City of Miami Beach - City Commission Meeting
Commission Chambers, 3rd Floor, City Hall
1700 Convention Center Drive
April 14, 2004

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

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

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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 An Ordinance Amending Chapter 142 "Land Development Regulations" Of The City Code, Division 7, "CCC, Civic And Convention Center District," In Order To Allow Waivers Of Development Regulations By A Five-Sevenths Vote Of The City Commission For Developments Pertaining To Government-Owned Or Leased Buildings, Uses And Sites Which Are Wholly Used By, Open And Accessible To The General Public, Or Used By Not-For-Profit, Educational, Or Cultural Organizations, Or For Convention Center Hotels, Or Convention Center Hotel Accessory Garages, Or City Utilized Parking Lots, Provided They Are Continually Used For Such Purposes; And To Amend The Public Notice Requirements For Such Waivers, Providing For Codification, Repealer, Severability And Effective Date. **10:15 a.m. Second Reading, Public Hearing** (Page 259)
(Planning Department)
(First Reading, Public Hearing on February 25, 2004)

R5 - Ordinances (Continued)

R5B Signs For Vertical Retail Centers
An Ordinance Amending The Land Development Regulations Of The Code Of The City Of Miami Beach, By Amending Chapter 138, Entitled "Signs," By Amending Article VI, Entitled "Specific Use Signs," By Creating Section 138-205 To Establish Regulations And Criteria For Signs For Vertical Retail Centers; Providing For Inclusion In The City Code; Providing For Repealer, Severability And An Effective Date. **10:30 a.m. Second Reading, Public Hearing** (Page 268)
(Planning Department)
(First Reading on March 17, 2004)

R5C Conditional Uses In The MXE, Mixed Use Entertainment District
An Ordinance Amending The Land Development Regulations Of The City Code By Amending Chapter 142, "Zoning Districts And Regulations," Of The City Code; Division 13, "MXE Mixed Use Entertainment District," Section 142-542, "Conditional Uses," To Include Public And Private Cultural Institutions Open To The Public And Banquet Facilities, As Conditional Uses In This Zoning District; Providing For Codification, Repealer, Severability And Effective Date. **11:15 a.m. First Reading, Public Hearing** (Page 275)
(Planning Department)

R5D Eliminating Dance Halls & Entertainment Establishments In Certain Districts
An Ordinance Amending The Code Of The City Of Miami Beach, By Amending Chapter 142, "Zoning Districts And Regulations," Article II, "District Regulations," Division 5, CD-2 Commercial, Medium Intensity District, Section 142-302, "Main Permitted Uses"; Division 11, I-1 Light Industrial District, Section 142-485, "Prohibited Uses"; And Division 18, "PS Performance Standard District," Section 142-693 "Permitted Uses," By Eliminating Dance Halls And Entertainment Establishments Also Operating As Alcoholic Beverage Establishments And Restaurants With Full Kitchens And Serving Full Meals As Permitted Uses In Certain Areas Of The CD-2 Commercial, Medium Intensity District, The I-1 Light Industrial District, And The PS Performance Standard District; Providing For Repealer, Severability, Codification And An Effective Date. **11:30 a.m. First Reading, Public Hearing**
(Page 282)
(Planning Department)

R5E An Ordinance Of The Mayor And City Commission Of The City Of Miami Beach, Florida, Amending Chapter 102, Article V, Of The Code Of The City Miami Beach, Florida, Entitled "Occupational License Tax," To Define Adjudicated Violation, To Define Habitual Conduct For Purposes Of Occupational License Denial And/Or Suspension Or Revocation, And Defining Habitual Conduct For Promoters Occupational License Denial And/Or Suspension Or Revocation And Providing For The City Manager's Designee To Undertake A Hearing In The Suspension Or Revocation Process And Providing For Factors To Be Considered In Determining The Length Of A License Suspension; Providing For Codification Repealer, Severability, And An Effective Date. **First Reading**
(Page 293)
(City Manager's Office)

R5 - Ordinances (Continued)

R5F An Ordinance Amending Chapter 70, Article III Of The Miami Beach City Code, Entitled "Graffiti" By Providing For Reduction In Time Periods Permitted For Compliance With Article, Providing For Severability, And An Effective Date. **First Reading** (Page 314)
(Police Department)

R5G Amendment To Goals, Policies & Objectives & Future Land Use Map Of The Comprehensive Plan An Ordinance **1)** Amending The Future Land Use Map Of The Comprehensive Plan By Changing The Future Land Use Category For A Parcel Of Unplatted Land Of Approximately 5.6 +/- Acres On Terminal Island, Located South Of The MacArthur Causeway, From The Current Land Use Category I-1, Light Industrial With A Floor Area Ratio (FAR) Of 1.0, To The Proposed Future Land Use Category Of "RM-PRD," Multifamily, Planned Residential Development With A Floor Area Ratio (FAR) Of 1.0; And **2)** Amending Part II: Goals, Objectives And Policies Of The City Of Miami Beach Comprehensive Plan, By Amending Policy 4.2 Of Objective 4 "Hurricane Evacuation," Of The Future Land Use Element; By Amending Policy 1.2 Of Objective 1: "Port Facility Expansion" Of The "Ports, Aviation And Related Facilities" Element; Amending Policy 9.2 Of Objective 9, "Density Limits," Of The "Conservation/Coastal Zone Management," Element, In Order To Allow The Requested Future Land Use Category For The Subject Property; Directing Transmittals Of This Ordinance And All Applicable Documents To Affected Agencies. **5:01 p.m. First Reading, Public Hearing** (Page 319)
(Planning Department)
(Continued from February 25, 2004)

R5H Proposed Amendment to Official Zoning District Map & Land Development Regulations.
An Ordinance Amending The Official Zoning District Map, Referenced In Section 142-72 Of The Code Of The City Of Miami Beach, Florida, By Changing The Zoning District Classification For A Parcel Of Unplatted Land Of Approximately 5.6 +/- Acres On Terminal Island, Located South Of The MacArthur Causeway From The Current I-1 Light Industrial, To The Proposed Zoning Classification RM-PRD3, Multifamily Planned Residential Development, With A Floor Area Ratio (FAR) Of 1.0; Amending Chapter 142 "Zoning Districts And Regulations," Amending Subdivision III. "RM-PRD Multifamily, Planned Residential Development District" By Adding Subdivision IIIB. "Development Regulations For RM-PRD3;" Providing For Codification, Repealer, Severability, And An Effective Date. **5:01 p.m. First Reading, Public Hearing** (Page 340)
(Planning Department)
(Continued from February 25, 2004)

R5I An Ordinance Amending Ordinance No. 789, The Classified Employees Salary Ordinance Of The City Of Miami Beach, Florida, Providing For Those Classifications Represented By The Fraternal Order Of Police (FOP) In Accordance With The Negotiated Agreement A 3% Increase For All FOP Bargaining Unit Employees And An Increase Of 3% To The Minimum And Maximum Of The Salary Ranges Effective The Payroll Period Ending October 5, 2003, And Effective The Payroll Period Ending October 3, 2004; And A 3.5% Increase For All FOP Bargaining Unit Employees And An Increase Of 3.5% To The Minimum And Maximum Of The Salary Ranges Effective The Payroll Period Ending October 9, 2005; Repealing All Ordinances In Conflict; Providing For Severability; And Providing For An Effective Date, And Codification. **First Reading** (Page 357)
(Human Resources)

R5 - Ordinances (Continued)

R5J An Ordinance Amending Ordinance No. 789, The Classified Employees Salary Ordinance Of The City Of Miami Beach, Florida, Providing For Those Classifications Represented By The International Association Of Firefighters (IAFF) In Accordance With The Negotiated Agreement A 3% Increase For All IAFF Bargaining Unit Employees And An Increase Of 3% To The Minimum And Maximum Of The Salary Ranges Effective The Payroll Period Ending October 5, 2003, And Effective The Payroll Period Ending October 3, 2004; And A 3.5% Increase For All IAFF Bargaining Unit Employees And An Increase Of 3.5% To The Minimum And Maximum Of The Salary Ranges Effective The Payroll Period Ending October 9, 2005; Repealing All Ordinances In Conflict; Providing For Severability; And Providing For An Effective Date, And Codification. **First Reading** (Page 364)
(Human Resources)

R5K An Ordinance Amending Ordinance No. 1605, The Unclassified Employees Salary Ordinance; Providing For A 3% Increase For All Unclassified Employees And A 3% Increase To The Minimum And The Maximum Of The Salary Ranges Effective May 3, 2004, And Effective The First Payroll Period Beginning On Or After May 1, 2005; A 3.5% Increase For All Unclassified Employees And A 3.5% Increase To The Minimum And The Maximum Of The Salary Ranges Effective The First Payroll Period Beginning On Or After May 1, 2006; And Providing For A Repealer, Severability, Effective Date, And Codification. **First Reading** (Page 371)
(Human Resources)

R5L An Ordinance Amending Ordinance No. 789, The Classified Employees Salary Ordinance, For Classifications In Group VI, Being All Other Classifications In The Classified Service Not Covered By A Bargaining Unit; Providing For A 3% Increase For All Employees In Group VI, "Others," And A 3% Increase To The Minimum And The Maximum Of The Salary Ranges Effective May 3, 2004, And Effective The First Payroll Period Beginning On Or After May 1, 2005; A 3.5% Increase For All Employees In Group VI, "Others," And A 3.5% Increase To The Minimum And The Maximum Of The Salary Ranges Effective The First Payroll Period Beginning On Or After May 1, 2006; And Providing For A Repealer, Severability, Effective Date, And Codification. **First Reading** (Page 378)
(Human Resources)

R6 - Commission Committee Reports

R6A Verbal Report Of The Finance And Citywide Projects Committee Meeting Of April 6, 2004: **1)** Discussion Regarding An Ordinance Amending Chapter 142 "Land Development Regulations" Of The City Code, Division 7, "CCC, Civic And Convention Center District," In Order To Allow Waivers Of Development Regulations By A Five-Sevenths Vote Of The City Commission For Developments Pertaining To Government-Owned Or Leased Buildings, Uses And Sites Which Are Wholly Used By, Open And Accessible To The General Public, Or Used By Not-For-Profit, Educational, Or Cultural Organizations, Or For Convention Center Hotels, Or Convention Center Hotel Accessory Garages, Or City Utilized Parking Lots; **2)** Review And Discussion Of The Proposed Purchase Of The Property Located At 1833 Bay Road, Miami Beach, Florida; **3)** Discussion Regarding The Renewal Option Provisions Set Forth In Section 2 Of The Management Agreement Between The City Of Miami Beach And The Miami Beach Garden Conservancy, Inc., Which Provide For An Extension Period Of Two (2) Years, Unless The City Manager Provides Notice 60 Days Prior To Expiration, For The Management And Operation Of The Miami Beach Botanical Garden, Pursuant To The Renewal Option Provisions Set Forth In Section 2 Of The Management Agreement; **4)** Discussion Regarding The Development And Implementation Of A Citywide Corporate Marketing And Sponsorship Program; **5)** Discussion Regarding An Amendment To Section 2-369 Of The City Code Relative To The Utilization Of Contracts Awarded By The U.S. Communities Government Purchasing Alliance; And **6)** Review Of Current Policies Regarding Homeless, Vagrants And Prostitutes. (Page 386)

R7 - Resolutions

R7A A Resolution Waiving By 5/7ths Vote, The Prohibition Of Tran Construction, Inc. From Continuing To Serve As A Vendor With The City Pursuant To Miami Beach City Code Section 2-487 (B)(4), Finding Such Waiver To Be In The Best Economic Interest Of The City, Regarding The Following Existing Contracts: 1) The Miami Beach Golf Course Clubhouse, Restroom Pavilions And Maintenance Yard Building; 2) The Design, Permitting And Construction Of Four New Restroom/Concession Facilities Within The Beachfront Parks Located At 21st, 46th, 53rd, And 64th Streets; And 3) The Job Order Contracting (JOC) Contract Relative To The Following Miami Beach Convention Center Projects: a) Chiller Replacement; b) Replacement Of Air Handlers; And c) Refurbishment Of 12 Air Handling Units. **10:45 a.m. Public Hearing** (Page 389)

(Capital Improvement Projects)

R7B A Resolution Following A Duly Noticed Public Hearing To Hear Public Comment On Same, Approving And Authorizing The Vacation Of A Portion Of West 29th Street Street-End, West Of Prairie Avenue, In Favor Of Massimo And Jiska Barraca, Owners Of The Adjacent Property Located At 2900 Prairie Avenue; Waiving By 5/7ths Vote, The Competitive Bidding Requirements Pursuant To Ordinance No. 92-2783, Finding Such Waiver To Be In The Best Interest Of The City; Further Authorizing The Mayor And City Clerk To Execute Any And All Documents To Effectuate The Transaction, Including A Quitclaim Deed, Subject To Final Review Of Same By The City Attorney's Office. **11:00 a.m. Public Hearing** (Page 400)

(Public Works)
(Continued from January 14, 2004)

R7 - Resolutions (Continued)

R7C A Resolution Approving On First Reading/Public Hearing, In Accordance With The Requirements Of Sections 163.3220 - 163.3243, Florida Statutes, Also Referred To As The Florida Local Government Development Agreement Act, A Proposed Development Agreement Between The City Of Miami Beach And AR&J SOBE, LLC (A/K/A Potamkin/Berkowitz) For The Development Of The Project, Presently Referred To As "5th And Alton", Containing Approximately 179,000 Square Feet Of Retail Area And A Supermarket And An Approximately 943 Space Parking Garage Facility, Including An Intermodal/Transportation Component, An Integrated Parking Garage, Vertical Transportation, Ramps, Ventilation, Etc., And Surrounding Streetscape And Public Infrastructure To Serve The Project, Bounded By Lenox Avenue On The East, Alton Road On The West, 6th Street On The North And 5th Street On The South, In Miami Beach; Further, Setting The Second Public Hearing For The Development Agreement; Further Setting A Public Hearing Pursuant To The City's Guidelines For Vacation Of Public Right-Or-Ways And Chapter 82, Article II, Sections 82-37 Through 82-38, Of The City Code , To Hear Public Comment Concerning A Vacation Of The Alley Adjacent To The Property Generally Located Between Alton Road And Lenox Avenue, And Containing Approximately 7800 Square Feet Of Land. **2:00 p.m. First Public Hearing** (Page 403)

(City Manager's Office)
(Continued from March 17, 2004)

R7D A Resolution Approving And Authorizing The Mayor And City Clerk To Execute A Perpetual Easement Interest With The Florida Department Of Transportation (FDOT) For Two Separate Strips Of Land Along The East Side Of Brittany Bay Park, Containing 1578 Square Feet, A Legal Description Of Which Being Attached Hereto And Made Part Of This Resolution. Said Easement Will Widen The Indian Creek Drive Crossection To Allow For The Construction Of A Triple-Left Intersection, As Part Of FDOT's At-Grade Project At 63rd Street And Indian Creek Drive. FDOT Agrees To Restore To Substantially The Same Condition Which Existed Immediately Prior To Such Work, At Its Sole Cost And Responsibility, Any And All Affected City Infrastructure Within The Easement Area, Including But Not Limited To Utility Lines, Sidewalk And Landscaping; And Further That The Easement Will Become Null And Void If The Project Is Not Under Construction Before The Year 2007, And The Rights Conveyed By The City Revert Back To The City. (Page 420)

(Public Works)
(Deferred from March 17, 2004)

R7E A Resolution Authorizing The Execution Of An Agreement With Perkins And Will, Inc. In The Not To Exceed Amount Of $1,200,788 For The Provision Of Planning, Architecture, Landscape Architecture, And Engineering Services Required To Design And Construct The Multi-Purpose Municipal Parking Facility Project And Further Appropriating Funds In This Amount Along With $299,813 For Associated CIP Office Project Management Charges From The Parking Enterprise Fund. (Page 433)

(Capital Improvement Projects)

R7F A Resolution Adopting The Recommendation Of The City Manager And Authorizing The Administration To Commit The 5,000 Square Foot Space Within "The Courts" Project (F/K/A The Cobb Project) Located At 131 Alton Road, Miami Beach, Florida, For Use As A Library. (Page 478)

(Economic Development)

R7 - Resolutions (Continued)

R7G A Resolution Authorizing Continuation Of The City Of Miami Beach's Forgiveness Of The Housing Authority Of The City Of Miami Beach's (HACMB) Payment In Lieu Of Taxes (PILOT) Payment Through 2023, In Full And Final Settlement And Satisfaction Of Any And All Claims That The HACMB May Have Against The City (Including But Not Limited To All Reimbursement Claims Related To Letters Of Agreement Entered Into Between The City And HACMB Between June 24, 1992 Through February 2000) Pursuant To Finding IA Of Audit Report No. 01-At-202-1001, Issued By The Office Of The Inspector General Of The U.S. Department Of Housing And Urban Development (HUD), Dated October 20, 2000 (The Audit Report); Provided Further That The City's Forgiveness Of HACMB's Pilot Payment Through 2023 Will Result In The Closure By HUD Of Finding IA Of The Audit Report; Provided Further That The Actions Taken By The City In This Resolution Are Taken Soley In Full And Final Settlement Of The Aforestated Matters, And Do Not Represent Any Admission Of Liability On The City's Part, Either With Regard To The City's Reimbursement To The HACMB And/Or The Findings In The Audit Report; Provided Further That The City's Forgiveness Of The HACMB's Pilot Payment Through 2023, And This Proposed Settlement, Is Subject To And Conditioned Upon The City's 1) Receipt Of A Fully Executed Release And Satisfaction By HACMB, And 2) Receipt Of A Letter From HUD Evidencing HUD's Agreement To Close Finding IA Of The Audit Report. (Page 489)

(City Manager's Office)

R7H A Resolution Accepting The Recommendation Of The City Manager Pertaining To The Ranking Of Proposals Pursuant To Request For Proposals (RFP) No. 66-02/03, For The Development And Implementation Of A Citywide Corporate Marketing And Sponsorship Program; Authorizing The Administration To Enter Into Negotiations With International Merchandising Corporation D/B/A IMG; And Should The Administration Not Be Able To Negotiate An Agreement With International Merchandising Corporation D/B/A IMG; Authorizing The Administration To Negotiate With Sports And Sponsorships. (Page 496)

(City Manager's Office)

R7I A Resolution Accepting The Recommendation Of The City Manager Pertaining To The Ranking Of Proposals Pursuant To Request For Proposals (RFP) No. 16-03/04, For The Purchase And Implementation Of An Enterprise Financial And Administrative System; Authorizing The Administration To Enter Into Negotiations With The Top-Ranked Firm Of Eden Systems; And Should The Administration Not Be Able To Negotiate An Agreement With The Top-Ranked Firm, Authorizing The Administration To Negotiate With The Second-Ranked Firm Of Munis; And Further Authorizing The Mayor And City Clerk To Execute An Agreement Upon The Completion Of Successful Negotiations By The Administration In The Not To Exceed Amount Of $1,800,874. (Page 627)

(Finance Department)

R9 - New Business and Commission Requests

R9A Board and Committee Appointments. (Page 643)
(City Clerk's Office)

R9A1 Nominate Maria Bonta De La Pezuela To The Arts In Public Places Committee. (Page 649)
(Requested by Commissioner Richard L. Steinberg)

R9B(1) Dr. Stanley Sutnick Citizen's Forum. (1:30 p.m.) (Page 653)
R9B(2) Dr. Stanley Sutnick Citizen's Forum. (5:30 p.m.)

R9C Discussion Regarding The Traffic Analysis Report On Indian Creek Drive At 63rd And 65th Street Intersections, Prepared By The HNTB Corporation. (Page 655)
(Public Works)

R9D Presentation By Don Peebles, Chairman Of The Greater Miami Convention And Visitors Bureau, (Page 673)
(City Manager's Office)

R9E Discussion Regarding A Resolution Affirming Its Continued Support For The Citizen's Independent Transportation Trust (CITT), As Adopted By The Board Of County Commissioners On July 9, 2002, Pursuant To Ordinance No. 02-117; Further Urging The Board Of County Commissioners Not To Disband The CITT, Or Otherwise Take Any Action Which Would Have The Effect Of Substantially Altering Or Diluting The Powers And Authority Of The CITT, As Originally Intended And Envisioned, Following Approval By The Electorate Of Miami-Dade County, Florida Of The Charter County Transit System Surtax. (Page 675)
(Requested by Mayor David Dermer)

R9F Report On Memorial Day Weekend 2004 (Thursday, May 27, 2004 - Monday, May 31, 2004). (Page 679)
(City Manager's Office)

R9G Discussion And Review Of The Proposed Purchase Of The Property Located At 1833 Bay Road, Miami Beach, Florida. (Page 683)
(Economic Development)

R9H Discussion Regarding Redevelopment In The Area Of 17th Street To 12th Street And Alton Road To Bay Drive. (Page 697)
(Requested by Commissioner Simon Cruz)

R9 - New Business and Commission Requests (Continued)

R9I Discussion Regarding A Resolution Supporting Representative Robaina's Condominium Bill Of Rights. (Page 699)
(Requested by Commissioner Luis R. Garcia, Jr.)

R9J Discussion Regarding Controlling Major Projects. (Page 701)
(Requested by Commissioner Saul Gross)

Reports and Informational Items

A Parking Status Report. (Page 704)
(Parking Department)

B Status Report On The Rehabilitation Project Of The Existing Building And The Addition To Fire Station No. 2. (Page 748)
(Capital Improvement Projects)

C Status Report On The Rehabilitation Project Of Fire Station No. 4. (Page 750)
(Capital Improvement Projects)

D Informational Report To The Mayor And City Commission, On Federal, State, Miami-Dade County, And All Existing City Contracts For Renewal Or Extensions In The Next 180 Days. (Page 752)
(Procurement)

E Non-City Entities Represented By City Commission:
1. Minutes From The Miami-Dade County Homeless Trust Board Meeting Of February 27, 2004. (Page 754)
(Requested by Commissioner Richard L. Steinberg)

F Presentation On The On-Line Permitting System. (Page 760)
(City Manager's Office)

End of Regular Agenda

CITY OF MIAMI BEACH

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

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 CHANNEL 20, AND ARE AVAILABLE IN THE CITY CLERK'S OFFICE. COMMISSION MEETINGS COMMENCE AT 9:00 AM. 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 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.

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 which is - http://ci.miami-beach.fl.us.

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 items listed on the Agenda may call or come to City Hall, Office of the City Clerk, 1700 Convention Center Drive, telephone 673-7411, before 5:00 p.m. on the Tuesday 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, with the approval of the City Commission, 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 of <u>fifteen minutes total</u> allocated at the commencement of the Commission Meeting at 9:00 a.m. 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 and the City Commission. 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.

CITY OF MIAMI BEACH

2004 CITY COMMISSION AND REDEVELOPMENT AGENCY MEETINGS

January 14 (Wednesday)	
February 4 (Wednesday)	February 25 (Wednesday)
March 17 (Wednesday)	
April 14 (Wednesday)	
May 5 (Wednesday)	May 26 (Wednesday)
June 9 (Wednesday)	
July 7 (Wednesday)	July 28 (Wednesday)

August City Commission in Recess – NO MEETINGS

September 8 (Wednesday)

October 13 (Wednesday)

November 10 (Wednesday)

December 8 (Wednesday)

CITY OF MIAMI BEACH
COMMISSION ITEM SUMMARY

Condensed Title:

An ordinance of the Mayor and City Commission amending Chapter 142, "Land Development Regulations," of the City Code; Division 7. "CCC, Civic and Convention Center district," in order to allow waivers of development regulations by a five-sevenths vote of the City Commission.

Issue:

The City Commission already has the discretion to waive the development regulations in the GU, Government Use districts. Should the Commission have the same discretion in the CCC district?

