capital improvement program with several construction projects completed to date this year (Colony Theatre, Fairway Park Lighting, Lummus Park Restroom, Maurice Gibb Memorial Park, North Shore Open Space Park Improvements, 18th Street Streetend and Beach Connector, Espanola Way Reconstruction, Sunset Harbour Stormwater Pump Stations, and Washington Avenue Streetscape) and more in construction (Water/Wastewater Pump Station Upgrades, additional Convention Center Restroom and ADA Improvements, Fire Station Nos. 2 and 4, , Oceanfront Restroom at 46th Street and 64th Street, and Normandy Isle Park and Pool).
- Increased maintenance levels at City facilities including identification of multi-year assessments of 17 buildings as of June 2006 (City Hall, Old City Hall, the Police Building, 21st Street Community Center, 777 Building, Bass Museum, Convention Center, Theatre of the Performing Arts, Miami City Ballet building, Little Acorn Bandshell and Theatre, Fire Stations 1 and 3, North Shore Youth Center, South Shore Community Center, and Miami Beach Golf Course Clubhouse) – completed capital renewal and replacement projects totaling approximately $1.2 million and began renovations of historic City Hall.
- Replaced over 1,000 linear feet of sidewalk, paved 3,000 linear feet of streets and alleyways, and rebuilt 15 sidewalks to be ADA compliant.
- Implemented a regular maintenance program for outfalls and catch basins cleaning over 240,000 linear feet of stormwater lines.

While we have accomplished much in the last five years, our community surveys, focus groups, environmental scan and benchmark data continue to provide insight into areas that the city can focus on and improve even further. We have used this information to develop measurable performance goals to achieve over the next few years (Key Intended Outcomes – KIO's).

The following section highlights our initiatives and enhanced funding levels for next fiscal year to address these priorities.

Vision Linkage	Key Intended Outcome:	FY 2006/07 Citywide Initiatives	Proposed FY 2006/07 Budget Resource Allocation *(new funding $'s)*
Cleaner / Safer	Increase resident ratings of Public Safety services	• Continue FY 05 enhanced community policing in the RDA districts and expand to the non-RDA areas • Develop police neighborhoods contact program • Enhance emergency preparedness and management • Increase Police Officer safety, productivity and accountability. • Evaluate additional lighting in business/commercial areas • Expand lifeguard coverage area	*($775,000 Service Enhancement)* • Expands the Neighborhoods contact program initiated in FY 2005/06, increasing the number of annual contacts from 11,000 to 14,400 • Continues to expand lifeguard coverage by adding 3 new lifeguard stands at 5th St., Lincoln Road and 18th St. • Adds a quality assurance position for fire inspections • Enhances Fire Department training by funding overtime for backfill
	Maintain crime rates at or below national trends	• Develop system to provide timely information on types of crime by geographic segments of the community to allow more timely tactical deployment in response to "hot spots" • Pursue implementation of major recommendations from the 2006 Police Staffing Study • Continue education outreach with nightclubs, bars, etc. on crime prevention strategies to reduce crimes against their patrons	*($172,000 Service Enhancement):* • Completes implementation of an overlay midnight shift from Thursday through Sunday, particularly in the entertainment district and RDA by adding 13 officers next year 5 additional the following for a total of 18 new officers over the next 2 years • Adds 2 ATV police officers for the Beach to cover Thursday through Sunday evenings and nights from 3pm to 1 am
	Improve cleanliness of Miami Beach rights of way especially in business areas	• Continue FY 05 initiatives related to the City Center RDA, South Pointe project area, Mid Beach and North Beach commercial districts • Continue and enhance FY 05 initiative to provide enhanced level of service on major thoroughfares, especially in business areas – focus on alleys with coordination by Code Compliance and Sanitation • Use contractors to supplement City staff to meet peak sanitation service requirements during major events • Expand enforcement related to commercial handbills and flyers • Research methods to improve timeliness of bulk waste pick ups • Improve enforcement of instances when bulky waste is placed outside more than 24 hours prior to pickup • Expand community outreach and education, including available options for disposal of bulky waste • Expand the 1st Weekend of the Month Neighborhood Pride Program • Research options for bulk pick-ups for multi-family buildings • Continue FY 05 initiative to provide 'Class A' level of service on major thoroughfares • Continue public area cleanliness assessments • Complete centralization of cleanliness functions within the Sanitation Department	*($1.8 million Service Enhancement - $400,000 financed through Equipment Loan Program):* • Expands sanitation services on Washington Avenues, Lincoln Road, and Ocean Drive from 5 to 7 days/nights per week and including an entertainment shift from 3am to 11am • Expands litter control services in alleys citywide • Enhances service levels for City parking lots • Adds roving litter squads in each of mid-beach and north beach • Enhances beach cleanliness through the addition of new sandsifting equipment, and enhanced sanitation services from 14th Street to S. Pointe

Vision Linkage	Key Intended Outcome:	FY 2006/07 Citywide Initiatives	Proposed FY 2006/07 Budget Resource Allocation *(new funding $'s)*
Cleaner / Safer	Improve cleanliness of Miami Beach waterways	• Identify waterway hot-spots for additional clean-up activities and contract for debris removal from inland waterways to enhance service (Collins Canal, Indian Creek dead end, etc.) • Provide community outreach and education on the impact of illegal dumping/littering on our waterways	*($100,000 Service Enhancement)*: • Further expands funding for waterway cleaning based on new contract for services
Beautiful and Vibrant, Mature Stable Residential Community, Urban and Historic Environment	Increase resident satisfaction with level of code enforcement	• Re-analyze deployment of personnel to ensure Code Compliance staff coverage (7 days/24 hours per day) • Examine mechanisms to provide effective coverage and enforcement for complaints received through the Answer Center and PSCU	*($225,000 Service Enhancement)* • Adds a Code Ombudsman to assist in problem resolution, expedite special master cases, provide quality assurance oversight, etc. • Absorbs funding for 2 code enforcement officers and administrative overhead previously funded by Community Development Block Grant (CDBG) funds • Continues to fund the graffiti remediation program citywide, remediation of overgrown vacant lots
	Ensure compliance with code within reasonable time frame	• Enhance methods/systems available for tracking response times and follow-up • Revise Special Master process to expedite code cases	
	Maintain Miami Beach public areas & rights of way especially in business districts	• Enhance landscape maintenance, particularly in business areas • Maintain a Capital Investment Upkeep Account with a recurring source of funding to address routine recurring expenses based on a pre-defined plan needed to sustain non-facility capital improvement projects, including landscaping, up-lighting, pavers, etc. • Develop a Citywide reforestation plan • Continue to develop an inventory and replacement schedule for all City-owned trees and landscaping, as well as provide plan reviews focused on green space • Develop criteria for public area appearance rating scale and methodology for periodic sampling	*($600,000 Service Enhancement)* • Adds funding for continuing the enhanced hedge around the Miami Beach golf course • Adds a landscaper supervisor partially funded by the Parking Department, • Adds funding for enhanced landscape maintenance as new capital projects such as S. Pointe Park, anticipated to come on line in FY 2006/07 *($0.5 million Structural Change)* • Increases funding for the Capital Investment Upkeep Account to continue to restore landscape stock and replace landscaping and trees damaged or destroyed by hurricanes
	Ensure all historically significant structures, sites, and districts are considered for local designation by the Commission Protect historic building stock	• Maintain a list of sites to be considered for protection • Develop a list of buildings within the City that need to be protected categorized by level of risk, and develop criteria for frequency of inspection, etc. to minimize demolition by neglect	*(In current service level)* • Additional structures and districts will continue to be presented to the Commission for designation consideration • Continue monitoring of buildings that need to be protected (categorized by level of risk)
	Increase satisfaction with neighborhood character	• Enhance enforcement around construction sites regarding litter, impacts on public property, and traffic impacts	*($85,000 Service Enhancement)* • Add a position for follow-up inspections to monitor compliance with plan requirements

Vision Linkage	Key Intended Outcome:	FY 2006/07 Citywide Initiatives	Proposed FY 2006/07 Budget Resource Allocation *(new funding $'s)*
Beautiful and Vibrant, Mature Stable Residential Community, Urban and Historic Environment (continued)	Increase satisfaction with development and growth management across the City	• Complete FY 05 Initiatives (e.g. Impact Fee Consultant Study and use of 2 additional planners to focus on growth management, concurrency, neighborhood open space, and landscape planning)	
	Increase satisfaction with recreational programs	• Expand programming hours for recreation programs • Expand programming for teens, adults and seniors • Expand free access to youth centers for Miami Beach residents • Expand scholarships for specialty camps and traveling athletic leagues • Expand arts and culture programming in the Parks	*($240,000 Service Enhancement)* • Expands the scholarship program to traveling athletic leagues • Provides a reduced fee for intramural athletic Leagues for residents • Increases funding for the teen club • Add a position to help staff nighttime coverage 7 days a week at Flamingo Park Pool as a result of the lighting of the facility that will be in place by the end of FY 2005/06 • Provides for enhancements to after school and summer camp programs at Scott Rakow Youth Center, Flamingo Park, North Shore Park and Youth Center, and Muss Park that include providing snacks, books for literacy, and social skills (consistent with recommendations from the Children's Trust and providing a uniform level of service between programs funded by the Children's Trust and programs funded by the City)
	Reduce the number of homeless	• Education and outreach to inform the public of recent accomplishments • Citywide campaign for churches and businesses on how to assist homeless (Operation Home Shore). Target low end hotels with at-risk occupants • Coordinate with Homeless Outreach, Police department, and judicial systems to enable full enforcement of Quality of Life issues (i.e. habitual offenders, trespassing, etc.) • Pursue methods to address mental health issues among the homeless	*($36,500 Service Enhancement)* • Continues enhanced funding for homeless services from prior years, including partnering with Citrus Health to provide a coordinated approach to addressing mental health issues often associated with the chronically homeless. • Adds funding for the purchase of 2 treatment beds for placement of homeless persons with mental health or drug addiction issues
	Increase access to workforce or affordable housing	• Maximize retention of existing housing stock, especially among the elderly	*(In current service level)* • Maintains existing resources for upgrading multi-family rental housing, purchasing and rehabilitating first time homebuyer units, down payment assistance to low-income homebuyers, and rehabilitation of low income and owner-occupied units
	Increase resident satisfaction with availability of commercial service options	• Research alternative strategies for incentives	*(In current service level)*

Vision Linkage	Key Intended Outcome:	FY 2006/07 Citywide Initiatives	Proposed FY 2006/07 Budget Resource Allocation *(new funding $'s)*
Cultural, Entertainment and Tourism Capital	Increase community rating of cultural activities	• Ensure growth in funding for the arts • Continue to fund operations and capital for local performing arts centers • Continue and expand communication & marketing to residents & targeted groups, including development of a co-promotion fund • Promote availability of family-friendly cultural activities and events • Maximize potential use of Byron Carlyle, Colony, Jackie Gleason Theatre, Little Acorn Theatres, and other potential venues in the City	*($300,000 Service Enhancement)* • Add funding for a monthly music in the parks series • Expands arts and culture programming in our schools and in our parks after school and summer camps anticipated through a partnership with Arts for Learning that will offer each of the selected park sites a resident artist who will teach up to 4 classes per week in the divided up according to age and/or grade levels. Such that each child enrolled in the arts portion of the parks program will receive one visual or performing arts class per week. The type of program (e.g. visual, dance, theater, music) to be offered will depend largely upon the site's ability to facilitate the class. • Provides funding to offset the increased cost of security guard service at the Bass Museum
	Improve availability and accessibility of major events	• Improve communication & marketing to targeted residents/groups for upcoming events • Target key events for slow periods • Continue to improve logistics management of events to minimize disruption, traffic, debris, noise • Maximize utilization and upkeep of Miami Beach Convention Center • Ensure resident benefits from permitted special events	*(In current service level)* • Provides funding for special events including Super Bowl 2007 • Continues permitting requirement for special events in Miami Beach with focus on public benefit for Miami Beach residents
International Center for Innovation in Culture Recreation and Business	Make City more business friendly	• Identify industry benchmarks, best practices, and recommendations for improvements and technology improvements and implement recommendations • Enhance distribution and access to information on business process to community • Inventory other City processes for potential preliminary improvement and identify bottlenecks	*($757,000 Service Enhancement)* • Adds 4 positions to reduce the number of open or expired Temporary Certificates of Occupancy and number of overdue re-certifications, reduce the backlog of building plan reviews, and reduce response time to Answer Center requests. • Adds 3 positions to improve customer service, particularly the ability to help expedite wait times • Technology upgrades including a more customer-friendly inquiry system, and upgrades to the wireless devices for inspections to allow greater flexibility in adapting to a changing environment, allow the department to track reasons for rejections, and provide the ability to view on-line the daily inspections assigned to each inspector
	Enhance Access to labor pool	• Work with major employers and various entities (i.e. UNIDAD, South Florida Commuter Services) to evaluate potential strategies	*(In current service level)*

Vision Linkage	Key Intended Outcome:	FY 2006/07 Citywide Initiatives	Proposed FY 2006/07 Budget Resource Allocation *(new funding $'s)*
Well Improved Infrastructure	Maintain or improve traffic flow	• Continue FY 05 initiative to work with the Planning Department to ensure funds are adequately captured to fund the existing Mobility Plan (MMP) • Work with County to expedite implementation of technology to improve timing of lights • Expand existing mobility strategy (parking vs. streets, etc.) through the Coastal Communities Transportation Master Plan, including identification of new MMP projects • Complete FY 05 Impact Fee study to develop a Major Use Special Permit review process to supplement or replace the existing concurrency management system • Expedite development and implementation of comprehensive bike paths/recreation corridors/ and walkway plan for Miami Beach • Update existing traffic baseline level of service study • Partner with Miami-Dade Transit to educate public on available transit options • Increase traffic enforcement in business districts to improve traffic flow (loading zone, double parking, blocking the intersection, etc.)	*($459,000 Service Enhancement)* • Adds 2 motor police officers to be assigned full-time to the Parking Department along with the addition of 5 Parking Operations supervisors to deploy a cooperative effort for traffic flow enforcement related to vehicles blocking traffic lanes for deliveries, vehicles blocking intersections, etc. This is partially offset by anticipated revenues • Prioritizes several pedestrian and bike path enhancements and bicycle rack needs to be included in our capital program
	Improve Parking Availability	• Develop and implement marketing plan for parking and traffic • Pursue implementation of Walker Parking Study recommendations for development sites in the North Beach, Cultural Campus areas, South Pointe Park, City Hall Garage, New World Symphony Garage, and other opportunities • Acquire land where possible for additional parking	
	Ensure well-designed quality capital projects	• Continue implementation of FY 05 initiatives to expedite: review of construction documents, legal issues, invoice processing, and field inspections • Streamline program management • Implement best-value procurement concepts for selection of design professionals and constructions services • Enhance coordination with public and private development projects • Expand public outreach and information regarding capital projects status, etc. • Maintain a capital reserve fund to address unforeseen needs in approved capital projects • Maintain a Pay-as-you-go capital fund with an annual funding contribution as a continuous re-investment in City infrastructure • Maintain a capital improvement steering committee process for prioritization of proposed new capital projects	*($77,000 Service Enhancement)* • Adds a Capital Projects Coordinator in to manage Public Works projects including the North Beach Recreational Corridor *($2.5 million Structural Change)* • Continues the annual funding transfer to the capital reserve to ensure that projects are not delayed due to funding shortfalls • Increases the annual funding transfer to the capital pay-as-you-go fund to be used for projects such as the Normandy Shores Golf Course club house, restrooms, maintenance building, and cart barn; Flamingo Park sports lighting, Julia Tuttle Baywalk, etc.

Vision Linkage	Key Intended Outcome:	FY 2006/07 Citywide Initiatives	Proposed FY 2006/07 Budget Resource Allocation *(new funding $'s)*
Well Improved Infrastructure (continued)	Ensure well-maintained facilities	• Complete facility condition assessments on all City facilities • Maintain a capital replacement renewal and reserve with a dedicated source of funding for general fund facilities and to identify and implement required projects as scheduled • Evaluate funding capital renewal and replacement funds in all enterprise and internal service funds	*(In current service level)* • Increases the annual funding for the General Fund Capital Renewal and Replacement Fund for a total funding of $3.3 million for projects that extend the useful life of General Fund facilities • Continues funding for FY 2006/07 to complete assessments on 13 additional buildings
	Ensure well-maintained infrastructure	• Continue outsourcing initiatives to augment in-house capacity • Expedite drainage improvement projects, particularly in South Beach • Update Stormwater Master Plan • Complete implementation of a new infrastructure management software application for Water, Sewer & Stormwater; implement Geographic Information Systems (GIS) application. • Complete a full assessment of roads, sidewalks, curbing, and lighting • Develop and implement criteria for assessment and methodology for periodic sampling • Expedite CIP projects and process for roads, sidewalks and curbing citywide • Work with Miami-Dade County to expedite implementation of sidewalk improvements on County roads programmed as part of the PTP program	*($125,00 Service Enhancement)* • Adds funding for street light maintenance and assessments • Continues to provide for a citywide pavement assessment and repair program, broken sidewalk replacement, as well as a regular maintenance program for outfall and catch basin cleaning
	Preserve our beaches	• Develop initial assessment to determine which beach areas are candidates for sand re-nourishment • Work with Miami-Dade County to develop a Beach Master Plan for beach preservation, including development of a Miami-Dade County Master Plan for Sand/Beach re-nourishment • Increase federal lobbying to secure funding • Enhance beach cleanliness through coordination with the County	*(In current service level)*

Vision Linkage	Key Intended Outcome:	• FY 2006/07 Citywide Initiatives	Proposed FY 2006/07 Budget Resource Allocation *(new funding $'s)*
Supporting Outcomes to Sustainability of Vision	Enhance external and internal communications from and within the City	• Centralize and enhance Communications functions within the City of Miami Beach • Evaluate published materials for consistency with brand and messages • Provide Citywide training on effective communications (e-mails, presentations, media, etc.) • Continue to publish and mail a community newsletter to all Miami Beach residents and maximize other means of communication including Citypage, MBTV-77, neighborhood newsletters, etc.	*($20,000)* • Provides funding for annual notification of expired permits to property owners • Continues enhancement of all communications functions within the City through newly centralized Communication Department, including a regular advertising page in local newspapers (CitiPage), a bi-monthly newsletter (MB Magazine), and expanded cable programming *($46,000)* • Replacement communications equipment for the Commission chambers will be funded from the Information and Communications Technology Fund
	Increase resident satisfaction with employee contact	• Provide on-going training similar to the Leadership Academy to Answer Center and subsequently to other front line employees including key contacts for each function in department • Research software to provide knowledge-based information and train Answer Center and other frontline employees regarding same • Continue service shopper initiative • Provide feedback reports and training to departments with an average service shopper score of less than 4	*(In current service level)*
	Expand hours and service through e-government	• Increase promotion of CMB website on all materials, MBTV 77, vehicles, etc. • Implement Enterprise Resource Planning web modules to provide online information to citizens, employees and vendors • Redesign website for ease of use and expansion of services offered • Expand City services on-line through E-government technologies	*($146,000 Service Enhancement)* • Adds a new E-Government position to work with existing Information Technology Department resources to maximize the availability of city services and processes that can be accessed and transacted via the internet through best practice research, working with departments, etc.; and for a WiFi technical support position *($30,000)* • Provides funding for amplified reception of WiFi at City facilities (e.g. City Hall), an Internet Content Management System, through the IT technology Fund

Vision Linkage	Key Intended Outcome:	FY 2006/07 Citywide Initiatives	Proposed FY 2006/07 Budget Resource Allocation *(new funding $'s)*
Supporting Outcomes to Sustainability of Vision (continued)	Ensure expenditure trends are sustainable over the long term	• Continue to work with Budget Advisory Committee to establish financial policies to help ensure long term sustainable expenditure trends	*($146,000 Service Enhancement)* • Adds a position to ensure more timely reconciliation of bank accounts in the Parking Department, • Converts sanitation auditor to full time • Upgrades City printing equipment, etc. • Efficiencies achieved through elimination of an Assistant Director position in the Parks and Recreation Department, and a vacant security supervisor in Parking *(In current service level)* • Maintains the $ 1 million general fund transfer to the risk management fund
	Improve the City's overall financial health and maintain overall bond rating	• Define levels of reserves required to sustain the financial position of the City in light of economic, environmental or other unanticipated challenges • Strengthen financial process to improve internal controls and address audit concerns • Continue to address funding shortfalls in the reserve for claims against the risk management fund	
	Improve process through information technology	• Implement Enhancements to security and network infrastructure to ensure availability of critical systems and provide innovative cost effective solutions • Complete ERP implementation • Enhance utilization of performance management processes and software • Continue implementing IT governance process for prioritizing projects • Develop an IT Master Plan • Maximize IT/digital connectivity citywide through WiFi, etc. • Continue to pursue GIS deployment citywide	*($82,000 Service Enhancement)* • Adds contracted position to oversee CAD/RMS project *($324,000 Structural Change)* • Increases funding for the Information and Communications Technology Fund offset by $200,000 in WiFi savings that will be incurred for wireless applications and through prior VOIP implementations. The fund will support: o Second year equipment financing for the Storage Area Network, the Enterprise Uninterrupted Power Supply for the City's data center, the citywide WiFi, Voice Over Internet Protocol (VOIP) o The second year of a "Self-Defending Network" solution to improve system security and mitigate potential virus infiltrations to the City's network; o Disaster Recovery at Network Access Point o Telephone Switch and Interactive Voice Response (IVR) at Network Access Point o Police Department Staffing Software o Deployment of the City's Infrastructure Management System in the Parks and Recreation Department o A Capital Project Management System
	Attract and maintain a quality workforce	• Obtain information on strengths and weaknesses of workplace (survey, focus groups, etc) • Develop a strategy to address recruitment and retention issues • Conduct job analysis/market studies for classifications with critical shortfalls (construction trades, construction engineers, etc.)	*($94,000)* • Adds a position in Human Resources to assist with maintaining personnel files • Adds a position in Labor Relations • Continues to fund organizational development workshops and retreats focusing on leadership development, a results-oriented organizational culture, process improvement and performance management, and technology

Vision Linkage	Key Intended Outcome:	FY 2006/07 Citywide Initiatives	Proposed FY 2006/07 Budget Resource Allocation *(new funding $'s)*
Supporting Outcomes to Sustainability of Vision (continued)	Increase community satisfaction with City services	• Continue development and implementation of a results-oriented framework for the City of Miami Beach • Continue to pursue initiatives to provide return on investment to our community • Conduct second set of community satisfaction surveys in 2007	*($90,000)* • Funds a set of follow-up community surveys in 2007 *($1,630,000)* • Provides a $300 dividend return for full-time, homesteaded property owners *(In current service level)* • Reduces the overall millage by 0.400 mills • Provides fee waivers and fee discounts to businesses • Continues to expand free access to many Miami Beach programs and facilities for all residents • Provides relief from life safety inspection fees • Offsets Miami-Dade County FY 2005/06 water and sewer fee increases • Absorbs the household garbage and trash collection fee increase incurred due to contractual CPI increases and Miami-Dade County disposal fee increases

Condensed Title:

Resolution Of The Board Of Directors Of The Normandy Shores Local Government Neighborhood Improvement District Setting The Proposed General Operating Millage Rate Of 0.338 Mills For The Normandy Shores Neighborhood Improvement District; The Calculated Rolled-Back Rate Of 0.319 Mills; And The Date, Time And Place Of The First Public Hearing To Consider The Operating Millage Rate And Budget For Fiscal Year (FY) 2006/07 Scheduled On Wednesday, September 6, 2006 At 5:02 P.M.

Key Intended Outcome Supported:

Ensure expenditure trends are sustainable over the long term
Improve the City's overall financial Health and maintain overall bond rating
Increase Community Satisfaction with City Services

Issue:

Shall the Mayor and City Commission, acting in its capacity as the Board of Directors for the Normandy Shores Local Government Neighborhood Improvement District, adopt the attached resolution which sets the Proposed General Operating Millage Rate; the Calculated Rolled-Back Rate; and sets the date, time and place for the first public hearing?

Item Summary/Recommendation:

Adopt the resolution.

Advisory Board Recommendation:

Financial Information:

Source of Funds:

N/A

OBPI

	Amount	Account	Approved
1			
2			
3			
4			
Total			

Financial Impact Summary:

City Clerk's Office Legislative Tracking:

Sign-Offs:

Department Director	Assistant City Manager	City Manager

MIAMIBEACH

AGENDA ITEM R70
DATE 7-12-06

MIAMIBEACH

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

COMMISSION MEMORANDUM

TO: Mayor David Dermer and Members of the City Commission

FROM: Jorge M. Gonzalez, City Manager

DATE: July 12, 2006

SUBJECT: **A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NORMANDY SHORES LOCAL GOVERNMENT NEIGHBORHOOD IMPROVEMENT DISTRICT SETTING 1) THE PROPOSED GENERAL OPERATING MILLAGE RATE FOR THE NORMANDY SHORES NEIGHBORHOOD IMPROVEMENT DISTRICT; 2) THE CALCULATED ROLLED-BACK RATE; AND, 3) THE DATE, TIME AND PLACE OF THE FIRST PUBLIC HEARING TO CONSIDER THE OPERATING MILLAGE RATE AND BUDGET FOR FISCAL YEAR (FY) 2006/07; FURTHER AUTHORIZING THE CITY MANAGER TO TRANSMIT THIS INFORMATION TO THE MIAMI-DADE COUNTY PROPERTY APPRAISER IN THE FORM REQUIRED BY SECTION 200.065, FLORIDA STATUTES**

ADMINISTRATION RECOMMENDATION

The Administration recommends that the Mayor and City Commission, acting in its capacity as the Board of Directors for the Normandy Shores Local Government Neighborhood Improvement District, adopt the attached resolution which authorizes the City Manager to transmit the following information to the Miami-Dade County Property Appraiser:

1) Proposed Operating Millage Rate of the Normandy Shores Neighborhood Improvement District for FY 2006/07:

General Operating	0.388 mills

2) "Rolled-Back" Rate (Truth In Millage) 0.319 mills

3) The first public hearing to consider the proposed Normandy Shores Neighborhood Improvement District operating millage rate and tentative budget for FY 2006/07 shall be held on Thursday, September 6, 2006 at 5:02 P.M., in the City Commission Chambers, City Hall, 1700 Convention Center Drive, Miami Beach, Florida.

BACKGROUND

The Normandy Shores Local Government Neighborhood Improvement District, a dependent taxing district of its principal, the City of Miami Beach, was established in 1994 to provide continual 24-hour security to this gated community; FY 2006/07 represents its thirteenth year of operation.

It was established by Ordinance 93-2881, and has the authority *"to levy an ad-valorem tax on real and personal property of up to two mills, provided that no parcel of property will be assessed more than $500 annually for such improvements"*. However, on August 29, 2002, the Administration met with the Normandy Shores Local Government Neighborhood Improvement District representatives and agreed to eliminate the $500 cap on the highest valued home in the District. The enabling legislation was adopted by the Commission on September 25, 2002. This ensures that the City's contribution from the General Fund remains at 35% of the operating budget of the District.

Statutory Requirement

FS 200.065, entitled Method of Fixing Millage establishes specific guidelines that must be used by all local government entities, including dependent taxing districts like Normandy Shores in setting its millage (Property tax) rates. Not unlike its principal taxing authority (City of Miami Beach), Normandy Shores is also required to transmit within 35 days from receipt of the Certification of Taxable Value (received June 30, 2006), to the Miami-Dade County Property Appraiser, a proposed operating millage rate, the calculated rolled-back rate and the date, time, and place of the first public hearing to consider the proposed operating millage rate and tentative budget for Fiscal Year 2006/07.

After setting the proposed operating millage rate for Normandy Shores, the City Commission may, at any time prior to the final adoption, lower the millage rate; however any increase above the 0.338 millage rate would require an expensive mailing and advertising process to each property owner of Normandy Shores. Therefore, this proposed millage rate is viewed as the ceiling.

ANALYSIS

On June 30, 2006, the City received the 2006 Certification of Taxable Value from the Property Appraiser's Office stating that the taxable value for Normandy Shores is $269,642,346 which included $514,306 in new construction. The preliminary value represents an increase of 155 percent over 2005's final value of $105,441,735. Alternately, the increase is 153 percent over 2005's preliminary value of $106,557,047. The difference of $1,115,321 between 2005's preliminary and final values represents the equalization loss of approximately one percent due to appeals.

Operating Millage and Budget

The tentative ad valorem millage recommended by the Administration is 0.338 mills to provide the current level of security required by this district. This tax levy will generate proceeds of $87,949. The total operating budget to provide security services at the current service level to this district is $135,254. This is comparable to the current year end projections. An additional $3,000 is included in the budget to fund upgrading the electronic access system. The difference between the revenues which will be generated from ad-

valorem tax proceeds and the total budgetary requirement of the district must be supplemented by a contribution from the General Fund in the amount of $47,305 or 35% of the total operating budget.

The General Fund has funded this difference for each of the twelve years since the District was established. The amount provided by the General Fund for this purpose in FY 2005/06 was $45,131.

During FY 1998/99 the amount of annual funding to be provided by the City and the dependent status of the District were issues discussed by the Finance and Citywide Projects Committee. A determination was reached that the City would fund 35% of the annual cost of the operation of the community gate guard. This cost will eventually be funded from the golf course operation of the Normandy Shores Golf Course. The City Attorney's Office is reviewing the issue regarding the dependent status of the District. It was further agreed that the City would continue to supplement the District at current levels until both issues were resolved.

It must be noted that in accordance with State Statute, there is a 10 mill operating cap which cannot be exceeded without voter approval. Combining both millages from the dependent district (0.338) and the principal taxing authority (7.374) totals **7.712** mills, which is **2.288** mills less than the **10 mill cap.**

First Public Hearing

The first public hearing on the proposed operating millage rate and tentative budget for FY 2006/07 must be held no later than 80 days (September 18th) or earlier than 65 days (September 3rd) from the start of the TRIM calendar (July 1st). Other guidelines are: 1) The public hearing cannot be scheduled on a Sunday or on those days utilized by Miami-Dade County or the Miami-Dade County School Board for their public hearing; 2) If on a day other than Saturday, it must be held after 5:00 P.M.; and 3) must be held immediately following discussion of the tentative millage and budget of its principal taxing authority (City of Miami Beach).

Based on these guidelines, the first hearing must be held between September 3rd and September 18th. These dates are unavailable for the following reasons:

September 3, 10 and 17	Sundays
September 7 and 20	Proposed dates for Miami-Dade County Public Hearings
September 13	Miami-Dade County School Board Public Hearing

Of the remaining days, it is recommended that the first public hearing be set for Wednesday, September 6, 2006 at 5:02 P.M., in the City Commission Chambers, City Hall, 1700 Convention Center Drive, immediately following the City of Miami Beach's public hearing.

JMG:KB:JC

RESOLUTION NO._____

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NORMANDY SHORES LOCAL GOVERNMENT NEIGHBORHOOD IMPROVEMENT DISTRICT SETTING 1) THE PROPOSED GENERAL OPERATING MILLAGE RATE FOR THE NORMANDY SHORES NEIGHBORHOOD IMPROVEMENT DISTRICT; 2) THE CALCULATED ROLLED-BACK RATE; AND, 3) THE DATE, TIME AND PLACE OF THE FIRST PUBLIC HEARING TO CONSIDER THE OPERATING MILLAGE RATE AND BUDGET FOR FISCAL YEAR (FY) 2006/07; FURTHER AUTHORIZING THE CITY MANAGER TO TRANSMIT THIS INFORMATION TO THE MIAMI-DADE COUNTY PROPERTY APPRAISER IN THE FORM REQUIRED BY SECTION 200.065, FLORIDA STATUTES.

WHEREAS, Section 200.065, Florida Statutes, has specified the method by which municipalities may fix the operating millage rate and adopt an annual budget for dependent taxing districts; and

WHEREAS, the Mayor and City Commission of the City of Miami Beach, acting as the Board of Directors of the Normandy Shores Local Government Neighborhood Improvement District propose that the District's General Operating Millage Rate be set at 0.338 mills and that the Rolled-Back Rate be set at 0.319 mills; and

WHEREAS, the City of Miami Beach is required to advise the Miami-Dade County Property Appraiser of the Proposed Normandy Shores Neighborhood Improvement District Operating Millage Rate, the Rolled-Back Rate, and the date, time, and place of the first public hearing.

NOW THEREFORE, BE IT DULY RESOLVED BY THE BOARD OF DIRECTORS OF THE NORMANDY SHORES LOCAL GOVERNMENT NEIGHBORHOOD IMPROVEMENT DISTRICT, that the following recommendations of the Administration be and are hereby ratified for transmittal to the Miami-Dade County Property Appraiser, as specified in Section 200.065, Florida Statutes:

1) Proposed Normandy Shores Local Government Neighborhood Improvement District Operating Millage Rate for FY 2006/07

	General Operating	0.338 mills
2)	"Rolled-Back Rate"	0.319 mills

3) The first public hearing on the proposed Normandy Shores Local Government Neighborhood Improvement District operating millage rate and tentative budget for FY 2006/07 shall be held on Wednesday, September 6, 2006 at 5:02 p.m., in the City Commission Chambers, City Hall, 1700 Convention Center Drive, Miami Beach, Florida.

PASSED and ADOPTED this 12th day of July, 2006.

ATTEST:

CITY CLERK **MAYOR**

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

City Attorney 7/7/06 Date

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R9
New Business
And
Comm. Requests

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

OFFICE OF THE CITY CLERK, Robert Parcher, City Clerk
TEL: (305) 673-7411, FAX: (305) 673-7254

COMMISSION MEMORANDUM

To: Mayor David Dermer and Members of the City Commission

From: Jorge M. Gonzalez, City Manager

Date: July 12, 2006

Subject: **BOARD AND COMMITTEES**

ADMINISTRATION RECOMMENDATION:

That appointments be made as indicated.

BACKGROUND:

Attached are the applicants that have filed with the City Clerk's Office for Board and Committee appointments.

VACANCIES

BOARD OR COMMITTEE:	TOTAL MBRS.	APPOINTED BY:	TOTAL VAC.	PAGE
Committee on the Homeless	9	Mayor David Dermer	2	Page 8
Disability Access Committee	7	Commissioner Richard L. Steinberg	1	Page 15
Fine Arts Board	14	Commissioner Jerry Libbin	1	Page 16
Health Advisory Committee	11	City Commission	1	Page 18

Agenda Item R9A
Date 7-12-06

We are committed to providing excellent public service and safety to all who live, work, and play in our vi

VACANCIES

BOARD OR COMMITTEE:	TOTAL MBRS.	APPOINTED BY:	TOTAL VAC.	PAGE
Hispanic Affairs Committee	7	Commissioner Simon Cruz Mayor David Dermer	1 1	Page 21
Marine Authority	7	Commissioner Richard L. Steinberg	1	Page 25
Miami Beach Sister Cities Program	24	Mayor David Dermer	1	Page 29
Normandy Shores Local Gov. Neighborhood Impv.	3	City Commission	3	Page 30
Oversight Committee for General Obligation Bond	13	City Commission	2	Page 31
Parks and Recreational Facilities Board	10	Mayor David Dermer	1	Page 32
Personnel Board	10	City Commission	4	Page 33
Safety Committee	14	Commissioner Matti H. Bower	1	Page 40
Transportation and Parking Committee	19	Commissioner Simon Cruz	1	Page 41

Attached is breakdown by Commissioner or City

REP

JMG:REP/lg

City Commission Committees

Committee	Position	First Name	Appointed by	Appointed
Finance & Citywide Projects Committee				
	Liaison	Patricia Walker, Chief Financial Offi	Mayor Dermer	12/09/05
	Alternate	Commissioner Simon Cruz	Mayor Dermer	12/09/05
	Vice-Chair	Commissioner Richard L. Steinberg	Mayor Dermer	12/09/05
	Chairperson	Commissioner Saul Gross	Mayor Dermer	12/09/05
	Member	Commissioner Matti Herrera Bower	Mayor Dermer	12/09/05
Land Use & Development Committee				
	Liaison	Jorge Gomez, Planning Director	Mayor Dermer	12/09/05
	Alternate	Commissioner Jerry Libbin	Mayor Dermer	12/09/05
	Vice-Chair	Commissioner Saul Gross	Mayor Dermer	12/09/05
	Chairperson	Commissioner Matti Herrera Bower	Mayor Dermer	12/09/05
	Member	Commissioner Luis R. Garcia	Mayor Dermer	12/09/05
Neighborhood/Community Affairs Committee				
	Liaison	Vivian Guzman, Neighborhood Ser	Mayor Dermer	12/09/05
	Alternate	Commissioner Matti Herrera Bower	Mayor Dermer	12/09/05
	Member	Commissioner Jerry Libbin	Mayor Dermer	12/09/05
	Vice-Chair	Commissioner Richard Steinberg	Mayor Dermer	12/09/05
	Chairperson	Commissioner Luis R. Garcia	Mayor Dermer	12/09/05

NON-CITY COMMISSION COMMITTEES

Commissioner Matti Herrera Bower

- Miami Beach Transportation Management Association (TMA)
- Dade Cultural Alliance
- Tourist Development Council
- Performing Arts Center Trust (PACT)

Commissioner Luis R. Garcia, Jr.

- Unclassified Employees and Elected Officials Retirement System
- Greater Miami Convention and Visitors Bureau

Commissioner Richard L. Steinberg

- Miami-Dade County Homeless Trust Board - Appointed by Miami-Dade League of Cities
- Miami-Dade League of Cities
- Metropolitan Planning Organization

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COMMISSION MEMORANDUM

TO: Mayor David Dermer and Members of the City Commission

FROM: Jorge M. Gonzalez, City Manager

DATE: July 12, 2006

SUBJECT: **BOARD AND COMMITTEE APPOINTMENTS – CITY COMMISSION APPOINTMENTS**

ADMINISTRATION RECOMMENDATION

Make appointments as indicated.

BOARDS AND COMMITTEES

1. Health Advisory Committee
2. Health Facilities Authority Board
3. Normandy Shores Local Government Neighborhood Improvement
4. Oversight Committee for General Obligation Bond
5. Personnel Board

JMG/REP

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Agenda Item R9A1
Date 7-12-06

COMMISSION COMMITTEE APPOINTMENTS

1. Health Advisory Committee

Board and Committees Current Members

Health Advisory Committee

Sec. 2-81 2002-3358

Composition:

Eleven (11) voting members. Appointed by the City Commission at-large, upon recommendations of the City Manager:
Two (2) members shall be the chief executive officers (CEO's) or their designated administrators from each of the following local hospitals:
1) Mount Sinai Medical Center,
2) South Shore Hospital,
One (1) member shall be the Chief Executive Officer (CEO) from Stanley C. Myers Community Health Center or his/her designee administrator;
Two (2) member shall be an administrator from an Adult Congregate Living Facility (ACLF). And/or an Assisted Living Facility (ACLF);
One (1) member shall be a representative from the nursing profession;
One (1) member shall be a health benefits provider;
Two (2) members shall be physicians.;
Two (2) members shall be consumers consisting of:
1) one (1) individual from the corporate level and ;
2) one (1) private individual.

There shall be one (1) non-voting ex-officio representative from each of the following: The Miami Dade County Health Department and the Fire Rescue Department. The director of the Office of the Children's Affairs shall be added as a non-voting ex-officio member of the board.
City Liaison: Cliff Leonard

Vacancy:

To replace Heidi Azari	Nursing Profession	12/31/2007	City Commission

Members:

Name	Last Name	Position/Title	Term Ends:	Appointed by:	Term Limit:
Abraham	Galbut	ACLF	12/31/2006	City Commission	12/31/09
Daniel	Nixon	Private Industry	12/31/2007	City Commission	12/31/07
Dr. Rasciciel	Socarraz	Health Provider	12/31/2007	City Commission	12/31/09
Dr. Ronald	Shane	Private Industry	12/31/2007	City Commission	12/31/09
Jorge	Perez	Physician	12/31/2006	City Commission	12/31/09
Joyce	Galbut	Adm. Adult Cong Livn.	12/31/2006	City Commission	12/31/09
Kathryn	Abbate	CEO, Stanley Myers (NTL)	12/31/2006	City Commission	
Steven	Sonenreich	CEO/Mt. Sinai/MH (NTL)	12/31/2006	City Commission	
William	Zubkoff	C.E.O.. So. Shore (NTL)	12/31/2006	City Commission	
Zalman	Bacheikov	Dentist	12/31/2006	City Commission	12/31/06

Maria Ruiz	ex-officio, Director of Children's Affairs
Sonia Albury	rep. From the Health Council of South Fla

Applicants	Position/Title	Applicants	Position/Title
Craig Berko	Chiropractor/Physician	David Fink	
Emilio Suster		Harriet Feuerman	
Katherine Pener	Retired Teacher	Marc Umlas	
Mark Sinnreich	MD	Michael Baum	Nurse

Board and Committees Current Members

Nancy El-Amir	Nicole Nedd	
Richard Silverman	Rolando Rodriguez	
Shawn Loftis	Stephen Zaron	Physician/Consumer Private

COMMISSION COMMITTEE APPOINTMENTS

2. Health Facilities Authority Board

Board and Committees Current Members

Health Facilities Authority Board

Sec. 2-111

Composition:

Four (4) year terms.
Five (5) members shall consist of;
two (2) health providers,
one (1) individual in the field of general business who possesses good standing in the community;
one (1) accountant and;
one (1) attorney.
The chairperson of the Health Advisory Board shall serve as a non-voting advisor to the Authority.
Members shall be residents of the City.
Florida Statute 154.207 No term Limits.

