

**City of Miami Beach – Special City Commission Meeting
Commission Chambers, 3rd Floor, City Hall
1700 Convention Center Drive
September 18, 2003**

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

City Manager Jorge M. Gonzalez
City Attorney Murray H. Dubbin
City Clerk Robert E. Parcher

ATTENTION ALL LOBBYISTS

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

ADDENDUM

R5- Ordinance

- R5E An Ordinance Amending Chapter 102 Of The City Code, Entitled "Taxation"; Amending Division IV Therein, Entitled "Tax"; Amending Article V Therein, Entitled "Occupational License Tax"; Amending Section 102-379 Therein, Entitled "Schedule Of Taxes"; Said Amendment Repeals The Five Percent (5%) Increase On Beachfront Concession Operations (A) Per Activity Per Location And Beach Upland Fee (Per Unit) Approved On Ordinance 2003-3413; Providing For Repealer, Severability, Codification, And An Effective Date. **First Reading.**

(Finance Department)

(Item Summary, Commission Memo & Ordinance)

R5- Resolution

- R7L A Resolution Approving A Settlement Regarding Liens On Real Property At 1433 Collins Avenue Owned By "The Beginning L.C." Providing That Liens In The Amounts Of \$145,851.00 Be Settled For The Amount Of \$5,000.00. (Page)

(Neighborhood Services Department)

(Item Summary, Commission Memo & Ordinance)

End of Addendum

**CITY OF MIAMI BEACH
COMMISSION ITEM SUMMARY**



Condensed Title:

An Ordinance of the Mayor and City Commission of the City of Miami Beach, Florida, amending Chapter 102 of the City Code, entitled "Taxation"; amending Division IV therein, entitled "Tax"; amending Article V therein, entitled "Occupational License Tax"; amending Section 102-379 therein, entitled "Schedule of Taxes"; said amendment repealing the five percent (5%) increases, respectively, on the fee for beachfront concession operations per activity per location, and beach upland fee (per unit), as approved on Ordinance 2003-3413; on July 30, 2003 providing for repealer, severability, codification, and an effective date.

Issue:

To repeal five percent (5%) increase on beachfront concession operations per activity per location and beach upland fee (per unit)

Item Summary/Recommendation:

On September 5, 2001 when Resolution No. 2001-24571 was passed, the Mayor and City Commission agreed that the fees for beachfront concessions would not be increased without evaluating the base fee. Additionally, the results of this evaluation would be presented to the upland owners for discussions. Therefore, the increase for beachfront concessions upland fee that was passed on Ordinance No. 2003-3413 should be repealed and referred to the Finance and Citywide Projects Committee for evaluation.

Advisory Board Recommendation:

Financial Information:

Additional Revenue Projection

Source of Funds:	Amount	Account	Approved
<div style="border: 1px solid black; padding: 5px; display: inline-block;"> </div> Finance Dept.	1	(\$10,496.00)	011-8000-321200 Occup Lic
	2		
	3		
	4		
	Total	(\$10,496.00)	

City Clerk's Office Legislative Tracking:

Patricia Walker

Sign-Offs:

Department Director	Assistant City Manager	City Manager

AGENDA ITEM R5E
DATE 9-18-03

CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139
http://ci.miami-beach.fl.us



COMMISSION MEMORANDUM

To: Mayor David Dermer and
Members of the City Commission

Date: September 18, 2003

From: Jorge M. Gonzalez
City Manager

A handwritten signature in cursive script, appearing to read "Jorge M. Gonzalez".

FIRST READING

Subject: AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 102 OF THE CITY CODE, ENTITLED "TAXATION"; AMENDING DIVISION IV THEREIN, ENTITLED "TAX"; AMENDING ARTICLE V THEREIN, ENTITLED "OCCUPATIONAL LICENSE TAX"; AMENDING SECTION 102-379 THEREIN, ENTITLED "SCHEDULE OF TAXES"; SAID AMENDMENT REPEALING THE FIVE PERCENT (5%) INCREASES, RESPECTIVELY, ON THE FEE FOR BEACHFRONT CONCESSION OPERATIONS PER ACTIVITY PER LOCATION, AND BEACH UPLAND FEE (PER UNIT), AS APPROVED BY ORDINANCE NO. 2003-3413; ON JULY 30, 2003 PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE

ADMINISTRATION RECOMMENDATION:

Approve the Ordinance Amendment on the first reading, and set the second reading for public hearing on October 15, 2003.