Item Summary/Recommendation:

Currently the City Code allows the City Commission to waive development regulations in the GU, Government Use district; however the CCC, Civic and Convention Center regulations do not have the same provision.

Based on the discussions at the Finance and Citywide Projects Committee on April 6, 2004, the Administration is withdrawing its request to amend the Land Development Regulations of the City Code.

Advisory Board Recommendation:

At the September 30, 2003 meeting, the Planning Board considered the proposed ordinance and made the following motion by a vote of 5-0 (2 members absent):

- Recommend approval of the ordinance granting the City Commission, by a 5/7ths vote, the power to waive solely for the New World Symphony, the parking requirements that otherwise would be applicable in the LDRs; provided,
- City Commission simultaneously commit to provide the spaces in a new parking facility within 1200 ft.;

The Planning Board stated that they feel very strongly that no other aspect of the LDRs should be modified until there is a fully designed project.

The Finance and Citywide Projects Committee reviewed this request at its April 6, 2004 meeting. The City's bond and tax counsel explained the issues and their conclusions regarding the tax-exempt bonds aspects of the proposed arrangement between the City and the NWS. After much discussion the Administration is withdrawing this request, as it appears that there are alternative means by which the NWS could provide the required parking pursuant to the Land Development Regulations of the City Code.

Financial Information:

Source of Funds:

Finance Dept.

	Amount	Account	Approved
1			
2			
3			
4			
Total			

City Clerk's Office Legislative Tracking:

Mercy Lamazares / Jorge G. Gomez

Sign-Offs:

Department Director	Assistant City Manager	City Manager
	CMC	Jorge

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AGENDA ITEM R5A

DATE 4-14-04

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: April 14, 2004

From: Jorge M. Gonzalez
City Manager

Second Reading Public Hearing

Subject: CCC - waivers of development regulations by the City Commission.

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH AMENDING CHAPTER 142, "LAND DEVELOPMENT REGULATIONS," OF THE CITY CODE; DIVISION 7. "CCC, CIVIC AND CONVENTION CENTER DISTRICT," IN ORDER TO ALLOW WAIVERS OF DEVELOPMENT REGULATIONS BY A FIVE-SEVENTHS VOTE OF THE CITY COMMISSION FOR DEVELOPMENTS PERTAINING TO GOVERNMENT-OWNED OR LEASED BUILDINGS, USES AND SITES WHICH ARE WHOLLY USED BY, OPEN AND ACCESSIBLE TO THE GENERAL PUBLIC, OR USED BY NOT-FOR-PROFIT, EDUCATIONAL, OR CULTURAL ORGANIZATIONS, OR FOR CONVENTION CENTER HOTELS, OR CONVENTION CENTER HOTEL ACCESSORY GARAGES, OR CITY UTILIZED PARKING LOTS, PROVIDED THEY ARE CONTINUALLY USED FOR SUCH PURPOSES; AND TO AMEND THE PUBLIC NOTICE REQUIREMENTS FOR SUCH WAIVERS. PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY AND EFFECTIVE DATE.

ADMINISTRATION RECOMMENDATION

The Administration is withdrawing its request to amend the Land Development Regulations of the City Code.

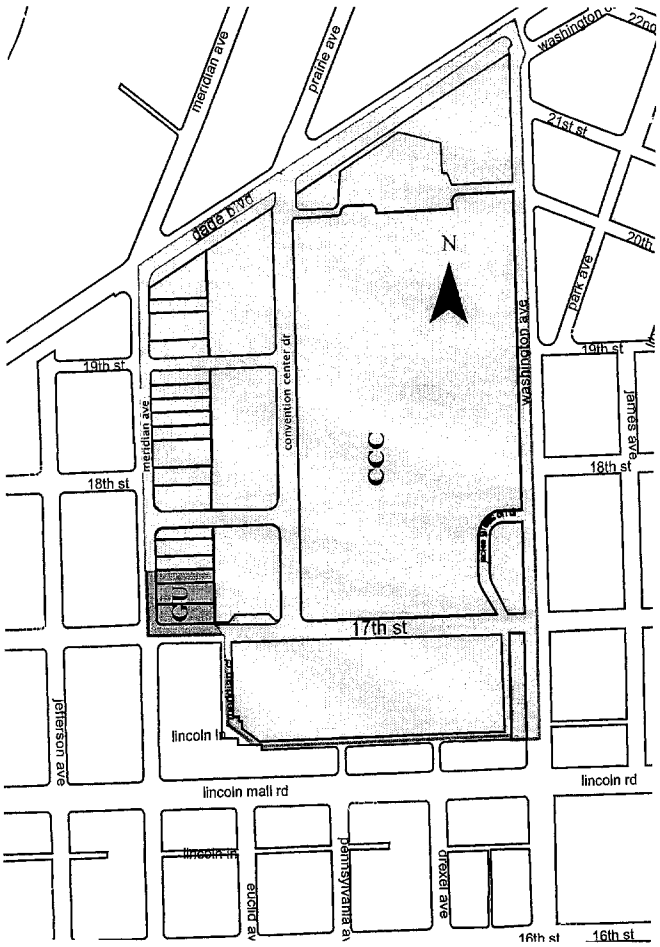
ANALYSIS

As shown on the locational map below, the boundaries of the CCC district are Dade Boulevard to the north, Washington Avenue to the east, North Lincoln Lane to the south with the west boundary on Meridian Court from North Lincoln Lane to the north lot line of the 777 17th Street building (City Hall Annex) and Meridian Avenue.

The proposed ordinance consists of the following:

Section 1. The ordinance proposes to amend the public notice requirements currently existing in the CCC district for consistency with those that exist in the GU, Government

Use district, which requires a 15-day newspaper and mailed notice to property owners within a 375' radius. This proposed change will also be consistent with the notice requirements of the City's development boards.



Section 2. This proposed ordinance tracks the language that empowers the City Commission to waive certain development regulations with respect to City-owned property that is zoned "GU, Government Use" such as setbacks, parking, height and other requirements as may be necessary, by amending the "CCC" District section of the Land Development Regulations of the City Code, to allow for the same procedure for City owned land in the "CCC" District.

The purpose for these amendments is one of achieving efficiency and effectiveness and to provide the tools for the City Commission to act when dealing with public or joint public/private developments that will serve a public purpose, but from time to time may need waivers of certain development regulations. By having the City Code amended at this time, efficiency will be achieved as there will be a process in place whereby the City Commission can act expeditiously. The New World Symphony proposal will require the use of this authority by the City Commission to waive certain regulations.

The properties that lie within a GU or the CCC districts are government-owned and it stands to reason that if the GU already permits waivers of development regulations by the City Commission, the CCC district regulations should also give the City Commission the same discretion. These proposed amendments seek to make the Land Development Regulations of the City Code more consistent for different but related zoning districts.

PLANNING BOARD ACTION

At its July 2, 2003 meeting, the City Commission referred the proposed ordinance to the Planning Board for its review and recommendations. The Planning Board met on July 29, 2003, and commented that the City Commission should not waive all development

regulations as a general policy; that it is better to look at waivers of development regulations and variances on a case by case basis and based on the merits of the specific project. The Board commented further that they believed that the Commission should even reconsider its policy of waiving development regulations in the GU district, and by a vote of 6-0 (1 member absent) recommended that the City Commission not adopt the proposed ordinance.

At the request of the Administration, the Planning Board reconsidered the proposed ordinance at the September 30, 2003 meeting, and made the following motion: Recommend the amendment to Section 142-368 to grant to the City Commission the power by a 5/7ths vote solely to waive for the New World Symphony the parking requirements that otherwise would be applicable in the Land Development Regulations, so long as the City Commission simultaneously commits to provide the spaces that would otherwise be required, in a new parking facility within 1200 feet. The Board also stated that they feel very strongly that no other aspect of the Land Development Regulations should be modified until there is a fully designed project presented.

The motion was approved by a vote 5-0 (2 members absent).

CITY COMMISSION ACTION

At the December 10, 2003 meeting, the City Commission held a Public Hearing and approved the Ordinance on first reading (6-1) amending Section 142-368 – last sentence "....or cultural organizations with 501C (3) designation under the U. S. Internal Revenue Code as set forth herein."

At the January 14, 2004 meeting the Commission voted 4-2 at the second reading public hearing. As this ordinance is an amendment to the Land Development Regulations of the City Code, a 5/7ths vote of the Commission is required to adopt the ordinance, therefore the motion to adopt failed.

Following a request from Commissioner Gross, the ordinance was presented again to the Commission for first reading on February 25, 2004. The ordinance was approved on first reading at this meeting with a request that it be referred to the Finance and Citywide Projects Committee; and the second reading public hearing was scheduled for April 14, 2004.

During the Commission discussion, there were questions and comments relative to limiting the ordinance to just the NWS. The City Attorney stated that he believed language can be prepared which would narrow the concerns and restrict them. He suggested that the ordinance could be passed on first reading and the issue corrected for the second reading. The Legal Department has drafted language that will limit the circumstances under which a waiver can be granted to situations where an equal number of new parking spaces will be provided in the CCC district or within 1200 feet of the building for which the waiver is granted by completion of construction of such building. This language is contained in the alternate ordinance in this agenda package.

The Finance and Citywide Projects Committee reviewed this request at its April 6, 2004 meeting. The City's bond and tax counsel explained the issues and their conclusions regarding the tax-exempt bonds aspects of the proposed arrangement between the City and the NWS. After much discussion the Administration is withdrawing this request, as it appears that there are alternative means by which the NWS parking requirements can be met pursuant to the Land Development Regulations of the City Code.

CONCLUSION

Pursuant to Section 118-164(3)a. of the City Code, when a request to amend these 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 10 days prior to adoption, be noticed once in a newspaper of general circulation in the City.

Immediately following the public hearing at the second reading, the City Commission may adopt the ordinance by a five-sevenths vote.

JMG/CMC/JGG/ML

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CITY ATTORNEY ALTERNATE ORDINANCE

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; DIVISION 7. "CCC, CIVIC AND CONVENTION CENTER DISTRICT," IN ORDER TO ALLOW WAIVERS OF DEVELOPMENT REGULATIONS BY A FIVE-SEVENTHS VOTE OF THE CITY COMMISSION FOR DEVELOPMENTS PERTAINING TO GOVERNMENT-OWNED OR LEASED BUILDINGS, USES AND SITES WHICH ARE WHOLLY USED BY, OPEN AND ACCESSIBLE TO THE GENERAL PUBLIC, OR USED BY NOT-FOR-PROFIT, EDUCATIONAL, OR CULTURAL ORGANIZATIONS, OR FOR CONVENTION CENTER HOTELS, OR CONVENTION CENTER HOTEL ACCESSORY GARAGES, OR CITY UTILIZED PARKING LOTS, PROVIDED THEY ARE CONTINUALLY USED FOR SUCH PURPOSES; AND TO AMEND THE PUBLIC NOTICE REQUIREMENTS FOR SUCH WAIVERS. PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY AND EFFECTIVE DATE.

WHEREAS, as provided in City Code Sections 142-361 and -362, the purpose of the CCC District is for "the facilities necessary to support the convention center," and the district allows as main permitted uses: "parking lots, garages, performing arts and cultural facilities; hotel; merchandise mart; commercial or office development; landscape open space; parks, [and] any use not listed above shall only be approved after the City Commission holds a public hearing"; and

WHEREAS, the regulations that exist in the CCC, Civic and Convention Center district do not parallel those in the GU, Government Use district, although the properties within both districts are government-owned or leased; and

WHEREAS, in order to create consistency in the City Code relative to regulations for government-owned or leased properties it is necessary to amend the CCC regulations in the Code; and

WHEREAS, the proposed amendments will achieve consistency between the GU and CCC districts.

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

Section 1. That Chapter 142, Zoning Districts and Regulations, Division 7, CCC Civic and Convention Center District, Section 142-367, Notice of public hearing; vote, is hereby amended as follows:

Sec. 142-367. Notice of public hearing; vote.

When a public hearing is required before the City Commission, either to approve a use not listed in section 142-362, or to waive development regulations, the public notice shall be advertised in a newspaper of general paid circulation in the ~~community~~ city at least fifteen (15) days prior to the hearing. ~~Thirty~~ Fifteen days prior to the public hearing date, both a description of the request, and the time and place of such hearing shall be posted on the property; notice shall also be given by mail to the owners of land lying within 375 feet of the property ~~and the advertisement shall be placed in the newspaper~~. A five-sevenths vote of the City Commission is required to approve a use or waiver that is considered under this ~~subsection~~ regulation.

Section 2. That Sections 142-368 – 142-390. Reserved, is hereby amended as follows:

Sec. 142-368. Waivers.

Following a public hearing, the development regulations required by these Land Development Regulations, except for the historic preservation and design review processes, may be waived by a five-sevenths vote of the City Commission for developments pertaining to governmental owned or leased buildings, uses and sites which are wholly used by, open and accessible to the general public, or used by not-for-profit, educational, or cultural organizations, or for convention center hotels, or convention center hotel accessory garages, or city utilized parking lots, provided they are continually used for such purposes. **Waivers of required parking under this section shall be conditioned upon the completion of construction, by any entity, of an equal number of new parking spaces, within this CCC district, or within 1200 ft. of the site of the building for which parking was waived, by the time a final certificate of occupancy is issued for the building for which parking was waived.** Notwithstanding the above, no CCC property may be used in a manner inconsistent with the comprehensive plan. In all cases involving the use of CCC property by the private sector, or joint government/private use, development shall conform to all development regulations in addition to all applicable sections contained in these land development regulations and shall be reviewed by the planning board prior to approval by the City Commission. All such private or joint government/private uses are allowed to apply for any permitted variances. Private or joint government/private uses shall not be eligible to waive any regulations as described in this paragraph, except for not-for-profit, educational, or cultural organizations with 501C (3) designation under the U.S. Internal Revenue Code as set forth herein.

Secs. 142-369 ~~368~~– 142-390 Reserved.

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 _____, 2003.

ATTEST:

_____
MAYOR

_____
CITY CLERK

APPROVED AS TO
FORM AND LANGUAGE
& FOR EXECUTION

_____ 4-6-04
City Attorney Date

First Reading: December 10, 2003
Second Reading:

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

Underscore denotes new language
~~Strikethrough~~ denotes deleted language
Double underline and bold indicates language added after first reading
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CITY OF MIAMI BEACH
NOTICE OF PUBLIC HEARINGS

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, April 14, 2004,** to consider the following:

at 10:15 a.m.:
An Ordinance Amending Chapter 142 "Land Development Regulations" Of The City Code, Division 7, "CCC, Civic And Convention Center District," In Order To Allow Waivers Of Development Regulations By A Five-Sevenths Vote Of The City Commission For Developments Pertaining To Government-Owned Or Leased Buildings, Uses And Sites Which Are Wholly Used By, Open And Accessible To The General Public, Or Used By Not-For-Profit, Educational, Or Cultural Organizations, Or For Convention Center Hotels, Or Convention Center Hotel Accessory Garages, Or City Utilized Parking Lots, Provided They Are Continually Used For Such Purposes; And To Amend The Public Notice Requirements For Such Waivers, Providing For Codification, Repealer, Severability And Effective

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

at 10:30 a.m.:
An Ordinance Amending The Land Development Regulations Of The Code Of The City Of Miami Beach, By Amending Chapter 138, Entitled "Signs," By Amending Article VI, Entitled "Specific Use Signs," By Creating Section 138-205 To Establish Regulations And Criteria For Signs For Vertical Retail Centers; Providing For Inclusion In The City Code; Providing For Repealer, Severability And An Effective Date

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

at 10:45 a.m.:
A Public Hearing To Consider Waiving By 5/7ths Vote, The Prohibition Of Tran Construction, Inc. From Continuing To Serve As A Vendor With The City Pursuant To Miami Beach City Code Section 2-487 (B)(4), Finding Such Waiver To Be In The Best Economic Interest Of The City, Regarding The Following Existing Contracts: 1) The Miami Beach Golf Course Clubhouse, Restroom Pavilions And Maintenance Yard Building; 2) The Design, Permitting And Construction Of Four New Restroom/Concession Facilities Within The Beachfront Parks Located At 21st, 46th, 53rd, And 64th Streets; And 3) The Job Order Contracting (JOC) Contract Relative To The Following Miami Beach Convention Center Projects: A) Chiller Replacement; B) Replacement Of Air Handlers; And C) Refurbishment Of 12 Air Handling Units

Inquiries may be directed to the City Clerk's Office at (305) 673-7411.

at 11:15 a.m.:
A Public Hearing To Consider An Amendment To The Code Of The City Of Miami Beach, By Amending The Land Development Regulations Of The City Code, Chapter 142, "Zoning Districts And Regulations" Division 13, "MXE, Mixed Use Entertainment District," Section 142-542, "Conditional Uses," To Include Public And Private Cultural Institutions Open To The Public, And Banquet Facilities As Conditional Uses In This Zoning District.

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

at 11:30 a.m.:
A Public Hearing To Consider An Amendment To The Code Of The City Of Miami Beach, By Amending Chapter 142, "Zoning Districts And Regulations," Article II, "District Regulations", Division 5, CD-2 Commercial, Medium Intensity District, Section 142-302, "Main Permitted Uses"Division 11, I-1 Light Industrial District, Section 142-485, "Prohibited Uses" And Division 18, "PS Performance Standard District," Section 142-693 "Permitted Uses", By Eliminating Dance Halls And Entertainment Establishments (Also Operating As Alcoholic Beverage Establishments And Restaurants With Full Kitchens And Serving Full Meals) As Permitted Uses In Certain Areas Of The CD-2 Commercial, Medium Intensity District, The I-1 Light Industrial District, And The PS Performance Standard District.

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 this ordinance are available for public inspection during normal business hours in the City Clerk's Office, 1700 Convention Center Drive, 1st Floor, City Hall, 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#254

CITY OF MIAMI BEACH
COMMISSION ITEM SUMMARY

Condensed Title:

An Ordinance amending Chapter 138, "Signs," amending Article VI "Specific Use Signs," creating regulations and criteria for signs for vertical retail centers.

Issue:

Chapter 138 "Signs," does not provide for main use signs above the ground floor, unless they are building identification signs. Specifically, the City Code does not address signage on vertical retail centers – multi-story commercial buildings that may have retail uses above the ground floor.

Item Summary/Recommendation:

The proposed ordinance will create regulations and criteria within the Sign section of the City Code in order to permit additional exterior signage for those retail uses that currently are not permitted if they are above the ground floor.

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

Advisory Board Recommendation:

At the February 24, 2004 meeting of the Planning Board, a motion was made and seconded recommending that the City Commission approve the proposed ordinance as amended by the Board. The vote was 5-0 (two members absent). The Board also requested that the proposed ordinance be forward to the Design Review and the Historic Preservation Boards for review and comments. The Historic Preservation Board and the Design Review Board will meet jointly on April 13, 2004; a verbal report will be presented at the City Commission meeting.

Financial Information:

Source of Funds:

Finance Dept.

	Amount	Account	Approved
1			
2			
3			
4			
Total			

City Clerk's Office Legislative Tracking:

Mercy Lamazares / Jorge G. Gomez

Sign-Offs:

Department Director	Assistant City Manager	City Manager
ML for JGG	CMC	JMG

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AGENDA ITEM R5B

DATE 4-14-04

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: April 14, 2004

From: Jorge M. Gonzalez
City Manager

Second Reading Public Hearing

Subject: **Signs for vertical retail centers**

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 138, ENTITLED "SIGNS", BY AMENDING ARTICLE VI, ENTITLED "SPECIFIC USE SIGNS", BY CREATING SECTION 138-205 TO ESTABLISH REGULATIONS AND CRITERIA FOR SIGNS FOR VERTICAL RETAIL CENTERS; PROVIDING FOR INCLUSION IN THE CITY CODE; PROVIDING FOR REPEALER, SEVERABILITY AND AN EFFECTIVE DATE.

ADMINISTRATION RECOMMENDATION

The Administration recommends that the Commission adopt the ordinance as amended on first reading.

BACKGROUND AND ANALYSIS

The applicant, A & R Sobe, LLC, the developer of the "Potamkin Site," has submitted an application for an amendment to the Land Development Regulations of the City Code for the creation of regulations for Vertical Retail Centers.

The properties fronting at the northeast corner of 5th Street and Alton Road, known as the "Potamkin Site," are currently being developed as a commercial project by the applicants. The applicant is requesting an amendment to the signage regulations of the City Code which would allow the Historic Preservation Board and/or the Design Review Board, as applicable, to allow signage on vertical retail centers which exceeds the amount and size permitted by the existing signage regulations. The Commission adopted an ordinance in 2001 for the Lincoln Road Signage District, that portion of Lincoln Road between Collins Avenue and Washington Avenue. That ordinance allows signs that are larger than the existing regulations at the time permitted. The proposed ordinance for vertical retail centers is modeled on the Lincoln Road Signage District ordinance as it relates to size of signs.

The proposed vertical retail center site is situated at the entranceway to the City, which could benefit from well designed graphic signs. The proposed amendment is intended to encourage and allow for the introduction of more and better signage. The ordinance would permit flat wall, projecting or other building signs, which exceed the number and overall square footage ordinarily permitted by the City Code. This amendment is not intended to allow general advertising. Further, the requirement of Historic Preservation Board or Design Review Board approval, whichever has jurisdiction, will go a long way in ensuring high quality and well-designed building signage that would establish an architectural identity.

PLANNING BOARD ACTION

At the February 24, 2004 meeting of the Planning Board, a motion was made and seconded recommending that the City Commission adopt the proposed ordinance and to also forward it to the Design Review and the Historic Preservation Boards for review and comments. The vote was 5-0 (two members absent). The Historic Preservation Board and the Design Review Board will meet jointly on April 13, 2004; a verbal report will be presented at the City Commission meeting.

CITY COMMISSION ACTION

At the March 17, 2004 meeting, the Commission approved the ordinance on first reading after a few amendments were made during discussion; those amendments have been incorporated into the attached revised ordinance. The Commission also requested that the Design Review and the Historic Preservation Boards review the proposed ordinance. As there will be a joint session of the Boards on April 13, 2004, a verbal report will be submitted to the Commission at the April 14, 2004 meeting.

CONCLUSION

Pursuant to Section 118-164(3), when a request to amend these 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 a newspaper of general circulation in the city.

Immediately following the public hearing at the second reading, the City Commission may adopt the ordinance by an affirmative vote of five-sevenths of all members of the City Commission.

JMG/CMC/JGG/ML

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As Amended by the City Commission on 3-17-04

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 138, ENTITLED "SIGNS", BY AMENDING ARTICLE VI, ENTITLED "SPECIFIC USE SIGNS", BY CREATING SECTION 138-205 TO ESTABLISH REGULATIONS AND CRITERIA FOR SIGNS FOR VERTICAL RETAIL CENTERS; PROVIDING FOR INCLUSION IN THE CITY CODE; PROVIDING FOR REPEALER, SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, property owners in the City have expressed a desire to develop what is known as a vertical retail center involving larger scale retail uses; and

WHEREAS, such vertical retail centers are desirable because they bring investment, retail opportunities and services to the citizens of Miami Beach not otherwise or previously available, but they do not fit within some of the existing regulations of the City's Land Development Regulations, particularly Chapter 138, Signs; and

WHEREAS, the City Commission desires to accommodate such vertical retail centers by recognizing the uniqueness of the design and sign requirements and opportunities for such centers;

WHEREAS, this ordinance seeks to amend the Land Development Regulations in Chapter 138 to accommodate signs for vertical retail centers.

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

SECTION 1. That Chapter 138, "Signs," Article VI, "Specific Use Signs," is hereby amended by creating a new section 138-205, entitled "Vertical Retail Center Signs," as follows:

Sec. 138-205. Vertical Retail Center Signs.

(a) Definitions.