City Liaison: Patricia Walker

Appointments To Be Made :

Michael	Baum	Health Provider	06/19/2006	City Commission	FS 154-20

Members:

Name	Last Name	Position/Title	Term Ends:	Appointed by:	*Term Limit:*
Allison	Stone	Attorney	06/19/2009	City Commission	FS 154-207
Arthur	Unger	Accountant	06/19/2008	City Commission	FS 154-207
Emilio	Suster	General Business	06/19/2007	City Commission	FS 154-207
Mark	Sinnreich	Health Provider	06/19/2007	City Commission	FS 154-207

Kathryn Abbate Chairperson, Health Advisory Board

Applicants	Position/Title	Applicants	Position/Title
Jorge Perez		Luis Salom	
Zalman Bacheikov			

COMMISSION COMMITTEE APPOINTMENTS

3. Normandy Shores Local Government Neighborhood Improvement

Board and Committees Current Members

Normandy Shores Local Gov. Neighborhood Impv.

Sec 42

Composition:

The Advisory Council shall be appointed by the Board of Directors (City Commission) and composed of three members of the Executive Committee of the Normandy Shores Homeowner Association. On behalf of the Board of Directors, the City Clerk shall solicit from the Executive Committee the eligibity list of its members for appointment consideration. The Advisory Council shall be composed of the three members of the Executive Committee of the Normandy Shores Homeowners Association as per Resolution No. 97-22449 adopted July 2, 1997.

Vacancy:

Raquel Fuentes	TL 12/31/07	12/31/2007	City Commission
Michael Schwartz	TL 12/31/07	12/31/2007	City Commission
Dick Yousoufian	TL 12/31/07	12/31/2007	City Commission

Members:

Name	Last Name	Position/Title	Term Ends:	Appointed by:	*Term Limit:*
New	Member		12/31/2007	City Commission	

Applicants	Position/Title	Applicants	Position/Title
Helen Borges		Jacobo Epelbaum	
Michael Ritus		Rhonda Truffin	

MIAMIBEACH

OFFICE OF THE MAYOR AND COMMISSION

MEMORANDUM

TO: Jorge M. Gonzalez, City Manager

FROM: Commissioner Jerry Libbin

DATE: June 5, 2006

SUBJECT: Normandy Shores Committee appointment

Please place on the June 7, 2006 Agenda the following names to be appointed to the Normandy Shores Committee:

Erik Schlein
Steve Hertz
Daniel Veitia

We are committed to providing excellent public service and safety to all who live, work, and play in o community.

COMMISSION COMMITTEE APPOINTMENTS

4. Oversight Committee for General Obligation Bond

Board and Committees Current Members

Oversight Committee for General Obligation Bond

Sec. 2-190.126

Composition:

Thirteen (13) members consisting of two (2) residents from the following areas:
1) North Beach;
2) Middle Beach;
3) South Beach;
4) one (1) member from each of the following organizations:
the Budget Advisory Committee,
the Planning Board,
the Chamber of Commerce,
the Transportation and Parking Committee,
the Community Development Advisory Committee (who shall be a voting member),
one from the Historic Preservation Board (who shall be a voting member),
one (1) MEMBER FROM THE CITY COMMISSION.
City Liaison: Jorge Chartrand

Vacancy:

To replace Sherri Krassner	Middle Beach	12/31/2006	City Commission
To replace Judy Gelber	North Beach	12/31/2006	City Commission
ex-officio of the Transportation and Pkg. Comm.			

Members:

Name	Last Name	Position/Title	Term Ends:	Appointed by:	*Term Limit:*
Christina	Cuervo	Middle Beach	12/31/2007	City Commission	12/31/10
Donna	Feig	North Beach	12/31/2007	City Commission	12/31/11
Ruth	Remington	South Beach	12/31/2007	City Commission	12/31/11
Scott	Needelman	South Beach	12/31/2006	City Commission	12/31/08

Alexander Annunziato	voting member of CDAC
Jeryl (Deede) Weithor	Budget Advisory Comm.
Mayor David Dermer	Member from City Commission
Mitch Novick	voting member of the Historic Pres. Bd)
Sara Gutierrez	MBCC Representative
Theodore Berman	ex-officio member Planning Board

Applicants	Position/Title	Applicants	Position/Title
Barbara Gelber		Charles Burkett	Middle Beach
Dave Patlak		Dwight Kraai	
Gabrielle Redfern		Gary Weiner	
Jeffrey Rynot		Judy Gelber	North Beach
Julio Lora		Laura Morilla	
Marc Gidney		Martin Wasserman	Attorney
Melissa Lorber	South Beach	Michael Francis	
Stephen Bernstein		Stuart Newman	
Wil Martinez			

COMMISSION COMMITTEE APPOINTMENTS

5. Personnel Board

Board and Committees Current Members

Personnel Board

Sec. 2-190.66

Composition:

Ten (10) members appointed by a 5/7 vote.
Six (6) of which shalll be citizens of Miami Beach not in the employment of the city, each having a different vocation;
and three (3) regular employees of the City of Miami Beach, to be elected by the probationary and regular employees of the city and who shall be elected from the employees of regular status in the respective groups:

Group I shall consist of the employees of the Police Department, Fire Department and Beach Patrol Department,
Group II shall consist of employees who are in clerical and executive positions,
Group III shall consist of all other employees,

The Personnel Director is a non-voting member.
City Liaison: Mayra Buttacavoli

Vacancy:

Orlando Alvarez, Jr.	To replace	12/31/2007	City Commission
	To replace Rosalie Pincus	12/31/2006	City Commission
Marcelo Llorente	To replace	12/31/2007	City Commission
Jack Bernstein	To replace	12/31/2007	City Commission

Members:

Name	Last Name	Position/Title	Term Ends:	Appointed by:	*Term Limit:*
Amy	Perry		12/31/2006	City Commission	12/31/09
Diane	Downs		12/31/2006	City Commission	12/31/09
Jimmy Newton		elected 7/31/03 - exp. 7/31/06 Group III			
Mayra Buttacavoli		Human Resources Director			
Patricia Becerra		re-elected 8/17/04 - exp. 7/31/07 Group II			
Renato Sejas		elected 7/11/05 - exp. 7/31/08- Group I			

Applicants	Position/Title	Applicants	Position/Title
Alex DeGasperi		Annette Cannon	
Barbara Woolverton	Human Resources Director	Dale Gratz	
David Alschuler	Attorney	Elsa Orlandini	
Jeffrey Rynot		Lee Spiegelman	
Stephen Bernstein			

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R9 - New Business and Commission Requests

R9B(1)	Dr. Stanley Sutnick Citizen's Forum.	(1:30 p.m.)
R9B(2)	Dr. Stanley Sutnick Citizen's Forum.	(5:30 p.m.)

AGENDA ITEM R9B1-2
DATE 7-12-06

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MIAMIBEACH

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

COMMISSION MEMORANDUM

TO: Mayor David Dermer and Members of the City Commission

FROM: Jorge M. Gonzalez, City Manager

DATE: July 12, 2006

SUBJECT: **A REQUEST BY 6000 INDIAN CREEK L.L.C TO REVIEW A DESIGN REVIEW BOARD DECISION PERTAINING TO DRB FILE NO. 19072.**

ADMINISTRATION RECOMMENDATION

Affirm the decision of the Design Review Board.

ANALYSIS

Pursuant to City Code Section 118-262, 6000 Indian Creek L.L.C. is requesting a review of the Design Review Board decision rendered on April 19, 2006, pertaining to DRB File No. 19072, for approval of the exterior surface color of an existing residential structure at 6000 Indian Creek Drive.

The Design Review Section of the Miami Beach Code allows the applicant, or the city manager on behalf of the city administration, or an affected person, Miami Design Preservation League or Dade Heritage Trust to seek a review of any Design Review Board Order by the City Commission. For purposes of this section, "affected person" shall mean either (i) a person owning property within 375 feet of the applicant's project reviewed by the board, or (ii) a person that appeared before the Design Review Board (directly or represented by counsel), and whose appearance is confirmed in the record of the Design Review Board's public hearing(s) for such project.

Pursuant to Section 118-262 of the Miami Beach Code, the review by the City Commission is not a "de novo" hearing. It must be based upon the record of the hearing before the Design Review Board. Furthermore, Section 118-262 (b) states the following:

In order to reverse, or remand for amendment, modification or rehearing any decision of the Design Review Board, the City Commission shall find that the Design Review Board did not do one of the following:

1) provide procedural due process;
2) observe essential requirements of law; or
3) base its decision upon substantial, competent evidence.

In order to reverse or remand a decision of the DRB, a 5/7th vote of the City Commission is required.

On July 14, 1998, the applicant received Design Review Approval to construct a multi-level condominium with subterranean parking (DRB File No. 10386). Condition No. 4 of the Final Order for the project states the following:

Agenda Item R9C

Date 7-12-06

> *The final exterior surface color scheme, including color samples, shall be subject to the review and approval of staff and shall require a separate permit.*

The above noted condition is crystal clear and unambiguous. Additionally, the applicant did appeal the order subsequent to the approval of the project.

During the course of construction, and without the review and approval of staff or a separate permit, as required by the Final Order for the project, the applicant painted the subject building a uniform teal color, which is not consistent with the depth and intensity of the City's color chart. Staff denied the applicant's request for an after-the-fact approval of the color, and the applicant appealed such denial to the Design Review Board. On April 4, 2006, the Design Review Board considered the application for the proposed color and denied the applicant's request to maintain the subject color (see attached pictures of the building, which are part of the record for the application).

A review of the transcripts for the Design Review Board hearing on this matter indicates that the DRB observed the essential requirements of law, made its determinations based on substantial and competent evidence, and afforded all parties involved due process.

The DRB's review of the proposed color scheme for the building was based upon the Design Review Criteria in Section 118-251 of the City Code. This section of the Code specifies that design review shall encompass the examination of architectural drawings for consistency with the criteria listed in Section 118-251, with regard to the aesthetics, appearances, safety, and function of any new or existing structure and physical attributes of the project in relation to the site, adjacent structures and surrounding community.

In addition to the exhibits submitted by the project applicant, the Board had before it the recommendation presented by its professional staff in the form of a comprehensive staff report, as well as the expert testimony of the applicants, who are both architects. Planning Department staff recommended that the proposed teal color not be approved as it failed to satisfy the relevant Design Review Criteria, and that the applicant provide a number of alternate color schemes for the Board's consideration.

Finally, the Board held a public hearing during which members of the public testified and presented evidence. Based upon all of the evidence submitted, the Board determined that the proposed exterior color scheme for the subject building did not meet the Criteria for Design Review Approval and denied the request for an after-the-fact approval of the proposed exterior color. Further, the Board required that the subject building be painted a lighter field color within 90 days, and prior to the issuance of a Final Certificate of Occupancy (CO).

CONCLUSION

The Administration recommends that the Mayor and City Commission affirm the decision of the Design Review Board (DRB) pertaining to DRB File No. 18871 (6000 Indian Creek Drive), wherein it required that the subject building be painted a lighter field color within 90 days, and prior to the issuance of a Final Certificate of Occupancy (CO).

JMG/JGG/TRM
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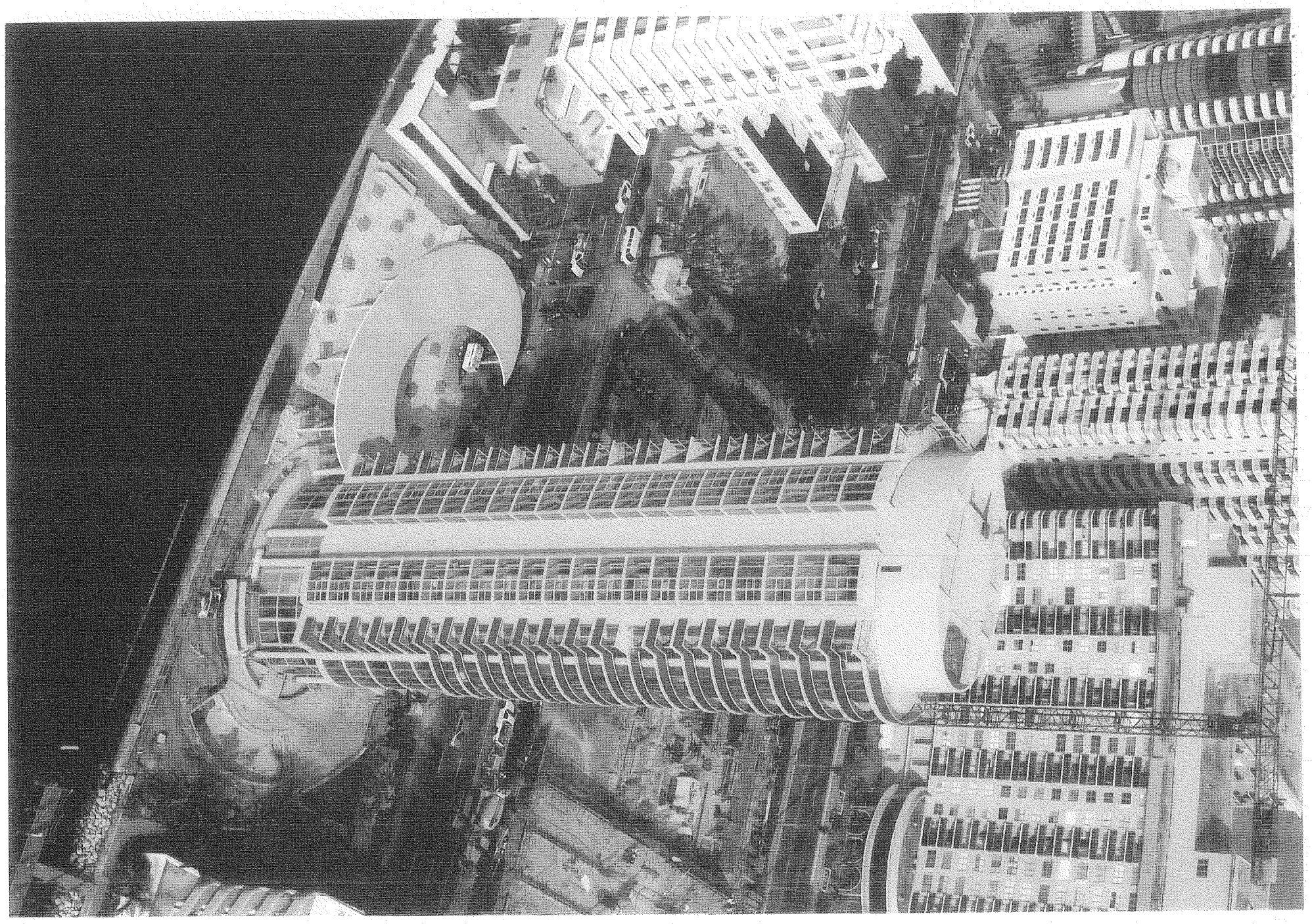

GS2 Corporation

6000 Indian Creek

Print #60124820
Date:01/24/06

Aerial Photography, Inc. 954-568-0484

GS2 Corporation

6000 Indian Creek

Print #60124819
Date:01/24/06

Aerial Photography, Inc. 954-568-0484

GS2 Corporation

6000 Indian Creek

Print #60124817
Date:01/24/06

Aerial Photography, Inc. 954-568-0484

MB MiamiHerald.com | THE MIAMI HERALD | SUNDAY, JUNE 18, 2006

CITY OF MIAMI BEACH
NOTICE OF A PUBLIC HEARING

NOTICE IS HEREBY given that a public hearing will be held by the City Commission of the City of Miami Beach, in the Commission Chambers, 3rd floor, City Hall, 1700 Convention Center Drive, Miami Beach, Florida, on **Wednesday, July 12, 2006 at 11:15 a.m.,** Pursuant To Miami Beach City Code Section 118-262, To Review A Design Review Board Decision Requested By 6000 Indian Creek L.L.C. Pertaining To DRB File No. 19072.

INQUIRIES may be directed to the Planning Department at (305) 673-7550.

INTERESTED PARTIES are invited to appear at this meeting, or be represented by an agent, or to express their views in writing addressed to the City Commission, c/o the City Clerk, 1700 Convention Center Drive, 1st Floor, City Hall, Miami Beach, Florida 33139. This meeting may be opened and continued and, under such circumstances additional legal notice would not be provided.

Robert E. Parcher
City Clerk
City of Miami Beach

Pursuant to Section 286.0105, Fla. Stat., the City hereby advises the public that: if a person decides to appeal any decision made by the City Commission with respect to any matter considered at its meeting or its hearing, such person must ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. This notice does not constitute consent by the City for the introduction or admission of otherwise inadmissible or irrelevant evidence, nor does it authorize challenges or appeals not otherwise allowed by law.

To request this material in accessible format, sign language interpreters, information on access for persons with disabilities, and/or any accommodation to review any document or participate in any city-sponsored proceeding, please contact (305) 604-2489 (voice), (305) 673-7218(TTY) five days in advance to initiate your request. TTY users may also call 711 (Florida Relay Service).

(Ad #376)

MIAMIBEACH

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

COMMISSION MEMORANDUM

TO: Mayor David Dermer and Members of the City Commission

FROM: Jorge M. Gonzalez, City Manager

DATE: July 12, 2006

SUBJECT: **A REQUEST BY SOUTHPOINTE HEIGHTS L.L.C TO REVIEW A DESIGN REVIEW BOARD DECISION PERTAINING TO DRB FILE NO. 18988.**

ADMINISTRATION RECOMMENDATION

Open and continue the request to a date certain of September 6, 2006.

ANALYSIS

Pursuant to City Code Section 118-262, Southpointe Heights L.L.C. is requesting a review of the Design Review Board decision rendered on April 19, 2006, pertaining to DRB File No. 18988, for approval of condominium-hotel complex at 2-30 Ocean Drive and 1-35, 69 Collins Avenue.

The Design Review Section of the Miami Beach Code allows the applicant, or the city manager on behalf of the city administration, or an affected person, Miami Design Preservation League or Dade Heritage Trust to seek a review of any Design Review Board Order by the City Commission. For purposes of this section, "affected person" shall mean either (i) a person owning property within 375 feet of the applicant's project reviewed by the board, or (ii) a person that appeared before the Design Review Board (directly or represented by counsel), and whose appearance is confirmed in the record of the Design Review Board's public hearing(s) for such project.

Pursuant to Section 118-262 of the Miami Beach Code, the review by the City Commission is not a "de novo" hearing. It must be based upon the record of the hearing before the Design Review Board. Furthermore, Section 118-262 (b) states the following:

In order to reverse, or remand for amendment, modification or rehearing any decision of the Design Review Board, the City Commission shall find that the Design Review Board did not do one of the following:

1) provide procedural due process;
2) observe essential requirements of law; or
3) base its decision upon substantial, competent evidence.

In order to reverse or remand a decision of the DRB, a 5/7th vote of the City Commission is required.

Agenda Item R9D
Date 7-12-06

CONCLUSION

Section 118-262 of the City Code states, in part, that "a full verbatim transcript of all proceedings which are the subject of the appeal shall be provided by the party filing the petition, along with a written statement identifying those specific portions of the transcript upon which the party filing it will rely for purposes of the appeal. The verbatim transcript and written statement, or if represented by legal counsel, appropriate legal briefs, shall be filed **no later than two weeks prior to the first scheduled public hearing to consider the appeal**".

To date, neither the transcripts, nor the required written statement, have been provided. Consequently, the Administration recommends that the City Commission open and continue the matter to a date certain of September 6, 2006.

JMG/JGG/TRM
T:\AGENDA\2006\jul1206\consent\DRB File No. 18988- MEM JUL.doc

NEVEL & GREENFIELD, P.A.
4801 South University Drive
The Atrium Centre, Suite 2060
Davie, Florida 33328
Tel: 954 449 1813
Fax: 754 224 3496

June 28, 2006

The Honorable David Dermer
Miami Beach City Hall
1700 Convention Center Drive
Miami Beach, FL 33139

VIA FAX 305 673 7096

RE: Design Review Board File 18988-230 & 46-44 Ocean Drive, 1-35 & 69 Collins

Dear Mayor Dermer:

The above-referenced appeal from a decision of the Design Review Board is scheduled to be heard by the City Commission on July 12, 2006. The parties are involved in very promising settlement discussions and are likely to finalize an amicable resolution of this matter. My client has therefore authorized me to seek a continuance of the upcoming hearing. Additionally, I myself am participating in a doctoral program which will require me to attend a conference in Orlando during part of the second week in July. This conflict will make it virtually impossible for me to adequately prepare for a July 12 hearing.

We are therefore requesting that the appeal be re-set for hearing during the City Commission meeting in September, 2006, by which time hopefully the matter will have been amicably resolved.

We appreciate your consideration of this request. Thank you.

Respectfully,

David Nevel, Esq.
Counsel for Appellant, South Pointe Heights, LLC

cc: Robert Parcher, City Clerk
Russell Galbut
Marta Sacasa
Sharon Christenbury, Esq.
Luevenia A. Wallace, Esq.

MIAMIBEACH

CITY OF MIAMI BEACH
NOTICE OF A PUBLIC HEARING

NOTICE IS HEREBY given that a public hearing will be held by the City Commission of the City of Miami Beach, in the Commission Chambers, 3rd floor, City Hall, 1700 Convention Center Drive, Miami Beach, Florida, on **Wednesday, July 12, 2006 at 11:30 a.m.,** Pursuant To Miami Beach City Code Section 118-262, To Review A Design Review Board Decision Requested By Southpointe Heights L.L.C. Pertaining To DRB File No. 18988.

INQUIRIES may be directed to the Planning Department at (305) 673-7550.

INTERESTED PARTIES are invited to appear at this meeting, or be represented by an agent, or to express their views in writing addressed to the City Commission, c/o the City Clerk, 1700 Convention Center Drive, 1st Floor, City Hall, Miami Beach, Florida 33139. This meeting may be opened and continued and, under such circumstances additional legal notice would not be provided.

Robert E. Parcher
City Clerk
City of Miami Beach

Pursuant to Section 286.0105, Fla. Stat., the City hereby advises the public that: if a person decides to appeal any decision made by the City Commission with respect to any matter considered at its meeting or its hearing, such person must ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. This notice does not constitute consent by the City for the introduction or admission of otherwise inadmissible or irrelevant evidence, nor does it authorize challenges or appeals not otherwise allowed by law.

To request this material in accessible format, sign language interpreters, information on access for persons with disabilities, and/or any accommodation to review any document or participate in any city-sponsored proceeding, please contact (305) 604-2489 (voice), (305) 673-7218(TTY) five days in advance to initiate your request. TTY users may also call 711 (Florida Relay Service).

(Ad #377)

MIAMIBEACH

OFFICE OF THE MAYOR AND COMMISSION

RECEIVED
2006 JUN 15 PM 4:21
CITY MANAGER'S OFFICE
BY

MEMORANDUM

TO: Jorge M. Gonzalez, City Manager
Mayor and City Commissioners

FROM: Luis R. Garcia, Jr., Commissioner LRG/sm

DATE: June 15, 2006

SUBJECT: Agenda item for July 12, 2006

Please place on the July 12, 2006 Commission meeting agenda a discussion item regarding the relationship between the IT Department, Finance Department and Cyborg system.

If you have any questions, please feel free to contact my secretary, Sandra Meyer at x 6765.

LRG/sm

Agenda Item RSE
Date 7-12-06

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c: Bob
Hilda
Lilia

MIAMIBEACH

OFFICE OF THE MAYOR AND COMMISSION

MEMORANDUM

TO: Jorge Gonzalez, City Manager

FROM: Luis R. Garcia, Commissioner

DATE: June 2, 2006

SUBJECT: Discussion Item regarding workforce housing

Place on the June 7, 2006 City Commission Agenda a discussion item to enter into public/ private partnerships to develop the surface parking lot located at 1625 West Avenue into workforce housing.

RECEIVED
2006 JUN -2 AM 10:58
CITY MANAGER'S OFFICE
BY _____

Agenda Item R9F
Date 7-12-06

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CITY OF MIAMI BEACH
OFFICE OF THE MAYOR & COMMISSION
MEMORANDUM

TO: JORGE M. GONZALEZ
CITY MANAGER

FROM: LUIS R. GARCIA JR.
COMMISSIONER

DATE: JUNE 20, 2006

RE: AGENDA ITEM

Please place as a discussion item on the July 12th Commission agenda the attached request from Club Madonna to allow the dispensing of alcohol in their establishment.

Thank you.

Attachment

Agenda Item R9G
Date 7-12-06

Club Madonna

simply sinful

June 12, 2006

Dear,

This letter is to serve as a formal request that the matter of allowing alcohol to be served at establishments where nude entertainment is offered be put on the City Commission's Agenda of July 12, 2006. Hopefully, on this date, a full discussion of the merits of such an ordinance will be discussed along with the status of the law as it has evolved and changed over the last several years.

Because the law has changed and the City now clearly has the burden of showing that the prohibition of alcohol and nudity furthers a substantial governmental interest. I believe it is more than appropriate to address this issue at the present time. Further, when this issue is discussed, please be advised that Club Madonna, the only club provide nude entertainment on Miami Beach, is more than willing to provide any assurances needed, that no alcohol will be served during the hours that schools are open or students traditionally remain on school property.

Thank you for your consideration in this matter.

Sincerely,

Leroy Griffith
President Club Madonna

1527 Washington Ave. ~ Miami Beach, Fl. 33139 ~ 305.534.2000

c: Lilia

MIAMIBEACH

OFFICE OF THE MAYOR AND COMMISSION

MEMORANDUM

TO: Jorge M. Gonzalez, City Manager

FROM: Richard L. Steinberg, Commissioner RLS/mt

DATE: June 28, 2006

SUBJECT: Agenda Item- Resolution Requesting the State Legislature to Preclude Cellular Telephone Usage by Drivers While Located in a School Zone

Please draft a resolution for the July 12th Commission Meeting requesting that the State Legislature modify existing laws so as to prohibit the use of cellular telephones by persons operating a motor vehicle while in a school zone. I would like our resolution to be consistent with the resolution passed by the City of South Miami. Please find attached the resolution for the City of South Miami.

If you have any questions, please feel free to contact my Aide, Ms. Marlene Taylor, at extension 6087.

RLS/mt

Cc: Jose Smith, City Attorney

RECEIVED
2006 JUN 28 PM 4:43
CITY MANAGER'S OFFICE
BY

Agenda Item R9H
Date 7-12-06

RESOLUTION NO. 87-06-12228

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, RELATING TO LOBBYING THE STATE LEGISLATURE TO CHANGE STATE LAW SO AS TO PRECLUDE CELLULAR TELEPHONE USAGE BY MOTOR VEHICLE DRIVERS WHILE LOCATED IN A SCHOOL ZONE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Mayor and City Commission of the City of South Miami were deeply saddened by recent new reports of the death of a minor child that was crossing the street within a school crossing zone due to a driver's negligence and cellular phone usage while operating a motor vehicle; and,

WHEREAS, the Mayor and City Commission are concerned with the health, safety and welfare of minors crossing the street in school crossing areas; and,

WHEREAS, it would promote the health, safety and welfare of all residents, and in particular would protect the youth of the state if the state were to preclude the use of cellular telephones by persons operating a motor vehicle while located in a school crossing zone; and,

WHEREAS, the Mayor and City Commission desire to lobby the State Legislature to amend or modify state law so as to preclude the use of cellular telephones by persons operating a motor vehicle while located within a school crossing zone.

NOW THEREFORE BE IT RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA;

Section 1. The above whereas clauses are incorporated by reference.

Section 2. The Mayor and City Commission request that the State Legislature modify existing laws so as to prohibit the use of cellular telephones by persons operating a motor vehicle while located in a school crossing zone.

Section 3. The City Manager shall transmit a copy of this resolution to the City's State Representatives and to the State Legislature.

Section 4. The City Clerk shall provide executed copies of this resolution to the Mayor of Miami-Dade County, each member of the Miami-Dade Board of County Commissioners, as well as each municipal clerk in Miami-Dade County for the purpose of distributing copies to members of their respective governing councils in order to seek support for the proposed change in state law.

Additions shown by underlining and deletions shown by ~~overstriking~~.

Section 5. This resolution shall take effect immediately upon approval.

PASSED AND ADOPTED this 6th day of June, 2006.

ATTEST:

CITY CLERK

APPROVED:

MAYOR

READ AND APPROVED AS TO FORM:

Luis R. Figueredo,
Nagin Gallop & Figueredo, P.A.
Office of City Attorney

COMMISSION VOTE:	5-0
Mayor Feliu:	Yea
Vice Mayor Wiscombe:	Yea
Commissioner Birts:	Yea
Commissioner Palmer:	Yea
Commissioner Beckman:	Yea

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH FLORIDA, RELATING TO LOBBYING THE STATE LEGISLATURE TO CHANGE STATE LAW SO AS TO PRECLUDE CELLULAR TELEPHONE USAGE BY MOTOR VEHICLE DRIVERS WHILE LOCATED IN A SCHOOL ZONE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Mayor and City Commission of the City of Miami Beach were deeply saddened by recent new reports of the death of minor child that was crossing the street within a school zone due to a driver's negligence and cellular phone usage while operating a motor vehicle; and,

WHEREAS, the Mayor and City Commission are concerned with the health, safety, and welfare of minors crossing the street in school crossing areas; and,

WHEREAS, it would promote the health, safety and welfare of all residents, and in particular would protect the youth of the state if the state were to preclude the use of cellular telephones by persons operating motor vehicles while located in a school zone; and,

WHEREAS, the Mayor and City Commission desire to lobby the State Legislature to amend or modify state law so as to preclude the use of cellular telephones by persons operating a motor vehicle while located within a school zone.

NOW THEREFORE BE IT RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH FLORIDA:

Section 1. The above Whereas clauses are incorporated by reference.

Section 2. The Mayor and City Commission request that the State Legislature modify or amend existing laws so as to prohibit the use of cellular telephones by persons operating motor vehicles while located in a school zone.

Section 3. The City Manager shall transmit a copy of this Resolution to the City's State Representatives and to the State Legislature.

Section 4. The City Clerk shall provide executed copies of this Resolution to the Mayor of Miami-Dade County, each member of the Miami-Dade Board of County Commissioners, as well as each municipal clerk in Miami-Dade County for the purpose of distributing copies to members of their respective governing councils in order to seek support for the proposed change in state law.

Section 5. This Resolution shall take effect immediately upon approval.

PASSED AND ADOPTED this _____ day of July, 2006.

ATTEST:

_____
CITY CLERK

APPROVED:

_____
MAYOR

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

City Attorney 7/5/06
Date

F:\atto\TURN\RESOS\Cell phone usage in school zone.doc

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C: Tim
Gomez
Lilia

MIAMIBEACH

OFFICE OF THE MAYOR AND COMMISSION

MEMORANDUM

TO: Jorge Gonzalez, City Manager

FROM: Simon Cruz, Commissioner for Simon Cruz

DATE: July 5, 2006

SUBJECT: Administrative Interpretation-Section 114-1 of City Code

Please place the attached Letter from the Planning Department which addresses their interpretation of "structure" for discussion at the July 12th Commission Meeting.

RECEIVED
2006 JUL -5 PM 4:00
CITY MANAGER'S OFFICE
BY

Agenda Item R9I
Date 7-12-06

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

PLANNING DEPARTMENT
Tel: 305-673-7550, Fax: 305-673-7559

June 21, 2006

Alexander Angueira
Museum Tower, Suite 2200
Miami, Florida 33130

Dear Mr. Angueira:

Pursuant to your request, this letter shall serve as my official administrative interpretation regarding the applicability of the recently adopted Ordinance No. 2006-3514 and the meaning of the word "structure" as use therein.

The above referenced ordinance modifies Section 142-483 of the Code of the City of Miami Beach to read as follows:

"The conditional uses in the I-1 light industrial district are any use which includes the retail sale of gasoline; **new construction of structures 50,000 square feet and over**, which review shall be the first step in the process before the review by any of the other land development boards; recycling receiving stations; outdoor entertainment establishment; neighborhood impact establishment; open air entertainment establishment" (emphasis added).

Section 114-1, of the Code offers the following definition for the word "structure":

> "Structure means anything constructed or erected, the use of which requires permanent location on the ground. Among other things, **structures include buildings or any parts thereof**, walls, fences, **parking garages, parking lots**, signs and screen enclosures" (emphasis added).

The word "structure" is an all encompassing term that includes all parts of a building. Thus, in the context of Ordinance 2006-3514, the size of the structure is derived from the sum total of the areas of every part of the structure.

This is not to be confused with how the Code describes the manner in which a project's Floor Area Ratio is to be calculated. Section 114-1 provides the following definitions:

> "Floor area ratio means the floor area of the building or buildings on any lot divided by the area of the lot."
>
> "Floor area means the sum of the gross horizontal areas of the floors of a building or buildings, measured from the exterior faces of exterior walls... However, the floor area of

a building shall not include the following unless otherwise provided for in these land development regulations....
(5) Floor space used for required accessory off-street parking spaces. However, up to a maximum of two spaces per residential unit may be provided without being included in the calculation of the floor area ratio. "

When the Code refers to the size of a structure in the context of the floor area ratio (FAR) it specifically and consistently uses the term "floor area". For example, Section 118-260(a)(1) of the Code reads in part:

"... For those lots which are greater than 10,000 square feet, the floor area of the proposed addition may not exceed ten percent of the floor area of the existing structure or primary lot, whichever is less, with a maximum total floor area not to exceed 5,000 square feet."

Likewise, Section 118-563(d)(3) uses the same phrase "...the floor area of the proposed addition may not exceed 20 percent of the floor area of the existing structure..."

Section 130-68(2) also uses the same construct "...In no instance shall the above described combined residential and/or commercial space exceed 25 percent of the total floor area of the structure."

If Ordinance 2006-3514 had used the phrase "floor area", then it would be proper to use the definition of floor area as found in Section 114-1. However, one can not insert words into the ordinance that are not there and I must rely on the plain reading of the ordinance. As the word structure includes all parts of a building, in determining the size of a structure for purposes of Ordinance 2006-3514 the entire square footage of the development must be taken into account.

As an example, a parking garage as a main use on a lot is not subject to the floor area ratio prescribed by the underlying zoning district. Instead, the Code provides the following provision found in Section 130-68(6):

"The volume of such commercial and noncommercial parking garages shall be limited by the required setbacks and heights described within this section and shall not be subject to the floor area ratios prescribed for in the underlying zoning district."

Thus, such a structure could have a total area far in excess of what the district's FAR allows and if such a structure were located in the I-1 District and was greater than 50,000 square feet, it would be subject to the Conditional Use review process. Note that this structure would not have any "floor area" for purposes of determining its FAR.

Please note that this letter is strictly limited to the conclusions set forth above, based upon the facts and information available as of the date, hereof. Failure to respond to or address any of the facts, statements or conditions, contained in your correspondence of June 1, 2006 (received in this office on June 7, 2006), should not be construed as an acknowledgment, confirmation, agreement or approval, of any kind or manner of such information.

If you feel aggrieved by this decision, you may appeal this administrative interpretation to the Board of Adjustment pursuant to Section 118-136(a) (1) of the Miami Beach City Code.

Sec. 118-136. Powers and duties.
(a) The board of adjustment shall have the following powers and duties:

(1) To hear and decide appeals when it is alleged that there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of these land development regulations with the exception of appeals pursuant to section 118-197 and section 118-262. In the event of an administrative appeal to the board of adjustment, the planning and zoning director may engage the services of an attorney for the purpose of representing the administrative officer who made the decision that is the subject of the appeal. In exercising this power, the board of adjustment, may upon appeal, reverse or affirm, wholly or partly, the order, requirement, decision, or determination, and to that end shall have all the powers of the officer from whom the appeal is taken. The concurring vote of four members of the board shall be necessary to reverse any order, requirement, decision, or determination of any such administrative official or to decide in favor of the applicant on any matter upon which the board is required to pass under these land development regulations.

As an alternative to the appeal process described above, you may petition the City Commission to amend the recently adopted ordinance to be applicable only when the floor area of a structure, as calculated by the FAR, is 50,000 square feet or over.

If you would like to discuss this issue further, please do not hesitate to contact me at 305-673-7550.

Sincerely,

Jorge G. Gomez, AICP
Planning Director

C: Jorge M. Gonzalez, City Manager
Tim Hemstreet, Assistant City Manager
Jose Smith, City Attorney
Gary Held, First Assistant City Attorney

c: Tim
Lilia

MIAMIBEACH

OFFICE OF THE MAYOR AND COMMISSION

MEMORANDUM

TO: Jorge Gonzalez, City Manager

FROM: Simon Cruz, Commissioner for Simon Cruz

DATE: July 5, 2006

SUBJECT: After-the fact approval of demolition of coral rock wall in the Altos del Mar area

Please place on consent agenda for the July 12, 2006 Commission Agenda the attached application for after-the-fact approval of the demolition of a coral rock wall in the Altos del Mar area.

RECEIVED
2006 JUL -5 PM 5:05
CITY MANAGER'S OFFICE
BY

Agenda Item R9J
Date 7-12-06

ALEXANDER I. TACHMES, P.A.

ONE BISCAYNE TOWER
2 SOUTH BISCAYNE BOULEVARD, SUITE 2630
MIAMI, FLORIDA 33131

TELEPHONE: (305) 350-1940
FACSIMILE: (305) 350-1890
E-MAIL: AITACHMES@AOL.COM

May 24, 2006

VIA FEDERAL EXPRESS

Commissioner Simon Cruz
1700 Convention Center Drive
Miami Beach, FL 33139

Re: Application for After-the-Fact Approval of Demolition of Coral Rock Wall in Altos Del Mar

Dear Simon:

In accordance with our recent e-mails, enclosed herewith please find a letter and attached materials regarding the above application. Please contact me with any questions.

Kindly have your assistant advise me of the date of the Commission meeting at which this matter will be heard.

We sincerely appreciate your assistance in this matter. Best regards.

Very truly yours,

Alexander I. Tachmes
For the Firm

AIT:dm

cc: Mr. Tino Herran
Mr. Juan Carlos Toca

Enclosure

Law Office

ALEXANDER I. TACHMES, P.A.

ONE BISCAYNE TOWER
2 SOUTH BISCAYNE BOULEVARD, SUITE 2630
MIAMI, FLORIDA 33131

TELEPHONE: (305) 350-1940
FACSIMILE: (305) 350-1890
E-MAIL: AITACHMES@AOL.COM

May 24, 2006

Mayor and City Commission of the City of Miami Beach
c/o Commissioner Simon Cruz
1700 Convention Center Drive
Miami Beach, Florida 33139

RE: Application for After-the-Fact Approval of Demolition of Coral Rock Wall in Altos Del Mar

Dear Commissioner Cruz:

We represent Altos Del Mar, Ltd ("ADM"). As you may know, ADM, at its sole cost, is undertaking major improvements to public streets in the Altos Del Mar Historic District. Specifically, the areas of 77th, 78th and 79th Streets, from Collins Avenue east to the beach, are undergoing significant improvements, both below and above grade. These enhancements to public streets are being paid for entirely from private funds. The result will be three (3) beautiful public rights-of-way, with the added benefit of upgraded underground infrastructure.

Because this area is an historic community, the design for the streetscape improvements required the approval of the Historic Preservation Board ("HPB"). At its April 10, 2006 meeting, the HPB approved the design for the improvements. (A copy of the HPB Order is attached hereto and incorporated herein.)

However, there is one aspect of the improvements that requires the approval of the City Commission. Section 118-563(i) of the City's Land Development Regulations generally provides that, with regard to the demolition of any improvement within an historic district and located on City-owned property, the HPB's role is only advisory, with the right of approval being vested in the City Commission. Accordingly, we are hereby applying for the after-the-fact approval of the demolition of a coral rock wall (approximately 2 feet in height and 30 feet in width), which was located at the eastern terminus of 77th Street. The HPB and the Planning and Zoning Staff both have already recommended in favor of this after-the-fact approval.

There are several reasons justifying approval. First, the presence of the wall was serving as a gathering place for persons conducting illicit activity. Neighbors reported seeing persons taking drugs and performing sex acts at that location. This conduct is

Jul 05 06 04:37p Alexander I. Tachmes, PA (305) 350-1890 p.3

particularly serious because families with small children live nearby. Accordingly, the demolition of this wall was and is strongly favored by the residents of this community. Second, the wall is not needed to prevent vehicles from driving onto the beach. With the planned enhancements to this road, other features are being installed on 77th Street that will deter vehicles from driving onto the beach. Third, the City's Environmental Division has expressed concern regarding the negative impact that the wall would have on the ability of a storm to recede. Fourth, once the improvements are completed, the easternmost point of 77th Street will be relocated to the intersection of 77th Street and Atlantic Way. The area to the east will be combined with City property to the south as part of a new public park. Without the wall, the ocean views from the park will be more expansive.

We are seeking an after-the-fact approval because the wall already has been demolished. According to our client, while other work was being done nearby, one or more of the neighbors asked a contractor that was present to demolish the wall, without knowing that such demolition required City Commission approval. Although the proper course of action would have been to seek prior approval from the Commission, that oversight does not minimize the fact that the demolition of the wall is justified from a public safety perspective and for the other reasons noted above.

In view of the foregoing, we respectfully request that the City Commission grant our application for the after-the-fact approval of the demolition of the coral rock wall at the eastern terminus of 77th Street. Thank you.