ANALYSIS:

On September 5, 2001, when Resolution No. 2001-24571 was passed, the Mayor and City Commission agreed that fees for beachfront concessions would not be increased without evaluating the base fee. Additionally, the results of this evaluation would be presented to the upland owners for discussion. Therefore, it is recommended that the increase for beachfront concessions upland fee that was approved on July 30, 2003 by Ordinance No. 2003-3413 should be amended to rollback such rates to existing levels, pending discussion with the industry. It is further recommended that this item should be referred to the Finance and Citywide Projects Committee for evaluation.

BACKGROUND:

On September 5, 2001, the City Commission established a concession fee of \$15.00 per upland unit per year, with a maximum of \$10,000 per upland property, and annual increases based on the Consumer Price Index. The Finance and Citywide Projects Committee further supported a compromise recommendation that the fee structure be evaluated after a one year period, and any changes thereto be approved by the City Commission prior to implementation.

On May 12, 2003, the Finance and Citywide Projects Committee recommended a fee increase of 5% for each occupational license. Further, that the new rate increase take effect upon approval of the amended Ordinance. Additionally, the Committee recommended that an annual escalation provision, based on CPI, be included in the Ordinance.

During first reading of the ordinance amendment on July 2, 2003, the Mayor and City Commission accepted the Finance and Citywide Projects Committee's recommendations, with the exception of the automatic annual increase provision.

Ordinance No. 2003-3413 passed on July 30, 2003, with a methodology in place to allow for review of fees when a threshold change in the CPI occurs. Therefore, a review of the fees will be initiated, whenever a change in the CPI between the current CPI and the date of CPI used to establish the last rate adjustment is greater than five percent (5%). Upon reaching this threshold, and following a survey of fees for similar services in surrounding communities and/or an analysis to review the current cost of providing such services, adjustment to such fees will be incorporated into an amended ordinance or resolution, as appropriate, and submitted to the Mayor and City Commission for approval.

JMG/PDW/ris

A handwritten signature in black ink, appearing to be 'JMG' or similar, with a long horizontal stroke extending to the right.

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 102 OF THE CITY CODE, ENTITLED "TAXATION"; AMENDING DIVISION IV THEREIN, ENTITLED "TAX"; AMENDING ARTICLE V THEREIN, ENTITLED "OCCUPATIONAL LICENSE TAX"; AMENDING SECTION 102-379 THEREIN, ENTITLED "SCHEDULE OF TAXES"; SAID AMENDMENT REPEALING THE FIVE PERCENT (5%) INCREASES, RESPECTIVELY, ON THE FEE FOR BEACHFRONT CONCESSION OPERATIONS PER ACTIVITY PER LOCATION, AND BEACH UPLAND FEE (PER UNIT), AS APPROVED BY ORDINANCE NO. 2003-3413 ON JULY 30, 2003; PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE

WHEREAS, at its meeting on May 12, 2003, the Finance and Citywide Projects Committee recommended fee increases for occupational license, certificate of uses, and fire inspection fees; and

WHEREAS, on first reading of the aforesated amendments to the Occupational License Ordinance on July 2, 2003, the Mayor and City Commission adopted the Finance and Citywide Projects Committee's recommendations, except for the provision as to the portion pertaining to automatic fee escalations; and

WHEREAS, on second reading, the Mayor and City Commission adopted the Occupational License Ordinance on July 30, 2003, which included an increase to the beachfront concession fees.

WHEREAS, on September 5, 2001, the Mayor and City Commission passed Resolution No. 2001-24571, which stated that fees for beachfront concessions would not be increased without evaluating the base fee; and

WHEREAS, the results of this evaluation will be presented to beach upland owners for discussion; and

WHEREAS, the increase for beachfront concessions upland fee that was approved on July 30, 2003 by Ordinance No. 2003-3413 should be amended to rollback such rates to existing levels, pending discussion with the industry.