(1) A *vertical retail center* means a commercial building with a minimum of 150,000 gross square footage floor area, exclusive of floor area for excess parking and, including multiple commercial uses that are located above the ground floor.

(2) An *eligible use* in a vertical retail center is a use with a minimum of 12,500 square feet that is either retail, restaurant, food market or personal fitness center.

(b) Criteria.

(1) The center may have one designated sign area for every two street frontages, the location and configuration of which shall be subject to design review approval. Each designated sign area, or the cumulative sum of the sign areas on a façade approved under this provision, shall be up to 5 percent of the building façade on which they are located. A designated sign area located on a building corner shall be up to 5% of the smallest adjoining building facade, subject to design review or historic preservation board approval, whichever has jurisdiction.

(2) The center shall have no more than six (6) business identification signs in each designated sign area or facade. Each business identification sign shall not occupy more than twenty (20) percent of the designated sign area, or one (1) percent of the wall area, whichever is less.

(3) An eligible use in a vertical retail center may, subject to the limitations contained in (b) (2) above, have no more than two (2) business identification signs on the external walls or projections of the center, exhibiting the name of the establishment and/or its brand identifying logo only. Individual capital letters shall not exceed 4'6" in height.

(4) Project entrance identification signs for the center are allowed. A project entrance identification sign may be wall mounted or projecting and may be located immediately adjacent to each vehicular or pedestrian entry to the project. Such signs may be up to 30 square feet in total sign area and may not exceed 10'-0" in overall height, subject to design review approval.

(5) Ground floor retail signage shall be as permitted in section 138-172, one (1) sign per store. In addition to the above, any retail use greater than 40,000 square feet on the ground floor may have one (1) additional wall or double-faced projecting sign, not to exceed 175 square feet, subject to design review approval.

(6) Project directory signs for a vertical retail center may be located inside the center near each vehicular or pedestrian entrance to the project, not visible from the right-of-way. These signs may be no more than 18 square feet in signage area per sign face and wall mounted or freestanding. Such project directory signs may list all tenants on all floors within the center and have a "You are Here" type map to orientate guests and visitors.

(7) Uses in vertical retail centers may also have business identification signs on interior walls, not visible from the right-of-way.

(8) The design review board, or historic preservation board, whichever by law has jurisdiction, shall approve a sign master plan for the center prior to the issuance of any sign permit. The appropriate board shall have design review authority over all signs above ground level; building and planning staff may approve all signs at ground level, as well as any replacement signage for new occupants within the previously approved Sign Areas, provided the same are otherwise in compliance with the criteria set forth herein.

(10) There shall be no variances from this section.

SECTION 2. REPEALER.

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

SECTION 3. INCLUSION IN THE CITY CODE.

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 _____ 2004.

_____
MAYOR

ATTEST:

_____
CITY CLERK

APPROVED AS TO FORM
AND LANGUAGE & FOR EXECUTION

3-31-04

City Attorney Date

First Reading: March 17, 2004
Second Reading: _____

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

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CITY OF MIAMI BEACH
NOTICE OF PUBLIC HEARINGS

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, April 14, 2004,** to consider the following:

at 10:15 a.m.:
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Inquiries may be directed to the Planning Department at (305) 673-7550.

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at 11:15 a.m.:
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A Public Hearing To Consider An Amendment To The Code Of The City Of Miami Beach, By Amending Chapter 142, "Zoning Districts And Regulations," Article II, "District Regulations", Division 5, CD-2 Commercial, Medium Intensity District, Section 142-302, "Main Permitted Uses"Division 11, I-1 Light Industrial District, Section 142-485, "Prohibited Uses" And Division 18, "PS Performance Standard District," Section 142-693 "Permitted Uses", By Eliminating Dance Halls And Entertainment Establishments (Also Operating As Alcoholic Beverage Establishments And Restaurants With Full Kitchens And Serving Full Meals) As Permitted Uses In Certain Areas Of The CD-2 Commercial, Medium Intensity District, The I-1 Light Industrial District, And The PS Performance Standard District.

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 this ordinance are available for public inspection during normal business hours in the City Clerk's Office, 1700 Convention Center Drive, 1st Floor, City Hall, 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#254

CITY OF MIAMI BEACH
COMMISSION ITEM SUMMARY

Condensed Title:

An Ordinance of the Mayor and City Commission of the City of Miami Beach amending the Land Development Regulations of the City Code Amending Chapter 142, "Zoning Districts And Regulations," of the City Code; Division 13, "MXE Mixed Use Entertainment District," Section 142-542, "Conditional Uses," to include public and private cultural institutions open to the public, and banquet facilities, as conditional uses in this zoning district; Providing for Codification, Repealer, Severability and Effective Date.

Issue:

The list of permitted or conditional uses in the MXE district currently does not include public and private cultural institutions open to the public, and banquet facilities. The proposed amendment would add these uses as a Conditional Use.

Item Summary/Recommendation:

The proposed ordinance will include public and private cultural institutions open to the public and banquet facilities. The proposal also includes a definition for banquet facilities.

The Administration recommends that the City Commission approve the ordinance on first reading public hearing and set a second reading public hearing after 5:00 p.m. on May 5, 2004.

Advisory Board Recommendation:

At the February 24, 2004 meeting of the Planning Board, a motion was made and seconded recommending that the City Commission approve the proposed ordinance as amended by the Board. The vote was 5-0 (two members absent). The Planning Board also requested that a definition for banquet facilities be part of the proposed ordinance.

Financial Information:

Source of Funds:

Finance Dept.

	Amount	Account	Approved
1			
2			
3			
4			
Total			

City Clerk's Office Legislative Tracking:

Mercy Lamazares / Jorge G. Gomez

Sign-Offs:

Department Director	Assistant City Manager	City Manager

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AGENDA ITEM RSC

DATE 4-14-04

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: April 14, 2004

From: Jorge M. Gonzalez
City Manager

First Reading Public Hearing

Subject: **Conditional Uses in the MXE zoning district.**

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CITY CODE BY AMENDING CHAPTER 142, "ZONING DISTRICTS AND REGULATIONS," OF THE CITY CODE; DIVISION 13, "MXE MIXED USE ENTERTAINMENT DISTRICT," SECTION 142-542, "CONDITIONAL USES," TO INCLUDE PUBLIC AND PRIVATE CULTURAL INSTITUTIONS OPEN TO THE PUBLIC AND BANQUET FACILITIES, AS CONDITIONAL USES IN THIS ZONING DISTRICT; PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY AND EFFECTIVE DATE.

ADMINISTRATION RECOMMENDATION

The Administration recommends that the Commission approve the ordinance on first reading and set a second reading public hearing after 5:00 p.m. on May 5, 2004.

BACKGROUND AND ANALYSIS

The MXE mixed use entertainment district is located along Ocean Drive and Collins Avenue, from 5th Street to 16th Street, and also along Ocean Terrace in North Beach. This zoning district is designed to encourage the substantial restoration of existing structures and allow for new construction. The main permitted uses in the MXE district are hotels, multi-family residential, and limited commercial uses. No other uses are currently permitted.

The City Administration had been approached by the owners of the Gianni Versace mansion at Ocean Drive and 11th Street, who were exploring the possibility of converting the mansion into a house museum. However, this type of use is not specified by the Code as permitted within the MXE district. An ordinance to amend the permitted uses, to permit public and private cultural institutions as a conditional use within the MXE district, was proposed.

At the September 10, 2003 meeting, the City Commission referred the proposed ordinance, which would permit public and private institutions, to the Planning Board. The Planning Board reviewed the matter at a public hearing on September 30, 2003 and made a minor

modification to the public and private institutions so that they are "open to the public." The Board voted 5-0 (2 members absent) to recommend to the City Commission approval of this request.

Subsequently, the owners of the Versace mansion have further investigated the possibility of opening the house to the public as a museum. Unfortunately, they have concluded that the unique construction of the home, which features steps, walkways and corridors at many different levels, is not in compliance with the Americans with Disabilities Act, and the type of modifications necessary to bring the structure in compliance would compromise the historical integrity of the home. Therefore, rather than proposing a public institution for the property, the owners have now decided that the proper use of the facility would be as a banquet hall. Evidently, there is less of a requirement to retrofit a portion of the building for this use in order to comply with ADA than there would be as a house museum. Therefore, the proposed ordinance has been revised to include both banquet halls, and public and private institutions, as permitted within the MXE zoning district. It is this revised ordinance that is being brought back to the Planning Board for review.

PLANNING BOARD ACTION

At the February 24, 2004 meeting of the Planning Board, a motion was made and seconded recommending that the City Commission approve the proposed ordinance with a minor modification – to include a definition for "banquet facilities." The ordinance has been amended to reflect the requested change.

CONCLUSION

Pursuant to Section 118-164(2), in all cases in which the proposed amendment changes the actual list of permitted, conditional or prohibited uses within a zoning category, two advertised public hearings on the proposed ordinance are required, with at least one hearing held after 5:00 p.m. on a weekday.

The first public hearing shall be held at least seven days after the day that the first advertisement is published. The second public hearing shall be held at least ten days after the first hearing and shall be advertised at least five days prior to the public hearing.

Immediately following the public hearing at the second reading, the City Commission may adopt the ordinance by an affirmative vote of five-sevenths of all members of the City Commission.

JMG/CMC/JGG/ML

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ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CITY CODE BY AMENDING CHAPTER 142, "ZONING DISTRICTS AND REGULATIONS," OF THE CITY CODE; DIVISION 13, "MXE MIXED USE ENTERTAINMENT DISTRICT," SECTION 142-542, "CONDITIONAL USES," TO INCLUDE PUBLIC AND PRIVATE CULTURAL INSTITUTIONS OPEN TO THE PUBLIC AND BANQUET FACILITIES, AS CONDITIONAL USES IN THIS ZONING DISTRICT; PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY AND EFFECTIVE DATE.

WHEREAS, the purpose of the Mixed Use Entertainment (MXE) as stated in the Comprehensive Plan of the City of Miami Beach provides opportunities to enhance the desirability and quality of existing and/or new mixed use areas which accommodate residential, hotel and commercial development; and

WHEREAS, the City of Miami Beach wishes to amend certain development regulations in order to include a new Conditional Use in the MXE district that would permit a public or private cultural institution such as a museum, or banquet facilities; and

WHEREAS, the amendment set forth below is necessary to accomplish the above objective.

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

SECTION 1. That Chapter 142, "Zoning Districts and Regulations," of the City Code; Division 13, "MXE Mixed Use Entertainment District," Section 142-542, "Conditional Uses," is hereby amended as follows:

Section 142-542, "Conditional Uses"

The conditional uses in the MXE mixed use entertainment district are major cultural dormitory facilities as specified in section 142-1332; public and private cultural institutions open to the public; banquet facilities; outdoor entertainment establishment; neighborhood impact establishment; and open air entertainment establishment. For purposes of this section, banquet facilities shall be defined as an establishment that provides catering and entertainment to private parties on the premises and are not otherwise accessory to another main 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 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 _____, 2004.

ATTEST:

_____
MAYOR

_____
CITY CLERK

APPROVED AS TO
FORM AND LANGUAGE
& FOR EXECUTION

City Attorney 3-31-04 Date

First Reading:
Second Reading:

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

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

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CITY OF MIAMI BEACH
NOTICE OF PUBLIC HEARINGS

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, April 14, 2004,** to consider the following:

at 10:15 a.m.:
An Ordinance Amending Chapter 142 "Land Development Regulations" Of The City Code, Division 7, "CCC, Civic And Convention Center District," In Order To Allow Waivers Of Development Regulations By A Five-Sevenths Vote Of The City Commission For Developments Pertaining To Government-Owned Or Leased Buildings, Uses And Sites Which Are Wholly Used By, Open And Accessible To The General Public, Or Used By Not-For-Profit, Educational, Or Cultural Organizations, Or For Convention Center Hotels, Or Convention Center Hotel Accessory Garages, Or City Utilized Parking Lots, Provided They Are Continually Used For Such Purposes; And To Amend The Public Notice Requirements For Such Waivers, Providing For Codification, Repealer, Severability And Effective

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

at 10:30 a.m.:
An Ordinance Amending The Land Development Regulations Of The Code Of The City Of Miami Beach, By Amending Chapter 138, Entitled "Signs," By Amending Article VI, Entitled "Specific Use Signs," By Creating Section 138-205 To Establish Regulations And Criteria For Signs For Vertical Retail Centers; Providing For Inclusion In The City Code; Providing For Repealer, Severability And An Effective Date

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

at 10:45 a.m.:
A Public Hearing To Consider Waiving By 5/7ths Vote, The Prohibition Of Tran Construction, Inc. From Continuing To Serve As A Vendor With The City Pursuant To Miami Beach City Code Section 2-487 (B)(4), Finding Such Waiver To Be In The Best Economic Interest Of The City, Regarding The Following Existing Contracts: 1) The Miami Beach Golf Course Clubhouse, Restroom Pavilions And Maintenance Yard Building; 2) The Design, Permitting And Construction Of Four New Restroom/Concession Facilities Within The Beachfront Parks Located At 21st, 46th, 53rd, And 64th Streets; And 3) The Job Order Contracting (JOC) Contract Relative To The Following Miami Beach Convention Center Projects: A) Chiller Replacement; B) Replacement Of Air Handlers; And C) Refurbishment Of 12 Air Handling Units

Inquiries may be directed to the City Clerk's Office at (305) 673-7411.

at 11:15 a.m.:
A Public Hearing To Consider An Amendment To The Code Of The City Of Miami Beach, By Amending The Land Development Regulations Of The City Code, Chapter 142, "Zoning Districts And Regulations", Division 13, "MXE, Mixed Use Entertainment District," Section 142-542, "Conditional Uses," To Include Public And Private Cultural Institutions Open To The Public, And Banquet Facilities As Conditional Uses In This Zoning District.

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

at 11:30 a.m.:
A Public Hearing To Consider An Amendment To The Code Of The City Of Miami Beach, By Amending Chapter 142, "Zoning Districts And Regulations," Article II, "District Regulations", Division 5, CD-2 Commercial, Medium Intensity District, Section 142-302, "Main Permitted Uses"Division 11, I-1 Light Industrial District, Section 142-485, "Prohibited Uses" And Division 18, "PS Performance Standard District," Section 142-693 "Permitted Uses", By Eliminating Dance Halls And Entertainment Establishments (Also Operating As Alcoholic Beverage Establishments And Restaurants With Full Kitchens And Serving Full Meals) As Permitted Uses In Certain Areas Of The CD-2 Commercial, Medium Intensity District, The I-1 Light Industrial District, And The PS Performance Standard District.

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 this ordinance are available for public inspection during normal business hours in the City Clerk's Office, 1700 Convention Center Drive, 1st Floor, City Hall, 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#254**

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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 the Chapter 142, "Zoning Districts and Regulations," Article II, "District Regulations", Division 5, CD-2 Commercial, Medium Intensity District, Section 142-302, "Main Permitted Uses"; Division 11, I-1 Light Industrial District, Section 142-485, "Prohibited Uses"; and Division 18, "PS Performance Standard District," Section 142-693 "Permitted Uses", by eliminating the exception for dance halls and entertainment establishments that also operate as alcoholic beverage establishments and restaurants with full kitchens as permitted uses in certain areas of the CD-2 Commercial, Medium Intensity District, the I-1 Light Industrial District, and the PS Performance Standard District.

Issue:

Currently the Land Development Regulations of the Miami Beach City Code prohibit "stand-alone" nightclubs in a few selected areas of the City where other commercial establishments would normally be permitted. This regulation had been in place for several years, in the case of the Redevelopment Area south of Fifth Street and the I-1 Light Industrial district in the Sunset Harbour and the CD-2 overlay area that surrounds this district. The Land Development Regulations also contain an exception to this prohibition for establishments that are licensed as restaurants with a full kitchen serving full meals.

Under current regulations the existing establishments with restaurant and entertainment/dancing licenses would be allowed to continue in operation, or be "grandfathered-in" according to the nonconforming provisions of the City Code. The proposed ordinance limits new applications for dance hall and/or entertainment licenses from being approved in the specified areas. The Administration believes that at the very least, the proposed ordinance must be acted upon in order to limit the impact of the restaurant exclusion, as the potential for all existing restaurants to add the entertainment component to the license is great.

Item Summary/Recommendation:

The proposed ordinance will eliminate the exception in those districts that do not permit dance halls. Existing establishments that currently have restaurants licenses with the dance/entertainment component will become legal nonconforming uses and may continue to operate in such fashion.

The Administration recommends that the City Commission approve the ordinance on first reading public hearing and set a second reading public hearing for a time certain after 5:00 p.m. on May 5, 2004.

Advisory Board Recommendation:

At the February 24, 2004 meeting of the Planning Board, a motion was made and seconded recommending that the City Commission approve the proposed ordinance. The vote was 5-0 (two members absent

Financial Information:

Source of Funds:

Finance Dept.

	Amount	Account	Approved
1			
2			
3			
4			
Total			

City Clerk's Office Legislative Tracking:

Mercy Lamazares / Jorge G. Gomez

Sign-Offs:

Department Director	Assistant City Manager	City Manager

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AGENDA ITEM R5D

DATE 4-14-04

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: April 14, 2004

From: Jorge M. Gonzalez
City Manager

First Reading Public Hearing

Subject: **Eliminating dance halls & entertainment establishments in certain districts**

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 142, "ZONING DISTRICTS AND REGULATIONS," ARTICLE II, "DISTRICT REGULATIONS", DIVISION 5, CD-2 COMMERCIAL, MEDIUM INTENSITY DISTRICT, SECTION 142-302, "MAIN PERMITTED USES"; DIVISION 11, I-1 LIGHT INDUSTRIAL DISTRICT, SECTION 142-485, "PROHIBITED USES"; AND DIVISION 18, "PS PERFORMANCE STANDARD DISTRICT," SECTION 142-693 "PERMITTED USES", BY ELIMINATING DANCE HALLS AND ENTERTAINMENT ESTABLISHMENTS ALSO OPERATING AS ALCOHOLIC BEVERAGE ESTABLISHMENTS AND RESTAURANTS WITH FULL KITCHENS AND SERVING FULL MEALS AS PERMITTED USES IN CERTAIN AREAS OF THE CD-2 COMMERCIAL, MEDIUM INTENSITY DISTRICT, THE I-1 LIGHT INDUSTRIAL DISTRICT, AND THE PS PERFORMANCE STANDARD DISTRICT; PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

ADMINISTRATION RECOMMENDATION

The Administration recommends that the Commission approve the ordinance on first reading and set a second reading public hearing for May 5, 2004, after 5:00 p.m.

BACKGROUND AND ANALYSIS

Currently the Land Development Regulations of the Miami Beach City Code prohibit "stand-alone" nightclubs in a few selected areas of the City where other commercial establishments would normally be permitted. This regulation had been in place for several years, in the case of the Redevelopment Area south of Fifth Street. This regulation was also recently applied by the City Commission to the both the CD-2 area and the I-1 Light Industrial district in the Sunset Harbour area. These regulations were to protect the adjacent residential neighborhoods from the negative impacts that could normally be associated with nightclub uses, such as unwanted noise, excessive traffic, difficulty finding parking, and issues associated with security.

However, the Land Development Regulations also contain an exception to this prohibition for establishments which are licensed as restaurants, which also contain nightclub (dance hall

and/or entertainment) uses. These establishments are permitted in those districts mentioned above, in which stand-alone nightclubs are permitted, as long as they also have a restaurant license and have a full kitchen serving full meals.

In the recent past, citizens who live in the areas in which stand-alone nightclubs are prohibited have complained that establishments which have restaurant licenses but also change into nightclub type operations later in the evening have just as much of a negative impact on the lives of nearby residents as do the stand-alone type of clubs. Responding to such concerns, the Planning Board, at its meeting of October 28, 2003, requested that a proposed amendment to the Land Development Regulations, addressing nightclubs which operate within restaurants in areas where stand-alone nightclubs would not otherwise be permitted, be initiated.

Under current regulations the existing establishments that have restaurant and entertainment/dancing licenses would be allowed to continue in operation, or be "grandfathered-in" according to the non-conforming provisions of the City Code. These non-conforming establishments include the likes of Monty's and Penrod's, as well as Opium. The proposed ordinance would only limit new applications for dance hall and/or entertainment licenses from being approved in the specified areas.

The attached map and list show that there are 34 restaurants and bars in the South Pointe area, south of 5th Street, of which 7 currently have the dance/entertainment module included, resulting in 27 establishments that potentially could obtain the dance/entertainment component added to their license should this proposed ordinance not be approved. The Sunset Harbor area (CD-2 and I-1 districts), is also affected by the proposed ordinance, although not in the same degree as the area south of 5th Street. As can be seen in the attached map of this area, there are 4 licensed establishments, of which 2 have the dance/entertainment module.

The Administration believes that at the very least, the proposed ordinance must be acted upon in order to limit the impact of the restaurant exclusion, as the potential for all existing restaurants to add the entertainment component to the license is great as explained in the paragraph above.

If the City Commission believes that the grandfathered status is a concern, there may be other legal means by which the impact could be diminished, such as limiting the hours of operation. The Administration suggests that this issue be referred to the Planning Board for its consideration and recommendation.

PLANNING BOARD ACTION

At the February 24, 2004 meeting of the Planning Board, a motion was made and seconded recommending that the City Commission approve the proposed ordinance.

CONCLUSION

Pursuant to Section 118-164(2), in all cases in which the proposed amendment changes the actual list of permitted, conditional or prohibited uses within a zoning category, two advertised public hearings on the proposed ordinance are required, with at least one hearing held after 5:00 p.m. on a weekday.

The first public hearing shall be held at least seven days after the day that the first

advertisement is published. The second public hearing shall be held at least ten days after the first hearing and shall be advertised at least five days prior to the public hearing.

Immediately following the public hearing at the second reading, the City Commission may adopt the ordinance by an affirmative vote of five-sevenths of all members of the City Commission.

JMG/CMC/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 142, "ZONING DISTRICTS AND REGULATIONS," ARTICLE II, "DISTRICT REGULATIONS", DIVISION 5, CD-2 COMMERCIAL, MEDIUM INTENSITY DISTRICT, SECTION 142-302, "MAIN PERMITTED USES"; DIVISION 11, I-1 LIGHT INDUSTRIAL DISTRICT, SECTION 142-485, "PROHIBITED USES"; AND DIVISION 18, "PS PERFORMANCE STANDARD DISTRICT," SECTION 142-693 "PERMITTED USES", BY ELIMINATING DANCE HALLS AND ENTERTAINMENT ESTABLISHMENTS ALSO OPERATING AS ALCOHOLIC BEVERAGE ESTABLISHMENTS AND RESTAURANTS WITH FULL KITCHENS AND SERVING FULL MEALS AS PERMITTED USES IN CERTAIN AREAS OF THE CD-2 COMMERCIAL, MEDIUM INTENSITY DISTRICT, THE I-1 LIGHT INDUSTRIAL DISTRICT, AND THE PS PERFORMANCE STANDARD DISTRICT; PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

WHEREAS, the City of Miami Beach Land Development Regulations contain regulations limiting dance halls and entertainment establishments from certain specified areas; and

WHEREAS, that prohibition on dance halls and entertainment establishments in those specified areas is based upon the impacts that said establishments have upon the surrounding, primarily residential, neighborhoods; and

WHEREAS, the Planning Board has found that restaurants located within those specified areas where the regulations prohibit stand-alone dance halls and/or entertainment establishments tend to have similar negative impacts on the surrounding residential neighborhoods; and

WHEREAS, the Planning Board, at its meeting of October 28, 2003, requested that a proposed amendment to the Land Development Regulations be initiated, addressing dance halls and/or entertainment establishments that operate within restaurants in areas where stand-alone dance halls and/or entertainment establishments would not otherwise be permitted; and

WHEREAS, this proposed amendment accomplishes the above purpose by prohibiting dance halls and entertainment establishments in such areas, by deleting the exclusion for those establishments also operating as full restaurants serving full meals;

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," Division 5, "CD-2 Commercial, Medium Intensity District," Section 142-302, "Main Permitted Uses", of the Land Development Regulations, is hereby amended to read as follows:

DIVISION 5. CD-2 COMMERCIAL, MEDIUM INTENSITY DISTRICT

* * *

Sec. 142-302. Main permitted uses.
The main permitted uses in the CD-2 commercial, medium intensity district are commercial uses; apartments; apartment/hotels; hotels; and uses that serve alcoholic beverages as listed in article V, division 4 of this chapter (alcoholic beverages). Bars, dance halls, or entertainment establishments (as defined in section 114-1 of this Code) ~~not also operating as restaurants with full kitchens and serving full meals and licensed as alcoholic beverage establishment~~ are prohibited on properties generally bounded by Purdy Avenue on the west, 20th Street on the north, Alton Road on the east and Dade Boulevard on the south.