Very truly yours,

Alexander I. Tachmes
For the Firm

cc: Mr. Tino Herran
Mr. Juan Carlos Toca
Mr. Thomas Mooney, Design and Preservation Manager

HISTORIC PRESERVATION BOARD
City of Miami Beach, Florida

CERTIFICATION
THIS IS TO CERTIFY THAT THE ATTACHED DOCUMENT IS A TRUE AND ACCURATE COPY OF THE ORIGINAL ON FILE IN THE OFFICE OF THE PLANNING DEPARTMENT.
CITY OF MIAMI BEACH
(Signature of Planning Director or Designee) (Date) 4/18/06
Personally known to me or Produced ID: 4/18/06
Notary Public, State of Florida at Large
Printed Name: CHARLES A. TAFT
My Commission Expires: (Seal)
This document contains 5 pages.

Charles A Taft
My Commission DD233174
Expires July 17, 2007

MEETING DATE: April 10, 2006

FILE NO: 2170

PROPERTY: 7701-7900 Atlantic Way & 7701-7900 Collins Avenue

LEGAL: Lots 1-6, each of Blocks 5, 6, 11, and 12, Altos Del Mar No. 1, according to the plat therof, as recorded in Plat Book 31, page 40, of the Public Records of Miami-Dade County, Florida.

IN RE: The Application for revisions to a previously issued Certificate of Appropriateness for street improvements, including the installation of street pavers, landscaping, ornamental lighting, construction of a perimeter wall, new utilities, and controlled access for Atlantic Way. Specifically, the revisions include new landscape bump-outs along Collins Avenue, elimination of sidewalk portions accessing the beachwalk, revisions to the design and location of street pavers, and modifications to the perimeter walls and columns. The applicant is also requesting an After-the-Fact Certificate of Appropriateness for the demolition of the 77th Street Coral Wall.

ORDER

The applicant, Altos del Mar, Ltd., filed an application with the City of Miami Beach Planning Department for revisions to a previously issued a Certificate of Appropriateness.

The City of Miami Beach Historic Preservation Board makes the following FINDINGS OF FACT, based upon the evidence, information, testimony and materials presented at the public hearing and which are part of the record for this matter:

A. The subject property is located within the Altos-del-Mar Local Historic District.

B. Based on the plans and documents submitted with the application, testimony and information provided by the applicant, and the reasons set forth in the Planning Department Staff Report, the project as submitted is consistent with the Certificate of Appropriateness Criteria in Section 118-564(a)(1) of the Miami Beach Code, is not consistent with Certificate of Appropriateness Criteria a, b, c, e & f in Section 118-564(a)(2) of the Miami Beach Code, is not consistent with Certificate of Appropriateness Criteria a, c & h in Section 118-564(a)(3) of the Miami Beach Code, and is not consistent with Certificate of Appropriateness Criteria for Demolition 2, 3, 4, 7, 8 and 9 in Section 118-564(f)(4).

C. The project would remain consistent with the criteria and requirements of section 118-564 if

Jul 05 06 04:38p Alexander I. Tachmes, PA (305) 350-1890 p.5

the following conditions are met:

1. Final approval from the City Commission shall be required for the After-the-Fact Certificate of Appropriateness for Demolition for the coral rock wall at the eastern terminus of 77th Street.

2. The proposed revisions to the concrete entrance piers and decorative lighting may be permitted, provided the text 'Altos De Mar' is placed on the front of the piers, in place of the proposed logo.

3. A landscape plan, prepared by a Professional Landscape Architect, registered in the State of Florida, and corresponding site plan, shall be submitted to and approved by the Planning Department. The species type, quantity, dimensions, spacing, location and overall height of all plant material shall be clearly delineated and subject to the review and approval of staff. At a minimum, such plan shall incorporate the following:

   a. All existing and proposed planting located along 77th, 78th and 79th Streets shall be clearly delineated on revised plans.

   b. The paving within the 79th Street right-of-way may be re-aligned, in a manner to be reviewed and approved by staff. From Collins Avenue to Airoso Way, the applicant shall incorporate a landscape area on the south side of 79th Street, in a manner that adequately buffers the property to the immediate south, subject to the review and approval of staff.

   c. A pedestrian sidewalk/path from Collins Avenue to the beach shall be shown along the north side of 79th Street, in a manner to be reviewed and approved by staff.

   d. The proposed circular 'plaza' shown at the end of 77th Street shall be relocated in a manner and location to be approved by staff; such circular plaza layout shall be redesigned to serve as a focal point and provide a sense of 'arrival and entrance' to the public beach. The sidewalks on the south side of 77th Street shall connect to the circular 'entry plaza' east of Airoso Way, in a manner to be reviewed and approved by staff.

   e. Final details of the dune crossovers and connection paths from the beachwalk to the sidewalks at 77th, 78th and 79th Streets shall be subject to the review and approval of staff.

   f. Medjool Palms may be permitted at the entrance corners on 77th, 78th and 79th Streets.

g. The applicant may utilize Coconut Palms, interspersed with Pigeon Plum canopy trees, along 77th, 78th and 79th Streets, in a manner to be reviewed and approved by staff.

h. All power lines/utility lines shall be placed underground.

i. If permitted by the Florida Department of Transportation (FDOT), Coconut Palms 'Green Malayan' shall be provided in bump-outs along Collins Avenue. Required minimum specifications: 10' wood matched, 18" caliper/ HEAVY TRUNK, Florida #1 or better and spaced approx. 15' o.c.

j. All Pigeon Plums planted on private property and along the proposed wall shall be setback from the foundations, in a manner to be approved by staff.

k. All Date Palms framing each individual single family home entrance facing Collins Avenue shall be replaced with Coconut Palms 'Green Malayan'; required minimum specifications: 10' wood matched, 18" caliper/ HEAVY TRUNK, Florida #1 or better and spaced approx. 15' o.c.

l. Final design details of all exterior walkways and pathways shall be subject to the review and approval of staff.

m. A fully automatic irrigation system with 100% coverage and an automatic rain sensor in order to render the system inoperative in the event of rain. Right-of-way areas shall also be incorporated as part of the irrigation system.

n. Backflow preventors and any other type of utility device shall not be permitted within any required yard or any area fronting a street or sidewalk. The location of backflow preventors, siamese pipes or FPL boxes, if any, and how they are screened with landscape material from the right-of-way, shall be indicated on the plans and shall be subject to the review and approval of staff.

o. Prior to the issuance of a Certificate of Completion, the Landscape Architect for the project architect shall verify, in writing, that the project is consistent with the site and landscape plans approved by the Planning Department for Building Permit.

4. The developer will fully implement the concept designs of the North Beach Recreational Corridor (NBRC) into their final design and construction documents.

5. The project shall comply with any landscaping or other sidewalk/street improvement standards as may be prescribed by a relevant Urban Design Master Plan approved prior to the completion of the project and the issuance of a Certificate of Occupancy.

Jul 05 06 04:38p Alexander I. Tachmes, PA (305) 350-1890 p.7

6. The applicant may be required to submit a separate analysis for water and sewer requirements, at the discretion of the Public Works Director, or designee. Based on a preliminary review of the proposed project, the following may be required by the Public Works Department:

   a. Remove/replace sidewalks, curbs and gutters on all street frontages, if applicable. Unless otherwise specified, the standard color for city sidewalks is red, and the standard curb and gutter color is gray.

   b. Mill/resurface asphalt in rear alley along property, if applicable.

   c. Provide underground utility service connections and on-site transformer location, if necessary.

   d. Provide back-flow prevention devices on all water services.

   e. Provide on-site, self-contained storm water drainage for the proposed development.

   f. Meet water/sewer concurrency requirements including a hydraulic water model analysis and gravity sewer system capacity analysis as determined by the Department and the required upgrades to water and sewer mains servicing this project.

   g. Payment of City utility impact fees for water meters/services.

   h. Provide flood barrier ramps to underground parking or minimum slab elevation to be at highest adjacent crown road elevation plus 8".

   i. Right-of-way permit must be obtained from Public Works.

   j. All right-of-way encroachments must be removed.

   k. All planting/landscaping in the public right-of-way must be approved by the Public Works and Parks Departments.

7. The Final Order is not severable, and if any provision or condition hereof is held void or unconstitutional in a final decision by a court of competent jurisdiction, the order shall be returned to the Board for reconsideration as to whether the order meets the criteria for approval absent the stricken provision or condition, and/or it is appropriate to modify the remaining conditions or impose new conditions.

IT IS HEREBY ORDERED, based upon the foregoing findings of fact, the evidence, information, testimony and materials presented at the public hearing, which are part of the record for this matter, and the staff report and analysis, which are adopted herein, including the staff recommendations which were amended by the Board, that the Certificate of Appropriateness is GRANTED for the

above-referenced project subject to those certain conditions specified in paragraph C of the Findings of Fact (Condition Nos. 1-7, inclusive) hereof, to which the applicant has agreed.

No building permit may be issued unless and until all conditions of approval as set forth herein have been met. The issuance of a Certificate of Appropriateness does not relieve the applicant from obtaining all other required Municipal, County and/or State reviews and permits, including zoning approval. If adequate handicapped access is not provided, this approval does not mean that such handicapped access is not required or that the Board supports an applicant's effort to seek waivers relating to handicapped accessibility requirements.

When requesting a building permit, three (3) sets of plans approved by the Board, modified in accordance with the above conditions, shall be submitted to the Planning Department. If all of the above-specified conditions are satisfactorily addressed, the plans will be reviewed for building permit approval. Two (2) sets will be returned to you for submission for a building permit and one (1) set will be retained for the Historic Preservation Board's file.

Dated this 18 day of APRIL, 2006

HISTORIC PRESERVATION BOARD
THE CITY OF MIAMI BEACH, FLORIDA

BY: _____
THOMAS R. MOONEY, AICP
DESIGN AND PRESERVATION MANAGER
FOR THE CHAIR

STATE OF FLORIDA)
)SS
COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this 18TH day of APRIL 2006 by Thomas R. Mooney, Design and Preservation Manager, Planning Department, City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the Corporation. He is personally known to me.

Charles A. Taft
My Commission DD233174
Expires July 17, 2007

NOTARY PUBLIC CHARLES A. TAFT
Miami-Dade County, Florida
My commission expires: _____

Approved As To Form:
Legal Department: _____ (4-18-06)

Filed with the Clerk of the Historic Preservation Board on 4/19/06 ( )

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Jul 05 06 04:39p Alexander I. Tachmes, PA (305) 350-1890 p.9

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c: Bob
Saul
Lilia

MIAMIBEACH

OFFICE OF THE MAYOR AND COMMISSION

MEMORANDUM

TO: Jorge M. Gonzalez, City Manager

FROM: Luis R. Garcia, Jr., Commissioner

DATE: June 30, 2006

SUBJECT: Bike taxis agenda item

Please place the following item on the July 12, 2006 Commission agenda. A status report on the bike taxis. I have attached Mr. Azenha's summary report of the events that have unfolded within the past year with regards to the bicycle taxi ordinance.

If you have any questions or comments, please feel free to contact my secretary, Sandra Meyer at x6765.

LRG/sm

RECEIVED
2006 JUL -6 PM 2:15
CITY MANAGER'S OFFICE
BY

Agenda Item R9K
Date 7-12-06

During the April 2005 Commission meeting, the Commissioners and Mayor of Miami Beach voted in favor (4-3) to draft an ordinance to allow Easy Riders to operate 20-30 bicycle taxis under a 1 year pilot program.

After nearly one year, on March 27, 2006, the first draft of the ordinance was finally produced. The ordinance allowed for 60 pedicab vehicles to operate throughout Miami Beach.

At the June 5th Transportation and Parking Committee meeting, the committee agreed to allow Easy Riders and two other independent operators which were present at the meeting to operate 15 pedicabs vehicles respectively; thus allowing three companies to operate 45 total pedicab vehicles during the 1 year pilot program.

I would like to mention that it has taken me over 4 years to get to this point.

Best Regards,

Felipe

MIAMIBEACH

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

COMMISSION MEMORANDUM

TO: Mayor David Dermer and Members of the City Commission

FROM: Jorge M. Gonzalez, City Manager

DATE: July 12, 2006

SUBJECT: **DISCUSSION ON A POSSIBLE RESOLUTION BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING THE ADDITION OF AN UNDERGROUND PARKING STRUCTURE (PROJECT) AT SOUTH POINTE PARK; AUTHORIZING THE ADMINISTRATION TO NEGOTIATE AND EXECUTE AN AMENDMENT TO THE AGREEMENT WITH HARGREAVES ASSOCIATES, INC. (HARGREAVES) FOR ADDITIONAL PROFESSIONAL SERVICES ASSOCIATED WITH THE INCORPORATION OF ADDITIONAL PARKING AS PART OF THE SOUTH POINTE PARK IMPROVEMENTS PROJECT; AND APPROPRIATING FUNDS, IN THE AMOUNT OF $7,000,000, FROM THE SOUTH POINTE CAPITAL PROJECTS FUND FOR DESIGN, DESIGN DEVELOPMENT, ENGINEERING, PERMITTING, CONSTRUCTION ADMINISTRATION SERVICES, AND CONSTRUCTION OF THE PROJECT.**

ADMINISTRATION RECOMMENDATION

The Administration recommends that the City Commission carefully consider additional parking inventory in South Pointe Park. If additional parking inventory is desired in the form of a Parking Structure, then a Resolution should be passed on July 12th since construction in the Park is contemplated to commence in August or September. Other options include adding approximately 28 surface spaces along the north side of the proposed surface lot; and/or adding up to 51 spaces on the south side of the lot.

FUNDING

The Project is to be funded with $7,000,000 from the South Pointe Capital Projects Fund as part of the proposed Fiscal year 2006 / 07 Capital Budget.

ANALYSIS

In 2003, a Parking Supply / Demand Analysis was prepared for the City of Miami Beach by Walker Parking Consultants. According to this study, the estimated parking deficiency in the South Pointe neighborhood will be 795 parking spaces by 2013.

In September 2005, the City Administration provided to the City Commission a preliminary assessment of viable possibilities for additional parking in the South Pointe area. Based on the analysis, two sites were identified as viable opportunities for the staff to pursue. These sites were located on Block 52 and at the corner of Collins and South Pointe Drive (Biscayne Street), respectively. Since neither of the lots are owned by the City, the discussion centered around the feasibility of a joint-venture with a private sector owner. Upon preliminary discussion with the property owners, it was later determined that a public/private venture to construct a parking garage was not currently feasible given the land costs in the area.

Agenda Item R9L

Date 7-12-06

Currently, two potential locations were identified to provide additional public parking in South Pointe. The first location is within South Pointe Park and the second is at the Pier Park Surface Lot (Penrods). Both sites are owned by the City, although control of the Pier Park lot is shared with Penrods.

South Pointe Park

It is anticipated that the construction of South Pointe Park will commence in August or September 2006. The construction will be performed by The Related Group (TRG) as part of the Portofino Settlement Agreement. There are three proposed alternatives for additional parking in South Pointe Park. All three alternatives locate all parking, including the added parking, in essentially the same location as the current parking lot.

Alternates 1 and 2 add spaces through minor expansion of the proposed lot, by extending the North parking lot boundary by ten (10') feet further north for Alternate 1, and by extending the South parking lot boundary by eighteen (18') feet for Alternate 2, which is also inclusive of Alternate 1. Refer to attachments for details.

Alternate 1 adds approximately 28 spaces. The cost per space is estimated at $4,000 per space. This would result in an estimated construction cost of $112,000 (est. $161,000 including soft costs; approx. $5,700 per space).

Alternate 2, which includes the 28 spaces of Alternate 1, adds approximately 51 additional spaces to the South. Together, these north and south parking rows add approximately seventy-nine (79) spaces. The cost per space is estimated at $4,000 per space. This would result in an estimated construction cost of $316,000 (est. $450,000 including soft costs; approx. $5,700 per space).

Alternate 3 includes Alternates 1 and 2 and also contemplates adding a level of parking below current grade. This would modify the current proposed Park project, as there would be two levels of parking in the eastern half of the parking lot, one below current grade and one above. Refer to attachments for details. There is a significant impact to the project in terms of complexity, time, and budget in order to pursue this Alternate due to the underground component. Issues that need to be addressed that may add time to the South Pointe Park Improvements project include full engineering, requirement to present before the Design Review Board, and the integration of the underground structure into the space in a manner that complements both the park and the Smith & Wollensky restaurant. This Alternate would add approximately 135 spaces to Alternate 2 at an estimated construction cost of $39,500 per space and a potential time delay of a few months to several months. This results in an estimated construction cost of $5,400,000 (est. $7,000,000 including soft costs; approx. $51,852 per space), although there might be a possibility of financial participation from Smith & Wollensky if spaces were to be directly allocated to them. This amount does not include soft costs and contingencies, which should be added to the total project budget.

As stated above, the South Pointe Park Improvements project is close to entering into the construction phase. Any decision of incorporating Alternate 1, 2, or 3 should be made expeditiously in order to assure its inclusion as part of the current proposed park improvements.

Pier Park (surface lot fronting Penrods)

The Pier Park site was ranked relatively low in the City's South Pointe area parking

assessment, as the analysis focused primarily on an above-ground parking garage. Construction of a stand-alone, above-ground parking garage at this location is precluded by City Code and by the City's Comprehensive Plan.

City's staff and TRG have contemplated the possibility of constructing a sub-grade parking facility similar in concept to the proposed Alternate 3 for South Pointe Park. This concept would provide one level of parking below grade and one level at current grade. The proposal would result in an estimated increase of 146 spaces at an estimated construction cost of $5,136,000 ($35,178 per space) and an estimated cost of $7,000,000 including soft costs (approx. $47,945 per space). The option is conceptual in nature and there are permitting, planning, and engineering issues that need to be further researched before a commitment to construct this alternate can be made.

On May 18, 2006, the City Administration presented to the Finance and Citywide Projects (F&CWP) Committee the two above referenced options. The F&CWP Committee made a motion to proceed with the South Pointe Park - Alternate 3 and Staff was directed to have a community meeting to present and discuss this potential alternative with the community. The motion was made with the understanding that the Penrod option would remain on the table as a viable alternative to be re-visited, if necessary. Should this be the preferred option, following the decision-making process involving the community and the City Commission, the Project cost is estimated at $7,000,000, including all estimated costs.

Following the May 18, 2006 F&CWP Committee's motion, the City Administration held a community meeting on June 29, 2006. Approximately 45 to 50 people attended. Consensus from the meeting was as follows: Overwhelming opposition to the additional underground parking (Alternate 3) and additional surface parking to the South (Alternate 2). There was some limited support for adding the additional 28 parking spaces to the North (Alternate 1).

Should the City Commission approve additional parking at South Pointe Park and adopt a resolution appropriating funds, the City Administration seeks authorization to negotiate and execute an amendment to the agreement with Hargreaves for additional services associated with the incorporation of additional parking as part of the South Pointe Park Improvements project subject to the appropriation as part of the FY 2006 / 07 Capital Budget.

The Project Architect, Hargreaves Associates, recommends from an aesthetic and design perspective that the parking design and quantity should remain as recommended in the Basis of Design Report (BODR) for the South Pointe Park Improvements project. Should the City seek additional parking in the park, Hargreaves recommends it in this order: 1) Expansion of parking to the North, so that the currently designed parallel parking is changed to perpendicular parking. 2) Expansion of the parking at both the North and South.

Hargreaves believes that the park design would be better served without the proposed underground parking. However, should the City Commission choose to proceed with the Project, Hargreaves will work closely with the underground parking architects to best integrate the design into the park.

The intent is for TRG to construct the additional parking in conjunction with the improvements to the park and the construction of their Apogee Project. The City, TRG,

and Hargreaves have agreed to continue participating in the design, permitting, and construction of the park, and any additional parking, as a team.

For a Parking Structure, Hargreaves would be responsible for the aesthetic elements of the Project and TRG would be responsible for its engineering, permitting, and construction. The costs for the various options range from $161,000 (Alternate 1: $112,000 est. construction cost plus est. associated soft costs) to $7,000,000 (Alternate 3). Given the extremely tight construction schedule associated with the South Pointe Park Improvements
project, the City Administration finds it necessary to seek authorization for an appropriation of funds in the amount of $7,000,000 (Alternate 3) from the South Pointe Capital Projects Fund if a Parking Structure is selected. The appropriation will fund the consultant services, the construction, a Project contingency, and the soft costs related to the City such as the CIP management fees. Should Alternate 3 be selected, the projected cost breakdown would be as follows:

Consultant Services	$ 594,000
CIP Management fees	$ 317,909
Construction costs	$5,400,000
Contingency	$ 598,991
AIPP (Art in Public Places)	$ 89,100
Total:	$7,000,000

CONCLUSION

The Administration recommends that the Mayor and City Commission consider additional parking at South Pointe Park. If a Parking Structure is selected, then the Administration also recommends authorization to negotiate and execute an amendment to the agreement with Hargreaves for additional professional services associated with the incorporation of additional parking as part of the South Pointe Park Improvements project. If this option is selected, then the Administration recommends that the approval be subject to the appropriation, in the amount of $7,000,000, from the South Pointe Capital Projects Fund for design, design development, engineering, permitting, construction administration services, and construction of the Project to be considered as part of the proposed FY 2006 / 07 Capital Budget.

Alternatively, either Alternative 1 or Alternative 2 are also viable possibilities. At any rate, based on the project timeline, if a structure is desired then a decision should be made in July.

Attachments

T:\AGENDA\2006\jul1206\Regular\South Pointe Park-COMM DISC.7.12.06.doc

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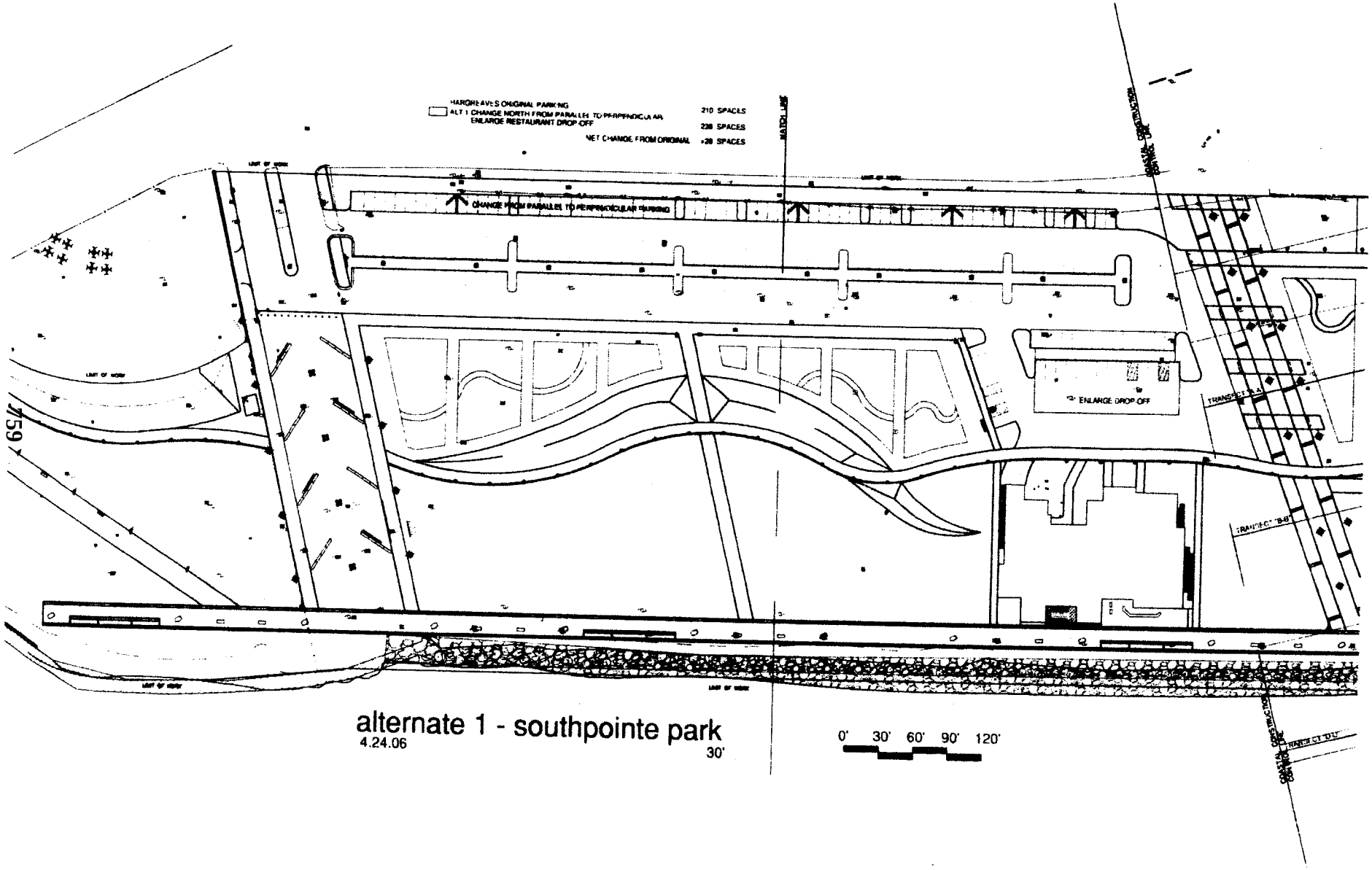
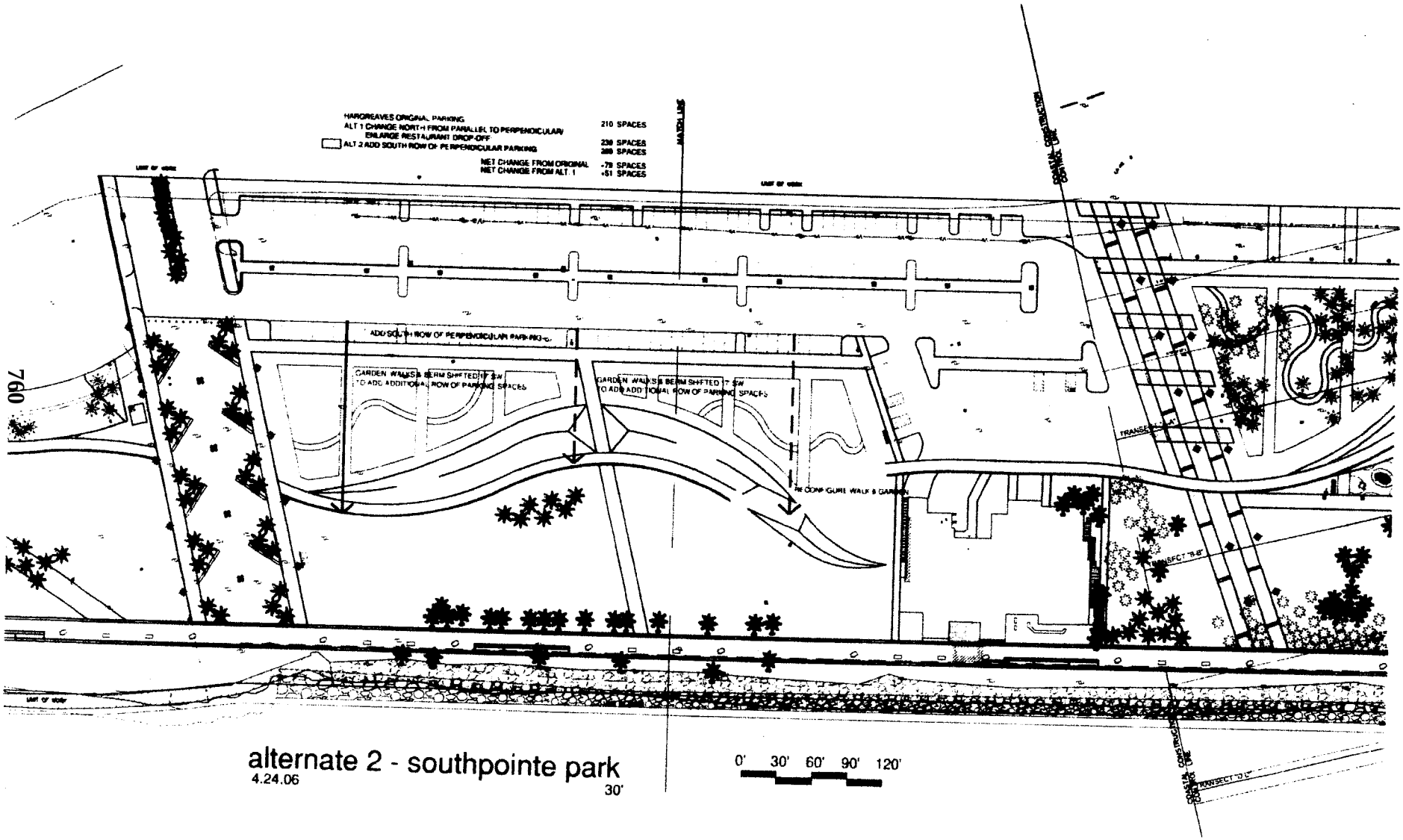


alternate 1 - southpointe park
4.24.06



alternate 2 - southpointe park
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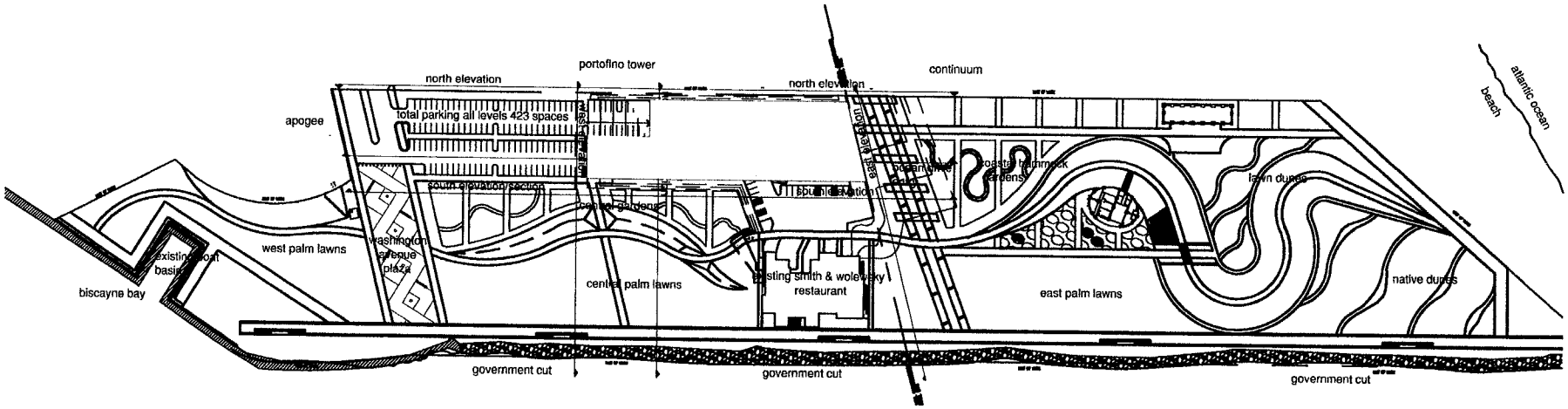
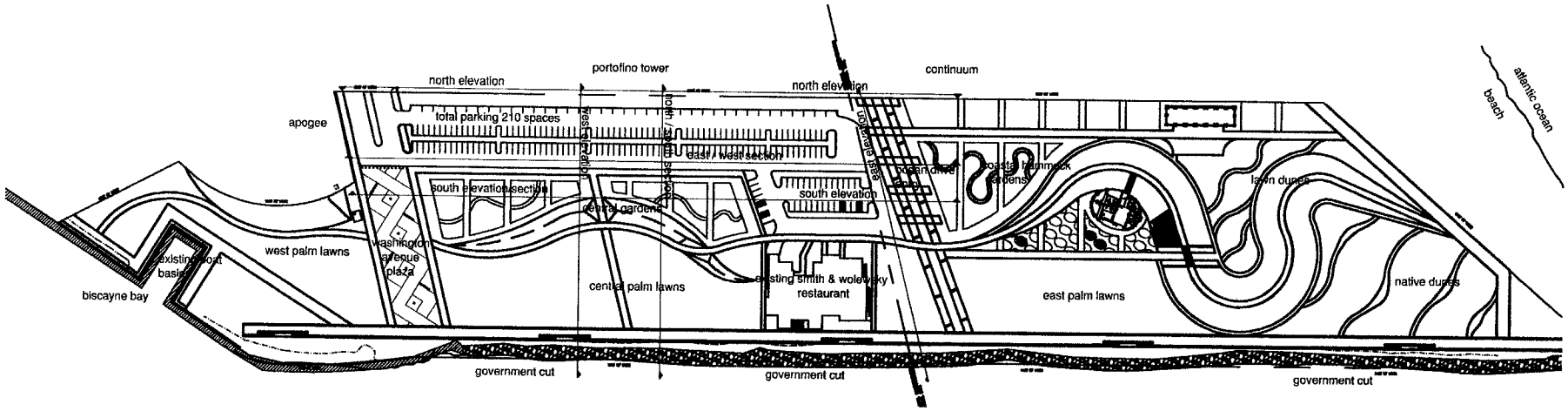


southpointe park
grade/upper level parking study (overall)
6.28.06

0' 60' 120' 180' 240'
60'



southpointe park
hargreaves approved site plan (overall)
6.28.06

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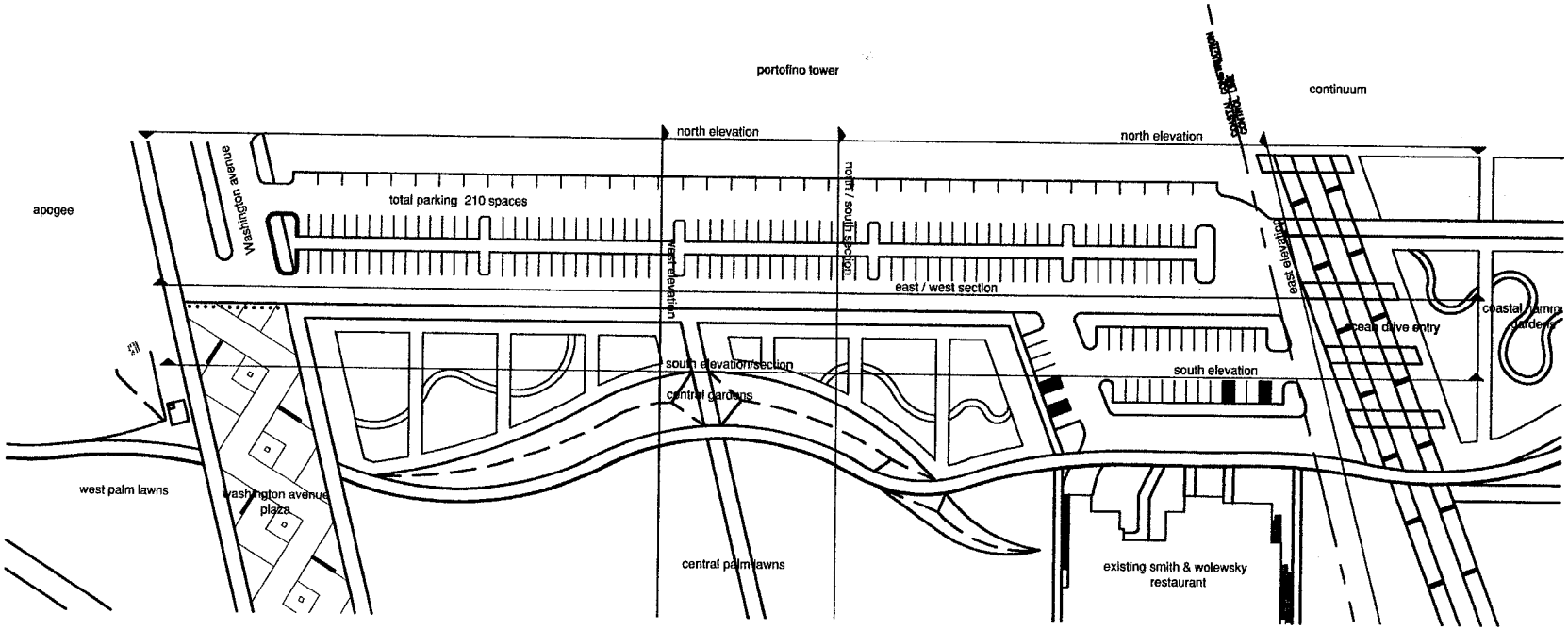
60'



southpointe park
hargreaves approved site plan (partial)
6.28.06

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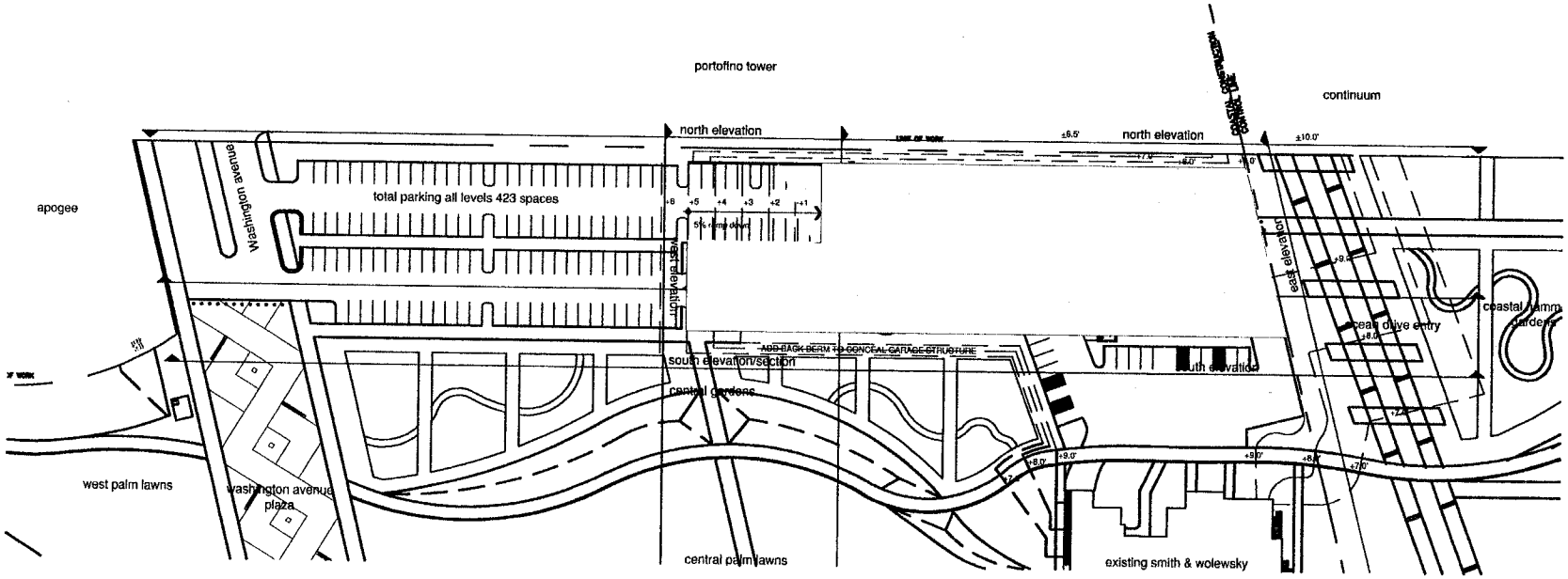
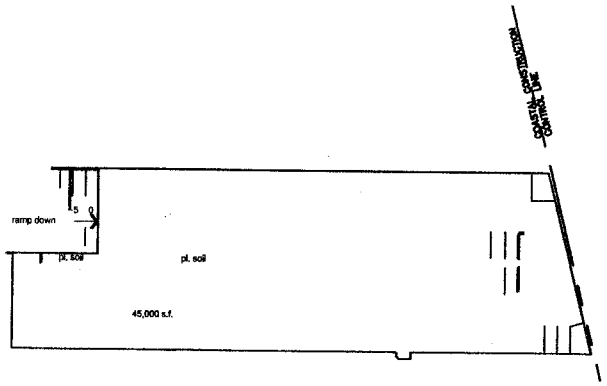


southpointe park
grade/upper level parking study (partial)
6.28.06

30'

0' 30' 60' 90' 120'



southpointe park
lower level parking study (partial)
6.28.06

30'

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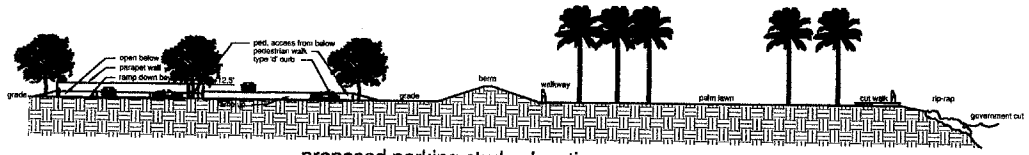
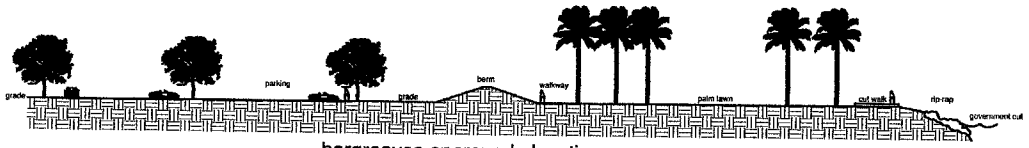