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

SECTION 1. That Chapter 102 of the City Code; Division IV therein; Article V therein; Section 102-379 therein is amended as follows.

Sec. 102-379 Schedule of Taxes

License taxes for the following businesses, occupations, or professions are hereby levied and imposed as set forth below

BEACHFRONT CONCESSION OPERATIONS

(a) PER ACTIVITY PER LOCATION

~~\$ 604.00~~ \$ 575.00

BEACH UPLAND FEE (PER UNIT)

~~\$ 16.00~~ \$ 15.00

REPEALER

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

SEVERABILITY

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

CODIFICATION

It is the intention of the Mayor and City Commission of the City of Miami Beach, and it is hereby Ordained 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 intentions and the word "ordinance" may be changed to "section", "article", or other appropriate word.

EFFECTIVE DATE

This Ordinance shall take effect immediately upon approval of said ordinance.

PASSED AND ADOPTED This _____ day of _____, 2003.

MAYOR

ATTEST:

CITY CLERK

1ST Reading 09/18/03
2ND reading 10/15/03

**APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION**

W. McCall - 9-15-03
City Attorney Date

**CITY OF MIAMI BEACH
COMMISSION ITEM SUMMARY**



Condensed Title:

A resolution approving a settlement regarding liens on real property located at 1433 Collins Avenue owned by "The Beginning L.C." providing that liens in the amount of \$145,851.00 be settled for the amount of \$5,000.00.

Issue:

Shall the City Commission approve a settlement regarding liens on the property at 1433 Collins Avenue.

Item Summary/Recommendation:

In 1999, "The Beginning L.C." purchased the property located at 1433 Collins Avenue and known as The Carlton Hotel for \$3,080,000.00. The property is zoned mix-use/entertainment, has three floors, 67 living units and the current assessed value by the Miami-Dade County Property Appraiser's Office is \$2,594,730.00.

Immediately after the property was purchased, the owners began to renovate the property. The exterior of the property specifically, the front façade was renovated which included the installation of a new front door and two windows on both sides of the door. The contractor hired by the property owner failed to obtain the required permits and approvals from the Design Review Board. The delay in compliance was due to the fact that property owner was under the impression that the contractor was attending the Special Master hearings and working on finalizing the permits.

The Administration believes that this is a fair and equitable settlement given the fact that the violation was non-life threatening and compliance was delayed due to the negligence of the contractor. Additionally, Mr. Sergio Collatti, registered agent of "The Beginnings L.C." was under the impression that the contractor was attending the Special Master hearings and working on finalizing the permits. The property owner was forced to hire another contractor to complete the work and finalize the open permits. Mr. Collatti is requesting the settlement in order to refinance the mortgage and secure a lower interest rate. Therefore, the Administration recommends a settlement of \$5,000.00.

Advisory Board Recommendation:

N/A

Financial Information:

Source of Funds:	Amount		Account	Approved
	1	2		
<div style="border: 1px solid black; width: 40px; height: 40px; display: inline-block;"></div> Finance Dept.	1	\$0.00		
	2			
	3			
	4			
	Total			

City Clerk's Office Legislative Tracking:

VIVIAN P. GUZMAN

Sign-Offs:

Department Director	Assistant City Manager	City Manager

AGENDA ITEM R7L
DATE 09-18-03

CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139
www.ci.miami-beach.fl.us



COMMISSION MEMORANDUM

To: Mayor David Dermer and
Members of the City Commission

Date: September 18, 2003

From: Jorge M. Gonzalez
City Manager

A handwritten signature in black ink, appearing to read "Jorge M. Gonzalez".

Subject: A RESOLUTION APPROVING A SETTLEMENT REGARDING LIENS ON THE PROPERTY AT 1433 COLLINS AVENUE, MIAMI BEACH, OWNED BY THE BEGINNING L.C. IN THE AMOUNT OF \$145,851 BE SETTLED FOR \$5,000.00 AND FURTHER AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY TO EFFECTUATE THE SETTLEMENT.