* * *

SECTION 2. That, Chapter 142, "Zoning Districts and Regulations," Article II, "District Regulations," Division 11, "I-1 Light Industrial District," Section 142-485, "Prohibited Uses", of the Land Development Regulations, is hereby amended to read as follows:

DIVISION 11. I-1 LIGHT INDUSTRIAL DISTRICT

* * *

Sec. 142-485. Prohibited uses.
The prohibited uses in the I-1 light industrial district are accessory outdoor bar counters, bars, dance halls, or entertainment establishments (as defined in section 114-1 of this Code) ~~not also operating as restaurants with full kitchens and serving full meals and licensed as alcoholic beverage establishment.~~

* * *

SECTION 3. That, Chapter 142, "Zoning Districts and Regulations," Article II, "District Regulations," Division 18, "PS Performance Standard District," Section 142-693, "Permitted Uses", of the Land Development Regulations, is hereby amended to read as follows:

DIVISION 18. PS PERFORMANCE STANDARD DISTRICT

* * *

Sec. 142-693. Permitted uses.

* * *

(c) For purposes of this section, pawnshops and dance halls and entertainment establishments ~~not also operating as alcoholic beverage establishments and restaurants with full kitchens and serving full meals~~ are not permitted as a main permitted or accessory use ~~in the redevelopment area~~ <u>south of Fifth Street</u>;

however, in the C-PS3 and C-PS4 districts dance halls and entertainment establishments shall be permitted as an accessory use within a hotel of 250 rooms or more with access to the dance hall or entertainment establishment only from the interior lobby and not from the street.

* * *

SECTION 4. REPEALER

All ordinances or parts 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. 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 7. EFFECTIVE DATE

This Ordinance shall take effect ten days following adoption.

PASSED AND ADOPTED this _____ day of_____, 2004.

ATTEST: _____
MAYOR

_____
CITY CLERK

APPROVED AS TO FORM
& LANGUAGE & FOR EXECUTION

3-31-04
City Attorney Date

First Reading:
Second Reading:

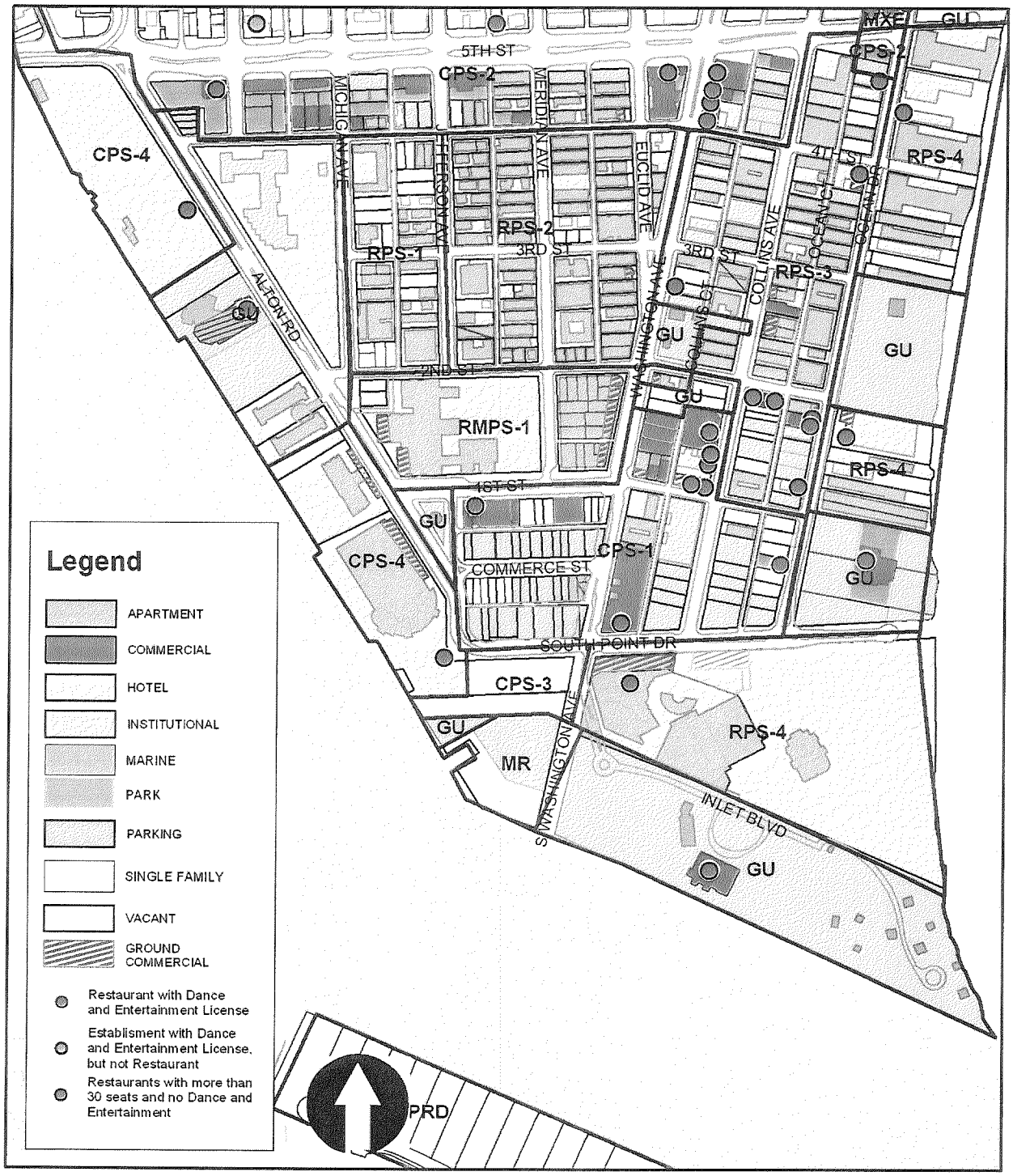
Verified by: _____
Jorge G. Gomez, AICP
Planning Director

Underscore denotes new language
~~Strikethrough~~ denotes deleted language
F:\PLAN\$PLB\draft ordinances\2004\1651 - ord nightclubs also operating as restaurants.doc

LAND USE SURVEY

South Point

Prepared March 25 2004, by the City of Miami Beach Planning Department



Restaurants and Bars in South Point Area

03/31/2004

LICENSE #	NAME	ADDRESS	LIC_STATUS	# of seats	DanceEnt
RL03002074	KOMAR INVESTMENTS INC	161 OCEAN DR	NEW	28	
RL95202943	BEACH MARKET	247 COLLINS AV	RENEWEDL	0	
RL00000905	NEAM'S GOURMENT.	300 ALTON RD	RENEWEDL	1	
RL03001640	d/b/a SUNSHINE & AJ FOOD WITH	747 4TH ST	RENEWED	9	
RL88120595	PENROD'S BEACH CLUB	1 OCEAN DR	RENEWED	300	Dance License
RL01000625	136 Collins Av LC-dba-Opium Ga	136 COLLINS AV	RENEWED	225	Dance License
RL03001232	PURE LOUNGE HOLDINGS LLC	150 OCEAN DR	RENEWED	60	Dance License
RL95213664	MONTY'S ON THE BEACH, LTD.	300 ALTON RD	RENEWEDL	700	Dance License
RL03001562	TAVERNA OPA OF SOUTH BEACH	36 OCEAN DR	RENEWEDL	199	Dance License
RL03001213	CLUB IBIZA INC DBA HARRISON'S	411 WASHINGTON AV	RENEWED	100	Dance License
RL00000422	L'ENTRECOTE DE PARIS	419 WASHINGTON AV	BILLED	49	Dance License
RL98000377	SMITH & WOLLENSKY	1 WASHINGTON AV	RENEWED	600	Possible Apps
RL95202596	NEMO	100 COLLINS AV	RENEWEDL	145	Possible Apps
RL01001078	SHOJI SUSHI	100 COLLINS AV	RENEWEDL	72	Possible Apps
RL03001173	THE ROOM, INC.	100 COLLINS AV	RENEWEDL	30	Possible Apps
RL02002438	LA PIAGGIA INC DBA LA PIAGGA B	1000 SOUTH POINTE	RENEWEDL	114	Possible Apps
RL96222191	GALBEN GROUP, INC. D/B/A BURGE	1100 5TH ST	RENEWEDL	70	Possible Apps
RL04002493	PRIME 112 , LLC	112 OCEAN DR	NEW	80	Possible Apps
RL98000961	SO FI HIDEAWAY	124 2ND ST	RENEWED	30	Possible Apps
RL03000872	LA FACTORIA, LLC	124 COLLINS AV	RENEWEDL	90	Possible Apps
RL03001060	d/b/a PURE LOUNGE/ JOIA RESTA	150 OCEAN DR	RENEWED	60	Possible Apps
RL96226730	BIG PINK	157 COLLINS AV	RENEWEDL	225	Possible Apps
RL01000072	MIAMI BEACH MARRIOTT @ SOUTH	161 OCEAN DR	RENEWEDL	160	Possible Apps
RL84001376	JOE'S STONE CRABS INC	227 BISCAYNE ST	RENEWEDL	512	Possible Apps
RL98000595	ODYSSEY	235 WASHINGTON AV	RENEWEDL	60	Possible Apps
RL99000874	GREEN COMET D/B/A THE WAVE	350 OCEAN DR	RENEWEDL	32	Possible Apps
RL04002103	M.G. GRANDE CORP	400 ALTON RD	APP-PEND	48	Possible Apps
RL95209553	CHINA GRILL SOBE INC.	404 WASHINGTON AV	RENEWEDL	486	Possible Apps
RL03001265	LA LOCANDA	413 WASHINGTON AV	RENEWEDL	30	Possible Apps
RL02002023	ARDEN SAVOY PARTNERS, LLC	425 OCEAN DR	RENEWED	200	Possible Apps
RL98000733	C6-431 PARTNERS, INC. DBA TUSC	433 WASHINGTON AV	RENEWEDL	123	Possible Apps
RL02001158	OCEAN FIVE BISTRO, LLC	444 OCEAN DR	RENEWEDL	70	Possible Apps
RL03001421	FLUTE CHAMPAGNE LOUNGE	500 SOUTH POINTE	RENEWED	60	Possible Apps
RL02001369	d/b/a OASIS	840 1ST ST	RENEWED	60	Possible Apps

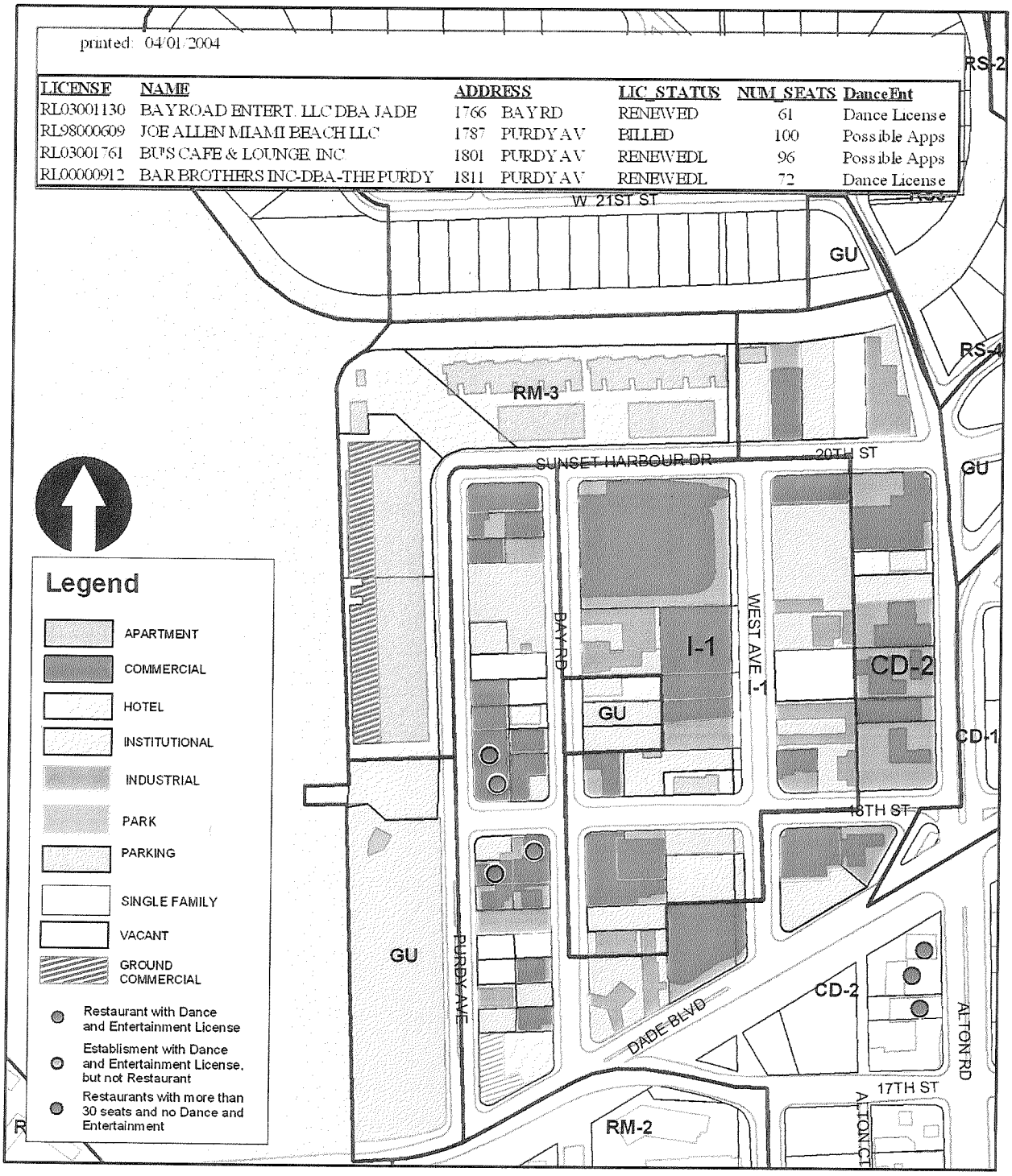
LAND USE SURVEY

Industrial District

Prepared March 25 2004, by the City of Miami Beach Planning Department

printed: 04/01/2004

LICENSE	NAME	ADDRESS		LIC_STATUS	NUM_SEATS	DanceEnt
RL03001130	BAYROAD ENTERT. LLC DBA JADE	1766	BAY RD	RENEWED	61	Dance License
RL98000609	JOE ALLEN MIAMI BEACH LLC	1787	PURDY AV	BILLED	100	Possible Apps
RL03001761	BU'S CAFE & LOUNGE INC	1801	PURDY AV	RENEWEDL	96	Possible Apps
RL00000912	BAR BROTHERS INC-DBA-THE PURDY	1811	PURDY AV	RENEWEDL	72	Dance License



CITY OF MIAMI BEACH
NOTICE OF PUBLIC HEARINGS

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, April 14, 2004,** to consider the following:

at 10:15 a.m.:
An Ordinance Amending Chapter 142 "Land Development Regulations" Of The City Code, Division 7, "CCC, Civic And Convention Center District," In Order To Allow Waivers Of Development Regulations By A Five-Sevenths Vote Of The City Commission For Developments Pertaining To Government-Owned Or Leased Buildings, Uses And Sites Which Are Wholly Used By, Open And Accessible To The General Public, Or Used By Not-For-Profit, Educational, Or Cultural Organizations, Or For Convention Center Hotels, Or Convention Center Hotel Accessory Garages, Or City Utilized Parking Lots, Provided They Are Continually Used For Such Purposes; And To Amend The Public Notice Requirements For Such Waivers, Providing For Codification, Repealer, Severability And Effective

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

at 10:30 a.m.:
An Ordinance Amending The Land Development Regulations Of The Code Of The City Of Miami Beach, By Amending Chapter 138, Entitled "Signs," By Amending Article VI, Entitled "Specific Use Signs," By Creating Section 138-205 To Establish Regulations And Criteria For Signs For Vertical Retail Centers; Providing For Inclusion In The City Code; Providing For Repealer, Severability And An Effective Date

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

at 10:45 a.m.:
A Public Hearing To Consider Waiving By 5/7ths Vote, The Prohibition Of Tran Construction, Inc. From Continuing To Serve As A Vendor With The City Pursuant To Miami Beach City Code Section 2-487 (B)(4), Finding Such Waiver To Be In The Best Economic Interest Of The City, Regarding The Following Existing Contracts: 1) The Miami Beach Golf Course Clubhouse, Restroom Pavilions And Maintenance Yard Building; 2) The Design, Permitting And Construction Of Four New Restroom/Concession Facilities Within The Beachfront Parks Located At 21st, 46th, 53rd, And 64th Streets; And 3) The Job Order Contracting (JOC) Contract Relative To The Following Miami Beach Convention Center Projects: A) Chiller Replacement; B) Replacement Of Air Handlers; And C) Refurbishment Of 12 Air Handling Units

Inquiries may be directed to the City Clerk's Office at (305) 673-7411.

at 11:15 a.m.:
A Public Hearing To Consider An Amendment To The Code Of The City Of Miami Beach, By Amending The Land Development Regulations Of The City Code, Chapter 142, "Zoning Districts And Regulations" Division 13, "MXE, Mixed Use Entertainment District," Section 142-542, "Conditional Uses," To Include Public And Private Cultural Institutions Open To The Public, And Banquet Facilities As Conditional Uses In This Zoning District.

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

at 11:30 a.m.:
A Public Hearing To Consider An Amendment To The Code Of The City Of Miami Beach, By Amending Chapter 142, "Zoning Districts And Regulations," Article II, "District Regulations", Division 5, CD-2 Commercial, Medium Intensity District, Section 142-302, "Main Permitted Uses"Division 11, I-1 Light Industrial District, Section 142-485, "Prohibited Uses" And Division 18, "PS Performance Standard District," Section 142-693 "Permitted Uses", By Eliminating Dance Halls And Entertainment Establishments (Also Operating As Alcoholic Beverage Establishments And Restaurants With Full Kitchens And Serving Full Meals) As Permitted Uses In Certain Areas Of The CD-2 Commercial, Medium Intensity District, The I-1 Light Industrial District, And The PS Performance Standard District.

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 this ordinance are available for public inspection during normal business hours in the City Clerk's Office, 1700 Convention Center Drive, 1st Floor, City Hall, 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#254**

CITY OF MIAMI BEACH
COMMISSION ITEM SUMMARY

Condensed Title:

An Ordinance amending Chapter 102, Article V, of the Code of the City of Miami Beach, Florida, entitled "Occupational License Tax", to define adjudicated violations, to define habitual conduct for purposes of Occupational License denial and/or suspension or revocation, and defining habitual conduct for promoters Occupational License denial and/or suspension or revocation and providing for the City Manager's designee to undertake a hearing in the suspension or revocation process and providing factors to be considered in determining the length of a license suspension.

Issue:

Shall amendments to the Occupational License Tax Ordinance addressing judicial concerns by providing for definition of habitual conduct and other clarifications be approved?

Item Summary/Recommendation:

Most of the changes recommended in the attached Ordinance are a result of litigation which has been on going between the City of Miami Beach and Club Opium, located at 136 Collins Avenue. In one of the court actions between Opium and the City, a court granted Opium a temporary injunction which barred the City of Miami Beach from undertaking Occupational License suspension or revocation hearings as the Judge believed that sections of the Occupational License Tax Ordinance were constitutionally vague. While the Judges decision is on appeal by the City, the issue is of significant enough consequence that amending the challenged language in the Ordinance prior to a decision on the appeal is in the best interest of the City.

The principle change which is recommended in the attached Ordinance is to define what constitutes habitual conduct for a licensee. The suggested standard is that habitual conduct be defined as more than two adjudicated violations of the same Law or Ordinance within a one year period or more than four adjudicated violations of any combination of Federal, State, County or City regulation – Law, Code or Ordinance in a one year period.

The attached Ordinance also establishes a definition for habitual conduct for those individuals applying for or holding a promoter's license. Also, the Ordinance provides for factors to be used in determining the length of a license suspension, if any.

As the City is currently barred from utilizing the license suspension or revocation hearing process, enactment of the attached Ordinance is recommended. The suggested changes will correct potential deficiencies which have been at least tentatively noted by the Court and will also have the benefit of clarifying public policy as it relates to Occupational Licenses in the very important and timely area of habitual offenders.

Advisory Board Recommendation:

N/A

Financial Information:

Source of Funds:

Finance Dept.

	Amount	Account	Approved
1			
2			
3			
4			
Total			

City Clerk's Office Legislative Tracking:

Robert C. Middaugh

Sign-Offs:

Department Director	Assistant City Manager	City Manager

AGENDA ITEM RSE

DATE 4-14-04

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: April 14, 2004

From: Jorge M. Gonzalez
City Manager

Subject: **AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 102, ARTICLE V, OF THE CODE OF THE CITY MIAMI BEACH, FLORIDA, ENTITLED "OCCUPATIONAL LICENSE TAX", TO DEFINE ADJUDICATED VIOLATION, TO DEFINE HABITUAL CONDUCT FOR PURPOSES OF OCCUPATIONAL LICENSE DENIAL AND/OR SUSPENSION OR REVOCATION, AND DEFINING HABITUAL CONDUCT FOR PROMOTERS OCCUPATIONAL LICENSE DENIAL AND/OR SUSPENSION OR REVOCATION AND PROVIDING FOR THE CITY MANAGER'S DESIGNEE TO UNDERTAKE A HEARING IN THE SUSPENSION OR REVOCATION PROCESS AND PROVIDING FOR FACTORS TO BE CONSIDERED IN DETERMINING THE LENGTH OF A LICENSE SUSPENSION; PROVIDING FOR CODIFICATION REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.**

ADMINISTRATION RECOMMENDATION

Adopt the Ordinance amendment on first reading.

ANALYSIS

The attached Ordinance proposes several amendments to the City's current Occupational License Tax Ordinance. The Occupational License Tax Ordinance affects all businesses that operate within the City of Miami Beach.

Most of the changes recommended in the attached Ordinance are a result of litigation which has been on going between the City of Miami Beach and Club Opium, located at 136 Collins Avenue. In one of the court actions between Opium and the City, a court granted Opium a temporary injunction which barred the City of Miami Beach from undertaking Occupational License suspension or revocation hearings as the Judge believed that sections of the Occupational License Tax Ordinance were constitutionally vague. While the Judges decision is on appeal by the City, the issue is of significant enough consequence that amending the challenged language in the Ordinance prior to a decision on the appeal is in the best interest of the City.

While the question regarding the constitutional vagueness of the City's Occupational License Ordinance was raised relative specifically to Opium and a noise concern, the result of the Judge's order is that all Occupational Licenses may be affected by the temporary injunction which currently is in existence. Until the appeal is heard or the Ordinance changed, no Occupational License holder is being brought into a suspension or revocation hearing.