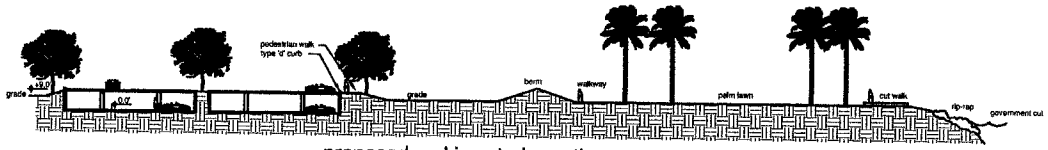
proposed parking study elevation



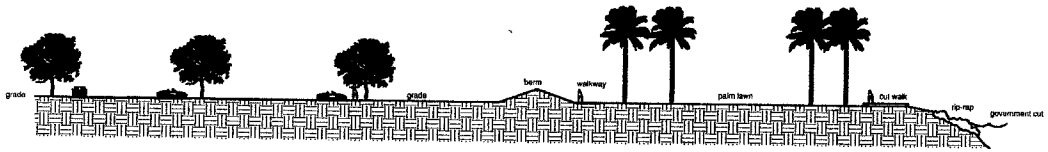
hargreaves approved elevation

southpointe park
west elevations
6.28.06

20'



proposed parking study section

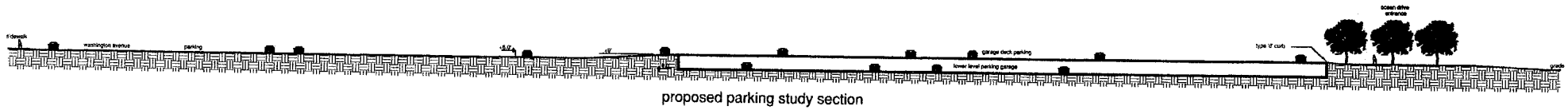


hargreaves approved section

southpointe park
north/south sections
6.28.06

20'

764

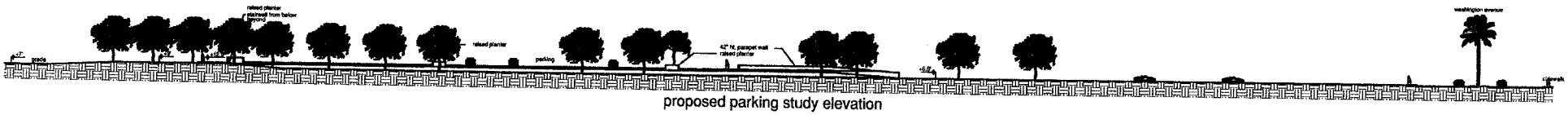


proposed parking study section

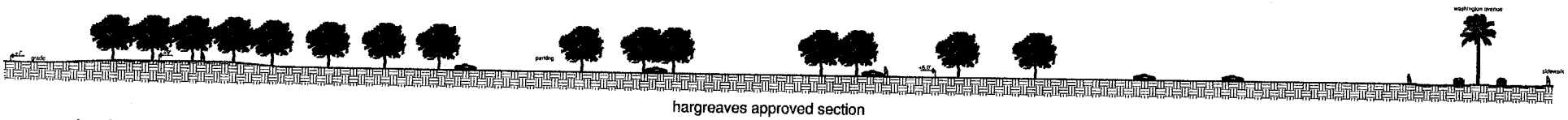
hargreaves approved section

southpointe park
east/west sections
6.28.06

20'



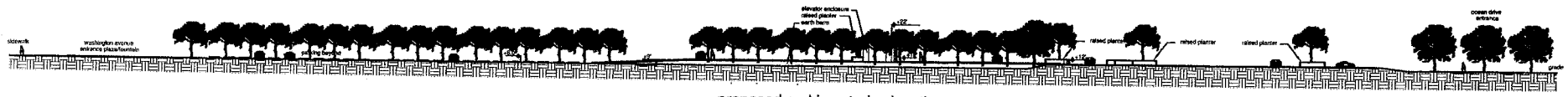
proposed parking study elevation



hargreaves approved section

southpointe park
north elevations
6.28.06

20'

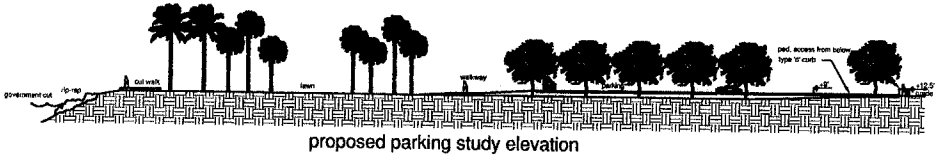


proposed parking study elevation

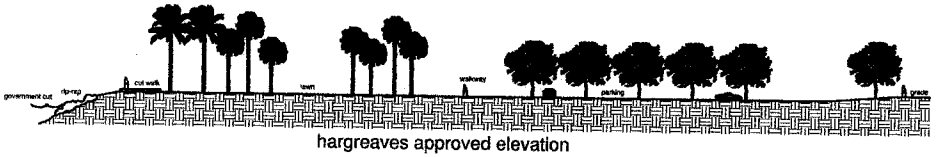
hargreaves approved elevation

southpointe park
south elevations
6.28.06

20'



proposed parking study elevation



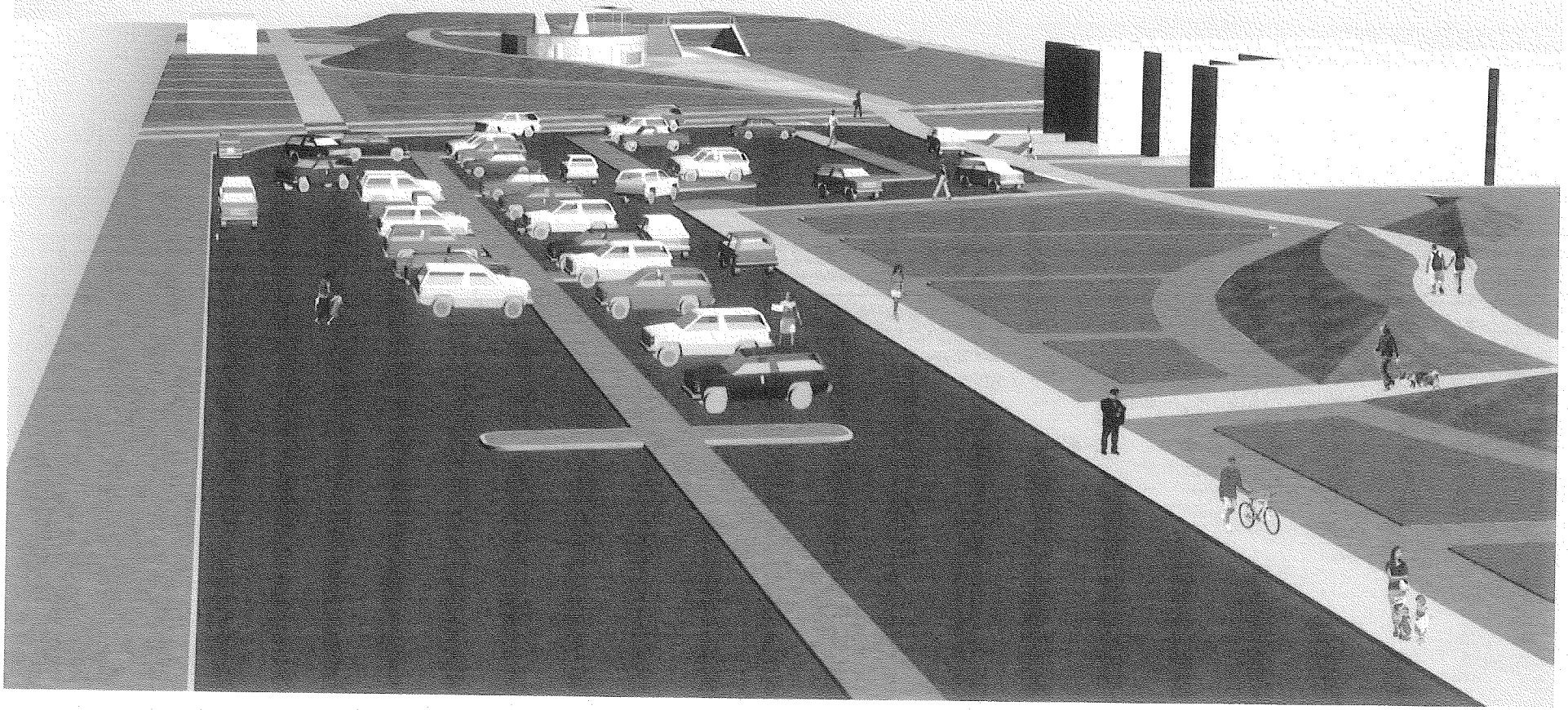
hargreaves approved elevation

southpointe park
east elevations
6.28.06

20'

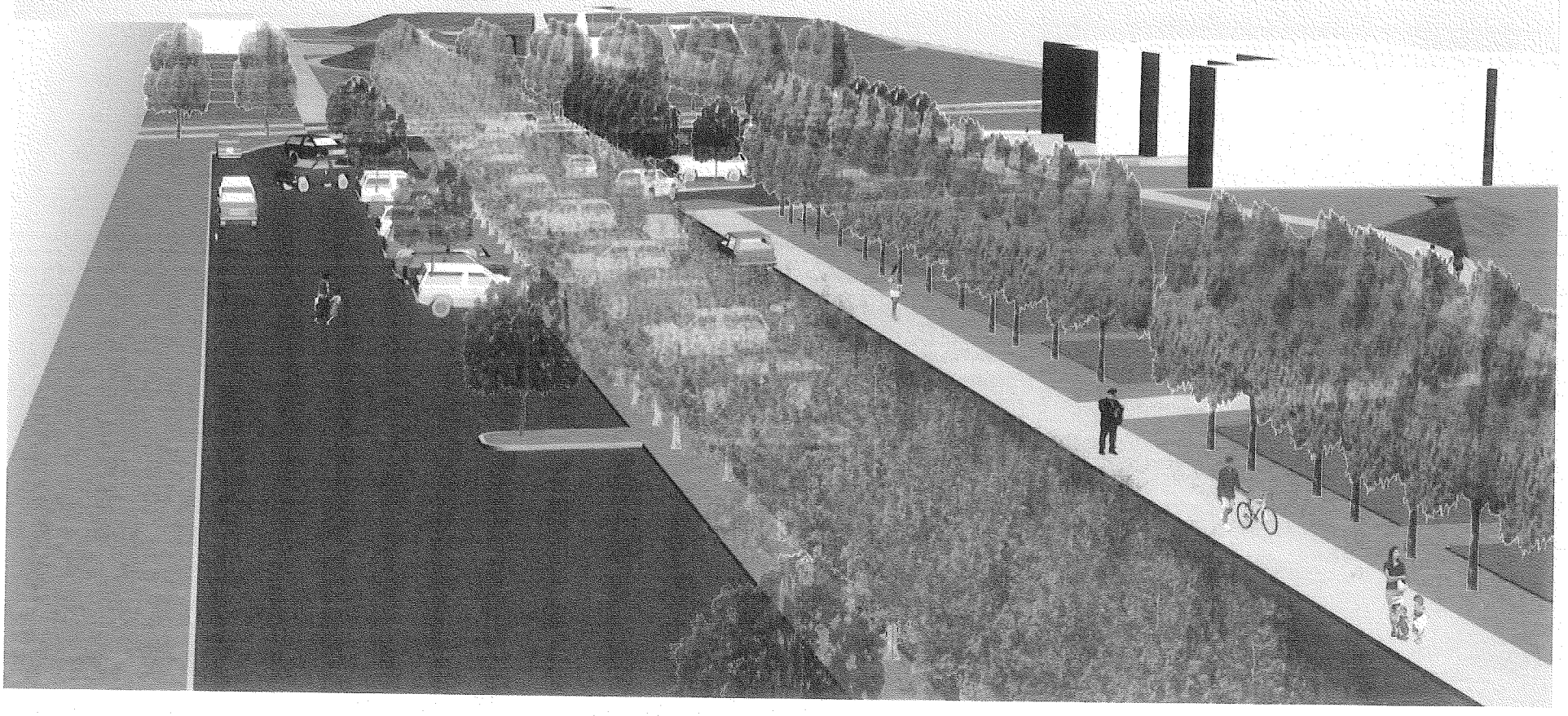
CURRENT PLAN

Perspective Looking East (trees removed for clarity)



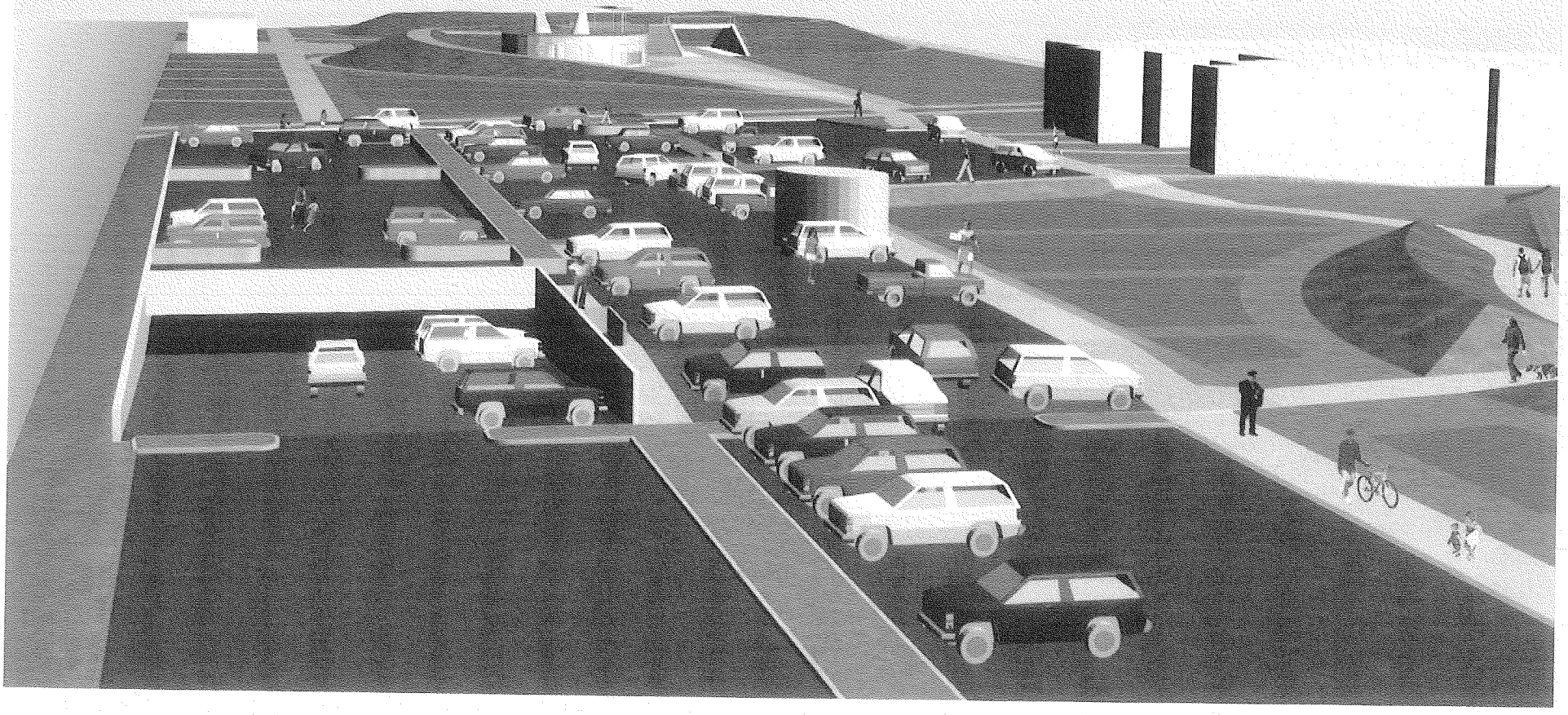
CURRENT PLAN

Perspective Looking East (with trees)



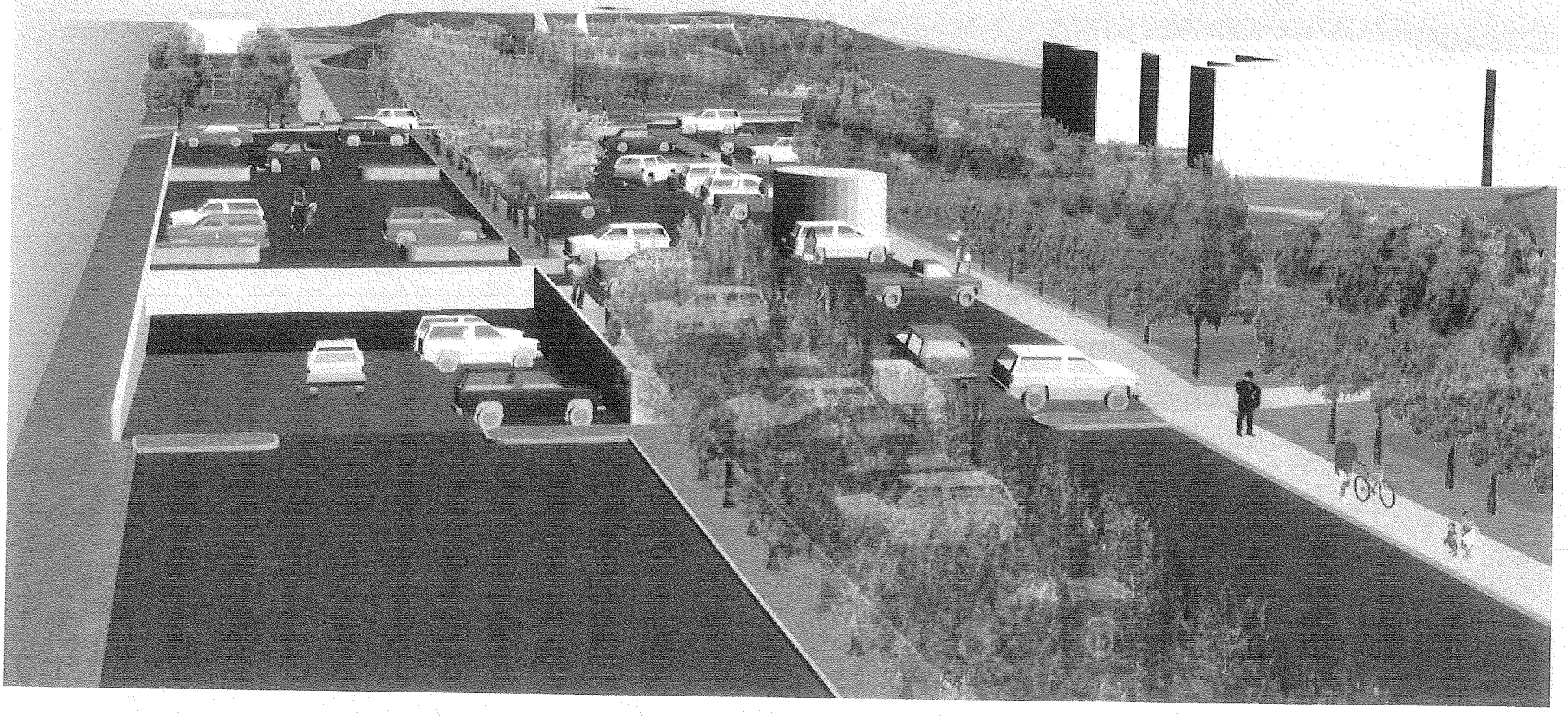
ALTERNATIVE 3:UNDERGROUND PARKING PLAN

Perspective Looking East (trees removed for clarity)



ALTERNATIVE 3:UNDERGROUND PARKING PLAN

Perspective Looking East (with trees)



CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139
www.miamibeachfl.gov

COMMISSION MEMORANDUM

To: Mayor David Dermer and Members of the City Commission

Date: September 8, 2005

From: Jorge M. Gonzalez
City Manager

Subject: **SOUTH POINTE PARKING OPTIONS**

At the direction of the Commission, City staff has completed a preliminary assessment that identifies potential parcels of land – both public and privately-owned – that could be developed into a parking structure to address parking needs in the South Pointe neighborhood. The 2003 City of Miami Beach Parking Supply/Demand Analysis completed by Walker Parking Consultants, projects a deficiency of 795 parking spaces for the South Pointe neighborhood by the year 2013.

Initially, the following six sites were identified for evaluation:

- Site No. 1 - The Pier Park parking lot facing Ocean Drive (Penrods)
- Site No. 2 - Lots No. 12 to 15 (Block 2), fronting the East side of Collins Ave., between 1st and 2nd Streets (across from Opium, South of Big Pink)
- Site No. 3 - Lots No. 7 to 10 (Block 10), fronting the West side of Collins Ave. and the North side of Biscayne Street (Joe's)
- Site No. 4 - Block 51, bounded by Washington and Jefferson Avenues and Biscayne and Commerce Streets (Related-South Site)
- Site No. 5 - Block 1, bounded by Collins Ave. and Ocean Drive and Biscayne and 1st Streets (Related-East Site)
- Site No. 6 - Lots 4 to 10, and 27 to 33 (Block 52), West of Collins Ave., between Commerce and 1st Streets (Related-North Site)

All sites were closely evaluated by a team that included representatives from the Parking, Planning, Public Works, Economic Development, and CIP departments, as well as the City Manager's Office. Evaluation criteria included: location, neighborhood impact, zoning, traffic and accessibility, ownership and estimated costs. Sites No. 4 and No. 5 were found to be not feasible for expansion due to limitations to provide surplus parking under their current development plans and were thus dropped from consideration. Following a thorough assessment, the remaining sites were ranked as follows:

#1 - Site No. 6 (Related – North Site)
#2 - Site No. 3 (Joe's)
#3 - Site No. 2 (across from Opium, South of Big Pink)
#4 - Site No. 1 (Penrods)

Although significant issues typically associated with a complex joint venture and/or land acquisition will need to be addressed and resolved, the two top-ranked sites offer excellent locations and the benefit of negotiating with property owners that have previously expressed an interest in collaborating with the City to address the area's parking needs. The top-ranked site offers the added benefit of being able to accommodate a parking structure that could eliminate 80% of the projected year 2013 parking deficiency for the area, while serving a broader range of users. It would also reduce the number of site acquisitions / deals that the City would need to pursue in order to meet the area's parking needs.

Two attachments are also included for general reference. Attachment # 1 provides information on site characteristics, zoning, estimated parking, projected costs and assumptions. Attachment # 2 documents "pros & cons" for each of the sites along various evaluation criteria.

It is our recommendation that we proceed to initiate discussions with the property owners for the two top-ranked sites and return to provide further recommendations on how best to continue.

JMG/[illegible]
Attachments
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SOUTH POINTE PARKING STRUCTURE OPTIONS

SITE	FINAL RANK	EST. GAR. PARKING (6)	PROJECTED CONSTR. COST (w)	LAND ACQUISITION COST	TOTAL ESTIMATED PROJECT COSTS	GROSS COST / SPACE	NOTES
# 6. Related - North Site (Block 52) (220' x 210')	1	640	$16,896,000	$9,240,000	$26,136,000	$40,800	Land swap opportunity. City-owned lots 2,3 & 34 can be used for clothing commercial / retail component
# 3. Joe's Stone Crabs (Block 10) (200' x 130')	2	280	$7,392,000	$5,577,000	$12,969,000	$46,300	
# 2. Lots opposite Opium (Block 2) (200' x 130')	3	330	$8,712,000	$5,200,000	$13,912,000	$42,200	
# 1. City / Penrod (200' x 120')	4	325	$10,725,000	NA	$10,725,000	$33,000	Compr. Plan amendment, Code changes, Service Plans on Ellsworth St., no street end encroachments, Net parking gain of 165 spaces. 82 spaces committed to penrod's per agreement
# 4. Related - South Site (Block 51)				NA			
# 5. Related - East Site (Block 1)				NA			

A	B	C	D	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T	V
# 1	Pier Park		GU (ROS - Comprehensive Plan)	City, with lease to Penrods		Irregular area avail. after off-sets & setbacks			30,450	50	5	5	130,000	325	$25,000	$8,125,000	$975,000	$1,625,000	$10,725,000
# 2	2	12	R-PS3	Lawrence F. Kaine		50	130	6,500	28,000	50	5	5	130,000	330	$20,000	$6,600,000	$792,000	$1,320,000	$8,712,000
		13	R-PS3	Lawrence F. Kaine (S 1/2 of Lot 13)		25	130	3,250											
		13	R-PS3	137 Collins Ave Garage LLC (N 1/2 of lot 13)		25	130	3,250											
		14	R-PS3	Lawrence F. Kaine		50	130	6,500											
		15	R-PS3	137 Collins Ave Garage LLC (S 1/2 of lot 15)		25	130	3,250											
		15	R-PS3	Lawrence F. Kaine (N 1/2 of Lot 15)		25	130	3,250											
# 3	10	7	C-PSI	Irwin Sawitz Tr		50	130	6,500	27,885	40	4	4	111,500	280	$20,000	$5,600,000	$672,000	$1,120,000	$7,392,000
		8	C-PSI	Irwin Sawitz Tr		50	130	6,500											
		9	C-PSI	Irwin Sawitz Tr		WSSFt Lots 9 & 10 & E 100 Ft Lots 8 & 10 BLK 10 Lot size irregular		14,885											
		10	C-PSI																
# 4	51	Various	C-PSI	Primary owner: Related															
# 5	1	Various	C-PSI	Primary owner: Related															
#6	52	4-10 & 27-33	C-PSI	Primary owners: Related & Jigs Investments		220' x 210', including alley			48,200	50	5	5.5	254,100	640	$20,000	$12,800,000	$1,536,000	$2,560,000	$16,896,000

(1) City of Miami Beach Official Zoning Map
(2) Miami-Dade.gov / Property Information
(3) City of Miami Beach Official Map
(4) City Code Sec. 142-699. Residential performance standard area requirements
(5) Includes roof deck. Height waiver would be required for elev. room on roof deck.
(6) Min. gross area / ping.space = 360 SF. Area would need to be adjusted for ground level retail, etc.
(7) Projected construction cost / parking space = $20,000
(8) Excludes costs of land acquisition
(9) A more approximate estimate to be developed by design consultants
(10) 25% Higher cost / parking space assumed for Site 1 to account for possible partial underground parking

Gross SF / Parking Space:	400	400	400			400
Gross Construction Cost / Ping Space (10):	$25,000	$25,000	$20,000			$20,000
Permits, Fees & Misc., $	$25,000	$25,000	$25,000			$25,000
Construction Contingency (% of constr.):	12%	12%	12%			12%
Soft Costs (% of constr.):	20%	20%	20%			20%
Average Land Cost, $ / SF	NA	$200	$200			$200

SOUTH POINTE SITES - PROS & CONS

CRITERIA		SITE 1 - CITY / PENRODS	
		PROS	CONS
(1)	WALKING DISTANCE	(1) Easy access to Ocean Beach, Pier and South Pointe Parks	(5) Will require change to Comprehensive Plan Future Land Use Map. Would need to hold three public hearings.
(2)	TRAFFIC IMPLICATIONS	(2) Good traffic flow	(5) Sunrise Plaza design to the South will require at least a 50' setback.
(3)	SAFETY		(5) Street end views on North and South corridors will need to be preserved.
(4)	OWNERSHIP COST (EASE OF ACQUISITION)	(4) City-owned site	(5) May require amendment of Land Development Regulation (LDR)
(5)	ZONING		(5) May require change to City Code to construct parking garage fronting Ocean Drive
(6)	PARKING OPS / REVENUE CONTROL		(5) Construction of a 325-space parking garage will result in net gain of 180 spaces due to displacement of surface parking
(7)	ENVIRONMENTAL IMPACTS		(5) Neighbors may challenge construction on beachfront property.
(8)	UTILITIES		(5) Adjacent developers may challenge, at public hearing, construction of a parking structure that may obstruct views.
(9)	AESTHETICS		(13) Potential referendum on joint public/private agreement.
(10)	EXPANDABILITY		(13) Public may perceive that public funds may be partly utilized to benefit the private sector (Penrods)
(11)	EASEMENT / ROW		(15) If underground parking level(s) are to be considered construction cost would rise significantly.
(12)	TEMPORARY PARKING		
(13)	NEIGHBORHOOD		
(14)	TOPOGRAPHY		
(15)	CONSTRUCTION		
(16)	PROJECT COSTS		
(17)	JOINT VENTURE POTENTIAL	(17) Penrods owner has previously expressed an interest in collaborating with the City to address the area's parking needs	
(18)	EXISTING AGREEMENTS		(18) 82 parking spaces are obligated to Penrods through existing agreement.

Attachment # 2

SOUTH POINTE SITES - PROS & CONS

CRITERIA		SITE 2 - BLOCK 2, LOTS 12-15 (Opium) PROS	CONS
(1)	WALKING DISTANCE	(1) Easy access to Ocean Beach, Pier and South Pointe Parks	
(2)	TRAFFIC IMPLICATIONS	(2) Helps to concentrate parking demand generated by adjacent businesses	
(3)	SAFETY		(4) High acquisition costs
(4)	OWNERSHIP COST (EASE OF ACQUISITION)		(4) Multiple owners would likely complicate negotiations
(5)	ZONING		
(6)	PARKING OPS / REVENUE CONTROL		(5) Some zoning limitations may need to be addressed
(7)	ENVIRONMENTAL IMPACTS		(5) May need to amend Code to accommodate parking for commercial use in a residential district.
(8)	UTILITIES		
(9)	AESTHETICS		(9) Adjacent neighbors / property owners may challenge construction.
(10)	EXPANDABILITY		
(11)	EASEMENT / ROW		
(12)	TEMPORARY PARKING		
(13)	NEIGHBORHOOD		(13) Public may perceive that public funds may be partly utilized to benefit the private sector
(14)	TOPOGRAPHY		
(15)	CONSTRUCTION		(15) Single street frontage complicates construction access and traffic management
(16)	PROJECT COSTS		(16) Single street access will increase construction costs
(17)	JOINT VENTURE POTENTIAL		
(18)	EXISTING AGREEMENTS		

SOUTH POINTE SITES - PROS & CONS

CRITERIA		SITE 3 - JOE'S BLOCK 10 (LOTS 7-10) PROS	CONS
(1)	WALKING DISTANCE	(1) Easy access to Ocean Beach, Pier and South Pointe Parks	
(2)	TRAFFIC IMPLICATIONS	(2) Good traffic flow	
(3)	SAFETY		
(4)	OWNERSHIP COST (EASE OF ACQUISITION)	(4) Single ownership will facilitate negotiations	(4) High acquisition costs
(5)	ZONING		(5) Current height limits and prominent location make this site the most restrictive in terms of number of parking spaces that can be accomodated.
(6)	PARKING OPS / REVENUE CONTROL		
(7)	ENVIRONMENTAL IMPACTS		
(8)	UTILITIES		
(9)	AESTHETICS		
(10)	EXPANDABILITY		
(11)	EASEMENT / ROW		
(12)	TEMPORARY PARKING		
(13)	NEIGHBORHOOD		(13) Public may perceive that public funds may be partly utilized to benefit the private sector
(14)	TOPOGRAPHY		
(15)	CONSTRUCTION		(15) Property's prominent location will require a more expensive liner building - activating full aesthetic treatment along Collins Ave.
(16)	PROJECT COSTS		
(17)	JOINT VENTURE POTENTIAL	(17) Property owner has previously expressed an interest in collaborating with the City to address the area's parking needs	
(18)	EXISTING AGREEMENTS		

SOUTH POINTE SITES - PROS & CONS

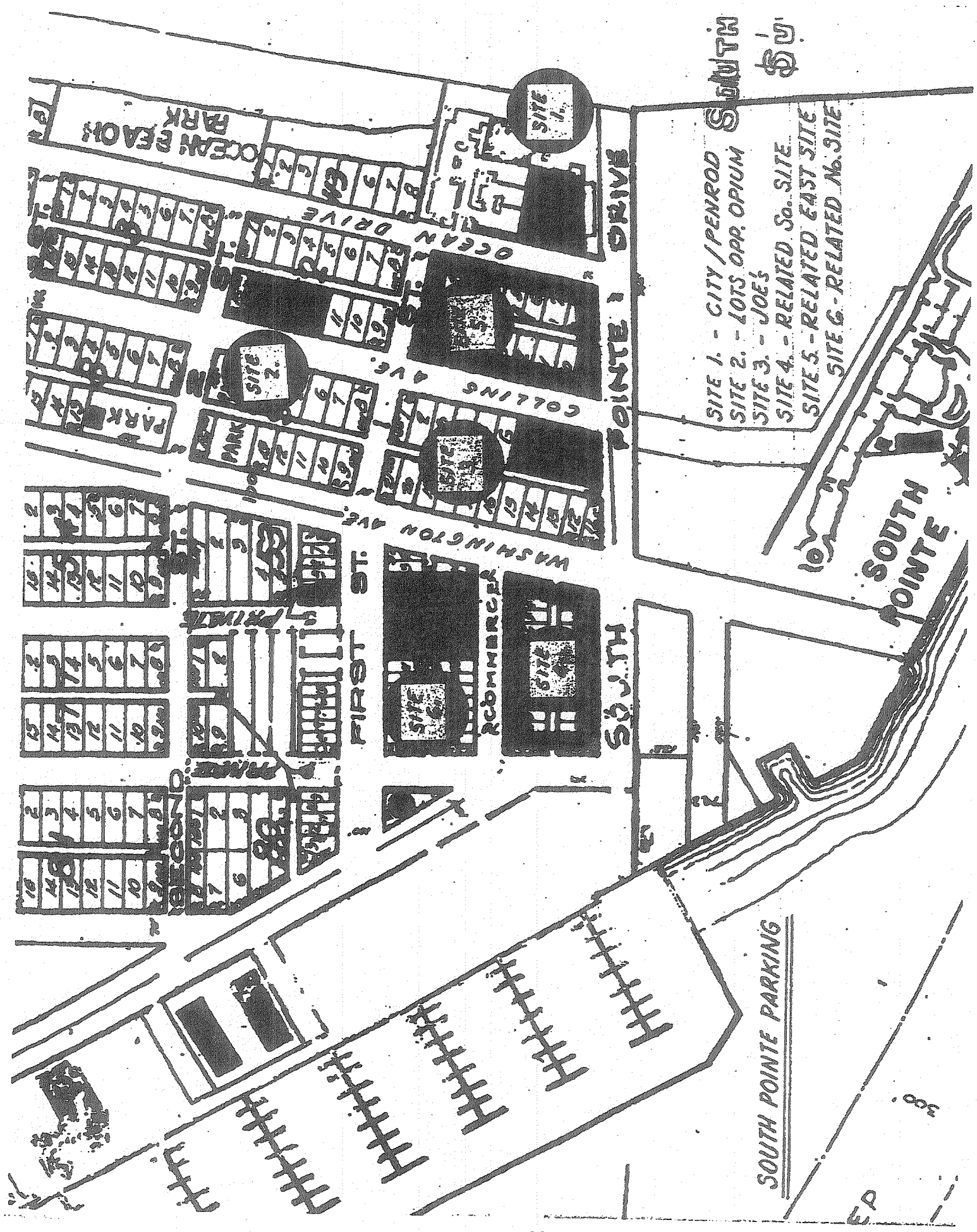
	CRITERIA	SITE 4 - BLOCK 51 (RELATED - SOUTH SITE) PROS	CONS
(1)	WALKING DISTANCE	Found to be not feasible for expansion due to limitations to provide surplus parking under current development plan	
(2)	TRAFFIC IMPLICATIONS		
(3)	SAFETY		
(4)	OWNERSHIP COST (EASE OF ACQUISITION)		
(5)	ZONING		
(6)	PARKING OPS / REVENUE CONTROL		
(7)	ENVIRONMENTAL IMPACTS		
(8)	UTILITIES		
(9)	AESTHETICS		
(10)	EXPANDABILITY		
(11)	EASEMENT / ROW		
(12)	TEMPORARY PARKING		
(13)	NEIGHBORHOOD		
(14)	TOPOGRAPHY		
(15)	CONSTRUCTION		
(16)	PROJECT COSTS		
(17)	JOINT VENTURE POTENTIAL		
(18)	EXISTING AGREEMENTS		

SOUTH POINTE SITES - PROS & CONS

CRITERIA		SITE 5 - BLOCK 1 (RELATED - EAST SITE)	
		PROS	CONS
(1)	WALKING DISTANCE	Found to be not feasible for expansion due to limitations to provide surplus parking under current development plan	
(2)	TRAFFIC IMPLICATIONS		
(3)	SAFETY		
(4)	OWNERSHIP COST (EASE OF ACQUISITION)		
(5)	ZONING		
(6)	PARKING OPS / REVENUE CONTROL		
(7)	ENVIRONMENTAL IMPACTS		
(8)	UTILITIES		
(9)	AESTHETICS		
(10)	EXPANDABILITY		
(11)	EASEMENT / ROW		
(12)	TEMPORARY PARKING		
(13)	NEIGHBORHOOD		
(14)	TOPOGRAPHY		
(15)	CONSTRUCTION		
(16)	PROJECT COSTS		
(17)	JOINT VENTURE POTENTIAL		
(18)	EXISTING AGREEMENTS		

SOUTH POINTE SITES - PROS & CONS

	CRITERIA	SITE 6 - BLOCK 52 (RELATED - NORTH SITE) PROS	CONS
(1)	WALKING DISTANCE	(1) Serves broader segment of the community - residential, commercial & beach & parks	
(2)	TRAFFIC IMPLICATIONS	(2) Best street accessibility - from Commerce and First Streets	
(3)	SAFETY	(2) Dual street access offers more design options for garage entry & exit locations	(4) High acquisition costs
(4)	OWNERSHIP COST (EASE OF ACQUISITION)		(4) Complicated deal may require two property owners to swap land parcels
(5)	ZONING		
(6)	PARKING OPS / REVENUE CONTROL		
(7)	ENVIRONMENTAL IMPACTS		
(8)	UTILITIES	(6) (7) Site is able to accommodate a parking structure that could eliminate 80% of the projected year 2013 parking deficiency for the area, while serving a broader range neighborhood of users - residential commercial and recreational	
(9)	AESTHETICS		
(10)	EXPANDABILITY		
(11)	EASEMENT / ROW		
(12)	TEMPORARY PARKING		
(13)	NEIGHBORHOOD	(13) Serves broader segment of the community - residential, commercial & beach & parks	(13) Public may perceive that public funds may be partly utilized to benefit the private sector
(14)	TOPOGRAPHY		
(15)	CONSTRUCTION	(15) Dual street access facilitates construction access	
(16)	PROJECT COSTS	(16) Dual street access could help reduce / defray construction costs	
(17)	JOINT VENTURE POTENTIAL	(17) Property owners have previously expressed an interest in collaborating with the City to address the area's parking needs	
(18)	EXISTING AGREEMENTS		


SITE 1. - CITY / PENROD
SITE 2. - LOTS OPP. OPIUM
SITE 3. - JOE'S
SITE 4. - RELATED So. SITE
SITE 5. - RELATED EAST SITE
SITE 6. - RELATED No. SITE
SOUTH POINTE
SOUTH POINTE PARKING
OCEAN BEACH PARK
OCEAN DRIVE
COLLINS AVE.
WASHINGTON AVE.
FIRST ST.
SOUTH POINTE DRIVE
PARK
PRIVATE
COMMERCE
SITE 1.
SITE 2.
SITE 3.
SITE 4.
SITE 5.
SITE 6.

c: Hilda
Tim
Lilia

MIAMIBEACH

OFFICE OF THE MAYOR AND COMMISSION

RECEIVED
2006 JUL -7 PM 2:40
CITY MANAGERS OFFICE
BY

MEMORANDUM

TO: Jorge M. Gonzalez, City Manager

FROM: Luis R. Garcia, Jr., Commissioner

DATE: July 3, 2006

SUBJECT: AEG Live

Please place as a discussion item on the July 12, 2006 Commission meeting the attached written request from AEG Live.

LRG/sm

RECEIVED
2006 JUL -7 PM 2:40
CITY MANAGERS OFFICE
BY

Agenda Item R9M
Date 7-12-06

Larry Vallon
Senior Vice President-National Booking

July 5th, 2006

Commissioner Luis Garcia
City of Miami Beach
1700 Convention Center Drive
Miami Beach, Florida 33139

Re: Jackie Gleason Theatre

Dear Commissioner Garcia,

On May 8th we sent a letter to the Commission confirming the interest of AEG Live in taking over the operation of the Jackie Gleason Theatre, including reviving and expanding its booking capability. This letter shall serve to reaffirm our interest.

In our letter we acknowledged the administration's ongoing negotiations with the Cirque du Soleil Company for a proposed alternate use of the theatre, which we understand would forever change the Gleason, and in addition would cost your taxpayers tens of millions of dollars.

Our proposal, on the other hand, would preserve the Gleason in its present state to include the substantial investment the city has already made in it. It would, in fact retain and expand the variety of entertainment that the people of Miami Beach have come to expect from the Gleason.

Please bear in mind that our proposal does not call for the demolition of the theatre's interior. Nor does it not require the city to risk tens of millions of taxpayer dollars. Simply stated, we do not propose to change the Gleason into something else – we propose to make it better.

We are told that the rational for considering a Cirque proposal is the belief that the Gleason is doomed by the upcoming opening of the Miami Performing Arts Center, and that the Gleason has no future. We strongly disagree. The move of classical, ballet, and theatrical attractions will open up the calendar to many more events and one-offs because multiple holds and weeks will now be available. An "open" calendar makes the Gleason extremely attractive to the touring business and the agencies that represent headline talent. We believe that, with our ability to book the Gleason, the Gleason will be more popular than it ever was. Far from costing the city money, the Gleason can and will make money for the city. In fact, we guarantee it.

We again urge you to direct the administration to open parallel negotiations with us for the continued operation of the Jackie Gleason Theatre under the management of AEG Live.