ADMINISTRATION RECOMMENDATION

Adopt the Resolution

ANALYSIS

In 1999, "The Beginning L.C." purchased the property located at 1433 Collins Avenue and known as The Carlton Hotel for \$3,080,000.00. The property is zoned mix-use/entertainment, has three floors, 67 living units and the current assessed value by the Miami-Dade County Property Appraiser's Office is \$2,594,730.00.

Immediately after the property was purchased, the owner began to renovate the property. The exterior of the property specifically, the front façade was renovated which included the installation of a new front door and two (2) windows on both sides of the door. The contractor hired by the property owner failed to obtain the required permits and approvals from the Design Review Board. As a result, notices of violation were issued to the property owner. On April 13, 2000, the case was forwarded to the Special Master for non-compliance and the Special Master ordered a May 16, 2000, compliance deadline or a \$100.00 fine would be imposed.

Due to non-compliance, the case was again referred to the Special Master. At the Special Master hearing on October 12, 2000, the Special Master increased the daily fine to \$250.00 since compliance was not achieved and ordered the case to be heard on January 11, 2001. At the January 11, 2001 hearing, compliance was still not achieved and the Special Master increased the daily fine to \$400.00 and instructed staff to schedule the case for a status report hearing on April 12, 2001.

On April 12, 2001, the property was still in non-compliance and the Special Master ordered the case be scheduled for a status hearing on July 12, 2001. At the July 12, 2001 hearing, the daily fine of \$400.00 was stopped and the case was set for hearing on September 26, 2001.

At the September 26, 2001 hearing, the Special Master ordered compliance by November 13, 2001. If compliance was not achieved, the previous fine of \$400.00 per day would be imposed. The property owner finally complied on April 18, 2002. Compliance was delayed because of the contractor's failure to obtain the required permits prior to commencing the renovations.

The Administration believes that this is a fair and equitable settlement given the fact that the violation was non-life threatening and compliance was delayed due to the negligence of the contractor. Additionally, Mr. Sergio Collatti, registered agent of "The Beginnings L.C." was under the impression that the contractor was attending the Special Master hearings and working on finalizing the permits. The property owner was forced to hire another contractor to complete the work and finalize the open permits. Mr. Collatti is requesting the settlement in order to refinance the mortgage and secure a lower interest rate. Therefore, the Administration recommends a settlement of \$5,000.00.

JMG/RCM/VPG/AC/kc

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH APPROVING A SETTLEMENT REGARDING LIENS ON REAL PROPERTY AT 1433 COLLINS AVENUE OWNED BY "THE BEGINNING L.C." PROVIDING THAT LIENS IN THE AMOUNTS OF \$145,851.00 BE SETTLED FOR THE AMOUNT OF \$5,000.00

WHEREAS, the property located at 1433 Collins Avenue was purchased in 1999, and renovations began immediately on the property; and

WHEREAS, the front of the building was remodeled with a door and two windows without prior approvals from the Design Review Board and Planning Department; and

WHEREAS, the contractor hired by the property owner was delayed in obtaining the required permits and approval; and

WHEREAS, Notices of Violations were issued, the matter was heard by the Special Master, and as a result the property (Case JC00000694/ ZV00001506) has accumulated liens in the amount of \$145,851.00; and

WHEREAS, the Administration seeks to reduce the inflated liens to an amount that is reasonable, equitable and can be collected; and

NOW, THEREFORE BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA that a settlement for outstanding City liens on the property located at 1433 Collins Avenue in the amount of \$145,851.00 is hereby approved (Special Master case JC00000694/ ZV00001506) upon payment of the sum of \$5,000.00 by "The Beginning L.C." to the City of Miami Beach; and further that the City Manager shall be authorized to execute any and all necessary documents to complete such lien release and settlement subject to the approval of the Special Master.

PASSED AND ADOPTED THIS _____ DAY OF _____, 2003

ATTEST:

City Clerk

Mayor David Dermer

**APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION**

M. H. Sullivan 9-16-03

City Attorney Date