The additional Ordinance language will enable the City to address the express concerns of the Court, as well as enable the members of the City Commission to determine the appropriate policy for the City as we move forward with the use and the enforcement of this Ordinance.

The principle change which is recommended in the attached Ordinance is to define what constitutes habitual conduct for a licensee either as a grounds for denial of an Occupational License or in the event a suspension or revocation of an Occupational License is to be considered by the City. The suggested standard is that habitual conduct be defined as more than two adjudicated violations of the same law or ordinance within a one year period or more than four adjudicated violations of any combination of Federal, State, County or City regulation - Law, Code or Ordinance in a one year period.

The rationale for the recommended changes is that in considering violations of the same law or ordinance, a licensee would have three times in a one year period to violate the Ordinance before being subject to an Occupational License suspension or revocation hearing. In the first instance, which is not subject to a Special Master Hearing or fine, a violation would be issued by the Code Compliance Division. The two subsequent and adjudicated violations of the same Ordinance would be issued and heard by the Special Master before the licensee would be subject to a denial of a license or subject to a suspension or revocation hearing. The recommendation for more than four adjudicated violations in the combination of State, Federal and local violations was suggested because there is a significant number of Codes that might be violated, not all of which are necessarily serious, so that some expanded latitude prior to a denial, suspension or revocation was more appropriate in instances of multiple Ordinance violations. For this reason, this Ordinance also provides for factors to be considered when determining the length of time of a license suspension. In the event of four or more adjudicated violations of the minor nature, the hearing officer would be able to review the specifics of the violations and act accordingly in dealing with the licensee. Likewise, in the event of four violations of a more serious nature, the hearing officer would review each of the specific cases and make an appropriate determination.

The attached Ordinance also establishes a definition for habitual conduct for those individuals applying for or holding a promoter's license. For this category of license the standard is defined as more than one adjudicated violation of the same law or ordinance in a one year period or more than two adjudicated violations of any combination of Federal, State, County or City regulations, law, Code or Ordinance in a one year period. The standard is slightly more stringent than the general category of habitual conduct for other license holders because the promoters tend to be more transitory.

The Ordinance clarifies the procedure to be followed by the City Manager or his designee in the event a hearing is actually conducted. Certain other conforming changes to reflect updates in the Ordinance are also included.

As the City is currently barred from utilizing the license suspension or revocation hearing process, enactment of the attached Ordinance is recommended. The suggested changes will correct potential deficiencies which have been at least tentatively noted by the Court and will also have the benefit of clarifying public policy as it relates to Occupational Licenses in the very important and timely area of habitual offenders.

JMG\RCM\sam
F:\cmgr\$ALL\BOB\OCCUPALICTAXMEMO2.DOC

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 102, ARTICLE V, OF THE CODE OF THE CITY MIAMI BEACH, FLORIDA, ENTITLED "OCCUPATIONAL LICENSE TAX", TO DEFINE ADJUDICATED VIOLATION, TO DEFINE HABITUAL CONDUCT FOR PURPOSES OF OCCUPATIONAL LICENSE DENIAL AND/OR SUSPENSION OR REVOCATION, AND DEFINING HABITUAL CONDUCT FOR PROMOTERS OCCUPATIONAL LICENSE DENIAL AND/OR SUSPENSION OR REVOCATION AND PROVIDING FOR THE CITY MANAGER'S DESIGNEE TO UNDERTAKE A HEARING IN THE SUSPENSION OR REVOCATION PROCESS AND PROVIDING FOR FACTORS TO BE CONSIDERED IN DETERMINING THE LENGTH OF A LICENSE SUSPENSION; PROVIDING FOR CODIFICATION REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the Mayor and City Commission of the City of Miami Beach are charged with the responsibility of ensuring that businesses in the City of Miami Beach operate within the limitations of the various applicable laws, codes and ordinances; and

WHEREAS, the Mayor and City Commission of the City of Miami Beach desire to establish an equitable and efficient system to review habitual violations of applicable laws, codes and ordinances by businesses in the City of Miami Beach and review business activities that are an imminent threat to the public health, welfare and safety; and

WHEREAS, the Mayor and City Commission of the City of Miami Beach desire to provide more definite definitions for habitual violations and provide for denial and/or suspension or revocation of occupational licenses for businesses which are an imminent threat to the public health, welfare or safety;

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

SECTION 1. That Chapter 102, Article V of the Code of the City of Miami Beach, entitled "Occupational License Tax" be amended to read:

ARTICLE V. OCCUPATIONAL LICENSE TAX

Sec. 102-356. Construction of article; definitions.

All of the provisions of this article shall be construed liberally on behalf of the city. Words and terms not defined in this section shall be interpreted in accordance with their normal dictionary meaning and customary usage. The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Adjudicated violation means a finding, by a city or county special master or code enforcement board or other court of competent jurisdiction, that a violation of a law or ordinance has occurred as charged by one of the various departments or divisions of the city or county or any other law or code enforcement agency or department.

Advertise, advertising, advertisement and publish means all means of conveying to the public, whether by word of mouth, newspaper, magazine, periodical, handbill, written notice, printed display, poster, billboard, radio or television announcement or by any other means, notice of a sale or intention to conduct a sale.

Amusement attraction means any building or structure around, over, or through which persons may move or walk, without the aid of any moving device integral to the building or structure, which building or structure provides amusement, pleasure, thrills or excitement. This term does not include enterprises principally devoted to the exhibition of products of agriculture, industry, education, science, religion or the arts.

Amusement ride means any mechanical device that carries or conveys passengers around, over, or along a fixed or restricted route or course or within a defined area for the purpose of giving its passengers amusement, pleasure, thrills or excitement.

Antique means an object 50 years of age or older that has a special value due to age or reproduction of the same.

Apartment house means a building with or without resident supervision occupied or intended to be occupied by more than two families living separately with separate cooking facilities in each unit.

Arcade means any place of business that has coin-operated game machines and/or pool tables that, when counted together, exceed five in number.

Auction business means a sole proprietorship, partnership or corporation that maintains a permanent office or branch office in the city and that, in the regular course of business, conducts, arranges, advertises, or promotes auctions or uses or allows the use of its facilities for auctions.

Automobile rental agency means any person who rents, leases or offers to rent or lease five or more motor vehicles within the city within any given year.

Automobile shipper means any person engaged in the business or occupation, as principal, agent, broker, intermediary or otherwise, or holding himself out by advertisement, solicitation or otherwise as being engaged in the business or occupation of receiving and accepting the custody or possession of the automobile of another, under any contract, agreement, understanding or arrangement, which provides for the furnishing, procuring or arranging for the transportation or shipment of such automobile to an agreed point or destination, by driving the same thereto, under its own power or propulsion, in lieu of the transportation or shipment thereof as freight by any auto transportation company or common carrier.

Bed and breakfast inn means an historic structure originally built as a single-family residence, which is owner occupied and operated to provide guest rooms with breakfast and/or dinner included as part of the room rate.

Bottle club means a commercial establishment, operated for a profit, whether or not a profit is actually made, wherein patrons consume alcoholic beverages brought onto the premises and not sold or supplied to the patrons by the establishment, whether the patrons bring in and maintain custody of their own alcoholic beverages or surrender custody to the establishment for dispensing on the premises.

Business means every trade, occupation, profession or other manner of revenue-producing activity regardless of whether a profit is actually made. Business, profession and occupation do not include the customary religious, charitable or educational activities of nonprofit religious, nonprofit charitable and nonprofit educational institutions in this state, which institutions are more particularly defined and limited as follows:

(1) *Religious institutions* means churches and ecclesiastical or denominational organizations or established physical places for worship in this state at which nonprofit religious services and activities are regularly conducted and carried on, and also means church cemeteries.

(2) *Educational institutions* means state tax-supported or parochial, church and nonprofit private schools, colleges or universities conducting regular classes and courses of study required for accreditation by or membership in the Southern Association of Colleges and Schools, the Department of Education, or the Florida Council of Independent Schools. Nonprofit libraries, art galleries and museums open to the public are defined as educational institutions and eligible for exemption.

(3) *Charitable institutions* means only nonprofit corporations operating physical facilities in the state at which are provided charitable services, a reasonable percentage of which are without cost to those unable to pay.

Cardroom means any room, store, office, building, vessel or houseboat used, operated or maintained for the purpose of providing facilities for card playing for four or more persons, other

than the owners, operators or lessees thereof, whether or not admission, cover or service charges are exacted.

City manager or his designee means the city manager or one of his assistants or another employee of the city designated by the city manager to perform a function required by this article; however, that review required by section 102-385 shall not be conducted by the same person who performs functions pursuant to any other section of this article. Alternatively, "designee" for purposes of section 102-385 may also mean an independent hearing officer appointed pursuant to resolution of the city commission to perform the review functions set forth in this resolution or to adjudicate violations of the city's codes.

Closing-out sale means the sale or offer to sell by any person, to the public, of goods in stock, on order or in transit, with a declared advertised purpose that such sale:

(1) Is anticipatory to the termination, closing, liquidation, discontinuance, conclusion, or abandonment, of the business, or any part thereof, or any line of goods, or any one store of a group of stores in connection with such sale; and it shall include all sales advertised in such manner as to reasonably convey to the public the impression that upon the disposal of the goods advertised or on hand, the business will permanently cease and be discontinued;

(2) Is anticipatory to the temporary closing or discontinuance of the business due to alterations or remodeling of the premises or relocation;

(3) Will consist of goods damaged or altered by fire, smoke, water, hurricane, flood, explosion or other means; or

(4) Will consist of goods derived from a business that has failed, been closed, discontinued or liquidated, or where such advertising indicates a business failure or emergency affecting the seller or any previous holder of the goods to be sold.

Compensation means any money, reward or consideration, tangible or intangible, personal property or real property, or the use of real or personal property, received directly or indirectly or in trust or by other means.

Driver means an individual operating a motor vehicle whether as the vehicle owner or as agent, employee or lessee of the owner.

Electrologist means any person who removes hair from or destroys hair on the human body by the use of an electric needle.

Electrolysis means the practice of removing surplus hair from any part of the human body by the application of electric current to the hair papilla by means of a needle to cause decomposition of hair papilla.

Employment agent or employment agency means any person in this city engaged for hire or compensation in the business of furnishing persons seeking employment or changing employment with information or other service, intended to enable such persons to procure employment, or furnishing any person who may be seeking to employ, for compensation, help of any kind, with information intended to enable such person to procure such help.

Escort service means any person in this city engaged for hire or compensation in the business of providing companions.

Ferrous metals means any metals containing significant quantities of iron or steel.

Firearm means any revolver, pistol, rifle, shotgun, machine gun, destructive device or other weapon that expels a projectile by the action of an explosive or air pressure or gas.

Florist means any person regularly engaged in the business of selling at retail flowers, funeral sprays, wreaths, designs or corsages.

Flower stand means any person engaged in the business of selling cut flowers exclusive of any, all and every other type and kind of flowers or plants.

For cause means the failure of a licensee to comply with those conditions, standards or requirements required for the issuance of his license, or the violation of any other provision of this article or chapters of this Code incorporated in this article.

Gallery means a business which displays art for viewing and/or for sale regardless of whether a fee is charged for admission.

Guard, watchman, patrol includes any person, who, for consideration, advertises as providing or is engaged in the business of furnishing watchman, guard, patrol, or armored car services or who, for consideration, transports prisoners. This includes any person, who utilizes dogs to perform security services unless otherwise excluded.

Habitual conduct means:

(1) For persons or entities licensed as Promoters, either: (a) more than one adjudicated violation of the same law or ordinance in the preceding twelve month period from the date of the last notice of violation issued or (b) more than two adjudicated violations of any combination of federal, state, county or city regulation, law, code or ordinance in the preceding twelve month period from the date of the last notice of violation issued, or violations of the laws of any other state or local government, including, but not limited to, laws prohibiting: the serving of alcoholic beverages to minors; littering; excessive noise; and disorderly conduct; and,

(2) For all other occupations, either: (a) more than two adjudicated violations of the same law or ordinance in the preceding twelve month period from the date of the

last notice of violation issued or (b) more than four adjudicated violations of any combination of federal, state, county or city regulation, laws, codes or ordinances in the preceding twelve month period from the date of the last notice of violation issued.

Hotel means a building occupied or intended to be occupied generally for transient occupancy.

Janitorial service means any person in this city engaged for hire or compensation to provide cleaning services or persons who will perform these services for others.

License means a permission granted upon compliance with the requirements of this article to engage in a business or activity conducted within the city.

Licensee means any person operating under a license granted pursuant to this article.

Medical clinic means an outpatient facility in which the name of a fictitious entity is prominently featured, which provides for surgical and nonsurgical medical treatment and is not directly associated with a hospital.

Motor scooter means a two-wheeled vehicle with small wheels and a low powered engine.

Motor vehicle or vehicle means any motor-propelled vehicle, with the exception of motor scooters, including but not limited to motorbuses, vans and automobiles operating on the streets of the city for compensation.

News depot means a location where newspaper carriers pick up and prepare newspapers for delivery.

Nonferrous metals means metals not containing significant quantities of iron or steel, including but not limited to copper, brass, aluminum, bronze, lead, nickel, zinc, and alloys thereof.

Not-for-profit organization means an organization registered as a corporation not for profit pursuant to F.S. ch. 617, no part of the income or profit of which is distributable to its members, directors or officers.

Parking lot means any business engaged in whole or in part in the parking of motor vehicles for the payment of a fee.

Pawn means either of the following transactions:

(1) *Loan of money* means a written or oral bailment of personal property as security for an engagement or debt, redeemable on certain terms and with the implied power of sale on default.

(2) *Buy-sell agreement* means any agreement whereby a purchaser agrees to hold property for a specified period of time to allow the seller the exclusive right to repurchase the property. A buy-sell agreement is not a loan of money.

Pawnbroker means any person who is not solely a secondary metals recycler subject to F.S. ch. 538, pt. II, which is regularly engaged in the business of making pawns. The term does not include a financial institution as defined in F.S. § 655.005 or any person who regularly loans money or any other thing of value on stocks, bonds or other securities.

Person means any individual, firm, partnership, joint adventure, syndicate, or other group or combination acting as a unit, association, corporation, estate, trust, business trust, trustee, executor, administrator, receiver, or other fiduciary, and includes the plural as well as the singular.

Prearranged travel or tourist-related services means any service, including but not limited to car rentals, lodging, transfers, and sightseeing tours, for which a traveler receives a premium or for which he contracts or pays prior to departure.

Preowned merchandise means personal property previously owned or used, including secondhand goods.

Private investigative agency includes any person who, for consideration, advertises as providing or is engaged in the business of furnishing private investigations as defined in F.S. § 493.6101(17).

Professional corporation means a corporation organized for the sole and specific purpose of rendering professional service and has as its shareholders only individuals who themselves are duly licensed or otherwise legally authorized within this state to render the same professional service as the corporation.

Professional service means any type of personal service to the public that requires as a condition precedent to the rendering of such service the obtaining of a license or other authorization from the state. By way of example and without limiting the generality thereof, the personal services which come within the provisions of this article are the personal services rendered by certified public accountants, public accountants, chiropractors, dentists, osteopaths, physicians and surgeons, doctors of medicine, doctors of dentistry, podiatrists, chiropodists, architects, veterinarians, attorneys at law, and life insurance agents.

Promoter means any person who Promotes a dance or entertainment event on the premises of a business that is licensed to serve alcoholic beverages. To Promote a dance or entertainment event is to be involved in one or more of the following activities: (a) hiring any of the Persons staffing the event (e.g., deejay, host, cashier, doorman, etc.), (b) hiring any of the Persons distributing or mailing invitations, flyers, posters, or other marketing materials in connection with such event, or (c) making the ultimate decision concerning the cost of entrance to the event. A Promoter does not include a) a business, or any full-time employee of the business, that Promotes a dance or entertainment event on premises for which the business holds a valid city occupational license;

b) a 501(c) corporation, unless it is permitting the use of its temporary alcoholic beverage license by another business on the premises of such other business; c) a person who holds or Promotes a private reception not open to the general public; (d) a Person who is hired by a Promoter to host, plan or market a dance or entertainment event; or (e) a Person who sponsors, or allows his name to be used in connection with, a dance or entertainment event, provided such Person does not also Promote the event.

Public food service establishment means any building, vehicle, place or structure, or any room or division in a building, vehicle, place or structure, that is maintained and operated as a place where food is regularly prepared, served or sold.

Purchase transaction means a transaction in which a recycler gives consideration having a value in excess of $10.00 in exchange for regulated metals property.

Receptive tour operator means any person who prearranges tourist-related or tour guide services for individuals or groups visiting the city whose point of origin or departure is a foreign country. This does not include any person who provides services limited solely to any single one of the following: transportation, lodging, food or entertainment.

Recyclers means all persons engaged in the business or gathering or obtaining of ferrous or nonferrous metals, paper, glass or plastic products that have served their original economic purpose, or is in the business of performing the manufacturing process by which these products are converted into raw products consisting of prepared grades and having an existing or potential economic value; by methods including without limitation, processing, sorting, cutting, classifying, clearing, bailing, wrapping, shredding, shearing or changing the physical form or chemical content thereof.

Regulated metals property means any item composed primarily of any nonferrous metals, but shall not include aluminum beverage containers, used beverage containers, or similar beverage containers.

Restaurant means the same as "public food establishment."

Retail establishment means any store, merchant or organization selling merchandise to the general public.

Sale includes all transfers, assignments, pledges, leases, loans, barters or gifts.

Secondhand dealer means any person not solely a secondary metals recycler subject to F.S. ch. 538, pt. II, engaged in the business of purchasing, consigning, pawning, selling, bartering, exchanging in any manner at retail or wholesale, or otherwise dealing for profit in secondhand goods. The term shall include pawnbrokers and all dealers who buy, trade or sell or who make loans of money upon the deposit or pledge of secondhand goods.

Secondhand goods means personal property previously owned or used, which is not regulated metals property regulated under F.S. ch. 538, pt. II, and which is purchased, sold, bartered, exchanged, consigned or pawned as used property. The term includes but is not limited to:

(1) Watches;

(2) Items containing gold, silver, platinum or other precious metal;

(3) Jewelry, diamonds, gems, and other precious stones, excluding costume jewelry;

(4) Fishing rods and tackle;

(5) Audio and video equipment, including but not limited to television sets, radios, amplifiers, receivers, turntables, tape recorders, videotape recorders, speakers, and citizens' band radios, and compact disc players;

(6) Computer equipment;

(7) Radar detectors;

(8) Depth finders;

(9) Trolling motors and outboard motors;

(10) Photographic equipment, including but not limited to cameras, lenses, electronic flashes, tripods and developing equipment;

(11) Machinery, tools, electric motors, calculators, tires, hubcaps, musical instruments, typewriters;

(12) Weapons, including knives, swords, and air guns;

(13) Telephones, including cellular and portable;

(14) Microwave ovens;

(15) Animal fur coats;

(16) Video games;

(17) Office equipment such as copiers, fax machines and postage machines;

(18) Sports equipment;

(19) Lawnmowers, bicycles and motor vehicles.

Seller of travel, travel bureau means any person maintaining a business location or branch office within the city who offers for sale, directly or indirectly, at wholesale or retail, prearranged travel or tourist-related services for individuals or groups through vacation or tour packages or through lodging or travel certificates in exchange for a fee, commission or other valuable consideration. This includes offering membership in a travel club or travel services for an advance fee or payment, even if no travel contracts or certificates or vacation or tour packages are sold.

Talent agency means any person engaged in the occupation of operating an agency, bureau, office or other place for the purpose of procuring or attempting to procure engagements, or for the purpose of giving information as to where such engagements may be provided, for an artist who seeks employment by a buyer in, but not limited to, the following: a live or motion picture production, whether made on or by film, electronic tape, or other electronic device used to produce theatrical motion pictures, television entertainment motion pictures, industrial motion pictures, or television commercials; modeling services; conventions; print media; the legitimate stage; radio; circus; vaudeville; musical arts; or a musical organization.

Window cleaning service means any person engaged for hire or compensation to provide window cleaning services or persons who will perform these services for others.

* * *

Sec. 102-372. Grounds for denial.

(a) Any Person whose application for a license has been denied may seek a hearing under section 102-385. An application for a business license under this article may be denied on the following grounds:

(1) That the applicant has failed to disclose or has misrepresented information required by this article in the application.

(2) That the applicant currently has a license under suspension or revocation. Whenever any business license has been suspended or revoked by the city for any cause whatsoever, no subsequent license shall be issued during the period of suspension/revocation to the licensee or to any other firm in which the licensee or any of its general partners, limited partners, officers or stockholders owning 20 percent or more of its stock or agents, employees or other persons who were actively involved in the business under suspension/revocation.

(3) That the applicant desiring to engage in the business as described in the application has selected a proposed site or type of business activity which does not comply with the city's zoning ordinance or other laws of the city.

(4) That the applicant fails to obtain a bond at the limits required of his business.

(5) That the applicant fails to obtain insurance at the limits required of his business.

(6) That the applicant has failed to obtain a certificate of use as required by section 14-66(3) of this Code.

(7) The certificate of use for the proposed business has been denied, suspended or revoked for any reason.

(8) The applicant's proposed business activity or portion thereof consists of conduct that is an ~~actual~~ imminent threat to the public health, welfare or safety.

(9) Habitual conduct has occurred at the applicant's premises~~ that violates city, county or state laws~~.

(10) The issuance of a license is based on the applicant's compliance with specific provisions of federal, state, city or county law and the applicant has violated such specific provisions.

(11) The applicant has violated any provision of this article and has failed or refused to cease or correct the violation after notification thereof.

(12) The applicant within the preceding five years in this state or any other state in the United States has been adjudicated guilty of or forfeited a bond when charged with soliciting for prostitution, pandering, letting premises for prostitution, keeping a disorderly place, or illegally dealing in narcotics.

(13) The premises have been condemned by the local health authority for failure to meet sanitation standards or the premises have been condemned by the local authority because the premises are unsafe or unfit for human occupancy.

(14) The applicant's premises have been found to constitute a public nuisance by ~~the nuisance abatement board as provided in section 70-206 et seq~~ a court of competent jurisdiction.

(15) The applicant is delinquent in the payment of any license fee imposed under this article: Code enforcement lien; special assessment lien and/or any other debt or obligation due to the city under state or local law.

(16) A Business has permitted an unlicensed promoter to hold a dance or entertainment event on the premises of the Business on more than one occasion within a 12-month period.

(b) In addition to the grounds set forth in section (a), an application for a Promoter license under this article may be denied on the following grounds:

(1) A Promoter has held a dance or entertainment event on the premises of an unlicensed Business on more than one occasion within a 12-month period.

(2) Habitual conduct has occurred at, or in connection with, a Promoter's dance or entertainment event ~~that violates city, county or state laws (or violates the laws of any other state or local government) including, but not limited to, laws prohibiting a) the serving of alcoholic beverages to minors, b) littering; c) excessive noise: and d) disorderly conduct~~.

* * *

Sec. 102-373. Investigation to determine compliance with article.

The city manager or ~~his~~ the city manager's designee may investigate persons engaged in any business encompassed by this article and make such inquiry as shall be necessary to determine whether or not such persons have procured a license as required by this article, or engaged in conduct which violates this article or chapter 18.

* * *

Sec. 102-381. Grounds for suspension, revocation and denial.

(a) The city manager or ~~his or her~~ the city manager's designee shall either revoke or temporarily suspend the license of any Person where it is determined by the city manager or ~~his or her~~ the city manager's designee that:

(1) The licensee has misrepresented or failed to disclose material information required by this article to be included in the license application form.

(2) The licensee, as part of the licensee's business activity within the city, is engaged in conduct that is an ~~actual~~ imminent threat to the public health, welfare or safety.