Very truly yours,

Larry Vallon
AEG Live, Senior Vice President

5750 Wilshire Blvd., Suite 501 • Los Angeles, California 90036 • phone (323) 930-5777 • fax (323) 930-5778

R10
CITY ATTORNEY
REPORTS

OFFICE OF THE CITY ATTORNEY
CITY OF MIAMI BEACH

TO: Mayor David Dermer
Members of the City Commission
City Manager Jorge Gonzalez

FROM: Jose Smith
City Attorney

SUBJECT: **Attorney-Client Session**

DATE: June 23, 2006

RECEIVED
2006 JUN 26 AM 11:08
CITY MANAGER'S OFFICE
BY

Pursuant to Section 286.011, Florida Statutes, the City Attorney hereby advises the Mayor and City Commission that he desires advice concerning the following pending litigation matters:

Micky Biss and USA Express, Inc. v. City of Miami Beach. 11th Judicial Circuit Court. Case No. 01-11865 CA 10

Micky Biss, et al. v. Robert Parcher, etc. et.al. 11th Judicial Circuit Court. Case No. 05-05755 CA 30

Micky Biss v. David Dermer, et.al. 11th Judicial Circuit Court. Case No. 05-10178 CA 23

Micky Biss and USA Express, Inc. v. David Dermer, Saul Gross, Richard Steinberg, Jose Smith, Matti Herrera Bower and Simon Cruz. 11th Judicial Circuit Court. Case No. 06-5439 CA 22

Therefore, a private closed Attorney-Client Session will be held during the lunch recess of the City Commission meeting on July 12, 2006 in the City Manager's Large Conference Room, Fourth Floor, City Hall, to discuss settlement negotiations and/or strategy related to litigation expenditures with regard to the above referenced litigation matters.

The following individuals will be in attendance: Mayor David Dermer; Members of the City Commission: Matti H. Bower, Simon Cruz, Luis R. Garcia Jr., Saul Gross, Jerry Libbin and Richard Steinberg; City Attorney Jose Smith, City Manager Jorge Gonzalez, Deputy City Attorney Jean Olin, First Assistant City Attorneys Debora Turner and Gary Held, and Special Counsel Richard Ovelmen, Esq.

Agenda Item R10A
Date 7-12-06

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OFFICE OF THE CITY ATTORNEY

City of Miami Beach

F L O R I D A

JOSE SMITH
City Attorney

Telephone: **(305) 673-7470**
Facsimile: **(305) 673-7002**

COMMISSION MEMORANDUM

TO: Mayor David Dermer
Members of the City Commission
City Manager Jorge M. Gonzalez

DATE: July 12, 2006

FROM: Jose Smith
City Attorney

SUBJECT: **City Attorney's Status Report**

I. LAWSUITS FILED BY OR AGAINST THE CITY OF MIAMI BEACH SINCE THE LAST REPORT

1. Jeffrey Kadis vs. Armor Security Inc., a Florida Corporation, and the City of Miami Beach. Eleventh Judicial Circuit, Case No. 06-10350 CA32

   The City was served with this Complaint on June 5, 2006 wherein the Plaintiff alleges inadequate and negligent security of the parking garage located at 210 7th Street. Plaintiff alleges that he was attacked and brutally assaulted and battered in the presence of security guards. A demand letter to the insurance company for Armor Security was sent and the defense of this matter for the City has been undertaken by the law firm of Marlow Connell. This office will monitor the file as the case progresses.

2. Angelica Santiago vs. City of Miami Beach, a political subdivision of the State of Florida. Eleventh Judicial Circuit, Case No. 06-10532 CA04

   The City was served with this Complaint on June 2, 2006 wherein the Plaintiff alleges that she tripped and fell on November 13, 2005 on the east side of the 1400 Block of Washington Avenue over a short pipe and metal bolt protruding vertically from the sidewalk. The City has determined the object that the Plaintiff alleges to have fallen over

Agenda Item A
Date 7-12-06

is an electrical outlet face plate which was installed for electrical lighting as part of the Washington Avenue Project which was undertaken by Ric-Man International, Inc. A demand letter to the insurance company for Ric-Man to undertake the defense and to agree to fully indemnify the City for this matter has been forwarded. We are awaiting the insurance company's selection of an attorney to undertake the defense. This matter will be monitored by the City Attorney's Office.

3. Murano at Portofino Condominium Association, Inc., a Florida not for profit corporation vs. Cecile D. Barker; Patricia Barker and City of Miami Beach, Eleventh Judicial Circuit, Case No. 06-10146 CA08

This is an action to foreclosure a condominium lien on real property located within the city limits. The Summons and Complaint were served on the City on June 5, 2006. The City's Answer and Affirmative Defense, asserting priority for special assessments, including, but not limited to, utility water and sewer services, demolition or board-up liens, and resort taxes, was filed on June 19, 2006.

4. Mac-Pac Waste & Recycling Services, Inc., a Florida Corporation vs. The City of Miami Beach, a poltical Subdivision of the State of Florida, and Robert Parcher, City Clerk of the City of Miami Beach, a Political Subdivision of the State of Florida, Eleventh Judicial Circuit, Case No. 06-10348 CA11

This case sought injunctive relief, preventing the City from disclosing alleged "trade secrets" of Plaintiff. This matter was dismissed on July 5, 2006, without prejudice.

5. Royce Parking Control Systems, Inc., a Florida corporation, vs. City of Miami Beach, a political subdivision of Florida. Miami-Dade County Court, Civil Division, Case No. 06-08790 SP 05

This is an action to recover unpaid invoices for parking fees pursuant to a service contract with Royce Parking Control Systems, Inc. The amount set forth in the Statement of Claim is $3,160.00. The Summons and Complaint were served on the City on June 15, 2006. The pre-trial conference is scheduled for July 26, 2006 at 9:30 a.m.

6. Petitioner, Brown's Hotel, LLC., vs. Respondent, City of Miami Beach, and City of Miami Beach Board of Adjustment. Miami-Dade County Court, Appellate Division, Appellate Court Case No. 06-252 AP, Lower Court Case No. 3153

   This Petition for Writ of Certiorari challenges a rear setback variance granted to the adjoining property owner, Apple Hotel at 100 Ocean Drive.

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MIAMIBEACH

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

COMMISSION MEMORANDUM

TO: Mayor David Dermer and Members of the City Commission

FROM: Jorge M. Gonzalez, City Manager For JMG

DATE: July 12, 2006

SUBJECT: **PARKING STATUS REPORT – MAY 2006**

The following comments serve to preface attended parking facilities (garages and lots) performance for the month of May 2006. In May 2006, gross revenues at attended facilities (garage and lots) increased by 14.36% as compared to the prior year's period. During the month of May 2006, the Parking Department's attended locations earned a net profit of $655,966.31. This is an increase in net profit of $104,832.24 or 19.02% as compared to the same period in the prior year. This increase is primarily attributed to the new special event $10.00 flat rate which became effective May 20, 2006 for attended lots and garages. The year to date net profit is $4,785,126.75 this is an increase in net profit of $394,418.18 or 8.98%.

A) 17th Street Municipal Parking Garage: May 2006

During the month of May 2006, the 17th Street Garage had net revenues of $275,566.81. Net revenues are total revenues collected, minus sales tax, and are comprised of facility-specific access-card revenues of $60,960.00, transient parking revenues of $206,806.81 and valet rental fees of $7,800.00. Net revenues increased from $217,861.13 in 2005, to $275,566.81 in 2006; a 26.49% increase in net revenues. After subtracting operating expenses of $112,004.39 the facility had a net profit for the month in the amount of $163,562.42. This represents an increase in net profit for the facility in the amount of $48,402.95 or 42.03% when compared to the same period in the previous year. This increase is primarily attributable to an increase in transient parking revenue of $58,665.68, a decrease in security personnel expenses of $4,713.20, a decrease of revenue control equipment expense of $1,042.33; off-set by an increase in attendant/cashier labor expense of $3,017.52; an increase FP&L expense of $2,519.74 and an increase in elevator maintenance expense of $9.508.00. The 17th Street Garage served a total of 89,150 parkers in the month of May, 2006.

B) 7th Street Municipal Parking Garage: May 2006

During the month of May 2006, the 7th Street Municipal Parking Garage had net revenues of $171,359.12. Net revenues are total revenues collected, minus sales tax, and are comprised of facility-specific access-card revenues of $16,575.00 and transient parking revenues of $154,784.12. When compared to the same month in the prior year (May 2005), net revenues decreased from $183,143.46 in 2005 to $171,359.12 in 2006; a 6.43% decrease in net revenues. After subtracting operating expenses of $75,715.28 and debt service of $59,500.00 the facility had a net profit for the month in the amount of $36,143.84. This is a decrease in net profit of $23,477.66 or 39.38% from May 2005. This decrease is primarily attributable to a decrease in transient parking revenue of $12,459.34; an increase in security personnel expense of $14,142.56; off-set by a decrease in revenue control equipment maintenance expense of $2,741.66. The 7th Street Garage is undergoing a major repair and replacement project, including expansion joints, waterproofing membrane, and

Agenda Item B

Date 7-12-06

railings which has forced the shutdown of several ramps. Morever, this has increased expenses in order to secure the affected areas. The 7th Street Garage served a total of 33,604 parkers in the month of May, 2006.

C) 5-A Municipal Surface Parking Lots (Washington Avenue to Pennsylvania and 17th Street): May 2006

During the month of May 2006, the 5-A Surface Lots had net revenues of $231,702.39. Net revenues are total revenues collected, minus sales tax, and are comprised of facility-specific access-card revenues of $18,660.00 and transient parking revenues of $213,042.39. Net revenues increased from $174,118.30 in 2005, to $231,702.39 in 2006; a 33.07% increase in net revenues. After subtracting operating expenses of $40,563.21 the facility had a net profit for the month in the amount of $191,139.18. This represents an increase in net profit for the facility in the amount of $54,154.90 or 39.53% when compared to the same period in the previous year. This increase is primarily attributable to an increase in transient parking revenue of $56,504.09, an increase in facility-specific access-card revenues of $1,080.00; a decrease in revenue control equipment maintenance expense of $2,108.33; off-set by an increase in attendant/cashier labor expense of $5,537.52. The 5-A Municipal Surface Parking Lot served a total of 48,041 parkers in the month of May, 2006.

D) 12th Street Municipal Parking Garage: May 2006

During the month of May 2006, the 12th Street Garage had net revenues of $39,039.65. Net revenues are comprised of facility-specific monthly parking revenues of $3,720.00 and transient parking revenues of $35,319.65. When compared to the same month in the prior year (May 2005), net revenues increased from $37,542.20 in 2005, to $39,039.65 in 2006; a 3.99% increase in net revenues. After subtracting operating expenses of $19,568.30 the facility had a net profit for the month in the amount of $19,471.35. This is an increase in net profit of $1,629.27 or 9.13% from May 2005. This increase is primarily attributable to an increase in transient parking revenues of $1,437.45. The 12th Street Garage served a total of 4,426 parkers in the month of May 2006.

E) 13th Street Municipal Parking Garage: May 2006

During the month of May 2006, the 13th Street Garage had net revenues of $67,454.40. Net revenues are comprised of facility-specific monthly parking permit revenues of $8,760.00 and transient parking revenues of $58,694.40. Compared to the same month in the prior year (May 2005), net revenues decreased from $68,614.97 in 2005, to $67,454.40 in 2006; representing a 1.69% decrease in net revenues. After subtracting operating expenses of $27,288.91, the facility had a net profit for the month in the amount of $40,165.49. This is an increase in net profit of $351.40 or 0.88% from May 2005. This increase is primarily attributable to a decrease in revenue control equipment maintenance expense of $1,625.00, a decrease in security personnel expense of $ 287.30, a decrease in attendant cashier labor expense of $330.99; off-set by a decrease in transient parking revenue of $2,120.57. The 13th Street Garage served a total of 13,151 parkers in the month of May 2006.

F) 16th Street-Anchor Parking Garage: May 2006

During the month of May, 2006, the 16th Street Garage had net revenues of $183,498.03. Net revenues are comprised of facility-specific monthly parking revenues of $39,950.00, transient parking revenues of $128,490.54, and valet rental fees of $15,057.49. Compared to the same month in the prior year (May 2005), net revenues increased from $162,440.18 in 2005 to $183,498.03 in 2006; representing a 12.96% increase in net revenues. After

subtracting operating expenses of $48,083.63 the facility had a net profit for the month in the amount of $135,414.40. This is an increase in net profit of $23,634.65 or 21.14% from May 2005. This increase is primarily attributable to an increase in transient parking revenue of $21,928.87, an increase in facility-specific monthly parking revenues of $9,750.00, and a decrease in security personnel expense of $ 3,752.60; off-set by a decrease in valet rental fees of $10,621.02; an increase in FP&L expense of $1,346.06. The 16th Street Garage served a total of 27,234 parkers in the month of May, 2006.

G) 42nd Street Municipal Parking Garage: May 2006

During the month of May, 2006, the 42nd Street Garage had net revenues of $29,316.08. Net revenues are comprised of facility-specific monthly parking revenues of $25,560.00 and transient parking revenues of $3,756.08. Compared to the same month in the prior year of May (2005), net revenues increased from $28,944.48 in 2005, to $29,316.08 in 2006; representing a 1.28% increase in net revenues. After subtracting operating expenses of $18,746.45 the facility had a net profit for the month in the amount of $10,569.63. This is an increase in net profit of $136.73 or 1.31% from May 2005. This increase is primarily attributable to a decrease in security personnel expense of $2,453.85; off-set by an increase in revenue control equipment maintenance expense of $1,891.66. The 42nd Street Garage served a total of 6,877 parkers in the month of May, 2006.

H) Electronic Parking Meter Revenue Comparison: May 2006

This statement compares parking meter revenue collected in May 2006, with revenue collected in May 2005. When comparing revenues for May 2006 in the amount of $964,194.61 to revenues for May 2005 in the amount of $935,461.22, the report reflects an increase of $28,733.39 or 3.07% in revenues collected. Meter revenue collected does not reflect the change in monthly decal parkers (both commercial and residential), valet rental or construction rental of meters, or metered surface lots either taken out of service, or managed differently than the previous year. In the month of May 2006 decal and permit revenue received was $121,402.20 and meter rental revenue (valet, construction, and special events) was $152,643.27 versus $110,814.61 and $106,319.75 respectively in May 2005. The combined total revenue produced at meters for the month of May 2006 was $1,238,240.08. This reflects an increase from the previous year in the amount of $85,644.50 or 7.43%.

I) Parking and Transportation Smart Card Sales: May 2006

In the month of May 2006, the Parking Department sold 1,348 Parking Meter Cards to merchants, vendors, hoteliers, and the public, for revenues in the amount of $32,557.50.

J) Hotel Hangtag Sales: May 2006

In the month of May 2006, the Parking Department sold 2,305 hotel hangtags to hoteliers in the amount of $13,830.

JMG/RCM/SF/RAR
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CITY OF MIAMI BEACH
PARKING DEPARTMENT
FINANCIAL REPORT SUMMARY
May/2006

LOCATION	REVENUE 2005 May	REVENUE 2006 May	REVENUE Increase/ (Decrease)	REVENUE Percent of Increase/ (Decrease)	EXPENSES 2005 May	EXPENSES 2006 May	EXPENSES Increase/ (Decrease)	EXPENSES Percent of Increase/ (Decrease)	PROFIT/(LOSS) 2005 May	PROFIT/(LOSS) 2006 May	PROFIT/(LOSS) Increase/ (Decrease)	PROFIT/(LOSS) Percent of Increase/ (Decrease)
17 St. Garage	217,861.13	275,566.81	**57,705.68**	**26.49%**	102,701.66	112,004.39	**9,302.73**	**9.06%**	115,159.47	163,562.42	**48,402.95**	**42.03%**
7th St. Garage	183,143.46	171,359.12	**(11,784.34)**	**-6.43%**	64,021.96	75,715.28	**11,693.32**	**18.26%**	119,121.50	95,643.84	**(23,477.66)**	**-19.71%**
17th St. Lots	174,118.30	231,702.39	**57,584.09**	**33.07%**	37,134.02	40,563.21	**3,429.19**	**9.23%**	136,984.28	191,139.18	**54,154.90**	**39.53%**
12th St. Garage	37,542.20	39,039.65	**1,497.45**	**3.99%**	19,700.12	19,568.30	**(131.82)**	**-0.67%**	17,842.08	19,471.35	**1,629.27**	**9.13%**
13th St. Garage	68,614.97	67,454.40	**(1,160.57)**	**-1.69%**	28,800.88	27,288.91	**(1,511.97)**	**-5.25%**	39,814.09	40,165.49	**351.40**	**0.88%**
42nd St. Garage	28,944.48	29,316.08	**371.60**	**1.28%**	18,511.58	18,746.45	**234.87**	**1.27%**	10,432.90	10,569.63	**136.73**	**1.31%**
16th St. - Anchor	162,440.18	183,498.03	**21,057.85**	**12.96%**	50,660.43	48,083.63	**(2,576.80)**	**-5.09%**	111,779.75	135,414.40	**23,634.65**	**21.14%**
Totals	**872,664.72**	**997,936.48**	**125,271.76**	**14.36%**	**321,530.65**	**341,970.17**	**20,439.52**	**6.36%**	**551,134.07**	**655,966.31**	**104,832.24**	**19.02%**

	Revenue Per Space	Expenses Per Space	Profit/(Loss) Per Space	
17 St. Garage	188.74	76.72	112.03	The 17th Street Garage has 1,460 spaces.
7th St. Garage	265.26	117.21	148.06	The 7th Street Garage has 646 spaces.
17th St. Lots	457.91	80.16	377.75	The 17th Street Lots have 506 spaces.
12th St. Garage	291.34	146.03	145.31	The 12th Street Garage has 134 spaces.
13th St. Garage	235.85	95.42	140.44	The 13th Street Garage has 286 spaces.
42nd St. Garage	47.28	30.24	17.05	The 42nd Street Garage has 620 spaces.
16th St. - Anchor	228.52	59.88	168.64	The 16th Street - Anchor Garage has 803 spaces.

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SJF

7/5/2006

CITY OF MIAMI BEACH
PARKING DEPARTMENT
FINANCIAL REPORT SUMMARY-YEAR TO DATE
MAY 2006

LOCATION	REVENUE 2005 May YTD	REVENUE 2006 May YTD	REVENUE Increase/ (Decrease)	REVENUE Percent of Increase/ (Decrease)	EXPENSES 2005 May YTD	EXPENSES 2006 May YTD	EXPENSES Increase/ (Decrease)	EXPENSES Percent of Increase/ (Decrease)	PROFIT/(LOSS) 2005 May YTD	PROFIT/(LOSS) 2006 May YTD	PROFIT/(LOSS) Increase/ (Decrease)	PROFIT/(LOSS) Percent of Increase/ (Decrease)
17 St. Garage	1,882,258.24	2,088,138.52	**205,880.28**	**10.94%**	801,260.46	862,529.45	**61,268.99**	**7.65%**	1,080,997.78	1,225,609.07	**144,611.29**	**13.38%**
7th St. Garage	1,403,609.95	1,374,878.90	**(28,731.05)**	**-2.05%**	499,458.28	539,495.26	**40,036.98**	**8.02%**	904,151.67	835,383.64	**(68,768.03)**	**-7.61%**
17th St. Lots	1,333,847.62	1,471,201.84	**137,354.22**	**10.30%**	275,412.28	323,963.63	**48,551.35**	**17.63%**	1,058,435.34	1,147,238.21	**88,802.87**	**8.39%**
12th St. Garage	295,877.20	205,521.86	**(90,355.34)**	**-30.54%**	160,645.72	139,539.09	**(21,106.63)**	**-13.14%**	135,231.48	65,982.77	**(69,248.71)**	**-51.21%**
13th St. Garage	457,904.01	540,035.41	**82,131.40**	**17.94%**	258,946.19	227,392.51	**(31,553.68)**	**-12.19%**	198,957.82	312,642.90	**113,685.08**	**57.14%**
42nd St. Garage	272,262.81	246,749.49	**(25,513.32)**	**-9.37%**	151,998.54	151,163.20	**(835.34)**	**-0.55%**	120,264.27	95,586.29	**(24,677.98)**	**-20.52%**
16th St. - Anchor	1,299,901.10	1,492,049.76	**192,148.66**	**14.78%**	407,230.89	389,365.89	**(17,865.00)**	**-4.39%**	892,670.21	1,102,683.87	**210,013.66**	**23.53%**
Totals	**6,945,660.93**	**7,418,575.78**	**472,914.85**	**6.81%**	**2,554,952.36**	**2,633,449.03**	**78,496.67**	**3.07%**	**4,390,708.57**	**4,785,126.75**	**394,418.18**	**8.98%**

	Revenue Per Space	Expenses Per Space	Profit/(Loss) Per Space	
17 St. Garage	1,430.23	590.77	839.46	The 17th Street Garage has 1,460 spaces.
7th St. Garage	2,128.30	835.13	1,293.16	The 7th Street Garage has 646 spaces.
17th St. Lots	2,907.51	640.24	2,267.27	The 17th Street Lots have 506 spaces.
12th St. Garage	1,533.75	1,041.34	492.41	The 12th Street Garage has 134 spaces.
13th St. Garage	1,888.24	795.08	1,093.16	The 13th Street Garage has 286 spaces.
42nd St. Garage	397.98	243.81	154.17	The 42nd Street Garage has 620 spaces.
16th St. - Anchor	1,858.09	484.89	1,373.21	The 16th Street - Anchor Garage has 803 spaces.

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7/5/2006

CITY OF MIAMI BEACH
PARKING DEPARTMENT
PROFIT & LOSS STATEMENT
17th Street Garage - 2G
May 2006

LOCATION	ACCOUNTING CODE	2005 May	2006 May	Increase/ (Decrease)	Percent of Increase/ (Decrease)	Revenue/ Expense Per Space
17th Street Garage - 2G						
Revenue						
Revenue-Ticket	480-8000-344583	148,141.13	206,806.81	58,665.68		
Revenue - Valet	480-8000-344583	7,800.00	7,800.00	0.00		
Revenue-Monthly Permits	480-8000-344514	61,920.00	60,960.00	(960.00)		
	17th Street - 2G REVENUE (Sales Tax Excluded)	**217,861.13**	**275,566.81**	**57,705.68**	**26.49%**	**$188.74**
Expenses						
Security Personnel		20,387.91	15,674.71	(4,713.20) (1).		
Attendant/Cashier Labor		60,528.58	63,546.10	3,017.52 (2).		
FP&L		6,011.85	8,531.59	2,519.74 (3).		
Revenue Control Equipment Maintenance		3,999.99	2,957.66	(1,042.33) (4).		
Armed Guard Revenue Pickup		420.00	433.00	13.00 (5).		
Elevator Maintenance		425.00	9,933.00	9,508.00 (6).		
Landscape Maintenance		108.33	108.33	0.00		
Garage Cleaning/Maintenance		10,820.00	10,820.00	0.00		
	17th St. Garage - 2G EXPENSES	**102,701.66**	**112,004.39**	**9,302.73**	**9.06%**	**$76.72**
	17th St. Garage PROFIT/(LOSS)	**115,159.47**	**163,562.42**	**48,402.95**	**42.03%**	**$112.03**
					Number of Spaces	**1460**

Notes:
The 17th Street Garage has 1460 spaces. Approximately 40% of the annual revenue is from monthly parkers including valet rentals. The remainder of income is derived from Lincoln Road, Conventions, TOPA, and the New World Symphony.

(1). May 2005 Security Personnel figure consists of 1,703.25 total labor hours. While May 2006 Security Personnel figure consists of only 1,309.25 total labor hours.

(2). May 2005 Attendant/Cashier Labor figure consists of 4,058.75 total labor hours. While May 2006 Attendant/Cashier Labor figure consists of 4,280.25 total labor hours.

(3). May 2005 FP&L energy usage charge was $6,011.85. While, May 2006 FP&L energy usage charge was $8,531.59. The increase is due to an increase in average daily energy usage of 224KWH (from 2720 KWH to 2944 KWH), and an increase in FP&L rates.

(4)- May 2005 Revenue Control Equipment Maintenance figures consist of the regular maintenance of $2,133.33, and a retroactive charge of $1,866.66 for the service contract billing for Jan. thru April 2005. While May 2006 reflects the regular monhly charge of $1,891.66 plus additional charge of $1,066.00 for purchase of Merchant Validator.

(5)- May 2006 Armed Guard Revenue Pick up charge of $433.00 reflects the new regular monthly service charge from Brinks.

(6)- May 2005 Elevator Maintenance charge reflects the regular monthly service charge of $425.00. While May 2006 Elevator Maintenance charge reflects the regular monthly charge of $ 425.00 plus $9,508.00 to cover last payment for repair done in March to replace oil lane.

City of Miami Beach
Parking Department
Daily Revenue Report
17th Street Garage - 2G **May 2006**

Date	Day	Total Vehicle Entries	Peak Period	Peak Vehicle Count	Daily Ticket Revenue
1	Monday	2040	18:00-18:59	333	$2,859.07
2	Tuesday	2580	19:00-19:59	378	$4,021.57
3	Wednesday	2908	19:00-19:59	467	$4,696.86
4	Thursday	2808	18:00-18:59	456	$4,671.40
5	Friday	3799	19:00-19:59	712	$8,383.44
6	Saturday	3871	19:00-19:59	613	$10,720.30
7	Sunday	3871	13:00-13:59	663	$11,170.92
8	Monday	2165	17:00-17:59	369	$3,116.67
9	Tuesday	2345	17:00-17:59	366	$3,510.24
10	Wednesday	2344	17:00-17:59	382	$3,197.72
11	Thursday	2628	17:00-17:59	397	$4,051.55
12	Friday	3556	23:00-23:59	518	$7,450.09
13	Saturday	3506	23:00-23:59	566	$8,783.70
14	Sunday	2711	00:00-00:59	440	$6,391.74
15	Monday	1882	17:00-17:59	301	$2,223.85
16	Tuesday	1938	18:00-18:59	275	$2,461.79
17	Wednesday	2107	17:00-17:59	357	$2,596.67
18	Thursday	2334	17:00-17:59	350	$3,373.16
19	Friday	3735	20:00-20:59	623	$8,056.93
20	Saturday	3725	19:00-19:59	607	$10,151.33
21	Sunday	3394	18:00-18:59	569	$10,856.00
22	Monday	2328	15:00-15:59	374	$4,089.23
23	Tuesday	2665	17:00-17:59	434	$4,466.65
24	Wednesday	3431	17:00-17:59	562	$8,292.67
25	Thursday	3471	09:00-09:59	1088	$9,299.51
26	Friday	2718	17:00-17:59	365	$9,670.39
27	Saturday	3850	22:00-22:59	533	$19,878.50
28	Sunday	4040	23:00-23:59	523	$17,146.54
29	Monday	2306	00:00-00:59	453	$5,600.07
30	Tuesday	1983	17:00-17:59	355	$2,812.34
31	Wednesday	2111	17:00-17:59	343	$2,805.91
	TOTAL	**89,150**			**$206,806.81**

MONTHLY PERMIT REVENUE	**$60,960.00**
VALET REVENUE	**$6,300.00**
TOTAL NET REVENUE	**$274,066.81**

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6/16/2006

CITY OF MIAMI BEACH
PARKING DEPARTMENT
PROFIT & LOSS STATEMENT
7th Street Garage - 1G
MAY 2006

LOCATION	ACCOUNTING CODE	2005 May	2006 May	Increase/ (Decrease)	Percent of Increase/ (Decrease)	Revenue/ Expense Per Space
7th Street Garage - 1G						
Revenue						
Revenue-Ticket	142-8000-344404	167,243.46	154,784.12	(12,459.34)		
Revenue-Monthly Permits	142-8000-344404	15,900.00	16,575.00	675.00		
	7th Street - 1G REVENUE (Sales Tax Excluded)	**183,143.46**	**171,359.12**	**(11,784.34)**	**-6.43%**	**$265.26**
Expenses						
Security Personnel		21,381.41	35,523.97	14,142.56 (1).		
Attendant/Cashier Labor		24,134.11	23,725.72	(408.39) (2).		
Landscape Maintenance		918.67	918.67	0.00		
FP&L		2,732.53	3,420.34	687.81 (3).		
Revenue Control Equipment Maintenance		3,516.66	775.00	(2,741.66) (4).		
Garage Cleaning/Maintenance		9,242.00	9,242.00	0.00		
Armed Guard Revenue Pickup		420.00	433.00	13.00 (5).		
Elevator Maintenance		1,065.17	1,065.17	0.00		
Surveillance System Maintenance		611.41	611.41	0.00		
	7th Street - 1G EXPENSES	**64,021.96**	**75,715.28**	**11,693.32**	**18.26%**	**$117.21**
	7th St. Estimated Debt Service	**59,500.00**	**59,500.00**	**0.00**	**0.00%**	**$92.11**
	7th St. PROFIT/(LOSS)	**59,621.50**	**36,143.84**	**(23,477.66)**	**-39.38%**	**$55.95**
					Number of Spaces	**646**

Notes:
Generators for this garage are local workers, restaurants, hotels, construction, visitors to SOBE, local beach goers, restaurant patrons, and nightclub patrons.

(1). May 2005 Security Personnel figure consists of 1,786.25 total labor hours. While May 2006 Security Personnel figure consists of 2,967.75 total labor hours. The increase in labor hours is due to additional security officers hired to protect unsecured construction materials in the garage.

(2). May 2005 Attendant /Cashier Labor figure consists of 1,616.50 total labor hours . While May 2006 Attendant/Cashier Labor figure consists of 1,589.25 total labor hours.

(3). May 2005 FP&L energy usage charge was $2,732.53. While May 2006 FP&L energy usage charge was $3,420.34. Although average daily energy usage decreased by 53 KWH (from 1257 KWH to 1204 KWH) there is an increase due to change in FP&L rates.

(4). May 2005 Revenue Control Equipment Maintenance figures consist of the regular monthly maintenance of $1,650.00, and a retroactive charge of $1,866.64 for the service contract billing for Jan. thru April 2005. While May 2006 Revenue Control Equipment Maintenance charge of $775.00 reflects the regular monthly service charge from Consolidated Parking Equipment.

(5)- May 2006 reflects the new monthly charge of $ 433.00 from Brinks.

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6/22/2006

City of Miami Beach
Parking Department
Daily Revenue Report
7th Street Garage - 1G

May-06

Date	Day	Total Vehicle Entries	Peak Period	Peak Vehicle Count	Daily Space Rental Goldman - No Tax	Daily Space Rental Other - Incl. Tax	Daily Revenue Including Tax
1	Monday	836	13:00-13:59	160	375.00	139.79	$3,471.00
2	Tuesday	735	13:00-13:59	138	375.00	139.79	$2,501.00
3	Wednesday	841	15:00-15:59	143	375.00	139.79	$3,018.00
4	Thursday	995	15:00-15:59	193	375.00	139.79	$3,808.00
5	Friday	1706	15:00-15:59	274	375.00	139.79	$10,889.00
6	Saturday	1899	17:00-17:59	257	375.00	139.79	$11,619.00
7	Sunday	1863	18:00-18:59	253	375.00	139.79	$8,132.00
8	Monday	490	13:00-13:59	82	375.00	139.79	$2,277.00
9	Tuesday	393	16:00-16:59	74	375.00	139.79	$1,394.00
10	Wednesday	743	13:00-13:59	127	375.00	139.79	$2,295.00
11	Thursday	728	18:00-18:59	136	375.00	139.79	$2,515.00
12	Friday	1205	23:00-23:59	168	375.00	139.79	$7,946.00
13	Saturday	1669	16:00-16:59	228	375.00	139.79	$10,299.00
14	Sunday	1590	00:00-00:59	241	375.00	139.79	$6,900.00
15	Monday	227	17:00-17:59	300	375.00	139.79	$2,124.00
16	Tuesday	278	12:00-12:59	83	375.00	139.79	$1,591.00
17	Wednesday	610	18:00-18:59	109	375.00	139.79	$1,922.00
18	Thrusday	1016	13:00-13:59	162	375.00	139.79	$3,210.00
19	Friday	1472	23:00-23:59	213	375.00	139.79	$8,718.00
20	Saturday	1814	15:00-15:59	237	375.00	139.79	$11,216.00
21	Sunday	1724	17:00-17:59	258	375.00	139.79	$7,651.00
22	Monday	742	14:00-14:59	135	375.00	139.79	$2,836.00
23	Tuesday	677	17:00-17:59	125	375.00	139.79	$2,256.00
24	Wednesday	706	15:00-15:59	130	375.00	139.79	$2,436.00
25	Thursday	929	19:00-19:59	152	375.00	139.79	$3,460.00
26	Friday	1141	19:00-19:59	158	375.00	139.79	$6,370.00
27	Saturday	1781	17:00-17:59	274	375.00	139.79	$9,976.00
28	Sunday	1824	17:00-17:59	256	375.00	139.79	$11,321.00
29	Monday	1648	17:00-17:59	284	375.00	139.79	$8,686.00
30	Tuesday	819	15:00-15:59	133	375.00	139.79	$2,923.00
31	Wednesday	503	15:00-15:59	84	375.00	139.79	$1,859.00
	TOTAL	**33,604**			**$11,625.00**	**$4,193.70**	**$165,619.00**

TOTAL GROSS REVENUE	**$11,625.00**	**$4,193.70**	**$165,619.00**
SALES TAX	**$0.00**	**$274.35**	**$10,834.88**
TOTAL NET REVENUE	**$11,625.00**	**$3,919.35**	**$154,784.12**

Monthly Budgeted Revenue Needed to Break Even - FY 04/05
(Includes Debt Service)

Less Current Month Net Revenue **$170,328.47**

Over/(Short) **$170,328.47**

Monthly Space Rental

Goldman Properties - 155	**$11,625.00**	No tax included
Other - 54	**$4,333.50**	Tax included

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6/16/2006

CITY OF MIAMI BEACH
PARKING DEPARTMENT
PROFIT & LOSS STATEMENT
17th Street Lots - 5A - East and West
May 2006

LOCATION	ACCOUNTING CODE	2005 May	2006 May	Increase/ (Decrease)	Percent of Increase/ (Decrease)	Revenue/ Expense Per Space
17th Street Lots - 5A East & West						
Revenue						
Revenue-Ticket	480-8000-344515	156,538.30	213,042.39	56,504.09		
Revenue-Monthly Permits	480-8000-344596	17,580.00	18,660.00	1,080.00		
	17th Street Lots - 5A REVENUE (Sales Tax Excluded)	**174,118.30**	**231,702.39**	**57,584.09**	**33.07%**	**$457.91**
Expenses						
Security Personnel		861.84	861.84	0.00		
Attendant/Cashier Labor		31,378.04	36,915.56	5,537.52 (1).		
Revenue Control Equipment Maintenance		3,999.99	1,891.66	(2,108.33) (2).		
Landscape Maintenance		502.67	502.67	0.00		
FP&L		391.48	391.48	0.00		
	17th St. Lots - 5A EXPENSES	**37,134.02**	**40,563.21**	**3,429.19**	**9.23%**	**$80.16**
	17th St. Lots - 5A PROFIT/(LOSS)	**136,984.28**	**191,139.18**	**54,154.90**	**39.53%**	**$377.75**
					Number of Spaces	**506**

Notes:

(1). May 2005 Attendant/Cashier Labor figure consists of 2,174.50 labor hours . While May 2006 Attendant/Cashier Labor figure consists of 2,558.25 labor hours. The increase is also due to new "Living Wage" requirements.

(2)- May 2005 Revenue Control Equipment Maintenance figures consist of the regular maintenance of $2,133.33, and a retroactive charge of $1,866.66 for the service contract billing for Jan. thru April 2005. While May 2006 Revenue Control Equipment Maintenance charge of $1,891.66 reflects the new regular monthly service charge from Consolidated Parking Equipment.

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6/21/2006

City of Miami Beach
Parking Department **May**
5A Surface Lots East and West

Date	Day	East Total Vehicle Entries	East Daily Ticket Revenue	West Total Vehicle Entries	West Daily Ticket Revenue	Total Daily Ticket Revenue
1	Monday	677	$1,538.13	668	$1,571.03	$3,777.16
2	Tuesday	741	$2,336.56	720	$2,060.56	$5,117.12
3	Wednesday	733	$2,358.84	795	$2,351.78	$5,505.62
4	Thursday	776	$2,646.36	709	$2,270.09	$5,625.45
5	Friday	863	$3,708.34	1011	$4,006.36	$8,725.70
6	Saturday	923	$4,266.43	814	$4,041.31	$9,121.74
7	Sunday	856	$3,060.11	590	$2,087.66	$5,737.77
8	Monday	698	$1,575.48	693	$1,657.38	$3,925.86
9	Tuesday	778	$1,918.17	703	$1,663.18	$4,284.35
10	Wednesday	763	$1,739.10	755	$1,762.24	$4,256.34
11	Thursday	869	$2,871.25	918	$2,889.35	$6,678.60
12	Friday	926	$3,930.28	1040	$4,152.34	$9,122.62
13	Saturday	1040	$4,500.79	1098	$4,411.78	$10,010.57
14	Sunday	900	$2,906.77	919	$2,699.63	$6,525.40
15	Monday	663	$1,780.64	523	$1,197.38	$3,501.02
16	Tuesday	628	$1,767.93	490	$1,183.63	$3,441.56
17	Wednesday	820	$2,016.97	621	$1,415.33	$4,053.30
18	Thursday	819	$2,566.28	650	$1,871.78	$5,088.06
19	Friday	781	$3,382.13	996	$3,640.37	$8,018.50
20	Saturday	1014	$6,123.25	929	$5,341.31	$12,393.56
21	Sunday	901	$4,198.95	653	$3,163.74	$8,015.69
22	Monday	752	$1,880.11	515	$1,416.64	$3,811.75
23	Tuesday	455	$1,159.33	495	$138.50	$1,792.83
24	Wednesday	821	$3,046.95	622	$2,694.02	$6,362.97
25	Thursday	856	$5,387.59	821	$5,661.50	$11,870.09
26	Friday	853	$5,314.47	751	$5,485.23	$11,550.70
27	Saturday	843	$6,498.13	927	$7,558.88	$14,984.01
28	Sunday	902	$7,254.39	964	$8,488.79	$16,707.18
29	Monday	801	$3,436.56	509	$1,721.31	$5,666.87
30	Tuesday	730	$1,684.86	639	$1,351.40	$3,675.26
31	Wednesday	754	$1,783.63	567	$1,344.11	$3,694.74
		24,936	**98,638.78**	**23,105**	**$91,298.61**	**$213,042.39**
			MONTHLY PERMIT REVENUE			**$18,660.00**
			TOTAL NET REVENUE			**$231,702.39**

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CITY OF MIAMI BEACH
PARKING DEPARTMENT
PROFIT & LOSS STATEMENT
12th Street Garage - 2A
May 2006

LOCATION	ACCOUNTING CODE	2005 May	2006 May	Increase/ (Decrease)	Percent of Increase/ (Decrease)	Revenue/ Expense Per Space
12th Street Garage - 2A						
Revenue						
Revenue-Ticket	480-8000-344504	33,882.20	35,319.65	1,437.45		
Revenue-Monthly Permits	480-8000-344593	3,660.00	3,720.00	60.00		
	12th Street - 2A REVENUE (Sales Tax Excluded)	**37,542.20**	**39,039.65**	**1,497.45**	**3.99%**	**$291.34**
Expenses						
Security Personnel		7,574.02	7,478.26	(95.76) (1).		
Attendant/Cashier Labor		10,371.56	10,335.50	(36.06) (2).		
FP&L		108.54	108.54	0.00		
Elevator Maintenance		125.00	125.00	0.00		
Garage Cleaning/Maintenance		1,521.00	1,521.00	0.00		
	12th Street - 2A EXPENSES	**19,700.12**	**19,568.30**	**(131.82)**	**-0.67%**	**$146.03**
	12th Street - 2A PROFIT/(LOSS)	**17,842.08**	**19,471.35**	**1,629.27**	**9.13%**	**$145.31**
					Number of Spaces	**134**

Notes:
The 12th Street Garage achieves 16% of it revenue from permits, the balance is from transients arriving for court appearances, local workers, beachgoers, and nightclub patrons.

(1). May 2005 Security Personnel figure consists of 632.75 total labor hours. While May 2006 Security Personnel figure consists of 624.75 total labor hours.

(2). May 2005 Attendant/Cashier Labor figure consists of 718.75 labor hours. While May 2006 Attendant/Cashier Labor figure consists of 716.25 labor hours.

City of Miami Beach
Parking Department
12th Street Garage - 2A Garage **May-06**

Date	Day	CMB	ARMOR	P.O	EMPLOYEE	COURT	BEST	HAND.	OTHERS	DAILY TICKETS	TOTAL ENTRIES	Daily Ticket Revenue
1	Monday	1	1	0	7	1	0	2	1	118	131	$588.79
2	Tuesday	0	1	1	7	2	0	2	5	87	105	$463.55
3	Wednesday	1	1	0	11	1	0	0	2	111	127	$543.93
4	Thursday	1	3	0	7	1	0	2	3	162	179	$749.53
5	Friday	0	1	0	2	4	0	1	2	132	142	$977.57
6	Saturday	0	1	1	2	0	0	3	4	132	143	$1,076.64
7	Sunday	0	2	0	9	0	1	3	0	197	212	$1,510.28
8	Monday	0	0	0	10	0	0	1	1	113	125	$508.41
9	Tuesday	0	3	0	6	0	0	2	3	72	86	$388.79
10	Wednesday	1	0	0	6	2	0	0	0	138	147	$652.34
11	Thursday	0	3	1	8	3	0	1	2	164	182	$839.25
12	Friday	1	1	4	2	3	0	5	2	165	183	$1,093.46
13	Saturday	0	1	0	1	0	0	2	1	149	154	$1,130.84
14	Sunday	0	2	0	7	0	0	1	1	123	134	$977.57
15	Monday	0	2	0	9	2	0	1	1	69	84	$416.82
16	Tuesday	3	3	0	7	3	0	3	4	86	109	$381.31
17	Wednesday	2	0	0	5	3	0	1	1	126	138	$585.05
18	Thursday	1	2	0	8	2	0	2	1	146	162	$708.41
19	Friday	1	1	0	1	3	0	3	0	172	181	$1,121.50
20	Saturday	0	1	0	0	0	0	3	1	199	204	$1,934.58
21	Sunday	0	2	0	5	0	0	0	0	157	164	$1,553.27
22	Monday	0	1	1	9	0	0	2	1	67	81	$349.53
23	Tuesday	0	2	0	6	3	0	2	1	93	107	$426.17
24	Wednesday	1	2	0	7	0	0	3	0	109	122	$514.02
25	Thursday	0	4	0	9	2	0	1	0	134	150	$650.47
26	Friday	0	3	0	1	1	0	2	0	135	142	$1,099.07
27	Saturday	2	3	1	1	0	1	6	1	110	125	$1,039.25
28	Sunday	0	6	0	3	0	0	4	0	134	147	$10,308.41
29	Monday	1	1	0		0	0	1	1	194	198	$1,807.48
30	Tuesday	4	1	0	6	5	0	2	0	121	139	$411.21
31	Wednesday	1	4	0	9	1	0	3	0	99	123	$512.15
	TOTAL										**4,426**	**$35,319.65**
										MONTHLY PERMIT REVENUE		**$3,720.00**
										TOTAL NET REVENUE		**$39,039.65**

Excel (Fdrive/Ping/$Pers/P&L/2006/April/12thstrev.xls)OL/LN

CITY OF MIAMI BEACH
PARKING DEPARTMENT
PROFIT & LOSS STATEMENT
13th Street Garage - 17A
May 2006

LOCATION	ACCOUNTING CODE	2005 May	2006 May	Increase/ (Decrease)	Percent of Increase/ (Decrease)	Revenue/ Expense Per Space
13th Street Garage - 17A						
Revenue						
Revenue-Ticket	480-8000-344566	60,814.97	58,694.40	(2,120.57)		
Revenue-Monthly Permits	480-8000-344527	7,800.00	8,760.00	960.00		
	13th Street - 17A REVENUE (Sales Tax Excluded)	**68,614.97**	**67,454.40**	**(1,160.57)**	**-1.69%**	**$235.85**
Expenses						
Security Personnel		9,623.90	9,336.60	(287.30) (1).		
Attendant/Cashier Labor		11,970.10	11,639.11	(330.99) (2).		
Landscape Maintenance		216.67	216.67	0.00		
FP&L		1,362.55	2,080.87	718.32 (3).		
Revenue Control Equipment Maintenance		3,516.66	1,891.66	(1,625.00) (4).		
Elevator Maintenance		170.00	170.00	0.00		
Armed Guard Revenue Pickup		420.00	433.00	13.00 (5).		
Garage Cleaning/Maintenance		1,521.00	1,521.00	0.00		
	13th Street - 17A EXPENSES	**28,800.88**	**27,288.91**	**(1,511.97)**	**-5.25%**	**$95.42**
	13th Street - 17A PROFIT/(LOSS)	**39,814.09**	**40,165.49**	**351.40**	**0.88%**	**$140.44**
					Number of Spaces	**286**

Notes:

The 13th Street Garage achieves 15% of its revenue from permits, the balance is transient revenue. The generators are residents, local workers, construction workers, visitors to SOBE, beachgoers, and restaurant patrons.

(1). May 2005 Security Personnel figure consists of 804.00 total labor hours. While May 2006 Security Personnel figure consists of only 780.00 total labor hours.

(2). May 2005 Attendant/Cashier Labor figure consists of 770.75 total labor hours . While May 2006 Attendant/Cashier Labor figure consists of 747.75 total labor hours.

(3). May 2005 FP&L energy usage charge was $1,362.55. While May 2006 FP&L energy usage charge was $2,080.87. The increase is due to an increase in average daily energy usage of 120 KWH (from 599 KWH to 719 KWH), and an increase in FP&L rates.

(4). May 2006 Revenue Control Equipment Maintenance charge of $1,891.66 reflects the regular monthly service charge from Consolidated Parking Equipment.

(5). May 2006 Armed Guard Revenue Pickup charge of $433.00 reflects the new monthly service charge from Brinks.

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6/27/2006

City of Miami Beach
Parking Department
13th Street Garage - 17A

May-06

Date	Day	(Art Deco) Residential Decals	Monthly Permits	Handicap	CW Decals	Standard Attendants	Armor Security	Best Maint.	Daily Tickets	Total Entries	Daily Ticket Revenue		
											Attendant	POF (Pay on Foot)	TOTAL
1	Monday	22	0	2	0	1	4	0	289	318	$ 754.21	$1,314.95	$ 2,069.16
2	Tuesday	22	0	1	1	5	0	0	362	391	$ 446.73	$0.00	$ 446.73
3	Wednesday	16	0	3	0	2	1	0	406	428	$ 525.23	$2,282.24	$ 2,807.47
4	Thursday	19	1	3	1	5	1	0	443	473	$ 409.35	$0.00	$ 409.35
5	Friday	16	0	3	2	5	1	0	495	522	$ 651.40	$1,287.85	$ 1,939.25
6	Saturday	12	0	5	0	4	2	0	515	538	$ 713.08	$3,253.27	$ 3,966.35
7	Sunday	21	0	5	0	3	1	0	518	548	$ 965.42	$1,840.19	$ 2,805.61
8	Monday	17	4	1	1	4	3	0	409	439	$ 543.93	$1,572.90	$ 2,116.83
9	Tuesday	15	2	5	0	4	1	0	393	420	$ 678.50	$0.00	$ 678.50
10	Wednesday	19	0	3	1	3	1	0	352	379	$ 841.12	$1,229.91	$ 2,071.03
11	Thursday	22	1	1	0	2	1	0	422	449	$ 414.02	$1,481.31	$ 1,895.33
12	Friday	14	3	3	0	3	1	0	418	442	$ 689.72	$1,021.50	$ 1,711.22
13	Saturday	0	0	5	1	3	2	0	446	457	$ 585.98	$2,185.98	$ 2,771.96
14	Sunday	19	0	5	0	1	1	0	558	584	$ 685.05	$1,325.23	$ 2,010.28
15	Monday	19	0	0	0	2	0	0	301	322	$ 885.05	$0.00	$ 885.05
16	Tuesday	20	0	0	0	2	0	0	248	270	$ 549.53	$1,736.45	$ 2,285.98
17	Wednesday	20	1	2	0	1	1	0	314	339	$ 320.56	$988.79	$ 1,309.35
18	Thursday	17	0	3	0	2	1	0	416	439	$ 691.59	$1,297.20	$ 1,988.79
19	Friday	12	0	2	0	2	1	0	473	490	$ 731.78	$1,486.92	$ 2,218.70
20	Saturday	18	0	5	1	1	4	0	464	493	$ 1,033.64	$1,092.52	$ 2,126.16
21	Sunday	18	0	8	0	1	3	0	571	601	$ 1,099.07	$1,663.55	$ 2,762.62
22	Monday	18	0	3	0	1	0	0	335	357	$ 902.80	$0.00	$ 902.80
23	Tuesday	21	0	1	1	1	1	0	327	352	$ 485.05	$1,500.93	$ 1,985.98
24	Wednesday	1	0	0	0	0	0	0	356	357	$ 573.83	$1,421.50	$ 1,995.33
25	Thursday	18	0	0	0	4	2	0	350	374	$ 363.55	$1,094.39	$ 1,457.94
26	Friday	18	0	2	0	5	2	0	419	446	$ 749.53	$880.37	$ 1,629.90
27	Saturday	5	0	2	0	3	3	1	275	289	$ 1,083.18	$1,108.41	$ 2,191.59
28	Sunday	7	0	4	2	2	2	1	369	387	$ 1,036.45	$1,815.89	$ 2,852.34
29	Monday	15	0	3	1	3	5	0	526	553	$ 392.52	$0.00	$ 392.52
30	Tuesday	15	0	3	1	3	5	0	351	378	$ 559.81	$1,640.19	$ 2,200.00
31	Wednesday	18	0	1	0	1	3	0	293	316	$ 484.11	$1,326.17	$ 1,810.28
	TOTAL	**494**	**12**	**84**	**13**	**79**	**53**	**2**	**12,414**	**13,151**	**$20,845.79**	**$37,848.61**	**$ 58,694.40**

MONTHLY PERMIT REVENUE	**$8,760.00**
TOTAL NET REVENUE	**$ 67,454.40**

Excel (Fdrive/Ping/$Pers/P&L/2003/January/13thstrev.xls)OL/LN

CITY OF MIAMI BEACH
PARKING DEPARTMENT
PROFIT & LOSS STATEMENT
16th Street - Anchor Garage
May 2006

LOCATION	ACCOUNTING CODE	2005 May	2006 May	Increase/ (Decrease)	Percent of Increase/ (Decrease)	Revenue/ Expense Per Space
16th Street - Anchor Garage						
Revenue						
Revenue-Ticket	463-8000-344911	106,561.67	128,490.54	21,928.87		
Revenue -Valet-Loew's	463-8000-344587	24,356.08	15,057.49	(9,298.59)		
Revenue-Valet-Royal Palm	463-8000-344587	1,322.43	0.00	(1,322.43)		
Revenue-Monthly Permits	463-8000-344903	30,200.00	39,950.00	9,750.00		
	16th St. - Anchor Garage REVENUE (Sales Tax Excluded)	**162,440.18**	**183,498.03**	**21,057.85**	**12.96%**	**$228.52**
Expenses						
Security Personnel		11,987.96	8,235.36	(3,752.60) (1).		
Attendant/Cashier Labor		22,696.42	22,591.59	(104.83) (2).		
FP&L		3,610.07	4,956.13	1,346.06 (3).		
Revenue Control Equipment Maintenance		1,025.00	775.00	(250.00) (4).		
Armed Guard Revenue Pickup		420.00	433.00	13.00 (5).		
Elevator Maintenance		1,097.97	1,269.54	171.57 (6).		
Landscape Maintenance		152.00	152.00	0.00		
Garage Cleaning/Maintenance		9,242.00	9,242.00	0.00		
Sanitation (Waste Removal)		179.01	179.01	0.00		
Fire Alarm Service		250.00	250.00	0.00		
	16th St. - Anchor Garage EXPENSES	**50,660.43**	**48,083.63**	**(2,576.80)**	**-5.09%**	**$59.88**
	16th St. Garage PROFIT/(LOSS)	**111,779.75**	**135,414.40**	**23,634.65**	**21.14%**	**$168.64**
					Number of Spaces	**803**

Notes:
Garage contract awarded effective June 9, 2003.

(1) May 2005 Security Personnel figure consists of 1,001.50 total labor hours. While May 2006 Security Personnel figure consists of 688.00 total labor hours.

(2). May 2005 Attendant/Cashier Labor figure consists of 1,514.25 total labor hours. While May 2006 Attendant/Cashier Labor figure consists of 1,511.50 total labor hours.

(3). May 2005 FP&L energy usage charge was $3,610.07. While May 2006 FP&L energy usage charge was $4,956.13. Although average daily energy usage decreased by 35 KWH (from 1687 KWH to 1652 KWH) there is an increase due to change in FP&L rates.

(4). May 2005 Revenue Control Equipment Maintenance figures consist of the regular monthly maintenance of $825.00, and a retroactive charge of $200.00 for the service contract billing for Jan. thru April 2005. While May 2006 Revenue Control Equipment Maintenance charge of $775.00 reflects the regular monthly service charge from Consolidated Parking Equipment.

(5)- May 2006 Armed Guard Revenue Pickup figure consists of $433.00. New contract from Brinks.

(6). May 2006 Elevator Maintenance charge reflects the new regular monthly service charge of $1,269.54.

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6/26/2006

City of Miami Beach
Parking Department
Daily Revenue Report
16th Street - Anchor Garage **May-06**

Date	Day	Total Vehicle Entries	Peak Period	Peak Vehicle Count	Daily Ticket Revenue
1	Monday	625	17:00-17:59	98	$2,442.99
2	Tuesday	696	13:00-13:59	117	$2,516.82
3	Wednesday	693	18:00-18:43	104	$2,591.59
4	Thursday	763	12:00-12:59	118	$2,620.56
5	Friday	1183	15:00-15:59	158	$6,539.25
6	Saturday	1300	15:00-15:59	185	$8,980.37
7	Sunday	1216	14:00-14:59	212	$7,649.53
8	Monday	605	15:00-15:59	97	$2,608.41
9	Tuesday	465	13:00-13:59	86	$1,813.08
10	Wednesday	613	18:00-18:43	95	$2,128.04
11	Thursday	723	17:00-17:59	97	$2,243.93
12	Friday	1099	18:00-18:43	142	$5,433.64
13	Saturday	1243	23:00-23:59	170	$7,412.15
14	Sunday	892	12:00-12:59	147	$4,941.12
15	Monday	621	13:00-13:59	108	$2,101.87
16	Tuesday	570	14:00-14:59	87	$1,626.17
17	Wednesday	724	18:00-18:43	99	$1,741.12
18	Thursday	882	13:00-13:59	117	$2,501.87
19	Friday	1131	22:00-22:59	142	$5,481.12
20	Saturday	1380	16:00-16:59	183	$8,650.47
21	Sunday	971	14:00-14:59	172	$5,637.38
22	Monday	703	15:00-15:59	134	$2,457.01
23	Tuesday	660	15:00-15:59	99	$1,944.86
24	Wednesday	753	15:00-15:59	120	$1,906.54
25	Thursday	816	18:00-18:43	129	$2,774.77
26	Friday	1150	21:00-21:59	156	$5,381.31
27	Saturday	1122	13:00-13:59	155	$6,298.60
28	Sunday	1270	13:00-13:59	160	$7,843.93
29	Monday	993	15:00-15:59	161	$6,803.40
30	Tuesday	709	19:00-19:59	108	$2,516.82
31	Wednesday	663	13:00-13:59	117	$1,670.09
	TOTAL	**27,234**			**$127,258.81**

MONTHLY PERMIT REVENUE	**$39,950.00**
VALET REVENUE	**$15,057.49**
TOTAL NET REVENUE	**$182,266.30**

Note: Garage contract awarded effective June 9, 2003.

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CITY OF MIAMI BEACH
PARKING DEPARTMENT
PROFIT & LOSS STATEMENT
42nd Street Garage - 8A
May 2006

LOCATION	ACCOUNTING CODE	2005 May	2006 May	Increase/ (Decrease)	Percent of Increase/ (Decrease)	Revenue/ Expense Per Space
42nd St. Garage - 8A						
Revenue						
Revenue-Ticket	480-8000-344531	3,264.48	3,756.08	491.60		
Revenue-Monthly Permits	480-8000-344595	25,680.00	25,560.00	(120.00)		
	42nd Street Garage- 8A REVENUE (Sales Tax Excluded)	**28,944.48**	**29,316.08**	**371.60**	**1.28%**	**$47.28**
Expenses						
Security Personnel		7,960.05	5,506.20	(2,453.85) (1).		
Attendant/Cashier Labor		5,202.01	5,014.43	(187.58) (2).		
FP&L		1,527.52	2,384.66	857.14 (3).		
Revenue Control Equipment Maintenance		0.00	1,891.66	1,891.66 (4).		
Elevator Maintenance		430.00	557.50	127.50		
Landscape Maintenance		0.00	0.00	0.00		
Garage Cleaning/Maintenance		3,392.00	3,392.00	0.00		
	42nd St. Garage - 8A EXPENSES	**18,511.58**	**18,746.45**	**234.87**	**1.27%**	**$30.24**
	42nd St. Garage PROFIT/(LOSS)	**10,432.90**	**10,569.63**	**136.73**	**1.31%**	**$17.05**
					Number of Spaces	**620**

Notes:
The primary users of this facility are monthly parkers engaged in local business.

(1). May 2005 Security Personnel figure consist of 665.00 total hours . While May 2006 Security Personnel figure consist of 460.00 total hours.

(2). May 2005 Attendant/Cashier Labor figure consists of 360.50 total labor hours. While May 2006 Attendant/Cashier Labor figure consists of 347.50 total labor hours.

(3). May 2005 FP&L energy usage charge was $1,527.52. While May 2006 FP&L energy usage charge was $2,384.66. Although average daily energy usage decreased by 45 KWH (from 823 KWH to 778 KWH) there is an increase due to change in FP&L rates.

(4). April 2006 Revenue Control Equipment Maintenance figure consists of $1,891.66 regular monthly charge.

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6/21/2006

City of Miami Beach
Parking Department
Daily Revenue Reports
42nd Street Garage - 8A **May-06**

Date	Day	Total Vehicle Entries	Daily Ticket Revenue
1	Monday	234	188.79
2	Tuesday	228	155.14
3	Wednesday	227	189.72
4	Thursday	242	162.62
5	Friday	233	125.23
6	Saturday	161	-
7	Sunday	140	-
8	Monday	231	146.73
9	Tuesday	237	169.16
10	Wednesday	249	217.76
11	Thursday	254	159.81
12	Friday	201	114.02
13	Saturday	141	-
14	Sunday	208	-
15	Monday	239	150.47
16	Tuesday	222	181.31
17	Wednesday	260	200.93
18	Thursday	304	175.70
19	Friday	196	169.16
20	Saturday	128	9.35
21	Sunday	223	-
22	Monday	228	135.51
23	Tuesday	228	149.53
24	Wednesday	243	199.07
25	Thursday	232	131.78
26	Friday	283	146.73
27	Saturday	263	28.97
28	Sunday	183	41.12
29	Monday	199	28.97
30	Tuesday	234	206.54
31	Wednesday	226	171.96
	TOTAL	**6,877**	**$ 3,756.08**
	MONTHLY PERMIT REVENUE		**$25,560.00**
	TOTAL NET REVENUE		**$29,316.08**

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6/27/2006

CITY OF MIAMI BEACH
PARKING DEPARTMENT
ELECTRONIC METER REVENUE COMPARISON
May 2006

LOCATION	ACCOUNTING CODE	2006 May # of Spaces	2005 May	2006 May	Increase/ (Decrease)	Percent of Increase/ (Decrease)
1X - (Washington - 4th & Lincoln) - On Street	*480-8000-344501*	*291*	*43,346.20*	*$51,312.67*	*7,966.47*	*18.38%*
1A - (1st Street & Ocean Dr.) - Off Street	480-8000-344502	62	5,689.02	2,369.91		
1A - (1st Street & Ocean Dr.) - Attended	480-8000-344502	0	14,056.07	10,630.85		
Total		62	19,745.09	13,000.76	(6,744.33)	-34.16%
1B - (78 Washington Avenue) - Off Street	480-8000-344617	12	74.10	866.10	792.00	1068.83%
2X - (Washington - 5th & Lincoln) - On Street	*480-8000-344503*	*370*	*46,070.14*	*46,020.13*	*(50.01)*	*-0.11%*
2B - (6/7 & Meridian) - Off Street	480-8000-344505	25	331.64	812.64	481.00	145.04%
3X - (Collins & Euclid Ave.) On Street	*480-8000-344507*	*68*	*5,944.47*	*9,006.11*	*3,061.64*	*51.50%*
4X - (Alton 7th St.- Dade Blvd.) - On Street	*480-8000-344509*	*491*	*84,871.82*	*102,370.25*	*17,498.43*	*20.62%*
4B - (Alton & 20th St.-Purdy-Dade Blvd.) - On Street	480-8000-344511	213	13,949.39	13,003.81	(945.58)	-6.78%
4C - (West Ave & 17th St.) - Off Street	480-8000-344512	66	11,106.08	11,495.84	389.76	3.51%
4D - (West Ave & Lincoln Rd.) - Off Street	480-8000-344513	30	3,117.00	3,389.93	272.93	8.76%
5C - (Convention Ctr. Dr. & 17th Street) - Off Street	480-8000-344517	85	2,153.58	1,933.70		
5C - (Convention Ctr. Dr. & 17th Street) - Attended	480-8000-344517	0	869.15	0.00		
Total		85	3,022.73	1,933.70	(1,089.03)	-36.03%
5F - (Meridian Ave & 18th Street) - Off Street	480-8000-344519	97	1,545.95	356.26		
5F - (Meridian Ave & 18th Street) - Attended	480-8000-344519	0	0.00	0.00		
Total		97	1,545.95	356.26	(1,189.69)	-76.96%
5H - (19th Street & Meridian Ave) - Off Street	480-8000-344521	27	886.35	1,171.62	285.27	-
5M - (17th & Meridian Ave) - Off Street	*480-8000-344506*	*27*	*3,665.17*	*3,795.40*		*0.00%*
5M - (17th & Meridian Ave) - Attended	*480-8000-344506*	*0*	*0.00*	*0.00*		
			3,665.17	*3,795.40*	130.23	3.55%
6X - (Collins - 20th to 24th St) - On Street	480-8000-344522	236	28,900.19	28,151.36	(748.83)	-2.59%
6A - (22nd Street & Park) - Off Street	480-8000-344523	14	885.87	660.08	(225.79)	-25.49%
6B - (Collins Ave & 21st Street) - Off Street	480-8000-344524	190	20,799.78	19,951.54		
6B - (Collins Ave & 21st Street) - Attended	480-8000-344524	0	0.00	480.00		
Total		190	20,799.78	20,431.54	(368.24)	-1.77%
7X - (Ocean - Biscayne - 15th St) - On Street	*480-8000-344525*	*442*	*77,366.56*	*82,075.85*	*4,709.29*	*6.09%*
7A - (Collins Ave, 4th to 15th St) - On Street	*480-8000-344526*	*591*	*144,037.32*	*161,888.04*	*17,850.72*	*12.39%*
7C - (Collins Ave & 6th St) - Off Street	480-8000-344528	14	1,834.94	467.02		
7C - (Collins Ave & 6th St) - Attended	480-8000-344528	0	0.00	0.00		
Total		14	1,834.94	467.02	(1,367.92)	-74.55%
8X - (Pinetree-Alton - 40th to 42nd St) - On Street	480-8000-344530	386	15,466.36	13,373.48	(2,092.88)	-13.53%
8A - (42nd Street Garage) - Off Street Meters	480-8000-344531	11	336.81	176.50	(160.31)	-47.60%
8B - (42nd Street & Royal Palm) - Off Street	480-8000-344532	173	3,397.61	2,350.15		
8B - (42nd Street & Royal Palm) - Attended	480-8000-344532	0	0.00	0.00		
Total		173	3,397.61	2,350.15	(1,047.46)	-30.83%
8C - (40/41 Street & Chase) - Off Street	480-8000-344533	88	1,175.58	1,625.97	450.39	38.31%
8D - (47th Street & Pinetree) - Off Street	480-8000-344534	16	106.92	31.95	(74.97)	-70.12%
8E - (41st Street & Alton) - Off Street	480-8000-344535	40	1,814.09	1,748.67	(65.42)	-3.61%
8F - (41st Street & Jefferson) - Off Street	480-8000-344536	30	491.27	672.02	180.75	36.79%
9X - (Collins - 64th to 79th St) - On Street	480-8000-344537	527	33,153.81	28,483.90	(4,669.91)	-14.09%
9A - (Harding & 71st St) - Off Street	480-8000-344538	48	1,426.65	1,205.72	(220.93)	-15.49%
9B - (72nd St. & Collins) - Off Street	*480-8000-344539*	*0*	*9,367.37*	*8,188.33*		
9B - (72nd St. & Collins) - Attended	*480-8000-344539*	*0*	*0.00*	*0.00*		
Total		0	9,367.37	8,188.33	(1,179.04)	-12.59%
9C (Carlyle & 71st St) - Off Street	480-8000-344540	14	68.24	144.73	76.49	112.09%

CITY OF MIAMI BEACH
PARKING DEPARTMENT
ELECTRONIC METER REVENUE COMPARISON
May 2006

LOCATION	ACCOUNTING CODE	2006 May # of Spaces	2005 May	2006 May	Increase/ (Decrease)	Percent of Increase/ (Decrease)
9D - (Collins & 76th St) - Off Street	480-8000-344541	33	1,386.79	1,129.88	(256.91)	-18.53%
9E - (71st St. & Harding) - Off Street	480-8000-344542	31	340.13	306.64	(33.49)	-9.85%
9F - (75th & Collins) - Off Street	480-8000-344543	106	5,388.31	4,129.31	(1,259.00)	-23.37%
10A - (Lincoln Lane & Lenox) - Off Street	*480-8000-344544*	*70*	*0.00*	*19,529.51*	*19,529.51*	*#DIV/0!*
10B - (Lincoln Lane & Michigan) - Lease	480-8000-344545	0	14,583.34	14,583.34		
10B - (Lincoln Lane & Michigan) - Attended	480-8000-344545	0	0.00	0.00		
Total		0	14,583.34	14,583.34	0.00	0.00%
10C - (Lincoln Lane & Meridian) - Off Street	*480-8000-344546*	*141*	*48,159.77*	*40,902.21*	*(7,257.56)*	*-15.07%*
10D - (Lincoln Lane & Jefferson - W) - Off Street	*480-8000-344547*	*62*	*13,264.18*	*9,190.21*	*(4,073.97)*	*-30.71%*
10E - (Lincoln Lane & Jefferson - E) - Off Street	*480-8000-344548*	*19*	*12,193.15*	*9,574.76*	*(2,618.39)*	*-21.47%*
10F - (Lincoln Lane & Euclid) - Off Street	*480-8000-344549*	*36*	*10,811.85*	*10,030.19*	*(781.66)*	*-7.23%*
10G - (Lincoln Lane & Michigan) - Off Street	*480-8000-344550*	*21*	*5,730.92*	*4,984.95*	*(745.97)*	*-13.02%*
11X - (Collins & 11th Street) - Off Street	480-8000-344551	0	0.00	0.00		
11X - (Collins & 11th Street) - Attended	480-8000-344551	0	0.00	0.00		
Total		0	0.00	0.00	0.00	-
12X - (Washington & 9th Street) - Off Street	480-8000-344552	23	4,767.45	3,776.85		
12X - (Washington & 9th Street) - Attended	480-8000-344552	0	0.00	0.00		
Total		23	4,767.45	3,776.85	(990.60)	-20.78%
13X - (Washington & 10th Street) - Off Street	480-8000-344553	33	6,223.24	6,611.21		
13X - (Washington & 10th Street) - Attended	480-8000-344553	0	0.00	0.00		
Total		33	6,223.24	6,611.21	387.97	6.23%
15X - (16th to 18th East of Collins) - On Street	*480-8000-344556*	*43*	*17,460.50*	*23,615.59*	*6,155.09*	*35.25%*
15A - (Washington, 17th to 20th) - On Street	*480-8000-344557*	*91*	*12,968.01*	*11,281.29*	*(1,686.72)*	*-13.01%*
15B - (Convention Center Drive) - On Street	480-8000-344558	46	2,332.62	3,195.16	862.54	36.98%
16X - (25th to 32nd, E of Collins) - On Street	480-8000-344559	78	8,556.11	7,181.98	(1,374.13)	-16.06%
16A - (35th to 43rd, E of Collins) - On Street	480-8000-344560	117	5,770.35	6,224.02	453.67	7.86%
16B - (Indian Crk Dr, 27th to 32nd) - On Street	480-8000-344561	219	6,432.78	6,320.13	(112.65)	-1.75%
16C - (Indian Crk - 33rd to 43rd) - On Street	480-8000-344562	230	8,340.15	12,739.79	4,399.64	52.75%
16D - (Collins Ave & 34th St) - Off Street	*480-8000-344563*	*64*	*3,672.69*	*6,382.07*		
16D - (Collins Ave & 34th St) - Attended	*480-8000-344563*	*0*	*0.00*	*0.00*		
Total		64	3,672.69	6,382.07	2,709.38	73.77%
16E - (Collins Ave & 35th St) - Off Street	*480-8000-344564*	*72*	*3,294.84*	*5,343.49*		
16E - (Collins Ave & 35th St) - Attended	*480-8000-344564*	*0*	*0.00*	*0.00*		
Total		72	3,294.84	5,343.49	2,048.65	62.18%
17X - (Collins & 13th Street) - Off Street	480-8000-344565	54	6,224.68	4,981.32		
17X - (Collins & 13th Street) - Attended	480-8000-344565	0	11,244.84	11,439.25		
Total		54	17,469.52	16,420.57	(1,048.95)	-6.00%
18X - (Indian Crk & 65th St) - Off Street	480-8000-344567	53	255.61	187.24	(68.37)	-26.75%
18A - (Collins & 64th St) - Off Street	480-8000-344568	67	4,917.20	3,136.47		
18A - (Collins & 64th St) - Attended	480-8000-344568	0	0.00	0.00		
Total		67	4,917.20	3,136.47	(1,780.73)	-36.21%
19X - (Collins & 46th Street) - Off Street	*480-8000-344569*	*449*	*20,671.95*	*22,981.08*		
19X - (Collins & 46th Street) - Attended	*480-8000-344569*	*0*	*7,607.47*	*0.00*		
Total		449	28,279.42	22,981.08	(5,298.34)	-18.74%
19A - (Collins & 46th Street) - On Street	480-8000-344570	19	758.37	473.04	(285.33)	-37.62%

CITY OF MIAMI BEACH
PARKING DEPARTMENT
ELECTRONIC METER REVENUE COMPARISON
May 2006

LOCATION	ACCOUNTING CODE	2006 May # of Spaces	2005 May	2006 May	Increase/ (Decrease)	Percent of Increase/ (Decrease)
19B - (Collins & 53rd Street) - Off Street	480-8000-344571	158	4,175.88	5,561.29		
19B - (Collins & 53rd Street) - Attended	480-8000-344571	0	2,696.27	0.00		
Total		158	6,872.15	5,561.29	(1,310.86)	-19.07%
20X - (Collins Ave & 27th St) - Off Street	480-8000-344572	121	4,172.34	3,251.39		
20X - (Collins Ave & 27th St) - Attended	480-8000-344572	0	0.00	0.00		
Total		121	4,172.34	3,251.39	(920.95)	-22.07%
22X - (Carlyle & 72nd St) - Off Street	480-8000-344574	45	306.96	380.58	73.62	-
23X - (83rd & Abbott) - Off Street	480-8000-344575	25	68.33	817.51	749.18	1096.41%
24X - (Normandy Isle & Bay Dr) - On Street	480-8000-344576	102	4,498.97	4,280.95	(218.02)	-4.85%
24A - (Normandy Isle & Bay Dr) - Off Street	480-8000-344577	26	616.68	494.19	(122.49)	-19.86%
24B - (Normandy Isle & Vendome) - Off Street	480-8000-344578	22	0.00	0.00	0.00	#DIV/0!
24C - (Normandy Isle & Bay Rd S/S) - Off Street	480-8000-344579	33	746.31	861.05	114.74	15.37%
25X - (Bonita Drive & 71st St) - Off Street	480-8000-344580	15	329.25	385.99	56.74	17.23%
26X - (Collins, 79th to 87th Terr) - On Street	480-8000-344581	283	4,964.80	3,616.05	(1,348.75)	-27.17%
26Z - (Collins & 87th Street) - Off Street	480-8000-344616	15	187.66	212.94	25.28	-
10X - (Lincoln Lane & Lenox) - Off Street	*480-8000-344582*	*99*	*32,460.33*	*28,688.40*		
10X - (Lincoln Lane & Lenox - Attended	*480-8000-344582*	*0*	*0.00*	*0.00*		
Total		99	32,460.33	28,688.40	(3,771.93)	-11.62%
26A - (Collins & 80th Street) - Off Street	480-8000-344584	62	1,022.88	863.28		
26A - (Collins & 80th Street) - Attended	480-8000-344584	0	0.00	0.00		
		62	1022.88	863.28	(159.60)	-15.60%
26B - (Collins & 84th Street) - Off Street	480-8000-344585	62	837.03	1,075.87	238.84	28.53%
4E (Purdy & 18th Street) - Off Street	480-8000-344586	39	4,242.53	4,707.84		
4E (Purdy & 18th Street) - Attended	480-8000-344586	0	2,094.39	0.00		
Total		39	6,336.92	4,707.84	(1,629.08)	-25.71%
8G - (40th Street & Royal Palm) - Off Street	480-8000-344592	43	2,178.32	1,339.20	(839.12)	-38.52%
8H - (40th Street & Prairie) - Off Street	480-8000-344594	71	3,297.26	2,572.70	(724.56)	-21.97%
26C - (Collins & 79th Street) - Off Street	480-8000-344600	34	262.11	308.08	45.97	17.54%
26D - (Collins & 83rd Street) - Off Street	480-8000-344601	95	556.96	265.02	(291.94)	-52.42%
SLSP00 - (South Point Lot) - Off Street	480-8000-344602	215	8,609.88	6,131.77		
SLSP00 - (South Point Lot) - Attended	480-8000-344602	0	13,966.36	14,298.13		
Total		215	22,576.24	20,429.90	(2,146.34)	-9.51%
4th & Alton Lot - Off Street	480-8000-344604	21	2,182.96	875.79	(1,307.17)	-59.88%
4A - 1833 Bay Road - Off Street	480-8000-344608	0	0.00	0.00	0.00	-
7D - 10-11th & Collins (Lease)	480-8000-344529	0	3,500.00	3,500.00	0.00	0.00%
10H - (Lincoln Rd. So. & Lenox) - Off Street	480-8000-344611	0	0.00	0.00	0.00	-
14A - 16th Street & Washington (Lease)	480-8000-344555	0	14,583.33	14,583.33	0.00	0.00%
P50 - (24th Street & Flamingo Drive) - Off Street	480-8000-344619	23	0.00	0.00	0.00	-
P51 - (23rd Street & Liberty Avenue East) - Off Street	*480-8000-344620*	*20*	*729.91*	*2,131.13*		
P51 - (23rd Street & Liberty Avenue East) - Attended	*480-8000-344620*	*0*	*0.00*	*0.00*		
Total			*729.91*	*2,131.13*	*1,401.22*	*191.97%*
P52 - (23rd Street & Liberty Avenue West) - Off Street	*480-8000-344620*	35	0.00	2,275.67		
P52 - (23rd Street & Liberty Avenue West) - Attended	*480-8000-344620*	*0*	*0.00*	*0.00*		-
Total			*0.00*	*2,275.67*	2,275.67	#DIV/0!
P85 - (71st Street & Byron) - Off Street	*480-8000-344618*	*0*	*510.72*	*274.95*		
P85 - (71st Street & Byron) - Attended	*480-8000-344618*	*0*	*0.00*	*0.00*		
Total		0	510.72	274.95	(235.77)	-46.16%
TOTAL		**8,587**	**$935,461.22**	**$964,194.61**	**$28,733.39**	**3.07%**

NOTE: ZONES WITH MULTI-SPACE PAYSTATIONS ARE ITALICIZED.

CITY OF MIAMI BEACH
PARKING DEPARTMENT
DEBIT CARD REVENUE-YEAR TO DATE
May 2006

VENDOR	# of CARDS $25	# of CARDS with 10% Discount $22.50	MACHINE SALES $ Amount	REFUNDS $ Amount	TOTAL
BAY SUPERMARKET	1	0			$25.00
BEACH BANK	0	0			$0.00
CHAMBER OF COMMERCE	0	30			$675.00
FINANCE DEPARTMENT	324	310			$15,075.00
LEE ANN DRUGS	0	105			$2,362.50
PARKING DEPT. - Customer Service	1,268	900			$51,950.00
PARKING DEPT. - Garages	0	0			$0.00
PUBLIX SUPERMARKET	0	11,610			$261,225.00
PARKING MACHINE - Cash		0	$10,135.00		$10,135.00
PARKING MACHINE - Credit Cards		0	$9,462.50		$9,462.50
WOLFSONIAN	0	9			$202.50
TOTAL # OF CARDS	**1,593**	**12,964**			**14,557**
TOTAL $ AMOUNT	**$39,825.00**	**$291,690.00**	**$19,597.50**	**$0.00**	**$351,112.50**

CITY OF MIAMI BEACH
PARKING DEPARTMENT
DEBIT CARD REVENUE
May 2006

VENDOR	# of CARDS $25	# of CARDS with 10% Discount $22.50	MACHINE SALES $ Amount	REFUNDS $ Amount	TOTAL
BEACH BANK					$0.00
CHAMBER OF COMMERCE					$0.00
FINANCE DEPARTMENT	14	39			$1,227.50
LEE ANN DRUGS		25			$562.50
PARKING DEPT. - Customer Service	107	34			$3,440.00
PARKING DEPT. - Garages					$0.00
PUBLIX SUPERMARKET		1,120			$25,200.00
PARKING MACHINE - Cash			$435.00		$435.00
PARKING MACHINE - Credit Cards			$1,490.00		$1,490.00
WOLFSONIAN		9			$202.50
TOTAL # OF CARDS	**121**	**1,227**			**1,348**
TOTAL $ AMOUNT	**$3,025.00**	**$27,607.50**	**$1,925.00**	**$0.00**	**$32,557.50**

CITY OF MIAMI BEACH
PARKING DEPARTMENT
PROFIT & LOSS STATEMENT
17th Street Garage - 2G

LOCATION	ACCOUNTING CODE	2005 October	2005 November	2005 December	2006 January	2006 February	2006 March	2006 April	2006 May	2006 June	2006 July	2006 August	2006 September	FY 2005/2006 TOTAL
17th Street Garage - 2G														
Revenue-Ticket	480-8000-344583	130,214.87	179,247.67	178,198.14	193,803.56	227,747.35	218,161.95	195,358.24	206,806.81					
Revenue - Space Rental	480-8000-344583	7,800.00	7,800.00	7,800.00	7,800.00	7,800.00	7,800.00	7,800.00	7,800.00					
Revenue-Monthly Permits	480-8000-344514	62,700.00	62,340.00	62,880.00	63,240.00	61,680.00	61,200.00	61,200.00	60,960.00					
	17th St. - 2G REVENUE (Sales Tax Excluded)	200,714.87	249,387.67	248,878.14	264,843.56	297,227.35	287,161.95	264,358.24	275,566.81	0.00	0.00	0.00	0.00	0.00
Expenses														
Security Personnel		14,788.93	15,222.85	18,906.79	15,602.90	15,154.02	15,207.59	18,942.52	15,674.71					
Attendant/Cashier Labor		44,711.75	69,908.72	58,162.61	75,593.30	80,111.74	64,746.08	74,692.96	63,546.10					
FP&L		6,460.59	7,194.47	7,169.17	8,179.60	8,572.18	8,112.99	8,081.22	8,531.59					
Revenue Control Equipment Maintanance		3,736.81	1,891.66	5,348.65	4,663.13	1,891.66	2,351.01	1,891.66	2,957.66					
Armed Guard Revenue Pickup		433.00	433.00	433.00	433.00	433.00	433.00	433.00	433.00					
Elevator Maintenance		425.00	425.00	425.00	425.00	425.00	9,933.00	1,640.19	9,933.00					
Landscape and Lot Maintenance		108.33	108.33	108.33	108.33	108.33	108.33	108.33	108.33					
Garage Cleaning/Maintenance		10,820.00	10,820.00	10,820.00	10,820.00	10,820.00	10,820.00	10,820.00	10,820.00					
	17th St. - 2G EXPENSES	81,484.41	106,004.03	101,373.55	115,825.26	117,515.93	111,712.00	116,609.88	112,004.39	0.00	0.00	0.00	0.00	0.00
	17th St. PROFIT/(LOSS)	119,230.46	143,383.64	147,504.59	149,018.30	179,711.42	175,449.95	147,748.36	163,562.42	0.00	0.00	0.00	0.00	0.00

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LOCATION	ACCOUNTING CODE	2004 October	2004 November	2004 December	2005 January	2005 February	2005 March	2005 April	2005 May	2005 June	2005 July	2005 August	2005 September	FY 2004/2005 TOTAL
17th Street Garage - 2G														
Revenue-Ticket	480-8000-344583	147,297.18	172,645.81	160,111.23	180,829.02	213,845.81	180,743.49	161,564.57	148,141.13	119,202.78	131,541.92	97,410.29	127,399.08	1,840,732.31
Revenue - Space Rental	480-8000-344583	6,300.00	6,300.00	6,300.00	6,300.00	6,300.00	6,300.00	6,300.00	6,300.00	6,300.00	6,300.00	6,300.00	6,300.00	75,600.00
Revenue-Monthly Permits	480-8000-344514	55,980.00	57,120.00	56,460.00	56,160.00	57,720.00	59,040.00	60,780.00	61,920.00	63,000.00	61,020.00	63,180.00	63,420.00	715,800.00
	17th St. - 2G REVENUE (Sales Tax Excluded)	209,577.18	236,065.81	222,871.23	243,289.02	277,865.81	246,083.49	228,644.57	216,361.13	188,502.78	198,861.92	166,890.29	197,119.08	2,632,132.31
Expenses														
Security Personnel		21,092.12	15,849.77	15,852.84	19,941.82	15,941.80	15,727.08	18,236.29	20,387.91	21,022.22	22,012.84	17,156.01	12,134.59	215,355.29
Attendant/Cashier Labor		41,006.44	51,214.30	44,920.57	80,488.29	85,524.18	58,522.20	73,433.44	60,528.58	60,155.94	49,383.58	59,430.67	66,455.65	731,063.84
FP&L		6,473.39	5,949.62	6,369.53	6,892.30	6,892.30	4,850.13	5,921.79	6,011.85	7,618.41	6,579.41	6,220.59	6,273.08	76,052.40
Revenue Control Equipment Maintanance		1,666.67	4,551.67	2,101.67	1,666.67	1,666.67	1,666.67	1,666.67	3,999.99	3,999.99	2,133.33	1,891.66	4,465.11	31,476.77
Armed Guard Revenue Pickup		420.00	420.00	420.00	420.00	420.00	420.00	420.00	420.00	420.00	433.00	433.00	433.00	5,079.00
Elevator Maintenance		483.60	425.00	425.00	425.00	425.00	425.00	425.00	425.00	425.00	833.00	687.06	2,228.92	7,632.58
Landscape and Lot Maintenance		108.33	108.33	108.33	108.33	108.33	108.33	108.33	108.33	108.33	919.33	333.33	108.33	2,335.96
Garage Cleaning/Maintenance		10,820.00	10,820.00	10,820.00	10,820.00	10,820.00	10,820.00	10,820.00	10,820.00	10,820.00	10,820.00	10,820.00	10,820.00	129,840.00
	17th St. - 2G EXPENSES	82,070.55	89,338.69	81,017.94	120,762.41	121,798.28	92,539.41	111,031.52	102,701.66	104,569.89	93,114.49	96,972.32	102,918.68	1,198,835.84
	17th St. PROFIT/(LOSS)	127,506.63	146,727.12	141,853.29	122,526.61	156,067.53	153,544.08	117,613.05	113,659.47	83,932.89	105,747.43	69,917.97	94,200.40	1,433,296.47