(3) The licensee is conducting business from premises that do not possess a valid and current certificate of occupancy and/or certificate of use as may be required by city and county laws.

(4) Habitual conduct has occurred at the licensee's premises ~~that violates city, county or state law~~.

(5) The license issued by the city depended upon the licensee's compliance with specific provisions of federal, state, city or county law and the licensee has violated such specific provisions of law.

(6) The licensee has violated any provision of this article and has failed or refused to cease or correct the violation after notification thereof.

(7) The licensee, as part of the licensee's business activity within the city, knowingly lets, leases or gives space for unlawful gambling purposes at the licensee's premises.

(8) The licensee within the preceding five years in this state, or any other state or in the United States, has been adjudicated guilty of or forfeited a bond when charged with soliciting for prostitution, pandering, letting premises for prostitution, keeping a disorderly place, or illegally dealing in narcotics.

(9) The premises have been condemned by the local health authority for failure to meet sanitation standards or the premises have been condemned by the local authority because the premises are unsafe or unfit for human occupancy.

(10) The licensee's premises have been found to constitute a public nuisance by ~~the nuisance abatement board~~ a court of competent jurisdiction.

(11) A Business has permitted an unlicensed Promoter to hold a dance or entertainment event on the premises of the business on more than one occasion within a 12-month period.

(b) The suspension or revocation shall be of the license in effect at the date of such suspension or revocation, even though it may have been issued to a licensee other than the person who held the license at the time the cause for such suspension or revocation arose.

(c) No license shall be suspended under this section for a period of more than 12 months. No new license shall be issued during the period of suspension/revocation to the licensee, or to any other firm in which the licensee or any of its general partners, limited partners, officers or stockholders owning 20 percent or more of its stock or agents, employees or other persons who were actively involved in the business under suspension/revocation. At the end of such period of suspension or revocation, the licensee and/or agents, general or limited partners, officers or stockholders may apply for a new license.

(d) The city manager or city manager's designee shall deny a license to any person as provided by sections 102-371 and 102-372.

(e) In addition to the grounds set forth in subsection 102-381(a), the city manager or ~~his or her~~ the city manager's designee shall either revoke or temporarily suspend the license of any Promoter where it is determined by the city manager or ~~his or her~~ the city manager's designee that:

(1) A Promoter has held a dance or entertainment event on the premises of an unlicensed Business on more than one occasion within a 12-month period.

(2) Habitual conduct has occurred at, or in connection with, a Promoter's dance or entertainment event ~~that violates city, county or state laws including, but not limited to, laws prohibiting a) the serving of alcoholic beverages to minors, b) littering; c) excessive noise; and d) disorderly conduct~~.

* * *

Sec. 102-382. Standards; rule-making authority.

A suspension not exceeding six months shall be imposed in cases where the licensee's violation is shown to be inadvertent and can be promptly corrected by the licensee; a revocation of the license shall be imposed in all other cases. In determining the length of time for a suspension, if any, the city manager or the city manager's designee shall consider the following factors: (1) the gravity of the violation; (2) any actions taken by the violator to correct the violation; and, (3) any previous violations committed by the violator. The city manager shall have the authority to adopt written administrative rules to enforce and implement the provisions of this article.~~, which rules shall have the force and effect of city law, provided the rules are approved by the city attorney and ratified by the city commission.~~

* * *

Sec. 102-383. Notice of violation; emergency action.

If the city manager or ~~his~~ the city manager's designee believes that a licensee has engaged or is engaged in conduct warranting the suspension or revocation of a license, he shall serve the licensee by certified mail or hand delivery, at his business address as disclosed in his application for the license, a written administrative complaint which affords reasonable notice to the licensee of facts or conduct that warrant the intended action. The complaint shall state what is required to be done to eliminate the violation, if any. The licensee shall be given adequate opportunity to request a prior administrative hearing unless the city manager or the city manager's designee finds that an emergency condition exists involving ~~serious~~ imminent danger to public health, safety or welfare, in which case advance notice and hearing shall not be required. In the case of an emergency suspension or revocation, the licensee shall immediately be advised of the city manager's action and afforded a prompt post-suspension or revocation hearing in accordance with section 102-385.

* * *

Sec. 102-385. Hearing procedures; enforcement of orders.

(a) *City manager or city manger designee's review.*

(1) Other than as set forth in subsection (b) of this section, the city manager or ~~his~~ the city manager's designee shall give written notice of the time and place of the hearing to the licensee/applicant by certified mail or hand delivery and to the city attorney's office.

(2) The proceedings shall be informal but shall afford the licensee/applicant the right to testify in his own defense, present witnesses, be represented by legal counsel, submit relevant evidence, cross examine witnesses and object to evidence.

(3) The proceedings shall be recorded and minutes kept by the city. Any applicant/licensee requiring verbatim minutes for judicial review may arrange for the services of a court reporter at his own expense. The city manager or city manager's designee may conduct a hearing to determine whether the allegations presented in the written administrative complaint have occurred. In the event of previous findings having been made by the City or County special master or other court of competent jurisdiction, the findings shall be accepted by the city manager's designee and the parties shall not be permitted to reargue the merits of those findings.

(4) Within ten days of the close of the hearing, the city manager or ~~his~~ the city manager's designee shall render his decision in writing determining whether or not the license shall be revoked or suspended or denied, or other action taken or continued, as the case may be, and stating his reasons and findings of fact.

(5) The city manager or ~~his~~ the city manager's designee shall file his findings with the city clerk and shall send a true and correct copy of his order by certified mail, return receipt requested, or by hand delivery, to the business address listed on the occupational license or to any such other address as the licensee or applicant shall designate in writing.

~~(b) *Board of adjustment review.* Denial of a license for lack of proper zoning shall be appealable to the board of adjustment pursuant to sections 118-136 and 118-351 et seq. All appeals must be submitted to the board of adjustment within 15 days of the date of the denial.~~

~~(c)~~(b) *Administrative rulings as final.* The city manger's or city manager's designee's~~/board of adjustment's~~ findings shall constitute the final administrative action of the city for purposes of judicial review under state law.

~~(d)~~(c) *Enforcement.* If an applicant/licensee fails to seek timely appellate review of an order of the city manager or his designee/administrative hearing officer/board of adjustment, or to comply timely with such order, the code compliance officer may pursue enforcement procedures as set forth in section 102-377. Business closings required by suspension/revocation orders may be enforced by the police department.

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 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 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 5. EFFECTIVE DATE

This ordinance shall take effect on the _____ day of _____, 2004.

PASSED AND ADOPTED this _____ day of _____, 2004.

ATTEST:

_____
MAYOR

_____
CITY CLERK

APPROVED AS TO FORM & LANGUAGE & FOR EXECUTION

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4-9-04
City Attorney RTD Date

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CITY OF MIAMI BEACH
COMMISSION ITEM SUMMARY

Condensed Title:

An ordinance amending Chapter 70, Article III of the Miami Beach City Code, entitled "Graffiti" by providing for reduction in time periods permitted for compliance.

Issue:

Shall the Mayor and City Commission amend Chapter 70, Article III of the Miami Beach City Code, entitled "Graffiti" by providing for reduction in time periods permitted for compliance?

Item Summary/Recommendation:

The Administration recommends amending the Ordinance. In order to preserve the integrity of the commercial and residential neighborhoods of the City, including its ten historically designated districts, and to protect the quality of life for our residents, the City enacted a graffiti abatement Ordinance in September of 2000. Recent studies show the necessity of the immediate removal of graffiti. Removing it within the first 24 hours can reduce the odds of continued incidents. To this end, it is the Administration's recommendation to amend the current ordinance provisions by reducing the time for the removal of graffiti on commercial and non-commercial property as follows:

- Prohibit the existence of graffiti on a commercial property from 7 business days to 48 hours; on a non-commercial property from 10 business days to 7 calendar days.
- The time for corrective action on commercial property is reduced from 7 business days to 48 hours from the receipt or delivery of notice.
- The time for corrective action on non-commercial property is reduced from 10 business days to 7 calendar days from the receipt or delivery of notice.

A clean sweep of the City will be conducted to identify and remove the existing graffiti. As the sweep is conducted, an educational and awareness initiative outlining the Ordinance provisions will be provided. To sustain the City's efforts to eradicate graffiti a contractor will be on-duty to service our needs for removal and control.

Advisory Board Recommendation:

N/A

Financial Information:

Source of Funds:

Finance Dept.

	Amount	Account	Approved
1			
2			
3			
4			
Total			

City Clerk's Office Legislative Tracking:

Cmdr. Hernan D. Cardeno

Sign-Offs:

Department Director	Assistant City Manager	City Manager

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AGENDA ITEM R5F

DATE 4-14-04

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: April 14, 2004

From: Jorge M. Gonzalez
City Manager

Subject: **AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA AMENDING CHAPTER 70, ARTICLE III OF THE MIAMI BEACH CITY CODE, ENTITLED "GRAFFITI" BY PROVIDING FOR REDUCTION IN TIME PERIODS PERMITTED FOR COMPLIANCE, PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.**

ADMINISTRATION RECOMMENDATION

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

BACKGROUND

Graffiti left unattended sends a message that crime, neglect and decay are tolerated in our community. Prompt clean-up and abatement efforts show that residents and City personnel are working together to keep the City of Miami Beach a clean and safe place to live, visit, and work. Recently, our Police Department identified 190 incidents of graffiti in the South Pointe RDA and 85 incidents at our City Center RDA both on public and private property respectively.

While there are no specific reasons for the increase in graffiti incidents, the City will undertake a three prong approach to curtail the activity. First, in order to preserve the integrity of the commercial and residential neighborhoods of the City, including its ten historically designated districts, and to protect the quality of life for our residents, the City enacted a graffiti abatement Ordinance in September of 2000.[1] Recent studies show the necessity of the immediate removal of graffiti. Removing it within the first 24 hours can reduce the odds of continued incidents.[2] To this end, it is the Administration's recommendation to amend the current Ordinance as follows:

- Prohibit the existence of graffiti on a commercial property from 7 business days to 48 hours; on a non-commercial property from 10 business days to 7 calendar days

[1] *Chapter 70, Article III, Section 70-126 Responsibility of Property Owner(s); Graffiti Removal and Notice,* Miami Beach City Code.
[2] *The Case for Rapid Removal,* Graffiti Hurts Program Manual, P. 12 (1998).

- The time for corrective action on commercial property is reduced from 7 business days to 48 hours from the receipt or delivery of notice.

- The time for corrective action on non-commercial property is reduced from 10 business days to 7 calendar days from the receipt or delivery of notice.

Second, a clean sweep of the City will be conducted to identify and remove the existing graffiti. As the sweep is conducted, an educational and awareness initiative outlining the Ordinance provisions will be provided.

Finally, to sustain the City's efforts to eradicate graffiti a contractor will be on-duty to service our needs for removal and control.

CONCLUSION

It is recommended that the Mayor and City Commission approve the Ordinance on first reading and schedule a second reading public hearing.

JMG/DD/RM/CP/JM/HDC

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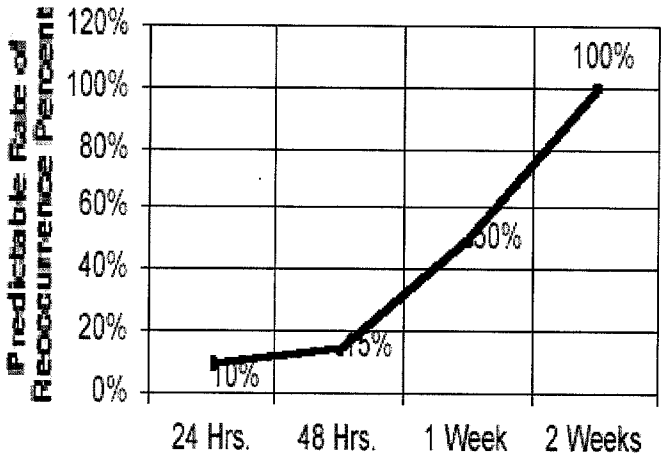
Graffiti Tolerance vs. Zero Tolerance



ORDINANCE TO BE SUBMITTED

CITY OF MIAMI BEACH
COMMISSION ITEM SUMMARY

Condensed Title:

An ordinance of the Mayor and City Commission amending the FLUM and Goals, Policies and Objectives of the Comprehensive Plan for a parcel of unplatted land of approximately 5.6+/- acres located on Terminal Island, with a floor area ratio (FAR) of 1.0

Issue:

Should the City Commission:

1. Approve changing the Future Land Use Map of the Comprehensive Plan in order to create a multifamily land use designation in Terminal Island which would be surrounded by light industrial land use designations?
2. Amend Goals, Objectives and Policies of the Comprehensive Plan that would create:
   a. Incompatibility of the proposed uses with the existing ones;
   b. Increase density in an area that does not currently permit residential uses;
   c. Contravene hurricane evacuation procedures;
   d. Amend Goals, Policies and Objectives of the Comprehensive Plan?

Item Summary/Recommendation:

The request is applicant-driven and there is a potential for creating incompatible land uses when changing from industrial to residential uses, which is in direct contradiction to the Goal, Policies and Objectives of the Comprehensive Plan. In addition, the request would increase the potential for hurricane evacuation in an area of the City that currently does not allow residential uses, as well as requiring that be amended.

The Administration recommends that the ordinance is not approved.

Advisory Board Recommendation:

At the October 22, 2002 meeting, the Planning Board passed a motion (5-2) recommending that the City Commission **not** approve the requests to amend the Future Land Use Map and the text of the Goals, Objectives and Policies of the Comprehensive Plan based on the inconsistencies with the review criteria, as well as the incompatibility of the proposed use with the existing uses.

Financial Information:

Source of Funds:

Finance Dept.

	Amount	Account	Approved
1			
2			
3			
4			
Total			

City Clerk's Office Legislative Tracking:

Mercy Lamazares/Jorge G. Gomez, Planning Department

Sign-Offs:

Department Director	Assistant City Manager	City Manager

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AGENDA ITEM R5G

DATE 4-14-04

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: April 14, 2004

From: Jorge M. Gonzalez
City Manager

First Reading, Public Hearing

Subject: **Proposed amendment to the Goals, Policies and Objectives and to the Future Land Use Map of the Comprehensive Plan**

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN BY CHANGING THE FUTURE LAND USE CATEGORY FOR A PARCEL OF UNPLATTED LAND OF APPROXIMATELY 5.6 +/- ACRES ON TERMINAL ISLAND, LOCATED SOUTH OF THE MACARTHUR CAUSEWAY, FROM THE CURRENT LAND USE CATEGORY I-1, LIGHT INDUSTRIAL WITH A FLOOR AREA RATIO (FAR) OF 1.0, TO THE PROPOSED FUTURE LAND USE CATEGORY OF RM-PRD, MULTIFAMILY, PLANNED RESIDENTIAL DEVELOPMENT WITH A FLOOR AREA RATIO (FAR) OF 1.0; AND AMENDING GOALS, POLICIES AND OBJECTIVES OF THE COMPREHENSIVE PLAN IN ORDER TO ALLOW THE REQUESTED FUTURE LAND USE CATEGORY FOR THE SUBJECT PROPERTY; DIRECTING TRANSMITTALS OF THIS ORDINANCE AND ALL APPLICABLE DOCUMENTS TO AFFECTED AGENCIES

ADMINISTRATION RECOMMENDATION

The Administration recommends denial of the request.

OVERVIEW

The applicant, James F. Silvers, Trustee, 1100 Fifth Street, Miami Beach, Florida, is requesting to amend the Future Land Use Map (FLUM) of the City of Miami Beach Comprehensive Plan by changing the Future Land Use Category for a parcel of unplatted land of approximately 5.604 acres on Terminal Island, located south of the MacArthur Causeway, from the Current Land Use category I-1, Light Industrial, to the proposed Future Land Use Category of RM-PRD, Multifamily Planned Residential Development, retaining the existing floor area ratio (FAR) of 1.0 as permitted in the I-1 Light Industrial category. The request will also necessitate a text amendment to the Goals, Policies and Objectives of the Comprehensive Plan of the City of Miami Beach.

The Comprehensive Plan (Plan) provides for the RM-PRD FLU category; however, the Land Development Regulations (LDRs) of the City Code would require a new zoning district to be created, in order to accommodate the specific site development characteristics

desired by the developer for the RM-PRD-3 zoning district. Upon approval of the FLUM and Comprehensive Plan amendment, the applicant is also requesting an amendment to the Zoning District Map and LDRs to reflect the new zoning district and regulations being created. It should be noted that the change to the Zoning Map and the district regulations could only be approved after the Department of Community Affairs and all other reviewing agencies have reviewed the amendments to the Comprehensive Plan and FLUM.

Planning staff had several meetings with the applicant prior to the submission of the applications for Planning Board review, in order to assist with the process and ensure complete submission of all required documents and exhibits. During the course of these meetings, several copies of the Comprehensive Plan were provided to the applicant and his consultants in order to facilitate the understanding of the complex issues involved with regard to this application. At that time, staff also expressed concerns relative to the change of land use designation of the property for a number of reasons, among which were the increase in density on a land use that currently does not permit residential uses, the incompatibility of residential with the industrial uses remaining on Terminal Island and with the U.S. Coast Guard base, which is located across the channel to the east, and the diminution of industrial zoning districts.

Below is a summary of events leading to this Commission hearing:

May 28, 2002 – Applicant made a presentation of the concept plan for the property to the Planning Board in order to receive preliminary feedback and guidance. The Board continued the applications to the July 23, 2002 meeting.

July 23, 2002 - The U.S. Coast Guard submitted a letter raising several objections and concerns relative to this initiative. In addition, they had representatives present at the July 23, 2002 Planning Board meeting, who reiterated those concerns during the meeting. At that time, the applicant requested that this matter be continued to the September meeting in order to be able to meet with the U.S. Coast Guard and try to address their concerns.

September 24, 2002 - At this Planning Board meeting, the U. S. Coast Guard reported that they had met with the developer, who had addressed some of the issues they had raised, however, they were still concerned about the incompatibility of uses, as well as their role in the security of the country. At this meeting, the Board requested that staff contact the Port of Miami or Miami-Dade County regarding the proposed land use change for the property, from a port facility and industrial use, to a multifamily residential use.

October 22, 2002 - Staff contacted the Metropolitan Planning Division of the Miami-Dade County Planning Department. We were informed that the County very strongly discourages the elimination of sites designated for industrial uses because once that land use designation is lost, very seldom it can be regained somewhere else. The Comprehensive Development Master Plan for Miami-Dade County (as amended through April 2001) states that "Residential development is incompatible with major industrial concentrations and shall not occur in areas designated as "Industrial and Office" on the Land Use Plan map to **avoid use conflicts and for health and safety, and residential service planning reasons."**

(emphasis added). The Plan goes on to state that minor exceptions may be granted, for instance, when the industrially designated site immediately adjoins a currently developed or platted residential area and it is determined that the residential component provides a compatible transition along the boundary. This information was related to the Planning Board.

Based on the above information, it is apparent that the County, with much more land areas designated for industrial use, is also concerned about the loss of these areas, as they are necessary for a community in order to keep noxious uses separated from residential uses. As previously expressed, the City of Miami Beach has very limited areas designated for light industrial uses and the loss of even a small potion of those areas may be detrimental for the community.

The U. S. Coast Guard also had representatives at this meeting who expressed again their concerns about the incompatibility of uses, as well as concerns from a security perspective.

SITE DATA

Future Land Use: I-1 Light Industrial District

Land Uses: Currently the site is a container port and overflow parking area for the Fisher Island Ferry Terminal. To the east, across the channel, lies the U. S. Coast Guard Station. The parcel to the west is designated PF Public Facilities and contains the City's maintenance facilities. Government Cut lies to the south. MacArthur Causeway borders on the north. The Florida Power and Light substation and The Fisher Island ferry landing are located on the western-most portion of island, contiguous to the City's maintenance facilities.

REVIEW CRITERIA:

Traditionally in the past, when reviewing a request for Comprehensive Plan amendments, either to the FLUM or text, the criteria listed for amendments to the land development regulations has been used for the evaluation of such requests:

1. **Whether the proposed change is consistent and compatible with the comprehensive plan and any applicable neighborhood or redevelopment plans.**

   Not Consistent - The proposed amendment is not consistent with the Comprehensive Plan. The following review will address each of the applicable elements of the Plan to determine whether the application is Consistent, Not Consistent or Partially Consistent:

1. FUTURE LAND USE ELEMENT
GOAL

Ensure that the character and location of land uses maximize the potential for economic benefit and the enjoyment of natural and man-made resources by citizens while minimizing the threat to health, safety and welfare posed by hazards, nuisances, incompatible land uses and environmental degradation.

a. Policy 1.2 – Low Density Planned Residential Category (RM-PRD)

Partially Consistent – To the extent that the desire is to change the FLUM to this category, this future land use category is contemplated in the Plan. This land use category permits 25 dwelling units per acre and a floor area ratio of 1.0. The parcel subject to this request is approximately 5.6 acres, thus creating the potential for the development of 140 dwelling units. However, due to the remaining uses on the island, the potential for incompatible land uses is created, which is in direct contradiction to the Goal.

b. OBJECTIVE 4: HURRICANE EVACUATION

Continue to coordinate City (*i.e.*, coastal area) population densities with the Metropolitan Dade County Emergency Operations Plan, which is the local hurricane evacuation plan for Miami Beach, and the Lower southeast Florida Hurricane Evacuation Plan, the regional hurricane evacuation plan by approving no Future Land Use map or zoning map amendments that increase density.

Policies 4.2 – Permitted city population densities shall be reduced to better conform with the Metropolitan Dade County Office of Emergency Management's 1991 Emergency Operations Plan and the experience with Hurricane Andrew.

Not Consistent – The proposed change to the FLUM from Light Industrial, which prohibits residential uses, to a residential land use category, will increase the population density in this area of the City.

c. OBJECTIVE 5: CONCURRENCY MANAGEMENT

Meet the concurrency management requirements of Ch. 9J-5.0055 *FAC* and the LDR, and the land needs for utilities.

Policy No. 5.2 – Measuring conformance with the Level of Service for water, sewer, solid waste and drainage; for recreation; for traffic.

Partially Consistent – The project proposed for this site under the RM-PRD Future Land Use category may fail water, sewer and recreation levels of service.

d. OBJECTIVE 6: INCONSISTENT USES

The City land development regulations shall continue to provide for the discontinuation of non-conforming land and building uses which are incompatible or inconsistent with the Future Land Use Plan.

Policy 6.1 Expansion or replacement of land uses, which are incompatible with the Future Land Use Plan, shall be prohibited and enforced through zoning decisions.

Not Consistent – The proposed FLU designation of RM-PRD would be incompatible with the Light Industrial category existing throughout Terminal Island.

2. TRAFFIC CIRCULATION ELEMENT

GOAL:

To ensure the development of a safe, efficient and integrated motorized and non-motorized transportation system in the City of Miami Beach.

a. OBJECTIVE 1: LEVEL OF SERVICE

To require that roadways within the City operate at acceptable levels of service (LOS) coordinated with the Future Land use Map.

Policy 1.1: The City hereby adopts the following peak hour LOS standards for each listed facility type:

- Local roads – LOS Standard D
- Collector roads – LOS Standard D
- Arterial roads - LOS Standard D
- Limited access roads - LOS Standard D

Not Consistent – According to the revised Concurrency Calculation Sheet issued by the Transportation and Concurrency Management Division, the Trip Generation Determination is as follows: (these calculations were revised in order to show the proposal by the applicant of a total of 100 dwelling units, and on the existing use of the site – a container port/marine terminal, rather than a warehouse)

- *Light Industrial –Waterport/Marine Terminal = 5.5 (+/-) acres x 11.93 trips per acre – 65.615 trips*
- *Condominium = 100 x 5.86 trips per unit = 586 trips*
- *Yacht Slips = 17 x 2.96 per slip = 48.62 trips*

- *Restaurant = 96 x 2.86 trips per seat = 274.56 trips*
- *Total net trips generated by proposed development = 843.565*

Based and this determination, credits and trip allowances, the applicant would have to pay for mitigation of 55.67529 trips at a cost of $112,241.38.