CITY OF MIAMI BEACH
PARKING DEPARTMENT
PROFIT & LOSS STATEMENT
7th Street Garage - 1G

LOCATION	ACCOUNTING CODE	2005 October	2005 November	2005 December	2006 January	2006 February	2006 March	2006 April	2006 May	2006 June	2006 July	2006 August	2006 September	FY 2005/2006 TOTAL
7th Street Garage - 1G														
Revenue-Ticket	142-8000-344404	112,167.52	132,568.21	134,431.00	161,848.57	150,351.00	223,466.36	174,912.12	154,784.12					1,244,528.90
Revenue-Monthly Permits	142-8000-344404	16,425.00	16,125.00	16,125.00	16,125.00	16,125.00	16,275.00	16,575.00	16,575.00					130,350.00
	7th Street Garage - 1G REVENUE (Sales Tax Excluded)	128,592.52	148,693.21	150,556.00	177,973.57	166,476.00	239,741.36	191,487.12	171,359.12	0.00	0.00	0.00	0.00	1,374,878.90
Expenses														
Security		19,639.79	20,444.76	25,092.86	21,159.97	20,803.87	23,688.63	39,955.87	35,523.97					206,309.72
Attendant/Cashier Labor		20,047.31	23,464.08	23,499.34	30,058.94	23,505.70	24,197.05	29,445.71	23,725.72					197,943.85
Landscape Maintenance		1,204.67	1,080.67	1,063.67	918.68	918.67	918.67	918.67	918.67					7,942.37
FP&L		3,233.98	2,604.78	2,893.17	3,429.16	3,376.34	3,101.55	3,254.71	3,420.34					25,314.03
Revenue Control Equipment Maintenance		775.00	775.00	775.00	886.55	1,310.75	979.35	940.00	775.00					7,216.65
Garage Cleaning/Maintenance		9,242.00	9,242.00	9,242.00	9,242.00	9,242.00	9,242.00	9,242.00	9,242.00					73,936.00
Armed Guard Revenue Pickup		433.00	433.00	433.00	433.00	433.00	433.00	433.00	433.00					3,464.00
Elevator Maintenance		2,045.17	1,065.17	1,065.17	3,141.17	1,065.17	1,065.17	1,065.17	1,065.17					11,577.36
Surveillance System Maintenance		611.41	611.41	611.41	611.41	611.41	611.41	611.41	611.41					4,891.28
	7th St. Garage - 1G EXPENSES	57,232.33	59,720.87	64,675.62	69,880.88	61,266.91	64,236.83	85,866.54	75,715.28	0.00	0.00	0.00	0.00	538,595.26
	7th St. - 1G Estimated Debt Service	59,500.00	59,500.00	59,500.00	59,500.00	59,500.00	59,500.00	59,500.00	59,500.00	59,500.00	59,500.00	59,500.00	59,500.00	714,000.00
	7th St. - 1G PROFIT/(LOSS)	11,860.19	29,472.34	26,380.38	48,592.69	45,709.09	116,004.53	46,120.58	36,143.84	-59,500.00	-59,500.00	-59,500.00	(59,500.00)	122,283.64

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LOCATION	ACCOUNTING CODE	2004 October	2004 November	2004 December	2005 January	2005 February	2005 March	2005 April	2005 May	2005 June	2005 July	2005 August	2005 September	FY 2004/2005 TOTAL
7th Street Garage - 1G														
Revenue-Ticket	142-8000-344404	155,800.01	128,321.49	126,085.97	152,852.34	147,168.61	217,609.34	189,803.73	167,243.46	130,258.87	194,785.25	160,609.33	135,156.09	1,905,694.49
Revenue-Monthly Permits	142-8000-344404	13,650.00	13,800.00	13,800.00	13,800.00	16,425.00	15,675.00	15,675.00	15,900.00	15,958.50	16,050.00	16,050.00	16,050.00	182,833.50
	7th Street Garage - 1G REVENUE (Sales Tax Excluded)	169,450.01	142,121.49	139,885.97	166,652.34	163,593.61	233,284.34	205,478.73	183,143.46	146,217.37	210,835.25	176,659.33	151,206.09	2,088,527.99
Expenses														
Security		27,049.21	21,202.56	20,947.96	28,251.69	21,135.07	21,113.61	23,472.50	21,381.41	21,746.50	26,274.22	22,345.01	19,475.19	274,394.93
Attendant/Cashier Labor		17,782.75	17,406.81	17,511.32	27,564.05	23,751.16	24,658.06	29,921.42	24,134.11	23,796.14	23,843.16	28,979.82	28,791.90	288,140.70
Landscape Maintenance		1,605.67	918.67	2,417.67	1,546.42	1,178.67	918.67	918.67	918.67	918.67	1,036.67	15,587.67	918.67	28,884.79
FP&L		3,067.37	3,067.37	2,452.54	2,705.35	2,328.41	2,688.87	2,739.59	2,732.53	3,216.31	3,053.15	2,873.21	2,879.55	33,804.25
Revenue Control Equipment Maintenance		860.15	700.00	700.00	700.00	700.00	700.00	700.00	3,516.66	3,516.66	1,650.00	775.00	3,453.35	17,971.82
Garage Cleaning/Maintenance		9,242.00	9,242.00	9,242.00	9,242.00	9,242.00	9,242.00	9,242.00	9,242.00	9,242.00	9,242.00	9,242.00	9,242.00	110,904.00
Armed Guard Revenue Pickup		420.00	420.00	420.00	420.00	420.00	420.00	420.00	420.00	420.00	433.00	433.00	433.00	5,079.00
Elevator Maintenance		1,065.17	1,065.17	1,065.17	1,410.17	1,065.17	1,065.17	1,065.17	1,065.17	1,065.17	1,065.17	1,065.17	2,162.97	14,224.84
Surveillance System Maintenance		611.41	611.41	611.41	611.41	950.41	611.41	611.41	611.41	611.41	611.41	611.41	611.41	7,675.92
	7th St. Garage - 1G EXPENSES	61,703.73	54,633.99	55,368.07	72,451.09	60,770.89	61,417.79	69,090.76	64,021.96	64,532.86	67,208.78	81,912.29	67,968.04	781,080.25
	7th St. - 1G Estimated Debt Service	59,500.00	59,500.00	59,500.00	59,500.00	59,500.00	59,500.00	59,500.00	59,500.00	59,500.00	59,500.00	59,500.00	59,500.00	714,000.00
	7th St. - 1G PROFIT/(LOSS)	48,246.28	27,987.50	25,017.90	34,701.25	43,322.72	112,366.55	76,887.97	59,621.50	22,184.51	84,126.47	35,247.04	23,738.05	593,447.74

CITY OF MIAMI BEACH
PARKING DEPARTMENT
PROFIT & LOSS STATEMENT
17th Street Lots - 5A East and West

LOCATION	ACCOUNTING CODE	2005 October	2005 November	2005 December	2006 January	2006 February	2006 March	2006 April	2006 May	2006 June	2006 July	2006 August	2006 September	FY 2005/2006 TOTAL
17th Street Lots - 5A East and West														
Revenue-Ticket	480-8000-344515	120,398.09	148,679.68	165,473.30	170,430.45	135,573.96	190,657.31	178,026.75	213,042.39					
Revenue-Valet	480-8000-344515	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00					
Revenue-Monthly Permits	480-8000-344596	18,960.00	18,660.00	18,540.00	18,660.00	18,780.00	18,600.00	18,060.00	18,660.00					
	17th Lots - 5A REVENUE (Sales Tax Excluded)	139,358.09	167,339.68	184,013.30	189,090.45	154,353.96	209,257.31	196,086.75	231,702.39	0.00	0.00	0.00	0.00	0.00
Expenses														
Security Personnel		861.84	861.84	1,077.12	861.84	861.84	861.84	1,077.30	861.84					
Attendant/Cashier Labor		27,063.49	36,626.94	34,058.41	43,181.78	36,309.50	34,924.22	43,571.40	36,915.56					
Revenue Control Equipment Maintenance		1,891.66	1,891.66	2,367.05	1,891.66	1,891.66	1,891.66	1,891.66	1,891.66					
Landscape and Lot Maintenance		502.67	502.67	502.67	1,727.67	502.67	502.67	502.67	502.67					
FP&L		391.48	391.48	391.48	391.48	391.48	391.48	391.48	391.48					
	17th Lots - 5A EXPENSES	30,711.14	40,274.59	38,396.73	48,054.43	39,957.15	38,571.87	47,434.51	40,563.21	0.00	0.00	0.00	0.00	0.00
	17th Lots PROFIT/(LOSS)	108,646.95	127,065.09	145,616.57	141,036.02	114,396.81	170,685.44	148,652.24	191,139.18	0.00	0.00	0.00	0.00	0.00

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LOCATION	ACCOUNTING CODE	2004 October	2004 November	2004 December	2005 January	2005 February	2005 March	2005 April	2005 May	2005 June	2005 July	2005 August	2005 September	FY 2004/2005 TOTAL
17th Street Lots - 5A East and West														
Revenue-Ticket	480-8000-344515	147,540.55	134,285.03	144,999.03	157,629.02	132,532.73	164,732.73	157,110.23	156,538.30	135,651.39	154,960.57	137,957.29	132,094.40	1,756,031.27
Revenue-Valet	480-8000-344515	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Revenue-Monthly Permits	480-8000-344596	18,300.00	17,820.00	16,920.00	16,980.00	16,860.00	16,740.00	17,280.00	17,580.00	17,820.00	17,460.00	17,820.00	18,120.00	209,700.00
	17th Lots - 5A REVENUE (Sales Tax Excluded)	165,840.55	152,105.03	161,919.03	174,609.02	149,392.73	181,472.73	174,390.23	174,118.30	153,471.39	172,420.57	155,777.29	150,214.40	1,965,731.27
Expenses														
Security Personnel		1,079.76	975.47	751.54	1,116.57	868.11	880.37	766.87	861.84	861.84	1,077.30	861.84	8,001.95	18,103.46
Attendant/Cashier Labor		20,954.86	23,786.82	21,613.21	39,939.99	34,545.43	32,853.50	40,220.02	31,378.04	31,915.58	27,709.22	35,303.01	39,783.53	380,003.21
Revenue Control Equipment Maintenance		1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	3,999.99	3,999.99	2,133.33	2,611.66	1,891.66	26,303.32
Landscape and Lot Maintenance		502.67	502.67	502.67	502.67	502.67	502.67	502.67	502.67	502.67	502.67	502.67	502.67	6,032.04
FP&L		391.48	391.48	391.48	391.48	391.48	391.48	391.48	391.48	391.48	391.48	391.48	391.48	4,697.76
	17th Lots - 5A EXPENSES	24,595.44	27,323.11	24,925.57	43,617.38	37,974.36	36,294.69	43,547.71	37,134.02	37,671.56	31,814.00	39,670.66	50,571.29	435,139.79
	17th Lots PROFIT/(LOSS)	141,245.11	124,781.92	136,993.46	130,991.64	111,418.37	145,178.04	130,842.52	136,984.28	115,799.83	140,606.57	116,106.63	99,643.11	1,530,591.48

CITY OF MIAMI BEACH
PARKING DEPARTMENT
PROFIT & LOSS STATEMENT
12th Street Garage - 2A

LOCATION	ACCOUNTING CODE	2005 October	2005 November	2005 December	2006 January	2006 February	2006 March	2006 April	2006 May	2006 June	2006 July	2006 August	2006 September	FY 2005/2006 TOTAL
12th Street Garage - 2A														
Revenue-Ticket	480-8000-344504	15,912.14	17,233.65	19,846.71	27,985.05	0.00	27,551.41	30,953.25	35,319.65					174,801.86
Revenue-Monthly Permits	480-8000-344593	3,660.00	4,320.00	4,020.00	3,720.00	3,780.00	3,720.00	3,780.00	3,720.00					30,720.00
	12th St. - 2A REVENUE (Sales Tax Excluded)	19,572.14	21,553.65	23,866.71	31,705.05	3,780.00	31,271.41	34,733.25	39,039.65	0.00	0.00	0.00	0.00	205,521.86
Expenses														
Security Personnel		5,461.31	5,494.23	6,954.57	5,799.47	5,302.71	5,497.22	6,828.89	7,478.26					
Attendant/Cashier Labor		8,654.39	10,375.18	10,375.17	14,029.57	122.66	5,894.65	13,459.58	10,335.50					
FP&L		108.54	108.54	108.54	108.54	108.54	108.54	108.54	108.54					
Elevator Maintenance		1,105.00	2,575.00	125.00	125.00	134.41	125.00	125.00	125.00					
Garage Cleaning/Maintenance		1,521.00	1,521.00	1,521.00	1,521.00	1,521.00	1,521.00	1,521.00	1,521.00					
	12th St. - 2A EXPENSES	16,850.24	20,073.95	19,084.28	21,583.58	7,189.32	13,146.41	22,043.01	19,568.30	0.00	0.00	0.00	0.00	0.00
	12th St. - 2A PROFIT/(LOSS)	2,721.90	1,479.70	4,782.43	10,121.47	-3,409.32	18,125.00	12,690.24	19,471.35	0.00	0.00	0.00	0.00	205,521.86

LOCATION	ACCOUNTING CODE	2004 October	2004 November	2004 December	2005 January	2005 February	2005 March	2005 April	2005 May	2005 June	2005 July	2005 August	2005 September	FY 2004/2005 TOTAL
12th Street Garage - 2A														
Revenue-Ticket	480-8000-344504	30,426.16	28,304.67	28,033.65	33,959.80	30,588.77	41,540.19	38,421.76	33,882.20	30,041.58	37,902.81	34,535.82	20,742.99	388,380.40
Revenue-Monthly Permits	480-8000-344593	4,860.00	4,800.00	4,860.00	3,960.00	3,840.00	3,840.00	3,900.00	3,660.00	3,720.00	3,780.00	3,840.00	3,720.00	48,780.00
	12th St. - 2A REVENUE (Sales Tax Excluded)	35,286.16	33,104.67	32,893.65	37,919.80	34,428.77	45,380.19	42,321.76	37,542.20	33,761.58	41,682.81	38,375.82	24,462.99	437,160.40
Expenses														
Security Personnel		9,368.15	7,496.96	7,426.42	9,748.51	12,668.78	7,509.24	8,199.43	7,574.02	7,469.33	9,139.10	5,622.91	8,549.58	100,772.43
Attendant/Cashier Labor		7,077.27	7,064.21	7,132.13	11,884.49	9,852.08	10,122.65	12,987.00	10,371.56	10,382.40	10,418.46	12,702.02	12,691.19	122,685.46
FP&L		108.54	108.54	108.54	108.54	108.54	108.54	108.54	108.54	108.54	108.54	108.54	108.54	1,302.48
Elevator Maintenance		487.50	125.00	125.00	125.00	125.00	125.00	125.00	125.00	125.00	866.00	1,155.00	3,245.00	6,753.50
Garage Cleaning/Maintenance		1,521.00	1,285.00	1,521.00	1,521.00	1,521.00	1,521.00	1,521.00	1,521.00	1,521.00	1,521.00	1,521.00	1,521.00	18,016.00
	12th St. - 2A EXPENSES	18,562.46	16,079.71	16,313.09	23,387.54	24,275.40	19,386.43	22,940.97	19,700.12	19,606.27	22,053.10	21,109.47	26,115.31	249,529.87
	12th St. - 2A PROFIT/(LOSS)	16,723.70	17,024.96	16,580.56	14,532.26	10,153.37	25,993.76	19,380.79	17,842.08	14,155.31	19,629.71	17,266.35	-1,652.32	187,630.53

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CITY OF MIAMI BEACH
PARKING DEPARTMENT
PROFIT & LOSS STATEMENT
13th Street Garage - 17A

LOCATION	ACCOUNTING CODE	2005 October	2005 November	2005 December	2006 January	2006 February	2006 March	2006 April	2006 May	2006 June	2006 July	2006 August	2006 September	FY 2005/2006 TOTAL
13th Street Garage - 17A														
Revenue-Ticket	480-8000-344566	43,468.43	55,272.92	53,704.65	60,732.72	58,499.06	67,990.51	65,532.72	58,694.40					
Revenue-Monthly Permits	480-8000-344527	9,600.00	9,300.00	9,720.00	10,080.00	9,660.00	9,780.00	9,240.00	8,760.00					
	13th St. - 17A REVENUE (Sales Tax Excluded)	53,068.43	64,572.92	63,424.65	70,812.72	68,159.06	77,770.51	74,772.72	67,454.40	0.00	0.00	0.00	0.00	0.00
Expenses														
Security Personnel		8,717.16	8,803.95	10,892.67	9,076.26	8,968.53	8,977.51	11,057.29	9,336.60					
Attendant/Cashier Labor		9,969.48	11,144.88	11,121.45	15,339.98	13,878.39	11,090.22	13,979.92	11,639.11					
Landscape Maintenance		216.67	216.67	216.67	216.67	216.67	216.67	216.67	216.67					
FP&L		1,518.75	1,481.39	1,695.81	2,294.82	2,237.17	1,981.10	2,030.83	2,080.87					
Revenue Control Equipment Maintenance		1,891.66	1,891.66	2,367.04	1,891.66	1,891.66	2,096.01	1,891.66	1,891.66					
Elevator Maintenance		170.00	170.00	170.00	323.00	3,557.00	170.00	170.00	170.00					
Armed Guard Revenue Pickup		433.00	433.00	433.00	433.00	433.00	433.00	433.00	433.00					
Garage Cleaning/Maintenance		1,521.00	1,521.00	1,521.00	1,521.00	1,521.00	1,521.00	1,521.00	1,521.00					
	13th St. - 17A EXPENSES	24,437.72	25,662.55	28,417.64	31,096.39	32,703.42	26,485.51	31,300.37	27,288.91	0.00	0.00	0.00	0.00	0.00
	13th St. -17A PROFIT/(LOSS)	28,630.71	38,910.37	35,007.01	39,716.33	35,455.64	51,285.00	43,472.35	40,165.49	0.00	0.00	0.00	0.00	0.00

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LOCATION	ACCOUNTING CODE	2004 October	2004 November	2004 December	2005 January	2005 February	2005 March	2005 April	2005 May	2005 June	2005 July	2005 August	2005 September	FY 2004/2005 TOTAL
13th Street Garage - 17A														
Revenue-Ticket	480-8000-344566	40,924.28	49,370.08	49,987.85	61,116.83	59,138.34	71,978.42	65,391.58	60,814.97	54,936.46	69,607.42	62,914.05	51,280.37	697,460.65
Revenue-Monthly Permits	480-8000-344527	8,400.00	8,340.00	8,640.00	8,520.00	8,520.00	8,460.00	8,160.00	7,800.00	8,040.00	7,620.00	8,460.00	9,180.00	100,140.00
	13th St. - 17A REVENUE (Sales Tax Excluded)	49,324.28	57,710.08	58,627.85	69,636.83	67,658.34	80,438.42	73,551.58	68,614.97	62,976.46	77,227.42	71,374.05	60,460.37	797,600.65
Expenses														
Security Personnel		12,276.14	9,837.48	9,843.61	12,865.09	9,914.16	9,886.55	10,960.18	9,623.90	10,024.88	12,155.54	9,498.20	9,333.62	126,219.35
Attendant/Cashier Labor		15,477.93	15,299.85	15,169.47	24,685.51	20,272.64	16,504.59	13,862.76	11,970.10	11,178.06	11,195.64	13,992.22	14,091.26	183,700.03
Landscape Maintenance		420.67	519.67	216.67	216.67	216.67	216.67	216.67	216.67	216.67	216.67	216.67	216.67	3,107.04
FP&L		1,404.98	1,372.89	1,419.60	1,694.00	1,531.15	1,627.45	1,474.46	1,362.55	1,602.03	1,607.35	1,495.92	1,580.15	18,172.53
Revenue Control Equipment Maintenance		750.00	750.00	750.00	750.00	750.00	750.00	750.00	3,516.66	3,516.66	1,650.00	1,891.66	1,891.66	17,716.64
Elevator Maintenance		680.13	170.00	170.00	170.00	170.00	170.00	374.00	170.00	170.00	170.00	1,655.00	170.00	4,239.13
Armed Guard Revenue Pickup		420.00	420.00	420.00	420.00	420.00	420.00	420.00	420.00	420.00	433.00	433.00	433.00	5,079.00
Garage Cleaning/Maintenance		1,521.00	1,521.00	1,521.00	1,521.00	1,521.00	1,521.00	1,521.00	1,521.00	1,521.00	1,521.00	1,521.00	1,521.00	18,252.00
	13th St. - 17A EXPENSES	32,950.85	29,890.89	29,510.35	42,322.27	34,795.62	31,096.26	29,579.07	28,800.88	28,649.30	28,949.20	30,703.67	29,237.36	376,485.72
	13th St. -17A PROFIT/(LOSS)	16,373.43	27,819.19	29,117.50	27,314.56	32,862.72	49,342.16	43,972.51	39,814.09	34,327.16	48,278.22	40,670.38	31,223.01	421,114.93

CITY OF MIAMI BEACH
PARKING DEPARTMENT
PROFIT & LOSS STATEMENT
16th Street - Anchor Garage

LOCATION	ACCOUNTING CODE	2005 October	2005 November	2005 December	2006 January	2006 February	2006 March	2006 April	2006 May	2006 June	2006 July	2006 August	2006 September	FY 2005/2006 TOTAL
16th Street - Anchor Garage														
Revenue-Ticket	463-8000-344911	62,084.76	107,397.19	105,778.72	128,385.44	132,251.10	209,570.60	146,494.13	128,490.54					1,020,452.48
Revenue - Valet	463-8000-344587	15,662.60	24,927.56	28,053.73	19,372.43	34,905.15	17,281.80	20,654.81	15,057.49					175,915.57
Revenue-Monthly Permits	463-8000-344903	38,492.00	35,700.00	36,139.71	33,750.00	35,350.00	36,700.00	39,600.00	39,950.00					295,681.71
	16th St. Anchor - REVENUE (Sales Tax Excluded)	116,239.36	168,024.75	169,972.16	181,507.87	202,506.25	263,552.40	206,748.94	183,498.03	0.00	0.00	0.00	0.00	1,492,049.76
Expenses														
Security Personnel		7,074.27	7,538.12	9,381.49	7,660.80	8,043.85	7,633.87	9,462.30	8,235.36					65,030.06
Attendant/Cashier Labor		18,369.78	21,885.48	21,770.94	28,231.48	22,408.54	23,193.23	27,927.29	22,591.59					186,378.33
FP&L		3,322.03	3,980.87	5,229.08	4,858.47	4,835.47	4,654.90	4,762.44	4,956.13					36,599.39
Revenue Control Equipment Maintanance		775.00	775.00	1,182.48	1,125.82	775.00	1,602.35	775.00	775.00					7,785.65
Armed Guard Revenue Pickup		433.00	433.00	433.00	433.00	433.00	433.00	433.00	433.00					3,464.00
Elevator Maintenance		1,180.64	1,180.64	1,180.64	1,180.64	1,754.04	1,180.64	1,180.64	1,269.54					10,107.42
Landscape and Lot Maintenance		152.00	152.00	152.00	152.00	152.00	152.00	152.00	152.00					1,216.00
Garage Cleaning/Maintenance		9,242.00	9,242.00	9,242.00	9,242.00	9,242.00	9,242.00	9,242.00	9,242.00					73,936.00
Sanitation (Waste Removal)		179.01	179.01	179.01	179.01	179.01	179.01	179.01	179.01					1,432.08
Fire Alarm Service		250.00	250.00	250.00	250.00	250.00	250.00	1,666.96	250.00					3,416.96
	16th St. - Anchor EXPENSES	40,977.73	45,616.12	49,000.64	53,313.22	48,072.91	48,521.00	55,780.64	48,083.63	0.00	0.00	0.00	0.00	389,365.89
	16th St. PROFIT/(LOSS)	75,261.63	122,408.63	120,971.52	128,194.65	154,433.34	215,031.40	150,968.30	135,414.40	0.00	0.00	0.00	0.00	1,102,683.87

LOCATION	ACCOUNTING CODE	2004 October	2004 November	2004 December	2005 January	2005 February	2005 March	2005 April	2005 May	2005 June	2005 July	2005 August	2005 September	FY 2004/2005 TOTAL
16th Street - Anchor Garage														
Revenue-Ticket	463-8000-344911	88,600.95	82,514.96	86,304.68	112,249.71	122,302.81	184,856.92	119,298.55	106,561.67	71,170.03	106,953.01	91,550.46	79,627.30	1,251,991.05
Revenue - Valet	463-8000-344587	20,704.68	21,289.74	22,289.72	15,603.28	29,600.94	14,369.16	21,817.28	25,678.51	19,607.94	34,423.36	36,415.88	27,615.87	289,416.36
Revenue-Monthly Permits	463-8000-344903	28,760.00	30,060.00	30,450.00	30,650.00	30,800.00	30,200.00	30,150.00	30,200.00	30,100.00	30,100.00	32,150.00	32,300.00	365,920.00
	16th St. Anchor - REVENUE (Sales Tax Excluded)	138,065.63	133,864.70	139,044.40	158,502.99	182,703.75	229,426.08	171,265.83	162,440.18	120,877.97	171,476.37	160,116.34	139,543.17	1,907,327.41
Expenses														
Security Personnel		15,377.39	12,631.97	12,484.73	15,631.96	12,668.78	12,530.75	13,631.98	11,987.96	12,248.30	15,061.26	11,030.36	10,324.14	155,609.58
Attendant/Cashier Labor		16,056.04	16,109.36	16,350.94	26,132.55	23,955.70	22,606.20	27,423.35	22,696.42	21,660.15	21,584.66	27,446.64	26,361.19	268,383.20
FP&L		4,138.44	4,138.44	3,384.80	3,942.83	4,252.58	2,711.52	3,239.29	3,610.07	4,015.70	3,844.35	4,232.00	3,789.76	45,299.78
Revenue Control Equipment Maintanance		775.00	775.00	775.00	775.00	775.00	775.00	775.00	1,025.00	825.00	825.00	775.00	775.00	9,650.00
Armed Guard Revenue Pickup		420.00	420.00	420.00	420.00	420.00	420.00	420.00	420.00	420.00	433.00	433.00	433.00	5,079.00
Elevator Maintenance		1,675.97	1,097.97	2,457.97	1,097.97	1,442.97	1,097.97	1,097.97	1,097.97	1,097.97	1,180.64	1,180.64	1,180.64	15,706.65
Landscape and Lot Maintenance		152.00	190.00	190.00	152.00	152.00	152.00	152.00	152.00	152.00	153.00	152.00	152.00	1,901.00
Garage Cleaning/Maintenance		9,242.00	9,242.00	9,242.00	9,242.00	9,242.00	9,242.00	9,242.00	9,242.00	9,242.00	9,242.00	9,242.00	9,242.00	110,904.00
Sanitation (Waste Removal)		179.01	179.01	179.01	179.01	179.01	179.01	179.01	179.01	179.01	179.01	179.01	179.01	2,148.12
Fire Alarm Service		250.00	250.00	250.00	250.00	250.00	250.00	250.00	250.00	250.00	250.00	250.00	250.00	3,000.00
	16th St. - Anchor EXPENSES	48,265.85	45,033.75	45,734.45	57,823.32	53,338.04	49,964.45	56,410.60	50,660.43	50,090.13	52,752.92	54,920.65	52,686.74	617,681.33
	16th St. PROFIT/(LOSS)	89,799.78	88,830.95	93,309.95	100,679.67	129,365.71	179,461.63	114,855.23	111,779.75	70,787.84	118,723.45	105,195.69	86,856.43	1,289,646.08

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6/27/2006

CITY OF MIAMI BEACH
PARKING DEPARTMENT
PROFIT & LOSS STATEMENT
42nd Street Garage - 8A

LOCATION	ACCOUNTING CODE	2005 October	2005 November	2005 December	2006 January	2006 February	2006 March	2006 April	2006 May	2006 June	2006 July	2006 August	2006 September	FY 2005/2006 TOTAL
42nd Street Garage - 8A														
Revenue-Ticket	480-8000-344531	2,768.78	3,349.52	3,380.38	3,394.39	8,219.60	3,494.40	2,866.34	3,756.08					31,229.49
Revenue-Monthly Permits	480-8000-344595	28,980.00	28,740.00	28,980.00	26,100.00	26,040.00	25,440.00	25,680.00	25,560.00					215,520.00
	42nd St. - 8A REVENUE (Sales Tax Excluded)	31,748.78	32,089.52	32,360.38	29,494.39	34,259.60	28,934.40	28,546.34	29,316.08	0.00	0.00	0.00	0.00	246,749.49
Expenses														
Security Personnel		5,111.19	5,518.17	6,846.84	5,338.62	5,440.37	5,449.34	7,187.99	5,506.20					46,398.72
Attendant/Cashier Labor		3,549.80	4,015.15	4,426.41	5,966.80	6,370.85	4,430.02	5,490.61	5,014.43					39,264.07
FP&L		1,870.01	1,705.27	1,982.44	1,864.78	2,127.01	2,035.71	2,430.65	2,384.66					16,400.53
Revenue Control Equipment Maintenance		1,891.66	1,891.66	2,367.05	1,995.91	1,891.66	2,096.01	1,891.66	1,891.66					15,917.27
Elevator Maintenance		430.00	430.00	430.00	1,153.27	973.45	1,642.40	430.00	557.50					6,046.62
Landscape Maintenance		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00			0.00	0.00	0.00
Garage Cleaning/Maintenance		3,392.00	3,392.00	3,392.00	3,392.00	3,392.00	3,392.00	3,392.00	3,392.00					27,136.00
	42nd St. - 8A EXPENSES	16,244.66	16,952.25	19,444.73	19,711.38	20,195.34	19,045.48	20,822.91	18,746.45	0.00	0.00	0.00	0.00	151,163.21
	42nd St. PROFIT/(LOSS)	15,504.12	15,137.27	12,915.65	9,783.01	14,064.26	9,888.92	7,723.43	10,569.63	0.00	0.00	0.00	0.00	95,586.28

LOCATION	ACCOUNTING CODE	2004 October	2004 November	2004 December	2005 January	2005 February	2005 March	2005 April	2005 May	2005 June	2005 July	2005 August	2005 September	FY 2004/2005 TOTAL
42nd Street Garage - 8A														
Revenue-Ticket	480-8000-344531	2,996.27	3,087.87	2,986.91	3,523.36	5,580.37	3,684.11	3,179.44	3,264.48	2,909.35	3,046.75	5,699.53	6,316.84	46,275.28
Revenue-Monthly Permits	480-8000-344595	34,020.00	33,360.00	33,720.00	33,720.00	33,720.00	24,720.00	25,020.00	25,680.00	25,860.00	25,740.00	25,680.00	25,740.00	346,980.00
	42nd St. - 8A REVENUE (Sales Tax Excluded)	37,016.27	36,447.87	36,706.91	37,243.36	39,300.37	28,404.11	28,199.44	28,944.48	28,769.35	28,786.75	31,379.53	32,056.84	393,255.28
Expenses														
Security Personnel		10,306.80	8,245.44	8,214.77	10,306.80	8,217.83	8,245.44	8,156.48	7,960.05	8,043.84	10,054.80	6,008.94	13,747.56	107,508.75
Attendant/Cashier Labor		3,215.99	3,061.85	3,176.80	5,232.69	5,826.12	4,422.79	5,523.08	5,202.01	4,404.76	4,188.31	5,339.12	5,028.86	54,622.38
FP&L		1,805.96	1,982.13	1,927.13	1,725.18	1,964.05	1,820.02	1,856.45	1,527.52	1,861.10	1,967.00	2,081.77	2,042.89	22,561.20
Revenue Control Equipment Maintenance		0.00	110.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1,891.66	3,724.66	5,726.32
Elevator Maintenance		1,819.16	430.00	430.00	430.00	430.00	430.00	430.00	430.00	430.00	430.00	591.48	430.00	6,710.64
Landscape Maintenance		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Garage Cleaning/Maintenance		3,392.00	3,392.00	3,392.00	3,392.00	3,392.00	3,392.00	3,392.00	3,392.00	3,392.00	3,392.00	3,392.00	3,392.00	40,704.00
	42nd St. - 8A EXPENSES	20,539.91	17,221.42	17,140.70	21,086.67	19,830.00	18,310.25	19,358.01	18,511.58	18,131.70	20,032.11	19,304.97	28,365.97	237,833.29
	42nd St. PROFIT/(LOSS)	16,476.36	19,226.45	19,566.21	16,156.69	19,470.37	10,093.86	8,841.43	10,432.90	10,637.65	8,754.64	12,074.56	3,690.87	155,421.99

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MIAMIBEACH

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

COMMISSION MEMORANDUM

TO: Mayor David Dermer and Members of the City Commission

FROM: Jorge M. Gonzalez, City Manager

DATE: July 12, 2006

SUBJECT: **STATUS REPORT ON THE REHABILITATION OF THE EXISTING BUILDING AND CONSTRUCTION OF THE NEW FIRE STATION NO. 2.**

The improvements to Fire Station No. 2 include full historic renovation of the existing building (Building A) and construction of a new facility that will include three apparatus bays and living quarters for the station's fire crews, and an Emergency Operations Center (Building B).

Jasco Construction Company (Jasco) is the Construction Manager at Risk and STA Architectural Group (STA) is the architect/engineer (A/E). The Guaranteed Maximum Price (GMP) for the project is $8,096,580. The first Notice to Proceed for construction was issued on November 22, 2004. Construction and moving in of fire personnel into Building B was expected to require 15 months. Following this, renovation of Building A, and its conversion into administrative offices, will require an estimated 13 months to be substantially complete.

The exterior shell of Building B is 100% complete. Underground utilities installation and grade work at the site is underway. Rough work on the interior plumbing, HVAC, electrical and fire suppression is ongoing. Framing of interior partitions is nearing completion. The finished roof surface is complete. The exterior doors and windows are being installed. The stucco exterior finish is being applied.

Construction is estimated to be at 80% completion. The work is progressing; however the contractor is experiencing difficulties concerning installation of the windows which has slowed the project substantially. The contractor has submitted a time-only change order request which is being reviewed by the consultants for discussion with CIP staff. Building B is scheduled to reach Substantial Completion and be ready for occupancy during Fall 2006.

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Agenda Item C
Date 7-12-06

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MIAMIBEACH

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

COMMISSION MEMORANDUM

TO: Mayor David Dermer and Members of the City Commission

FROM: Jorge M. Gonzalez, City Manager

DATE: July 12, 2006

SUBJECT: **STATUS REPORT ON THE CONSTRUCTION OF FIRE STATION NO. 4**

Notice to Proceed for the construction of the Fire Station 4 project was issued on November 15, 2004. The Project is estimated to be approximately 88% complete and Substantial Completion is set for August, 2006. This project has been delayed mainly due to difficulties in production, delivery and installation of the storefront structure and glass, critical path items in the construction schedule.

The building shell, as well as roofing work, has been completed. Storefront window structure installation is complete; glazing installation is in progress. Stucco work is in progress; scheduled to be completed upon final inspection of the storefront windows. Paint will start two weeks after stucco is complete, with duration of one week. Site work is in progress; the contractor has graded the sloped entrance of the truck bays and is in the process of re-grading the perimeters of the building. Landscape, planting of large trees and irrigation rough is in progress. Exterior sidewalks are laid out ready for formwork once the major landscape components are planted.

All electrical interior work is complete; upon energizing of the building, all systems will be tested for final inspection. Communication, data and cable wiring is in progress. The back-up power generator has been installed and the electrical subcontractor connected it to the building's switchgear; they have also pulled all branch circuits and are ready to install electrical devices and fixtures. FP&L installed poles and transformers to energize the building. Installation of LP gas supply lines for the generator and the kitchen is complete. LP tanks have been delivered and the anchoring and connection to supply lines is in progress. Installation of gypsum board panels and wall insulation is incomplete; taping, spackling and sanding of the walls is in progress. Fire suppression systems (sprinklers), as well as the fire alarm system boxes and sensory components, are complete throughout the building. Plumbing rough work is complete and new water service connected. Once the bathrooms walls and floors are finished, plumbing fixtures will be installed.

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Agenda Item D

Date 7-12-06

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MIAMIBEACH

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

COMMISSION MEMORANDUM

TO: Mayor David Dermer and Members of the City Commission

FROM: Jorge M. Gonzalez, City Manager

DATE: July 12, 2006

SUBJECT: **STATUS REPORT ON THE NORMANDY ISLE PARK AND POOL PROJECT**

POOL AREA

Construction work on the pool facility is approximately 84% complete. The prime contractor has shown good progress in advancing the project's structural components, including the pool deck, the multi-purpose room, pump house, exterior steps, the handicapped ramp and underground utilities. Stucco application has been completed at the office, concession stand, and restrooms building, and is in progress at the multi- purpose building. Exterior paint started at some finished buildings with the application of a coat of tinted primer. Roofing work is in progress, in different phases. Completion of the roofs has been delayed due to production and delivery of tiles. HVAC ductwork installation is in progress, as well as building insulation and interior partitions.

On-going activities include the installation of the swimming pool tile and play equipment, pressure testing of the swimming pool piping, and the pulling of electrical wiring. Drainage well is complete. Demolition of the east parking area and sidewalks is finished and the contractor has poured curbs and gutters. FP&L has installed poles and transformers, providing permanent power service.

It is expected that the swimming pool facility will achieve substantial completion and a Certificate of Occupancy by September, 2006. Final Completion will be obtained pending final punch list and internal inspections. It should be noted that the contractor has been working very diligently to accelerate execution of the project in compliance with the requirements of the Building Code and construction contract.

PARK AREA

All work at the West section of the complex has been completed, including the drainage system, perimeter fencing, interior sidewalks, electrical distribution lines, underground conduits and wiring for future sports lighting fixtures, and the multi-purpose courts.

On Wednesday, June 7th, 2006, a ribbon-cutting ceremony took place to celebrate the completion of a portion of the project funded through the assistance of Florida International University. As part of recommendations received during the ceremony related to the open play area, additional shade trees will be planted at the West and South sides, and three existing palm trees will be relocated to the East, in order to facilitate the development of recreational activities.

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Date 7-12-06

The West parking lot, sidewalk and pavement are also complete. The irrigation system has been completed and is being operated in manual mode; landscaping is nearly complete. Grading of the soccer field is in progress and its completion will be coordinated to coincide with the opening of the pool.

Following is an update on items that were not part of the park's construction contract scope of work:

- Additional work requested and/or being managed through the Parks and Recreation Department includes the repair of the hurricane-damaged pavilion roof. This work is in progress.

- Replacement of the water supply line serving the adjacent apartments was added to the original scope of work as an additional Job Order to their contract. Plans have been completed, permitted and work has been coordinated with the installation of the sports illumination system.

- Installation of a new tot lot is being procured through a City vendor, who has been provided with construction plans, for coordination purposes.

- As part of the project's final phase, the Parks and Recreation Department has requested a cost proposal from a sports illumination contractor for the design and installation of the lighting system for the sports courts, tot lot and soccer field. The vendor has been provided with construction plans, for coordination purposes.

- An existing 6-ft. high chain link fence on the North side of the Park, bordering the apartment buildings is not in good condition, and will not restrict access during the park's off-hours. City regulations will not allow its replacement with a similar fence. A cost proposal has been requested from the contractor to replace the existing chain link fence with a new picket fence that matches the design of the project.

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MIAMIBEACH

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

COMMISSION MEMORANDUM

TO: Mayor David Dermer and Members of the City Commission

FROM: City Manager Jorge M. Gonzalez

DATE: July 12, 2006

SUBJECT: **INFORMATION REPORT TO THE MAYOR AND CITY COMMISSION, ON FEDERAL, STATE, MIAMI-DADE COUNTY, U.S. COMMUNITIES, AND ALL EXISTING CITY CONTRACTS FOR RENEWAL OR EXTENSIONS IN THE NEXT 180 DAYS.**

The City Commission adopted Resolution No. 2000-24141, which provided that all existing City contracts for renewal or extensions, which by their terms or pursuant to change orders exceed $10,000, and all extensions or renewals of such contracts, shall be presented as an informational report to the Mayor and City Commission, at least 180 days prior to the contract extension or renewal date. Subsequent thereto, the City Commission adopted Resolution No. 2001-24332, changing the reporting requirement from $10,000 to $25,000.

The Administration in addition to reporting on all existing City contracts, will now report information relative to Miami-Dade County, State of Florida, U.S. Communities and Federal GSA contracts that are approved for utilization by the City Manager. Pursuant to information contained in Miami-Dade County, State of Florida, U.S. Communities and Federal General Services Administration (GSA) bid list, the following are contracts that will expire within the next 180 days:

	DESCRIPTION	VENDOR	EXPIRATION DATE	RENEWAL TERMS
1.	Electric Motor Rewind And Repair Services	Condo Electric, and TAW Miami Service Center, and Electrix	12/31/2005	(1) one year option to renew
2.	Purchase of Street Light Fixtures and Street Light Poles	Mercedes Electric Supply(P) and Rexel Consolidated(S)	12/31/02005	(2) one year options to renew
3.	Preventive Maintenance and Repair Services for Reciprocating Air Conditioning Equipment for the Scott Rakow Youth Center	Temptrol Air Conditioning, Inc.	12/31/2005	(3) one year options to renew

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Date 7-12-06

4.	Maintenance, Repair and Operation (MRO) Supplies	Andrews Filer and Supply	11/13/2006	(1) one year option to renew
5.	Maintenance, Repair and Operation (MRO) Supplies	Marpan Supply	11/13/2006	(1) one year option to renew
6.	Maintenance, Repair and Operation (MRO) Supplies	Mayer Electric Supply	11/13/2006	(1) one year option to renew
7.	Maintenance, Repair and Operation (MRO) Supplies	Medical and Safety Solutions	11/13/2006	(1) one year option to renew
8.	Maintenance, Repair and Operation (MRO) Supplies	W & W Grainger	11/13/2006	(1) one year option to renew
9.	Trucks: Medium and Heavy	Atlantic Truck Center	12/31/2006	(1) one year option to renew
10.	Trucks: Medium and Heavy	International Truck and Engine Corp.	12/31/2006	(1) one year option to renew
11.	Trucks: Medium and Heavy	Milton Ford d.b.a. Orville Beckford-Ford Mercury	12/31/2006	(1) one year option to renew
12.	Concrete Curbing/Sidewalk Construction	F&L Construction, Inc,	12/8/2006	(2) two years option to renew
13.	Milling and Resurfacing of Asphalt Concrete & the Purchase of Asphalt Related Materials	H&R Paving, Inc.	12/8/2006	(2) two years option to renew
14.	Striping of City Streets	High Tech Striping, Inc.	12/8/2006	(2) two years option to renew

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MIAMIBEACH

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

COMMISSION MEMORANDUM

TO: Mayor David Dermer and Members of the City Commission

FROM: Jorge M. Gonzalez, City Manager

DATE: July 12, 2006

SUBJECT: **REPORT ON THE 2006 FLORIDA LEGISLATIVE SESSION**

On May 5, 2006, the Florida Legislature approved the State's $71 billion budget, which was approved by the Governor on May 25, 2006. Below is a list of Miami Beach projects that are included in the new budget:

Beach Renourishment	$1,850,000
Miami Beach Stormwater Infrastructure Improvements	$750,000
Dade Boulevard Bike Path	$1,288,174
Colony Theater Phase III funding	$500,000
Total Funding	**$4,388,174**

The City's $750,000 for stormwater infrastructure improvements is of particular note, not only because it is an increase from $400,000 in each of the last two years, but also because of similar projects in Miami-Dade County that were vetoed, such as:

Coral Gables North Gables Stormwater Pump Station	$125,000
Cutler Bay Stormwater Master Plan	$250,000
Florida City Water System Repair	$1,500,000
Homestead Treatment Plants & Pump Stations	$200,000
Key Biscayne Sanitary Sewer Project	$1,000,000
Miami Springs Water, Sewer and Utility Improvements	$2,000,000
North Bay Village Stormwater Injection Well	$122,500
Opa Locka Water Booster Station Upgrade	$600,000
South Miami Water Extension	$127,500
West Miami Water System Infrastructure Assessment	$250,000

Additionally, the City's funding for the Dade Boulevard Bike Path is included in the budget, while projects such as the Miami Lakes NW 107th Street Linear Park, the South Miami citywide Bike Path, and the Surfside Beach Walk were vetoed. Other statewide appropriations of interest that are included in the budget are $166 million for the State Housing Initiatives Partnership, $35 million for the Miami Urban Area Security Initiative, $75.7 million for Class Size Reduction, and $20 million for the Film and Entertainment Incentive Program.

MIAMI BEACH LEGISLATIVE PRIORITIES

Citywide Wireless Network

No legislation passed during the 2006 session which would prohibit or limit the City's ability to move forward with implementing a citywide wireless Internet network.

Agenda Item G
Date 7-12-06

Bert J. Harris Act/Sovereign Immunity

House Bill 1015 by Pickens amends Florida Statute 70.001 to reduce the time period from 180 days to 90 days for certain procedural actions in a claim by an owner of property classified as agriculture seeking compensation due to the property being subjected to an inordinate burden by government action or inaction. This only applies to agricultural land and should not have an impact on the City.

Property Insurance

Senate Bill 1980 by Garcia and Ross appropriates $715 million from General Revenue to Citizens Property Insurance Corporation to offset the 2005 deficit. This appropriation will reduce an estimated $920 million assessment against all property insurance in the state to about $205 million. It further stipulates that the remaining deficit is to be collected from all policyholders over a 10-year period. The bill establishes the Florida Comprehensive Hurricane Damage Mitigation Program within the Department of Financial Services and provides for free inspections of residential property to determine what mitigation measures are needed to reduce the property's vulnerability to hurricanes. The program will provide 50% matching grants for a single-family homestead with an insured value of $500,000 or less for retrofitting. There is a $250 million appropriation for that grant program. Rules have to be adopted to run the program. The bill sets out new eligibility requirements for coverage under Citizens for non-homestead property and for homes over $1 million. The bill was signed by the Governor on 5/16/06 and became effective the same day.

Emergency Management Plans

House Bill 7121 by Evans and Diaz de la Portilla address numerous findings relative to emergency management; additional information is included in the attached report.

Anchoring/Moorings/Maritime Issues

The City requested that the team work on language which would establish a 100-foot setback from single-family homes for anchored vehicles. This was not accomplished this year as the team spent most of its time in this area fighting a battle related to floating docks. House Bill 7175 by Needleman and Baker would have been the only vehicle for the City's language. However, most of the session, the bill contained language which would have preempted local government's authority to oversee the placement of floating docks. The bill makes changes to 327.60, Florida Statutes, relating to local regulations of mooring or anchoring of vessels. The language provides that a local government may regulate any vessels within a marked boundary of a mooring field but not outside the boundary of the mooring field. The bill makes numerous changes to removal of derelict vessels and penalties associated with it.

Fire Safety Services and Community Redevelopment Areas

The City requested an amendment to Florida Statute Chapter 163 that would allow for the use of redevelopment trust fund monies to enhance fire safety services. This language was strongly opposed by Miami-Dade County, the Florida Association of Counties and the League of Cities. The lobbying team recommends that unless an agreement can be reached between the County and the City that legislation at the state level is not likely in the future.

Convention Center Sales Tax Refund

A bill which would have provided a 50% return on sales tax remitted from the Convention Center passed the House but not the Senate. Senate President Tom Lee remained opposed to the legislation even though it was greatly restricted with a $5 million statewide annual cap.

Economic Development

House Bill 7017 by Rivera and King renews the public records exemption for information held by an economic development agency concerning plans, intentions or interests of a private corporation, partnership or other business planning to relocate or expand business activities in the state.

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Dogs at Restaurants

Senate Bill 1172 by Aronberg and McInvale establishes a 3-year pilot program to allow local governments to enact ordinances establishing procedures by which public food service establishments become exempt from certain food codes and allow patron's dogs within certain designated outdoor portions of the food establishment. A local government participating in the program is allowed to establish by ordinance a local exemption. Food establishments wishing to participate in the project have to apply for and receive a permit from the governing body of the local government before allowing dogs on the premises. The bill sets out information required for the local government permit. The bill also sets out certain requirements which must be a part of the ordinance. Local governments are required to provide the Division of Hotels and Restaurants within the Department of Business and Professional Regulations with a copy of all approved applications and permits.

Education Issues

House Bill 7087 by Arza and Lynn is a major education reform bill. Its numerous components are described in greater detail in the attached report.

Utility Issues

The lobbying team worked with both the Cable Association and the Florida Association of Counties and the League of Cities to fight the cable franchise bill which did not pass this session. No language passed which would deprive local governments the right to negotiate cable franchises. Depending on action in Washington, we do expect this topic to reemerge again next session.

Property Tax

House Joint Resolution 353 by Lopez-Cantera and Haridopolis proposes an amendment to the constitution which would increase the senior homestead exemption for low-income seniors from $25,000 to $50,000 annually.

Affordable Housing

House Bill 1363 by M. Davis and Bennett makes numbers changes to Florida's Affordable Housing Programs. The bill requires each county and municipality to prepare an inventory list of all real property held in fee simple within its jurisdiction. The list is to be prepared by July 1, 2007 and each three years thereafter. The bill provides an exemption from DRI review under certain conditions for construction of affordable workforce housing. The term "affordable workforce housing" is defined in the bill. The bill provides that a local government may provide density bonus incentives to landowners who donate property for very low income or moderate-income affordable housing. The bill amends the SHIP program to require local governments to include a definition of "essential service personnel" within their boundaries. The bill provides that 65% of funds from each local government's housing distribution be reserved for rehabilitation and construction of home ownership units

for eligible, extremely low income, low income or very low income persons. The bill defines the term "extremely low income." The bill amends the SALE program to authorize low interest rate loans between 0% and 3% based on the numbers of units set aside for homeless residents. The bill also amends the SALE competitive ranking criteria. The Florida Home Ownership Assistance Program (HOPE) is expanded to include moderate-income persons purchasing a primary residence. A pilot program entitled Community Workforce Housing Innovation is established to provide affordable rental and home ownership opportunities for essential service personnel with median incomes in high cost and high growth counties. Additional information is included in the attached report.

Claims Bill

The Tunc claims bill did not pass this legislative session. No claims bills were passed due to the reluctance to address the issue in the Senate. Although there was some discussion about revising the requirements for claim bills, that was not accomplished this session.

Transportation

Senate Bill 1350 by Sebesta is the Department of Transportation legislative package. Of particular interest to the City are changes to 212.0606, Florida Statutes. The bill allows counties to provide by ordinance approved by countywide referendum, an additional $2 per day surcharge on leased or rented motor vehicles designed to carry fewer than nine passengers. The bill stipulates that at least $45 million of a local option rental car surcharge in Broward, Miami-Dade and Palm Beach Counties be directed to the South Florida Regional Transportation Authority only if all three counties impose the local option rental car surcharge.

JMG/HFX/kc

Attachment: Final Legislative Report

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MEMORANDUM

T0: Mayor David Dermer
City Commissioners and City Manager Gonzalez
City of Miami Beach

VIA: E-mail to Kevin Crowder (hard copy to follow)

FROM: Gary Rutledge
Fausto Gomez
Bob Levy
Margie Menduni
Manny Reyes
Jose Diaz

DATE: May 18, 2006

SUBJECT: **Final Legislative Report**

The 2006 Legislative Session ended at 12:10 a.m. on Saturday, May 6. The last weeks of session were greatly influenced by turmoil as Senate Republicans fought among themselves over future leadership positions causing Republican priorities to fail and Democrats to gain power during the last week of session. The following is a report on priority issues for the City of Miami Beach.

Appropriations

The City of Miami Beach did very well in regard to appropriation line items. The following is a list of those appropriations specific to the City:

- Beach Funding $1,850,000
- Dade Boulevard Bike Path $1,288,174
- Stormwater Improvements $750,000

- Colony Theatre $500,000
- Seymour Gelber Adult Day Care $25,000

Statewide appropriations of interest to the City include the following:

- SHIP $166.4 million (the cap was not removed)
- Miami Urban Area Security Initiative $34.72 million
- Film and Entertainment Incentive Program $20 million
- Class size reduction $75.7 million

Citywide Wireless Network

No legislation passed during the 2006 session which would prohibit or limit the City's ability to move forward with implementing a citywide wireless Internet network.

Bert J. Harris Act/Sovereign Immunity

House Bill 1015 by Pickens amends Florida Statute 70.001 to reduce the time period from 180 days to 90 days for certain procedural actions in a claim by an owner of property classified as agriculture seeking compensation due to the property being subjected to an inordinate burden by government action or inaction. This only applies to agricultural land and should not have a big impact on the City.

Senate Bill 125 by Posey and Patterson, amends Florida Statute 768.28 providing sovereign immunity for an agency employing a law enforcement officer who in pursuit of a person fleeing in a motor vehicle causes injury, death or property damage. The bill provides for certain qualifying provisions, including reckless or wanting conduct by the officer which constitutes disregard for human life and safety. It also provides that, at the time of the pursuit, the officer reasonably believes that the person fleeing has committed a forceable felony and finally, the pursuit must be conducted according to a written policy governing high-speed pursuits adopted by the employing agency.

Condominium Issues

Senate Bill 1556 by Geller and Goodlette made the following changes in regard to condominiums. The bill amends Florida Statute 718.117 dealing with the termination of a condominium under a new form of ownership. The bill provides conditions under which a condominium type of ownership may be terminated because of economic waste by a majority vote of the total voting interests. The bill also addresses the right of owners after a natural disaster to petition a circuit court to appoint a receiver. The bill specifies what must be considered in a plan of termination for a condominium as well as the rights to contest the plan.

House Bill 391 by Domino and Bennett addresses community associations. The bill has a number of parts. It amends Florida Statute 718.106 regarding condominium parcels. It prohibits local governments from denying access to condominium unit owners or associations from permitting guests or invitees access to a public beach adjacent to or adjoining the condominium property. It further amends 718.110, Florida Statutes, to allow members of a condominium association to approve amendments to condominium documents through legal means without consent of a mortgagee if the mortgagee is not affected by the amendments. The bill changes the date from 2014 to 2025 for the requirement to retrofit sprinkling systems in common areas in buildings 75 feet or higher. The bill amends Florida Statute 718.404 on mixed-use condominiums. It makes retroactive provisions that condominium documents shall not provide that the owner of a commercial unit shall have the authority to veto amendments to the declaration, articles of incorporation, bylaws or rules or regulations of the association. The bill defines "equity facilities club." It requires that, in addition to an annual operating budget, the association must include reserve accounts for capital expenditures and deferred maintenance. It addresses guarantees of common expenses. It also addresses mediation as a mechanism for dispute resolution.

Senate Bill 1270 by Margolis, which would have established an advisory council on condominiums, passed the Senate but did not pass the House.

Property Insurance

Senate Bill 1980 by Garcia and Ross appropriates $715 million from General Revenue to Citizens Property Insurance Corporation to offset the 2005 deficit. This appropriation will reduce an estimated $920 million assessment against all property insurance in the state to about $205 million. It further stipulates that the remaining deficit is to be collected from all policyholders over a 10-year period. The bill establishes the Florida Comprehensive Hurricane Damage Mitigation Program within the Department of Financial Services and provides for free inspections of residential property to determine what mitigation measures are needed to reduce the property's vulnerability to hurricanes. The program will provide 50% matching grants for a single-family homestead with an insured value of $500,000 or less for retrofitting. There is a $250 million appropriation for that grant program. Rules have to be adopted to run the program. The bill sets out new eligibility requirements for coverage under Citizens for non-homestead property and for homes over $1 million. The bill was signed by the Governor on 5/16/06 and became effective the same day.

Emergency Management Plans

House Bill 7121 by Evans and Diaz de la Portilla address numerous findings relative to emergency management. The bill addresses standards for hurricane shelters and requires the Department of Community Affairs to submit a funding plan for improved logistical staging and warehouse capacity for commodities. The bill appropriates $13.2 million in state general revenue and $39.6 million in federal funds for emergency power generators in special needs

shelters. It appropriates an additional $15 million in federal funds for retrofitting public hurricane evacuation shelters. $29 million is appropriated in federal funds for development of hurricane evacuation planning. $6.5 million is appropriated for improved logistical staging and warehouse capacity for commodities $20 million in state general revenue and $25 million in federal funds is appropriated for county emergency operation centers and alternate state emergency operation centers. $3.4 million is appropriate from federal funds to provide a public education and information program on hurricane preparedness. DCA is directed to conduct a feasibility study on incorporating into the state's emergency management plan the logistical supply and distribution of essential commodities by non-government agencies and private entities. As part of the study, the Department is directed to create and set up operational standards that may be adopted by retail establishments to qualify for preemption from local government regulations in response to disaster. The study is to be completed by February 1, 2007.

In regard to generated power capacity for motor fuel dispensing facilities, the bill provides that by June 1, 2007, every retail and wholesale facility must be capable of operating on alternative power for a minimum of 72 hours to be available no later than 36 hours after declaration of a major disaster. Every newly constructed or substantially renovated motor fuel retail outlet with a certificate of occupancy issued on or after July 1, 2006, must be prewired for generated power capable of operating all fuel pumps and payment acceptance equipment. By June 1, 2007, each motor vehicle retail outlet which is located within a half mile proximity to an interstate highway or state or federally designated evacuation must be prewired for a generator capable of operating all fuel pumps and payment acceptance equipment if outlet meets any of the following criteria:

- Is located in a county having a population of 300,000 or more and has 16 or more fueling positions;
- Located in a county having a population of 100,000 or more but fewer than 300,000 and has 12 or more fueling positions;
- Located in a county having a population of fewer than 100,000 and has 8 or more fueling positions.

The bill requires that any residential, multi-family dwelling, including a condominium that is at least 75 feet high and contains a public elevator must have at least one public elevator that is capable of operating on alternate power for emergency purposes. The alternate power must be available to all residents for a specific number of hours each day over a 5-day period following a disaster.

The bill provides that the Division of Emergency Management shall be responsible for a public awareness program directed at personal responsibility for individual citizens to be self-sufficient for up to 72 hours following a disaster.

The Division of Emergency Management is to complete an inventory of portable generators owned by state and local governments by January 1, 2007.

The bill addresses a registry of persons with special needs. The local law enforcement agencies shall be given copies of the shelter roster.

The Division of Emergency Management is directed to address strategies for the evacuations of persons with pets.

The bill addresses needed action by home health agencies, medical equipment companies, hospice staff and providers of life supporting or life sustaining equipment during a declared emergency.

The bill addresses the responsibility of health insurers and managed care organizations to waive "refills to soon" in regards to medication renewals during a declared emergency.

House Bill 47 provides for a Hurricane Preparedness Sales Tax Holiday from May 21, 2006, through June 1, 2006. The bill specifies which items may be exempt from sales tax. The Governor signed the bill on April 27, 2006.

House Bill 285 by Needleman and Posey provides for the authority of the Governor during an emergency. The bill prevents the Governor from authorizing the seizure or confiscation of firearms that are lawfully possessed unless the person is engaged in the commission of a criminal act.

House Bill 737 by Brandenberg and Bennett, provide for tax benefits related to emergency situations. The bill provides for tax cuts for capital expenditures associated with the improvement of private facilities that have a life expectancy of five or more years, the owner of which agrees to make the facility available for use on a temporary basis as a public emergency shelter or as a staging area for emergency response equipment during a declared state emergency. The updates are restricted to those that are necessary to comply with current standards for public emergency evacuation shelters.

House Bill 911 by Bullard and Bullard requires the Department of Management Services to list state owned facilities that are suitable for use as emergency shelters.

House Bill 1435 by Harrell and Fasano changes the administrative functioning of the Division of Emergency Management. It keeps the Division under the Department of Community Affairs. However, it makes it a separate budget entity not subject to control, supervision or direction of the Department. It provides that the Governor should appoint the Division Director.

Anchoring/Moorings/Maritime Issues

The City requested that the team work on language which would establish a 100-foot setback from single-family homes for anchored vehicles. This was not accomplished this year as the team spent most of its time in this area fighting a battle related to floating docks. House Bill 7175 by Needleman and Baker would have been the only vehicle for the City's language.

However, most of the session, the bill contained language which would have preempted local government's authority to oversee the placement of floating docks. We worked extensively with the Florida Association of Counties and League of Cities on this issue and were able to get compromise language in the bill which protected local governments concerns. This bill also has provisions which would allow marina owners and operators to secure vessels during severe weather and to exempt them from damage by intentional accidents or negligence occurring while removing or securing the vessels.

The bill allows funding from the State Game Trust Fund which is currently used for recreational markers to also be used for public boat ramps, lifts and hoists and derelict vessel removal.

The bill makes changes to 327.60, Florida Statutes, relating to local regulations of mooring or anchoring of vessels. The language provides that a local government may regulate any vessels within a marked boundary of a mooring field but not outside the boundary of the mooring field. The bill makes numerous changes to removal of derelict vessels and penalties associated with it.

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Economic Development

House Bill 7017 by Rivera and King renew the public records exemption for information held by an economic development agency concerning plans, intentions or interests of a private corporation, partnership or other business planning to relocate or expand business activities in the state. The bill is a priority for the City.

House Bill 1567 by Rubio and Webster makes changes to Florida's eminent domain policy. The bill restricts local governments from transferring property taken by eminent domain to a private entity. Exemptions are listed for transportation right-of-ways, for public and private utilities, for use in providing public infrastructure for incidental parts of the public property or facility for the purpose of providing goods or services to the public. An exemption is also made for property that has been held for 10 or more years by the local government and sets out specific conditions under which property may be conveyed. The bill prohibits the taking of property to eliminate

nuisance, slum or blight. The bill does provide language which reinforces local governments right to adopt ordinances related to code enforcement for the elimination of public nuisances to the extent that it does not involve the taking of property by eminent domain. Within the Community Redevelopment Act, the bill denies the power of eminent domain to community redevelopment agencies. Local governments maintain the ability to acquire property within a slum or blighted area by purchase, lease, option, gift, grant, bequest, devise or other voluntary methods of acquisition. The bill was opposed throughout the session by both the League of Cities and the Florida Association of Counties. It was signed by the Governor on May 11, 2006, and becomes effective July 1, 2006.

House Bill 1569 by Rubio and Webster is a proposed constitutional amendment to prohibit the transfer of private property taken by eminent domain to a private entity except as provided by general law which would be the contents of the above-referenced HB 1567. The bill has not gone to the Governor.

House Bill 1583 by M. Davis and Bennett makes changes to the Community Redevelopment Act. The bill is a compromise between the League of Cities and Florida Association of Counties. It makes changes to the procedure for calculating tax increment financing and makes changes to the procedure for adopting modifications to the community redevelopment plan that expand the boundaries. The bill also authorizes a CRA to develop and provide affordable housing and to use tax increment dollars to offer incentives for the development of affordable housing. For community redevelopment areas created after July 1, 2006, the bill restricts that development to no more than 80% of a municipality.

House Bill 421 by Reagan and Margolis deals with the repeal date for tax exemptions on convention halls, exhibition halls, auditoriums, stadiums, theatres arenas, civic centers, performing arts centers and publicly owned recreational facilities. The bill permanently deletes the repeal date on the following tax exemptions:

- Section 212.031(3), Florida Statutes, which requires tax on rental, lease or license for the use of a convention center exhibition hall, auditorium, stadium, theatre, arena, civic center or performing arts center or publicly owned recreational facility for an event lasting longer than 7 days;
- Section 212.04(1)(b), Florida Statues, which provides an exemption for state or locally imposed seat surcharges, taxes or fees from the admission tax;
- Section 212.04(3), Florida Statutes, which is tax on admission to an event scheduled at any of those facilities which is collected at the time of payment for admission.

The bill also postpones the repeal of Section 212.031(10), Florida Statutes, relating to exemptions provided for charges imposed on concessionaires which is based on a percentage of sales and not a fixed price. The repeal date is moved to July 1, 2009.

The bill has new language which states that no taxes shall be levied on admission charges to an event sponsored by a government entity, sports authority or sports commission, when held in a convention center, exhibition hall, auditorium, stadium, theatre, arena, civic center, performing arts center or publicly owned recreational facility when 100% of the risk of success or failure lies with the sponsor of the event and 100% of the funds at risk for the event belong to the sponsor and student or faculty talent is not exclusively used. This subsection is repealed on July 1, 2009.

Senate Bill 1172 by Aronberg and McInvale establishes a 3-year pilot program to allow local governments to enact ordinances establishing procedures by which public food service establishments become exempt from certain food codes and allow patron's dogs within certain designated outdoor portions of the food establishment. A local government participating in the program is allowed to establish by ordinance a local exemption. Food establishments wishing to participate in the project have to apply for and receive a permit from the governing body of the local government before allowing dogs on the premises. The bill sets out information required for the local government permit. The bill also sets out certain requirements which must be a part of the ordinance. Local governments are required to provide the Division of Hotels and Restaurants within the Department of Business and Professional Regulations with a copy of all approved applications and permits.

Senate Bill 676 by Bullard and Needleman designate the key lime pie as the official Florida state pie. It was a hard fought fight between the Northern part of the state favoring pecan pie and the Southern part of the state who favored key lime.

Florida Accessibility and Building Codes

However, Senate Bill 1174 by Constantine relating to building codes did pass. Among its provisions are the following:

- 399.15, Florida Statute is amended to change the date from July 1, 2007, to October 1, 2009, by which elevators must have the ability to be keyed by a master key in emergency situation.
- The Florida Billing Commission may make changes to the Code by merely adopting a rule pursuant to Chapter 120 under certain circumstances.
- 553.775, Florida Statutes, relating to interpretations to building code. There is new language which specifies that the Florida Accessibility Code may not be interpreted by and are not subject to review under any of the procedures specified in this section. This language would prevent the Accessibility Code from being subject to interpretation by declaratory statement by the Commission and subsequently by non-binding and binding opinion by a third party.
- 633.021, Florida Statutes, provides a definition of "fire hydrant."
- 633.082, Florida Statutes, is amended to provide for annual inspection of fire hydrants. The bill states that the maintenance of fire hydrants, as well as

corrective actions on deficit systems is the responsibility of the owner of the system or hydrant.

Education Issues

House Bill 7087 by Arza and Lynn is a major education reform bill. Among its numerous components are the following:

In regard to the FCAT, the Department of Education is required to report annually longitudinal data related to student performance on the FCAT.

The bill repeals the Middle Grades Reform Act and creates a new section of law containing statewide standards for promotion from middle school to high school beginning with students entering grade 6 in 2006-2007. It requires that middle school students take three years of English, math, social studies and science and a ½ year course in career exploration and educational planning.

The bill also makes changes to the requirements for graduation from high school. The changes include 10 credits in majors, minors and electives.

The bill addresses Career and Professional Academies as well as a Florida Ready to Work Certification Program.

In regard to school start date, the bill specifies that a district school board may not adopt a school year start date earlier than seven days prior to Labor Day each year. In addition, a school board may by super majority vote, after a public hearing, establish a start date no earlier than August 8 to accommodate year round or extended calendars.

The bill also provides that in regard to class size reduction, a school district may use co-teaching and team-teaching to meet those requirements.

House Bill 5005 is part of an implementing bill for the budget. It deals with educational finance. Among its provisions are changes to the computation of the district required local effort and to the discretionary millage compression supplement.

Growth Management

The City directed the team to monitor a Growth Management glitch bill which would have been filed relating to the major growth management bill, Senate Bill 360 which passed in 2005. Although a number of glitch bills started in the process, the final bills which passed related to growth management are not glitch bills. They include the following:

House Bill 683 by Traviesa and Bennett deals with the following:

- Makes changes to Florida Statute 163.01(11) regarding the filing of amendments to Interlocal Agreements made among multiple counties.
- 163.3177, Florida Statutes, relating to optional elements of the Comprehensive Plan. New language is added which encourages a local government that has a coastal management element to adopt recreational surface water use policies that include applicable criteria for and consider such factors as natural resources, manatee protection needs, protection of working waterfronts and public access to the water, and recreation and economic demands.
- 163.318, Florida Statutes, Concurrency. Changes the requirements for a multi-use development of regional impact to satisfy the transportation concurrency requirements.
- 197.303, Florida Statutes, relating to ad valorem tax deferral for recreational and commercial waterfront properties. The language adds public lodging establishments as qualifying for tax deferral under this section.
- 336.68, Florida Statutes, is created to deal with the property rights of owners who fall within both a special road and special bridge district boundary.
- Section 342.07, Florida Statutes, dealing with recreational and commercial working waterfronts legislative findings and definitions. The bill adds language to legislative intent including the impact on tourism by boating and recreational access to the state's navigable waters. It also includes intent language which states that public lodging establishments are important water dependent support facilities. Language is also added to include hotels and motels in the term recreational and commercial working waterfront.
- 373.4132, Florida Statutes, is created to address dry storage facility permitting. The bill requires permitting for the construction, alteration, operation, maintenance, abandonment or removal of dry storage facilities for ten or more vessels that is functionally associated with the boat-launching area.
- 380.06, Florida Statutes, related to the developments of regional impact. Among the changes in this section is the requirement that a local government should establish compliance dates for a development order which includes data that reasonably reflects the time anticipated to complete the development. The local government is directed not to issue permits for development subsequent to the build out date contained in that development order except under certain circumstances. The bill sets out conditions under which the development of regional impact is essentially built out and also defines when a single-family residential portion of a development may be considered "essentially built out." Changes are made to the number of parking spaces allowed in a recreational facility or attraction prior to DRI implications. The threshold for DRI is also changed for hospitals, industrial developments, mining acreage, land area for office developments, storage capacity for chemicals or petroleum, marinas, dwelling units, provided that a certain percentage is dedicated to affordable housing, increases in hotel or motel rooms and increases in recreational vehicle park areas, increases in approved multi-use developments and changes in

preservations of protected species. If a residential dwelling is dedicated to affordable workforce house and the new residential units do not exceed 200% of the substantial deviation threshold they are not subject to DRI review. The term "affordable workforce housing" is defined. There are also exemptions from DRI review made for a development as part of an airport master plan, a development as part of a campus master plan or any development that's within a research and development park.

- 380.651, Florida Statute. Changes are made to guidelines and standards to determine the need for DRI review related to port facilities, wet storage or mooring of fewer than 50 watercrafts and dry storage of fewer than 200 watercraft. There is also new language relating to guidelines for residential development and the residential component of a multi-use development that demonstrates at least 15% of the dwelling units will be dedicated to workforce housing. "Affordable workforce housing" is defined.

Senate Bill 1112 by Bennett and Reagan related to development permits. The bill requires that both counties and municipalities give written notice regarding its decision to deny a development permit and specifies what information needs to be contained in the notice.

Senate Bill 1194 by Constantine and Altman creates the Interlocal Service Boundary Agreement Act as part of Chapter 171, Florida Statutes. The bill changes numerous statutes relating to annexation. The bill also creates 163.31801, Florida Statutes, regarding impact fees. This language sets out requirements that must be in an impact fee ordinance by a county or a municipality or by resolution of a special district. These include the following:

- The calculation of impact fee must be based on the most recent and localized data.
- Local governments needs to keep separate accounts for revenues and expenditures from impact fees.
- Administrative charges must be limited to actual costs.
- Notice has to be provided 90 days before the effective date of the imposition of new impact fees.

House Bill 1359 by Benson and Clary relates to hazard mitigation of coastal areas impacted by hurricanes. The bill modifies Florida Statute 161.085, relating to rigid coastal armoring structures. It allows the Department of Environmental Protection to revoke the authority of a local government to install or authorize these rigid coastal armoring structures under certain circumstances. It further allows DEP or a local government to authorize sand-filled tubes or similar structures proposed as the core of a restored dune feature under certain circumstances. 163.3178, Florida Statutes, Coastal Management, is amended to allow the Division of Emergency Management to manage the update of regional hurricane evacuation studies. The bill defines coastal high hazard area in regard to comprehensive plan mitigation. New language is added which defines compliance with state coastal high hazard provisions which relate to out-of-county hurricane evacuation for a Category 5 storm. It defines what constitutes appropriate

mitigation relative to evacuations. Local governments are required to amend their future land use map and coastal management element by July 1, 2008 to include the new definition of coastal high hazard area and to depict the coastal high hazard area on the future land use map.

Changes are also made to 381.0065, Florida Statutes. It requires that the Department of Environmental Protection issue a permit for work on sewage treatment and disposal systems seaward of the coastal construction control line.

Senate Bill 1948 by Smith and Margolis relates to coastal property sales disclosure. This bill amends 161.57, Florida Statutes, revising the requirements for disclosures that must be provided by a seller of coastal property to the purchaser. The disclosure content is described in the bill. It addresses coastal erosion, federal regulations, coastal armoring, beach renourishment, protection of marine turtles and erosion conditions.

Municipal Employee Public Records

Senate Bill 1800 and House Bill 1507 which would have provided a public records exemptions for government employees who have been victims of domestic violence did not pass this session.

Resort Tax Issues

The topic of resort tax and convention development tax collected on hotel rooms sold over the Internet was not addressed during this legislative session.

Way Finding Sign Program

It was our pleasure to assist City staff in working with DOT to implement the City's way finding sign system. It is our understanding that the City is comfortable with the new rules and is moving forward in their program.

Utility Issues

The team worked with both the Cable Association and the Florida Association of Counties and the League of Cities to fight the cable franchise bill which did not pass this session. No language passed which would deprive local governments the right to negotiate cable franchises. Depending on action in Washington, we do expect this topic to reemerge again next session.

Senate Bill 888 by Constantine and Hasner contains many provisions of Governor Bush' energy conservation program. The bill has several parts. First, it creates the Florida Energy Commission to develop recommendations for legislation on a state energy policy. The Commission will report annually, no later than December 31 of each year to the Governor, Cabinet, the President of the Senate and the Speaker of the House of Representatives on its progress and recommendations. The bill transfers the Energy Office from the Department of Environmental Protection to the newly created Florida Energy Commission. It requires the new

Energy Commission to develop a comprehensive state climate action plan. The bill also provides financial incentives for renewable energy technologies, energy efficient appliances, solar energy, bio-diesel and ethanol, and biomass. The bill includes the effect of fuel diversity in considerations of 10-year site plans. It also revises the safety standard for public utility transmission facilities. The bill revises both the Florida Electrical Power Siting Act and the Transmission Line Siting Act to streamline and shorten time frames by combining completeness and sufficiency. It eliminates mandatory land use and certification hearings and changing deadlines. It exempts nuclear power plants from the requirement of a competitive bid for a power supply before beginning the certification and determination of need processes. The bill directs the Public Service Commission to consider fuel diversity and reliability in determining the need for a proposed electric power plant. The bill requires the Department of Environmental Protection to report on the state's leadership by example in energy conservation and efficiency.

The bill also requires the PSC to conduct a study to determine what enhancements would make Florida's electrical grids more reliable during weather events. The study is to include conversion of existing overhead facilities to underground facilities and to recommend incentives to local governments for local government sponsored conversions. This report is due to the Governor and President of the Senate and Speaker of the House by July 1, 2007.

The bill also contains language which was amended on the bill on the last day of session by the House which deletes existing requirements to obtain state grants for stormwater and wastewater management projects. These are the requirements that Governor Bush had put in play for the CBIR requests for water projects to avoid his veto pen.

House Bill 293 by Pickens and Baker provides that a portion of the tax on direct-to-home satellite services be redistributed to fiscally constrained counties.

House Bill 789 by Murzin and Miller create the Underground Facility Damage Prevention and Safety Act. This establishes a system whereby operators and excavators can give notice for their intent to engage in excavation or demolition.

Senate Bill 980 by Alexander and Littlefield deals with electrical substations. The bill makes changes to the permitting by local governments of new substations and sets out guidelines for vegetative management around new and existing substations. The bill was a compromise worked out by the utilities and local governments. It allows greater flexibility for the utilities and still provides local governments with oversight powers.

Property Tax

Senate Bill 1268 by Margolis and Rivera. This bill makes changes to Florida Statute 197.252, relating to the deferral of ad valorem property taxes. The bill is intended to provide additional property tax assistance to Florida's poor and elderly citizens. It reduces the age for qualifying from 70 years to 65. In addition, the bill increases the economic threshold for household income from $10,000 annually to the amount of the household income designated in the additional

homestead exemption statute, 196.075. That threshold currently is around $23,000. The bill also reduces the interest rate which accrues on the tax from 9.5% to 7%. The same language is contained in the affordable housing bill, HB 1363.

Senate Bill 854 by Carlton and Brummer make changes to Florida Statute 193.155 related to homestead assessments. The bill provides that changes or additions or improvements to homesteads damaged or destroyed by a misfortune or calamity shall not increase the homestead property's assessed value when the square footage of the property as changed or improved does not exceed 110% of the square footage of the homestead before the damages. It further dictates what changes could increase the just value of the repaired home.

The bill also directs the Department of Revenue to conduct a study on the state's property tax structure to analyze the impact of the current homestead exemptions and homestead assessment limitations on different types of property. It sets out what the study should include. This was the Senate's offer of compromise to the portability bills. The Office of Economic and Demographic Research is to prepare reports summarizing the study conducted by the Department of Revenue and the bill sets out what the reports should contain. A progress report is due to the Senate President and Speaker of the House by February 15, 2007. The final report is due September 1, 2007.

House Joint Resolution 353 by Lopez-Cantera and Haridopolis proposes an amendment to the constitution which would increase the senior homestead exemption for low-income seniors from $25,000 to $50,000 annually.

Senate Bill 264 by Fasano and Littlefield make changes to Florida Statutes 193.155 by providing additional criteria for determining no change in the ownership of homestead property for assessment purposes. The bill provides that an additional co-owner does not constitute a change in ownership unless the co-owner also applies for homestead exemption on the property.

House Joint Resolution 631 by Sansom and Fasano proposes a change to the constitution to allow disabled veterans of World War II to receive a discount from the amount of ad valorem tax owed on homestead property. It sets out certain specifications related to the veterans and designates what percentage of discount is to be provided.

Taxes

House Bill 209 by Brummer and Atwater repeals the remaining provisions of Florida's annual intangible property tax.

Senate Bill 692 by Webster and Sansom establishes the annual sales tax holiday for school supplies. The holiday is scheduled for July 22, 2006 through July 30, 2006. The bill sets out which items are to be exempted.

Affordable Housing

House Bill 1363 by M. Davis and Bennett makes numbers changes to Florida's Affordable Housing Programs. The bill requires each county and municipality to prepare an inventory list of all real property held in fee simple within its jurisdiction. The list is to be prepared by July 1, 2007 and each three years thereafter. The bill provides an exemption from DRI review under certain conditions for construction of affordable workforce housing. The term "affordable workforce housing" is defined in the bill. The bill provides that a local government may provide density bonus incentives to landowners who donate property for very low income or moderate-income affordable housing. The bill amends the SHIP program to require local governments to include a definition of "essential service personnel" within their boundaries. The bill provides that 65% of funds from each local government's housing distribution be reserved for rehabilitation and construction of home ownership units for eligible, extremely low income, low income or very low income persons. The bill defines the term "extremely low income." The bill amends the SALE program to authorize low interest rate loans between 0% and 3% based on the numbers of units set aside for homeless residents. The bill also amends the SALE competitive ranking criteria. The Florida Home Ownership Assistance Program (HOPE) is expanded to include moderate-income persons purchasing a primary residence. A pilot program entitled Community Workforce Housing Innovation is established to provide affordable rental and home ownership opportunities for essential service personnel with median incomes in high cost and high growth counties. The bill provides the following appropriations for fiscal year 2006-2007:

- $75.9 million for rental recovery loan program
- $15 million for farm worker housing recovery and special housing assistance and development program
- $17 million for rental recovery program
- $100,000 for technical and training assistance to the Florida Housing Finance Corporation
- $30 million for implementing provisions relating to housing for extremely low income persons
- $50 million to implement the Community Workforce Housing Innovation Pilot Program
- $250,000 for a Century Commission for Sustainable Florida

Claims Bill

The Tunc claims bill did not pass this legislative session. No claims bills were passed due to the reluctance to address the issue in the Senate. Although there was some discussion about revising the requirements for claim bills, that was not accomplished this session.

Transportation

House Bill 7079 by Arza and Sebesta is the Department of Highway Safety & Motor Vehicle legislative package. Of interest to the City are the following provisions:

- Amending 316.006, Florida Statutes, authorizing the board of directors of a homeowners association to provide for local law enforcement agencies to enforce state traffic laws on private roads that are controlled by the association;
- Amending 316.0085, Florida Statutes, that relate to liability with respect to skateboarding, inline skating and other recreational pursuits;
- Amending 316.2125, Florida Statutes, granting local governments the authority to enact ordinances governing the use of golf carts within a retirement community which are more restrictive than state law.

Senate Bill 1350 by Sebesta is the Department of Transportation legislative package. Of particular interest to the City are changes to 212.0606, Florida Statutes. The bill allows counties to provide by ordinance approved by countywide referendum, an additional $2 per day surcharge on leased or rented motor vehicles designed to carry fewer than nine passengers. The bill stipulates that at least $45 million of a local option rental car surcharge in Broward, Miami-Dade and Palm Beach Counties be directed to the South Florida Regional Transportation Authority only if all three counties impose the local option rental car surcharge.

Senate Bill 959 by Roberson and Bullard establishes a pilot program in Miami-Dade County which would require guardrails, retention cables or other barriers between highways and canals or water bodies. It further requires the Department of Transportation to establish standards. The barriers are required to be installed on or before December 31, 2009.

It has been our pleasure to serve the City of Miami Beach during the 2006 Legislative Session. We will continue to report as bills are presented to the Governor. We will also plan to make presentations before the City Commission and will work during the interim on administrative and upcoming legislative issues.