3. PORTS, AVIATION AND RELATED FACILITIES

GOAL:

There shall be no expansion of the existing port or new facility siting of ports, airports or related facilities in the City of Miami Beach.

a. OBJECTIVE 1: PORT FACILITY EXPANSION

There shall be no future land use changes which would allow for the expansion of existing cargo port terminal; new port or airport facilities are not feasible.

Policy 1.2 – The existing MacArthur Causeway cargo terminal shall continue to be designated Light Industrial on the Future Land Use Map as to protect the facility from the encroachment of incompatible land uses.

Not Consistent – The applicant is requesting a FLUM amendment that would change the FLU category from Light Industrial to RM-PRD. The request is contrary to this policy.

b. OBJECTIVE 2: MACARTHUR CAUSEWAY

Maintain the integrity of the Future Land Use Map in order to meet the traffic Level of Service standards on the MacArthur Causeway; measurability shall be 0 (zero) such Plan amendments.

Policy 2.2 – The projected level of service standard for the MacArthur Causeway shall be reduced below adopted levels as a result of either traffic from the MacArthur Causeway terminal or Future Land Use Plan amendments.

Partially Consistent – It appears that the level of service standard may be affected according to the evaluation issued by the Transportation and Concurrency Management Division, however, a more in-depth evaluation will need to be performed.

4. INFRASTRUCTURE: SANITARY SEWER, SOLID WASTE, DRAINAGE AND POTABLE WATER

GOAL:
Provide for potable water, sanitary sewer, drainage and solid waste facilities which meet the city's needs in a manner which promotes the public health, sanitation, environmental protection, operational efficiency, and beneficial land use and redevelopment patterns.

a. Objective 5: OBJECTIVE 5: LEVEL OF SERVICE STANDARDS

The City shall continue to maintain and provide potable water, sanitary sewer, solid waste disposal and drainage facilities at adopted level of service standards to ensure that adequate facility capacity is available for proposed and existing commercial and residential developments within its jurisdiction.

Policy 5.1 – The following City-wide Level of Service standards shall be used as the basis for determining the availability of facility capacity...

Partially Consistent – The information provided by Coastal Systems International, one of the consultants for the proposed development for this site, states that "While the 8-inch line should provide sufficient capacity to the site, an additional requirement of 62,890 gpd will be required to meet the development requirements." Likewise, "Based on the water supply analysis... there will be deficit of approximately 62,890 pd for sanitary sewer requirements."

5. CONSERVATION/COASTAL ZONE MANAGEMENT

GOAL:

Provide public improvements and restrict development activities that would damage or destroy coastal resources, protect human life and limit public expenditures in areas subject to destruction by natural disasters in a manner maintaining or improving the marine and terrestrial animal habitats, vegetation land, air, water, and the visual, aesthetic quality of Miami Beach for present and projected, future populations.

a. Objective 4: HURRICANE EVACUATION

The existing time period required to complete the evacuation of people from Miami Beach prior to the arrival of sustained gale force winds shall be maintained or lowered by 1995.

Policy 4.9 – Selected City population density maximums shall be reduced as a part of this Plan to better coordinate with the 1991 Metropolitan Dade County Emergency Operations Plan, which is the local hurricane evacuation plan for Miami Beach, and the 1991 Lower Southeast Florida Hurricane Evacuation Plan, the regional hurricane evacuation plan.

Not Consistent – The changes to the FLUM from light industrial to RM-PRD, which is a residential land use category, would increase the population density of the subject site, which currently does not allow residential uses.

b. Objective 9: DENSITY LIMITS

Direct population concentrations away from citywide coastal high hazard area by prohibiting residential density increases.

Policy 9.2 - In addition to the density reductions in the Future Land Use Element of 1-94 changes to this Plan, the City shall approve no future land use plan map amendments that cumulatively increase residential densities. Furthermore, the City shall continue to evaluate ways to further modify the Future Land Use Map to reduce densities and intensities.

Not Consistent *– The request to amend the FLUM would increase the density of the subject parcel from Light Industrial to RM-PRD, which is a residential use.*

6. RECREATION AND OPEN SPACE ELEMENT

GOAL:

Develop and Maintain a Comprehensive System of Parks and Recreational Open spaces to Meet the Needs of the Existing and Future Population by Maximizing the Potential Benefits of Existing Facilities and Open Space While Encouraging the Preservation and enhancement of the Natural Environment.

a. Objective 2: OBJECTIVE 2: LEVEL OF SERVICE STANDARDS

Ensure that parks and recreational facilities are adequately and efficiently provided by enforcing the following level of service standards and related guidelines through the concurrency management system.

Partially Consistent – The project proposed for the amended FLU may fail levels of service established for some of the types of recreational facilities.

2. Whether the proposed change would create an isolated district unrelated to adjacent or nearby districts.

Not Consistent – The proposed amendment would create an isolated district that would change a Light Industrial district to a residential district within Terminal Island. The proposed residential land use category would be surrounded by industrial uses, which would be unrelated and incompatible land uses.

3. **Whether the change suggested is out of scale with the needs of the neighborhood or the city.**

Not Consistent –The proposed land use, along with the envisioned high-rise project with a mega-yacht marina and a restaurant with 96 seats, would be out of scale with the residential single-family neighborhoods of Palm, Hibiscus and Star Islands on the north side of the MacArthur Causeway. At the same time, the proposed mega-yacht marina may have an adverse impact on the U.S. Coast Guard station across the channel, east of subject property.

4. **Whether the proposed change would tax the existing load on public facilities and infrastructure.**

Partially Consistent – It may be possible that the proposed land use and comprehensive plan change diminish commercial traffic, but at the same time, the changes may also increase traffic because of the residential and commercial uses proposed. However, not enough information has been submitted and further evaluation will be necessary.

5. **Whether existing district boundaries are illogically drawn in relation to existing conditions on the property proposed for change.**

Not Consistent – The district boundaries for this proposed amendment follow property lines for the parcel of land in question. However, the proposed land use category is not logical in relation to the existing conditions of the adjacent properties and land use.

6. **Whether changed or changing conditions make the passage of the proposed change necessary.**

Not Consistent - The proposed amendment does not appear to relate to changing conditions of the existing land use category or the uses in Terminal Island. The U.S. Coast Guard Base, the FPL transformer station, the Fisher Island ferry terminal and the City's maintenance facilities are not likely to be relocated any time in the foreseeable future.

7. **Whether the proposed change will adversely influence living conditions in the neighborhood.**

Partially Consistent – The proposed land use change may negatively impact the future residents of the proposed project, as the rest of Terminal Island would remain light industrial, including the City's vehicle repair yard, the Florida Power and Light substation and the Fisher Island ferry terminal.

8. **Whether the proposed change will create or excessively increase traffic congestion beyond the levels of service as set forth in the comprehensive plan or otherwise affect public safety.**

Partially Consistent – It may be possible that the proposed land use and comprehensive plan change diminish commercial traffic, but at the same time, the changes may also increase traffic because of the residential and commercial uses proposed. However, not enough information has been submitted and further evaluation will be necessary.

9. **Whether the proposed change will seriously reduce light and air to adjacent areas.**

Partially Consistent – The proposed project for the amended land use category of RM-PRD consists partially of a residential tower approximately 160 feet in height, but with a potential of 200 feet in height, which may reduce light and air to adjacent areas.

10. **Whether the proposed change will adversely affect property values in the adjacent area.**

Inconclusive – The adjacent properties in Terminal Island and the U.S. Coast Guard Station will remain as Light Industrial, however, it is not possible to predict how a high-rise, residential property may affect the values of the single family neighborhoods on Palm, Hibiscus and Star Islands, on the north side of MacArthur Causeway.

11. **Whether the proposed change will be a deterrent to the improvement or development of adjacent property in accordance with existing regulations.**

Not Consistent - The proposed amendment would have an effect on the limited Light Industrial FLU designations that exist in the City. The loss of areas classified for industrial uses has a negative impact on how a municipality functions in terms of being able to provide utilitarian, light industrial services that are necessary to its residents. These services include, but are not limited to, warehouses, utilities and ferry terminals.

12. **Whether there are substantial reasons why the property cannot be used in accordance with existing zoning.**

Not Consistent – There are no substantial reasons why the subject property cannot continue to be used in accordance with the existing land use classification. The subject property is a commercial seaport and has been under an industrial land use classification since as early as 1930.[1]

13. Whether it is impossible to find other adequate sites in the city for the proposed use in a district already permitting such use.

Not Consistent – There are opportunities in the City to site a project such as the one proposed, which would not require a FLUM and Comprehensive Plan Text Amendment.

ANALYSIS

The applicant is requesting to amend the FLUM and the text of the Plan in order to convert the site from its current I-1 Light Industrial FLU category to RM-PRD Residential Planned Development. The applicant originally submitted a concept plan that represented a larger magnitude for the proposed project; however the development concept for the subject site has since been modified and consists of the following:

- A residential tower approximately 160 feet in height, consisting of approximately 40 units, but which could be increased to a total of 90 units;
- Ten townhouse units along Government Cut, approximately 50 feet in height;
- A racket club;
- A 165-space parking garage;
- A 17-slip mega-yacht marina with vessels mooring parallel to the seawall;
- A 96-seat restaurant.

At the time of original submission, the applicant also submitted a number of signed letters from neighbors in the Palm, Hibiscus and Star Islands who indicated support of his project.

* * *

The Administration has several concerns relative to this application, and these concerns have been expressed to the applicant on several occasions by the Planning Department staff. First, and most important, this request would mix incompatible uses - industrial and residential. This site is adjacent to the City's vehicle repair yard, with the FPL substation and the ferry terminal also located on the island. History has shown that when residential uses start intruding into industrial areas, the industrial-designated areas start diminishing as the residents become uncomfortable with those uses.

Secondly, the request is inconsistent with, and would contravene several objectives and policies of the Comprehensive Plan. These inconsistencies and contravention of Plan and

1. Zoning Ordinance of City of Miami Beach, Florida, dated December 3, 1930. The Use District Map shows the area of what is known today as Terminal Island, classified as "BF" Business District with allowed uses such as ship yards and dry docks, oil and/or gasoline storage tanks.

City policy would require very serious consideration before the Plan is amended. As can be observed in the review criteria, this application is not consistent with six of the goals, objectives and policies of the Plan and it is partially consistent with 4. The application is also not consistent with 8 of the review criteria, partially consistent with 4 and inconclusive with one.

Throughout the process of this application, the U. S. Coast Guard has expressed concerns relative to security for various reasons. The U.S. Coast Guard base is connected to Terminal Island through a vehicular bridge, which also gives the base, access to MacArthur Causeway. Moreover, the width of the channel between the base and Terminal Island is about +/- 300 feet. When Coast Guard vessels scramble on emergencies, the vessels take off at a high rate of speed, which could result in a liability issue if one of the vessels that would dock on the opposite side of the channel from the Base moves at the same time.

Although in some instances the adaptive re-use of formerly industrial buildings have been successfully converted to residential uses, the isolated nature of Terminal Island, which is designated I-1, Light Industrial in its entirety, would not constitute a good example. The existing structure on the site is proposed to be demolished in order to make room for the proposed residential development. The proposed change in land use designation would create an isolated land use contravening Plan and City Code policies and regulations.

Lastly, the City of Miami Beach has a very limited industrial zoning district - a 1½-block area north of Dade Boulevard and west of Alton Road, and the area at Terminal Island, off the MacArthur Causeway. The request to change the land use category on a portion of Terminal Island would further erode the light industrial category, which would effectively limit even more the areas where the light industrial activities could occur. Light industrial activities are necessary and support the functionality of any community. In addition, the residential use proposed by the applicant, with the exception of the mega-yacht marina included in the concept plan, is allowed in all the Residential FLU categories in the City.

PLANNING BOARD ACTION

At the October 22, 2002 meeting, the Planning Board passed a motion (5-2) recommending that the City Commission **not** approve the requests to amend the Future Land Use Map and the text of Policy 1.2 of the Ports, Aviation and Related Facilities based on the inconsistencies with the review criteria, as well as the incompatibility of the proposed use with the existing uses. Furthermore, the Planning Board did not review or consider the accompanying amendments to the land development regulations. Should the City Commission decide to approve the requested amendments to the Comprehensive Plan, the ordinance amending the development regulations would have to be remanded back to the Planning Board for their review and recommendation prior to the City Commission public hearing on this matter.

CITY COMMISSION ACTION

January 8, 2003: the Commission opened and continued this item at the request of the applicant. The public hearing was continued to a date and time certain of February 5, 2003 at 5:01 p.m.

February 5, 2003: the Commission opened and continued this item at the request of the applicant to a time certain of May 21, 2003 at 5:01 p.m.

May 21, 2003: the Commission again opened and continued this item at the request of the applicant to the December 10, 2003 meeting.

December 10, 2003: the Commission opened and continued this item to the February 25, 2004 meeting.

February 25, 2004: the Commission opened and continued this item to the April 14, 2004 meeting.

CONCLUSION

The request is an amendment to the Goals, Policies and Objectives, as well as a change to the Future Land Use Map of the Comprehensive Plan. Chapter 163.3187, Fl. Stat., provides that amendments directly related to proposed small-scale development involving 10 acres of land or less may be adopted after one public hearing by the City Commission. However, although the land area involved is less than 10 acres, because this request also involves an amendment to the Goals, Policies and Objectives of the Plan, Chapter 163.3184 F.S. requires that the local governing body hold at least two advertised public hearings, one at the transmittal stage and the second public hearing at the adoption stage. Should the City Commission not approve this ordinance on first reading, the process does not go any further.

The required 30-day mailed notice was sent on December 6, 2002. In addition, as required by State Statutes, a newspaper notice was also published, at least seven days before the City Commission first reading public hearing.

JMG/CMC/JGG/ML

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ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA,

1) AMENDING THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN BY CHANGING THE FUTURE LAND USE CATEGORY FOR A PARCEL OF UNPLATTED LAND OF APPROXIMATELY 5.6 +/- ACRES ON TERMINAL ISLAND, LOCATED SOUTH OF THE MACARTHUR CAUSEWAY FROM THE CURRENT LAND USE CATEGORY I-1, "LIGHT INDUSTRIAL," WITH A FLOOR AREA RATIO (FAR) OF 1.0, TO THE PROPOSED FUTURE LAND USE CATEGORY OF "RM-PRD," MULTIFAMILY, PLANNED RESIDENTIAL DEVELOPMENT WITH A FLOOR AREA RATIO (FAR) OF 1.0; and

2) AMENDING PART II: GOALS, OBJECTIVES AND POLICIES OF THE CITY OF MIAMI BEACH COMPREHENISVE PLAN, BY AMENDING POLICY 4.2 OF OBJECTIVE 4 "HURRICANE EVACUATION," OF THE FUTURE LAND USE ELEMENT; BY AMENDING POLICY 1.2 OF OBJECTIVE 1: "PORT FACILITY EXPANSION" OF THE "PORTS, AVIATION AND RELATED FACILITIES" ELEMENT; AMENDING POLICY 9.2 OF OBJECTIVE 9, "DENSITY LIMITS," OF THE "CONSERVATION/COASTAL ZONE MANAGEMENT," ELEMENT, IN ORDER TO ALLOW THE REQUESTED FUTURE LAND USE CATEGORY FOR THE SUBJECT PROPERTY; DIRECTING TRANSMITTALS OF THIS ORDINANCE AND ALL APPLICABLE DOCUMENTS TO AFFECTED AGENCIES.

WHEREAS, the applicant James F. Silvers, Trustee, a contract purchaser of the subject property, has made application to the City of Miami Beach to amend the Future Land Use Map of the Comprehensive Plan of the City to change the future land use designation for the property located at 120 MacArthur Causeway (a/k/a Sun Terminal), a parcel of unplatted land of approximately 5.6 +/- acres, from I-1 Light Industrial, to RM-PRD Multifamily, Planned Residential Development, in order to redevelop the site; and

WHEREAS, the application for the Comprehensive Plan amendment requires amendments to the Goals, Objectives and Policies of several Elements of the Plan; and

WHEREAS, the Planning Board reviewed this application during a public hearing on October 22, 2002; and

WHEREAS, Planning Board reviews amendments to the Comprehensive Plan of the City of Miami Beach in an advisory capacity to the City Commission.

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

Section 1. That the Future Land Use Map of the City of Miami Beach Comprehensive Plan is hereby amended by changing the land use designation of the property located at 120 MacArthur Causeway (a/k/a Sun Terminal), from the existing Future Land Use Category I-1 Light Industrial, to the proposed Future Land Use Category RM-PRD Multifamily, Planned Residential Development.

Section 2. That Policy 4.2 Of Objective 4 "Hurricane Evacuation," Of The Future Land Use Element is hereby amended as follows:

OBJECTIVE 4: HURRICANE EVACUATION

Continue to coordinate City (*i.e.*, coastal area) population densities with the Metropolitan Dade County Emergency Operations Plan, which is the local hurricane evacuation plan for Miami Beach, and the Lower southeast Florida Hurricane Evacuation Plan, the regional hurricane evacuation plan by approving no Future Land Use map or zoning map amendments that increase density.

Policy 4.2

Permitted city population densities shall be ~~reduced~~ amended from time to time ~~to better~~ in order to conform with the most current Metropolitan Dade County Office of Emergency Management's ~~1991~~ Emergency Operations Plan and the experience with Hurricane Andrew.

Section 3. That Policy 1.2 Of Objective 1: "Port Facility Expansion" Of The "Ports, Aviation And Related Facilities" Element is hereby amended as follows:

~~Policy 1.2~~

~~Conversely, the existing MacArthur Causeway cargo terminal shall continue to be designated Light Industrial on the Future Land Use Map as to protect the facility from the encroachment of incompatible land uses.~~

Section 4. That Policy 4.9 of Objective 4 "Hurricane Evacuation" of the Conservation/Coastal Zone Management Element is hereby amended as follows:

OBJECTIVE 4: HURRICANE EVACUATION

The existing time period required to complete the evacuation of people from Miami Beach prior to the arrival of sustained gale force winds shall continue to be maintained or improved ~~by 1995~~.

Policy 4.9

Selected City population density maximums shall be ~~reduced~~ modified from time to time in order to reflect existing densities, as a part of this Plan to better coordinate with the ~~1991~~ most current Metropolitan Dade County Emergency Operations Plan at the time of the changes, which is the local hurricane evacuation plan for Miami Beach, and the ~~1991~~ most current Lower Southeast Florida Hurricane Evacuation Plan, the regional hurricane evacuation plan.

Section 5. That Policy 9.2 Of Objective 9, "Density Limits," Of The "Conservation/Coastal Zone Management," Element is hereby amended as follows:
OBJECTIVE 9: DENSITY LIMITS

Direct population concentrations away from citywide coastal high hazard area by prohibiting residential density increases.

Policy 9.2

In addition to the density reductions in the Future Land Use Element of 1-94 changes to this Plan, any requests for increase in residential densities in any area of the City shall simultaneously decrease the residential densities in other areas of the City; otherwise, the City shall not be able to approve ~~no~~ future land use plan map amendments that cumulatively increase residential densities. Furthermore, the City shall continue to evaluate ways to further modify the Future Land Use Map to reduce densities and intensities.

Section 6. The Administration is hereby instructed to transmit a copy of this Ordinance and all applicable documents immediately upon approval on First Reading and again after its adoption on Second Reading to all agencies as provided by law. The City Commission hereby requests that the state land planning agency review the plan amendment transmitted herewith.

Section 3. Repealer.

That all Ordinances or parts of Ordinances in conflict herewith be and 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. Inclusion In The Comprehensive Plan.

It is the intention of the City Commission, and it is hereby ordained that Section 1 of this Ordinance shall become and be made part of the City of Miami Beach Year 2000 Comprehensive Plan Part II: Goals, Objectives and Policies, 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 6. Effective Date.

This Ordinance shall become effective ten days after the date of its enactment; however, the effective date of any plan amendment shall be in accordance with Section 163.3184, Florida Statutes.

Passed on First Reading the _____ day of _____200__.

Passed and Adopted on Second and Final Reading this _____day of 200___.

_____
MAYOR

ATTEST:

_____
CITY CLERK

APPROVED AS TO
FORM AND LANGUAGE
& FOR EXECUTION

_____ 12-20-02
City Attorney Date

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U.S. Department of Homeland Security
United States Coast Guard

Commanding Officer
U.S. Coast Guard
Civil Engineering Unit Miami

15608 SW 117th Ave.
Miami, FL 33177-1830
Staff Symbol: (rp)
Phone: 305-278-6700
FAX: 305-278-6704

11011
February 19, 2004

City of Miami Beach
Attention: Mayor David Dermer
1700 Convention Center Drive
Miami Beach, FL 33139

Dear Mayor Dermer:

The 10 December, 2003, City Commission meeting deferred until the scheduled meeting of 25 February, 2004, the matter of the proposed amendment of the future land use map of the city's Comprehensive Plan requested by Mr. James Silvers. This amendment would rezone 5.6 acres of unplatted land on Terminal Island from its existing light industrial category, to multi-family, planned residential development.

The Coast Guard has met with Mr. Silvers on numerous occasions during the past two years about our continuing opposition to residential development of the property. It has been, and continues to be, our position that such development would be incompatible with long established and vital Coast Guard missions on our adjoining property.

The Coast Guard has agreed to numerous continuances requested by Mr. Silvers in this matter. At this point however, the Coast Guard would recommend against further continuances should they be requested by Mr. Silvers under the expectation that further discussions will change the Coast Guard's opposition to this proposed rezoning.

Sincerely,

R. K. Murphy

Copy: City of Miami Beach, Commissioner Matti Herrera Bower
City of Miami Beach, Commissioner Simon Cruz
City of Miami Beach, Commissioner Luis R. Garcia, Jr.
City of Miami Beach, Commissioner Saul Gross
City of Miami Beach, Commissioner Jose Smith
City of Miami Beach, Commissioner Richard Steinberg
City of Miami Beach, City Manager Jorge M. Gonzalez
City of Miami Beach, Director of Planning and Zoning, Jorge Gomez
Mr. James Silvers
Commander, Coast Guard Seventh District (dcs)
Commander, Coast Guard Group Miami
Commanding Officer, Coast Guard Integrated Support Command Miami
Commanding Officer, Marine Safety Office Miami
Commander, Maintenance and Logistics Command Atlantic (s), (lg)

JAMES F. SILVERS, TRUSTEE
1100 FIFTH STREET
MIAMI BEACH, FLORIDA 33139
Telephone: 305-672-0801
Fax: 305-672-1586

RECEIVED
03 MAY -9 AM 8:34
CITY CLERK'S OFFICE

May 8, 2003

Mr. George Gonzalez
City Manager
City of Miami Beach
1700 Convention Center Drive
Miami Beach, FL 33139

VIA FAX: 305-673-7559

RE: Marina Point Project
Terminal Island
Items No.: _____ and _____

Dear Mr. Gonzalez:

This letter is a request for a continuance for the above referenced items scheduled for a public hearing on May 21, 2003. I had met with the United States Coast Guard on May 6, 2003 to discuss alternate uses for the Terminal Island property. They have informed me that a reply on the proposed design changes will take a month or two due to the distribution of the plans to different departments within the Coast Guard. These plans were a second submittal to the Coast Guard within the last several months. The Coast Guard did not have any objection to a continuance.

On May 8, 2003, I met with Christina Cuervo and George Gomez concerning Terminal Island. We discussed different uses for the property. Ms. Cuervo and Mr. Gomez did not have any objection to a continuance.

My request is to reschedule the public hearing for the September 2003 City Commission meeting. If you have any questions, please call me at your convenience.

Respectfully,

James F. Silvers, Trustee

JFS/tr

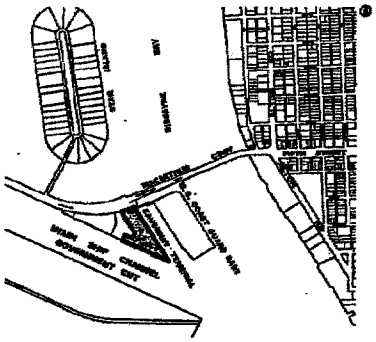
CITY OF MIAMI BEACH NOTICE OF COMPREHENSIVE PLAN TEXT AND FUTURE LAND USE MAP AMENDMENTS AND ZONING MAP AND DEVELOPMENT REGULATIONS AMENDMENTS

James F. Silvers, Trustee, 1100 Fifth Street, Miami Beach, Florida is requesting to amend the Future Land Use Map of the City of Miami Beach Comprehensive Plan by changing the Future Land Use Category from I-1 to RM-PRD, and amending the text of the Comprehensive Plan in order to allow the requested change for a parcel of unplatted land on Terminal Island, located south of the MacArthur Causeway. Upon approval of the above request, the applicant is also requesting to amend the Official Zoning District Map, referenced in Section 142-72 of the Code of the City of Miami Beach, Florida, by changing the Zoning District classification for the property and creating development regulations for future development.

THE CITY OF MIAMI BEACH will hold public hearings on the following ordinances on WEDNESDAY, January 8, 2003 at 5:01 P.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, FLORIDA, AMENDING THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN BY CHANGING THE FUTURE LAND USE CATEGORY FOR A PARCEL OF UNPLATTED LAND OF APPROXIMATELY 5.6 +/- ACRES ON TERMINAL ISLAND, LOCATED SOUTH OF THE MACARTHUR CAUSEWAY, FROM THE CURRENT LAND USE CATEGORY I-1, LIGHT INDUSTRIAL WITH A FLOOR AREA RATIO OF 1.0, TO THE PROPOSED FUTURE LAND USE CATEGORY OF RM-PRD, MULTIFAMILY, PLANNED RESIDENTIAL DEVELOPMENT WITH A FLOOR AREA RATIO (FAR) OF 1.0; AND AMENDING THE GOALS, POLICIES AND OBJECTIVES OF THE COMPREHENSIVE PLAN IN ORDER TO ALLOW THE REQUESTED FUTURE LAND USE CATEGORY FOR THE SUBJECT PROPERTY; DIRECTING TRANSMITTALS OF THIS ORDINANCE AND ALL APPLICABLE DOCUMENTS TO AFFECTED AGENCIES; PROVIDING FOR REPEALER, SEVERABILITY, INCLUSION IN THE COMPREHENSIVE PLAN AND AN EFFECTIVE DATE.

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE OFFICIAL ZONING DISTRICT MAP, REFERENCED IN SECTION 142-72 OF THE CODE OF THE CITY OF MIAMI BEACH, FLORIDA, BY CHANGING THE ZONING DISTRICT CLASSIFICATION FOR A PARCEL OF UNPLATTED LAND OF APPROXIMATELY 5.6 +/- ACRES ON TERMINAL ISLAND, LOCATED SOUTH OF THE MACARTHUR CAUSEWAY FROM THE CURRENT I-1 LIGHT INDUSTRIAL, TO THE PROPOSED ZONING CLASSIFICATION RM-PRD3, MULTIFAMILY PLANNED RESIDENTIAL DEVELOPMENT, WITH A FLOOR AREA RATIO (FAR) OF 1.0; AMENDING CHAPTER 142 "ZONING DISTRICTS AND REGULATIONS," AMENDING SUBDIVISION III. "RM-PRD MULTIFAMILY, PLANNED RESIDENTIAL DEVELOPMENT DISTRICT BY ADDING SUBDIVISION IIIB. DEVELOPMENT REGULATIONS FOR "RM-PRD3;" PROVIDING FOR REPEALER, SEVERABILITY, INCLUSION AND AN EFFECTIVE DATE.



All 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's Office, 1700 Convention Center Drive, City Hall, Miami Beach, Florida 33139.

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.

In Accordance with the Americans with Disabilities Act of 1990, Persons Needing Special Accommodation to Participate in this Proceeding Should Contact the City Clerk's Office No Later Than Four Days Prior to the Proceeding. Telephone (305) 673-7441 for Assistance; if Hearing Impaired, Telephone the Florida Relay Service Number, (800) 955-8771 (TDD) (800) 955-8770 (Voice), for Assistance.

(Ad Number 0146)

CITY OF MIAMI BEACH
COMMISSION ITEM SUMMARY

Condensed Title:

An ordinance of the Mayor and City Commission of the City of Miami Beach amending the Official Zoning Map and creating new development regulations for RM-PRD-3 Multifamily, Planned Residential zoning district with a floor area ratio (FAR) of 1.0 for a parcel of land of approximately 5.6+/- acres located on Terminal Island

Issue:

Should the zoning district map of the City and development regulations be amended to create a multifamily residential district on Terminal Island adjacent to I-1 Light Industrial, thereby mixing incompatible uses.

Item Summary/Recommendation:

This request is applicant-driven. Following adoption of the amendments to the Future Land Use Map and the text of the Comprehensive Plan, the Official Zoning Map of the City of Miami Beach must be amended to reflect the new zoning district created. In addition, development regulations for this newly created zoning district must also be reviewed and adopted.

The Administration recommends that the City Commission deny the request.

Advisory Board Recommendation:

Planning Board – on October 22, 2002, the Board voted 5-2 recommending that the City Commission **not** approve the requests to amend the Official Zoning Map and the proposed development regulations, as the change of zoning designation is incompatible with the zoning designation throughout Terminal Island and the adjacent U.S. Coast Guard Base. The Planning Board also requested that should the City Commission approve the request for rezoning, that the land development regulations for this new zoning district be remanded back to the Board for further review.

Because the approval of the zoning map change and development regulations was contingent upon the approval of the Comprehensive Plan amendments, the proposed regulations were not properly reviewed once the Board recommended not to approve the amendments to the Comprehensive Plan.

Financial Information:

Source of Funds:

Finance Dept.

	Amount	Account	Approved
1			
2			
3			
4			
Total			

City Clerk's Office Legislative Tracking:

Mercy Lamazares/Jorge G. Gomez, Planning Department

Sign-Offs:

Department Director	Assistant City Manager	City Manager

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AGENDA ITEM R5H

DATE 4-14-04

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: April 14, 2004

From: Jorge M. Gonzalez
City Manager

First Reading Public Hearing

Subject: Proposed amendment to Official Zoning District Map and Land Development Regulations of the City Code

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE OFFICIAL ZONING DISTRICT MAP, REFERENCED IN SECTION 142-72 OF THE CODE OF THE CITY OF MIAMI BEACH, FLORIDA, BY CHANGING THE ZONING DISTRICT CLASSIFICATION FOR A PARCEL OF UNPLATTED LAND OF APPROXIMATELY 5.6 +/- ACRES ON TERMINAL ISLAND, LOCATED SOUTH OF THE MACARTHUR CAUSEWAY FROM THE CURRENT I-1 LIGHT INDUSTRIAL, TO THE PROPOSED ZONING CLASSIFICATION RM-PRD3, MULTIFAMILY PLANNED RESIDENTIAL DEVELOPMENT, WITH A FLOOR AREA RATIO (FAR) OF 1.0; AMENDING CHAPTER 142 "ZONING DISTRICTS AND REGULATIONS," AMENDING SUBDIVISION III. "RM-PRD MULTIFAMILY, PLANNED RESIDENTIAL DEVELOPMENT DISTRICT BY ADDING SUBDIVISION IIIB. DEVELOPMENT REGULATIONS FOR "RM-PRD3"

ADMINISTRATION RECOMMENDATION

The Administration recommends not approving the ordinance.

OVERVIEW

Upon approval of the amendments to the Comprehensive Plan (FLUM and Goals, Policies and Objectives as described in the companion Commission Memorandum), the applicant, James F. Silvers, Trustee, 1100 Fifth Street, Miami Beach, Florida, is requesting to amend the district classification in the Official Zoning Map for a parcel of unplatted land of approximately 5.604 acres on Terminal Island, located south of the MacArthur Causeway. The property is currently zoned I-1 Light Industrial with a floor are ratio (FAR) of 1.0, and the request is for rezoning to a new classification, RM-PRD3 Residential Multifamily Planned Residential Development, retaining the existing floor area ratio (FAR) of 1.0.

This request would also require new land development regulations to be created in order to accommodate the specific site development characteristics desired by the developer.

Prior to the submission of this request, Planning Department staff met on several occasions with the applicant in order to facilitate the application process. During those meetings, staff also expressed concerns relative to the incompatibility of uses, increased traffic, utility provision, hurricane evacuation and the further erosion of industrial-zoned property. The applicant was also informed that this request is inconsistent with, and would contravene several objectives and policies of the Comprehensive Plan.

The following is a summary of events leading to this City Commission hearing:

May 28, 2002 – Applicant made a presentation of the concept plan for the property to the Planning Board in order to receive preliminary feedback and guidance. The Board continued the applications to the July 23, 2002 meeting.

July 23, 2002 - The U.S. Coast Guard submitted a letter raising several objections and concerns relative to this initiative. In addition, they had representatives present at this Planning Board meeting, who reiterated those concerns. At that time, the applicant requested that this matter be continued to the September meeting in order to be able to meet with the U.S. Coast Guard and try to address their concerns.

September 24, 2002 - At this Planning Board meeting, the U. S. Coast Guard reported that they had met with the developer, who had addressed some of the issues they had raised, however, they were still concerned about the incompatibility of uses, as well as how this incompatibility of uses would affect their role in the security of the country. At this meeting, the Board requested that staff contact the Port of Miami or Miami-Dade County regarding the proposed land use change for the property, from a port facility and industrial use, to a multifamily residential use.

October 22, 2002 - Staff contacted the Metropolitan Planning Division of the Miami-Dade County Planning Department. We were informed that the County very strongly discourages the elimination of sites designated for industrial uses because once that land use designation is lost, very seldom can it be regained somewhere else. The Comprehensive Development Master Plan for Miami-Dade County (as amended through April 2001) states that "Residential development is incompatible with major industrial concentrations and shall not occur in areas designated as "Industrial and Office" on the Land Use Plan map to **avoid use conflicts and for health and safety, and residential service planning reasons." (emphasis added).** The Plan goes on to state that minor exceptions may be granted, for instance, when the industrially designated site immediately adjoins a currently developed or platted residential area and it is determined that the residential component provides a compatible transition along the boundary. This information was related to the Planning Board.

Based on the above information, it appears that the County, with much more land areas designated for industrial use, is also concerned about the loss of these areas, as they are deemed necessary for a community in order to keep noxious uses separated from residential uses.

The U. S. Coast Guard also had representatives at this meeting who expressed again their concerns about the incompatibility of uses, as well as concerns from a security perspective.

SITE DATA

Future Land Use: I-1 Light Industrial District

Land Uses: Currently the site is a container port and overflow parking area for the Fisher Island Ferry Terminal. To the east, across the channel, lies the U. S. Coast Guard Station. The parcel to the west is designated PF Public Facilities and contains the City's maintenance facilities. Government Cut lies to the south. MacArthur Causeway borders on the north. The Florida Power and Light substation is located on the western-most portion of island, contiguous to the City's maintenance facilities. The Fisher Island ferry landing is located on the western end of Terminal Island.

REVIEW CRITERIA:
In reviewing a request for an amendment to the land development regulations, the following criteria shall be considered when applicable:

1. **Whether the proposed change is consistent and compatible with the comprehensive plan and any applicable neighborhood or redevelopment plans.**

   Not Consistent - The request requires amendments to policies of the Comprehensive Plan as well as to the Future Land Use Map. No neighborhood plans exist for the immediate area.

2. **Whether the proposed change would create an isolated district unrelated to adjacent or nearby districts.**

   Not Consistent – The proposed amendment would create an isolated district that would change a Light Industrial district to a residential district within Terminal Island. The proposed residential land use category would be surrounded by industrial uses, which would be unrelated and incompatible land uses.

3. **Whether the change suggested is out of scale with the needs of the neighborhood or the city.**

   Not Consistent – While the proposed use may reduce commercial traffic, the proposed land use, along with the envisioned high-rise project with a 17-slip mega-yacht marina and a restaurant with 96 seats, would have the potential of increasing traffic and be out of scale with the residential single-family neighborhoods of Palm, Hibiscus and Star Islands on the north side of the MacArthur Causeway. At the same time, the proposed mega-yacht marina may have an adverse impact on the U.S. Coast Guard station across the channel, south of subject property.

4. **Whether the proposed change would tax the existing load on public facilities and infrastructure.**

Partially Consistent – While it is possible that the proposed land use and comprehensive plan change may diminish the commercial traffic, it is also probable that traffic in general may be increased. However, further studies and evaluation will be necessary.

5. **Whether existing district boundaries are illogically drawn in relation to existing conditions on the property proposed for change.**

Not Consistent – The district boundaries for this proposed amendment follow property lines for the parcel of land in question. However, the proposed land use category is not logical in relation to the existing conditions of the adjacent properties and land use.

6. **Whether changed or changing conditions make the passage of the proposed change necessary.**

Not Consistent - The proposed amendment does not appear to relate to changing conditions of the existing land use category or the uses in Terminal Island. The U.S. Coast Guard Base, the FPL transformer station, the Fisher Island ferry terminal and the City's maintenance facilities are not likely to be relocated any time in the foreseeable future.

7. **Whether the proposed change will adversely influence living conditions in the neighborhood.**

Partially Consistent – The proposed land use change may negatively impact the future residents of the proposed project, as the rest of Terminal Island would remain light industrial, including the City's vehicle repair yard, the Florida Power and Light substation and the Fisher Island ferry terminal.

8. **Whether the proposed change will create or excessively increase traffic congestion beyond the levels of service as set forth in the comprehensive plan or otherwise affect public safety.**

Partially Consistent – While it is possible that the proposed land use and comprehensive plan change may diminish the commercial traffic, it is also probable that traffic in general may be increased. However, further studies and evaluation will be necessary.

9. **Whether the proposed change will seriously reduce light and air to adjacent areas.**

Partially Consistent – The proposed project for the amended land use category of RM-PRD consists partially of a residential tower approximately 160 feet in height (as indicated in the concept plan), which will affect view corridors and may reduce light and air.

10. **Whether the proposed change will adversely affect property values in the adjacent area.**

Inconclusive – The adjacent properties in Terminal Island and the U.S. Coast Guard Station will remain as Light Industrial, however, it is not possible to predict how a high-rise, residential property may affect the values of the single family neighborhoods on Palm, Hibiscus and Star Islands, on the north side of MacArthur Causeway.

11. Whether the proposed change will be a deterrent to the improvement or development of adjacent property in accordance with existing regulations.

Not Consistent - The proposed amendment would have an effect on the limited Light Industrial FLU designations that exist in the City. The loss of areas classified for industrial uses has a negative impact on how a municipality functions in terms of being able to provide utilitarian, light industrial services that are necessary to its residents. These services include, but are not limited to vehicle repairs, warehouses, utilities and ferry terminals. The U.S. Coast Guard Base, the FPL transformer station, the ferry terminal and the City's maintenance facilities are not likely to be relocated any time in the foreseeable future.

12. Whether there are substantial reasons why the property cannot be used in accordance with existing zoning.

Not Consistent – There are no substantial reasons why the subject property cannot continue to be used in accordance with the existing land use classification. The subject property is a commercial seaport and has been under an industrial land use classification since as early as 1930.[1]

13. Whether it is impossible to find other adequate sites in the city for the proposed use in a district already permitting such use.

Not Consistent – There are opportunities in the City to site a project similar to the one being proposed without the need to amend the FLUM, Comprehensive Plan, Zoning Map and LDRs.

ANALYSIS

Upon approval of the request to amend the Future Land Use Map and the policies of the Comprehensive Plan by the City Commission, the applicant is requesting to amend the Official Zoning Map and the Land Development Regulations of the City Code in order to convert the site from its current I-1 Light Industrial zoning classification to RM-PRD-3 Residential Planned Development zoning district.

As part of the application documentation, the applicant originally proposed land development regulations for the new RM-PRD-3 zoning classification and a concept development plan for the subject site that consisted of a residential tower 200 feet in height, townhouses, racket club, 29-slip mega-yacht marina inclusive of mooring slips perpendicular to the seawall facing east and slips on the south side of the property adjacent to Government Cut, a parking garage, and a 196-seat restaurant. After the July 23, 2002 Planning Board meeting, the applicant revised the concept plan as follows:

1. Zoning Ordinance of City of Miami Beach, Florida, dated December 3, 1930. The Use District Map shows the area of what is known today as Terminal Island, classified as "BF" Business District with allowed uses such as ship yards and dry docks, oil and/or gasoline storage tanks.

- reduced the height of the residential tower to approximately 160 feet (as indicated in the concept plan);
- increased the number of townhouse units along Government Cut from 5 to 10;
- increased the height of the townhouses from 40 feet to 50 feet;
- modified the proposed marina so that the vessels moor parallel to the docks rather than perpendicular to the seawall;
- reduced the number of slips at the marina from 29 to 17;
- reduced the capacity of the proposed restaurant from 196 seats to 96 seats

This request is cause for concern for several reasons, which have been expressed to the applicant on several occasions during meetings with Planning Department staff. First, the request is inconsistent with, and would contravene several objectives and policies of the Comprehensive Plan.

Secondly, this request would mix incompatible uses - industrial with residential. This site is adjacent to the City's vehicle repair yard, with the FPL substation and the Fisher Island ferry terminal located on the western-most portion of the island. Staff is concerned that the request to change the use category on a portion of Terminal Island would further erode the light industrial category. When residential uses start intruding into industrial areas, those industrial areas start diminishing as the residents become uncomfortable with those uses.

In addition to the incompatibility of uses, the proposed height also affects view corridors and is incompatible with the scale of surrounding single-family neighborhoods north of MacArthur Causeway. Moreover, the residential use proposed by the applicant, with the exception of the mega-yacht marina included in the concept plan, is allowed in all the Residential FLU categories in the City. With regard to accommodations for large yachts, the City may not be lacking for this kind of facility, as the Miami Beach Marina has slips that can accommodate yachts that exceed 200 feet in length. In this regard, the applicant states that only vessels of shallow draft can be accommodated; however this information has not been confirmed. In a call to the Miami Beach Marina, the dockmaster informed us that the marina can normally accommodate vessels with a draft of ten feet, except that on very high tide, 13 feet of draft can be accommodated.

Throughout the various public hearings for this application, the U. S. Coast Guard has expressed concerns relative to security and other various reasons. The U.S. Coast Guard base is connected to Terminal Island through a vehicular bridge, which also gives the base, access to MacArthur Causeway. Secondly, the width of the channel between the base and Terminal Island is about +/- 300 feet. When Coast Guard vessels scramble on emergencies, the vessels take off at a speed of approximately 12 knots, which could result in a liability issue if one of the vessels that would dock on the opposite side of the channel from the Base moves at the same time.

Thirdly, there is concern with the revised land development regulations proposed, as they may conflict with adjacent land uses or are not entirely clear as to their purpose. For instance:

- The setback requirement for Buildings from any property line is proposed at 12 feet. This property is adjacent to a vehicle repair yard and a setback of 12 feet may not be sufficient to ameliorate the impact of the incompatible use.

  The original concept plan proposed to have a setback requirement of 15 feet, which was believed to be not enough separation from the existing adjacent uses.

- The regulations propose a minimum setback of 35 feet from any property line for apartment buildings and a minimum of 100 feet from the front property line, which is somewhat confusing and contradictory to the regulation proposed above. However, the minimum setback requirement for the townhouses, which are sited adjacent to Government Cut, is only proposed to be a minimum of 12 feet from any property line.

  The original submission proposed a minimum setback for the townhouses of 15 feet from any property line.

- The maximum height for the apartment tower was proposed to be 200 feet and the townhouses at 40 feet. The townhouses however are increased in number from 5 to 10 and the maximum height has been *increased* to 50 feet, and the apartment tower height was lowered to 160 feet, although this will need to be reviewed with more detail as the total height may exceed the 160 feet.

  Although the new concept plan shows what may be a reduction in height for the residential tower, the regulations proposed would allow a maximum height of 200 feet. There are no guarantees that the "concept" plan will remain at the same height as proposed at this time because the regulations would allow for more height to be added when the "concept" plan turns into a development plan.

- The applicant has not indicated if the project is consistent with the Miami-Dade County Shoreline Review process.

- The regulations provide for commercial uses allowed in the lobby and ground floor of the apartment building for the residents and their guests. The new proposal shows a reduction of seats in the restaurant from 198 to 96 seats. However, the proposed restaurant still appears to be excessive for the number of units proposed in the concept plan. The concept plan is also not clear as to what percentage of the land area will be used for commercial uses, as the Comprehensive Plan contemplates only "...limited accessory commercial uses not to exceed one-percent (1%) of the lot area of the site."

- The concept plan includes a mega-yacht marina, but there are no regulations included for this use, although the marina is being proposed as a main use rather than accessory use to the residential use. The marina as a main use is not a permitted use in the Comprehensive Plan.

- The new proposal includes parking requirements for this development and differs from the original proposal in that one additional space per unit has been added for service

personnel. By the same token the new regulations clarify space requirement for each use proposed.

One of the concerns with the proposed parking requirements is that there is a direct relationship between the requirements and the mass of the parking structure. In addition, with the reduction of the number of restaurant seats, there is also a reduction in the number of required parking spaces for the restaurant. However, the net effect in the new proposal is an increase of 21 parking spaces – from 144 to 165.

In further reviewing the proposed regulations, it is noted that the marina is proposed as a main permitted use. This is cause for concern because depicted in this manner, the marina can be turned into a commercial entity by itself and not as an accessory use for the unit owners as purported verbally to staff. As previously stated, a marina is not a permitted use under this FLU category in the Comprehensive Plan. Moreover, a commercial marina has the potential of increasing the intensity of the proposed uses on the property and the impact on the surrounding area. Furthermore, although the concept plan shows that the mooring of vessels has been changed from perpendicular to parallel mooring and thus may have reduced the number of slips, the length of the east seawall is over 1,000 feet and over 800 feet on the south, therefore, the possibility exists for increasing the number of slips by modifying the distribution of mooring piles along the seawalls.

One of the resources staff may use for analysis is a comparison between the existing regulations for similar uses or districts and where they are located, and the proposed regulations for similarly situated properties. For purposes of this report, staff reviewed the development regulations for bayfront properties in the RM-2, and the regulations for the RM-3 zoning district. The maximum building height in the RM-2 districts, for lots fronting on Biscayne Bay that are larger than 45,000 square feet (the subject parcel is +/- 5.5 acres), is 140 feet (south side of Belle Isle, and north of 15th Street on Bay Road to Dade Boulevard). The maximum building height in the RM-3 districts is 150 feet for lots fronting Biscayne Bay.

Lastly, as we learn more about the development plans of the City of Miami for Watson Island, located on the western end of the MacArthur Causeway, we believe that traffic will increase because of the draw of Parrot Jungle and the Children's Museum. Although these attractions may also work for the benefit of the City as people decide to continue their trips to the beach, it is also cause for concern that the level of service at the intersection of Terminal Island and MacArthur will be diminished.

PLANNING BOARD ACTION

At the October 22, 2002 meeting, the Planning Board passed a motion (5-2) recommending that the City Commission **not** approve the requests to amend the Official Zoning Map and the proposed development regulations, as the change of zoning designation is incompatible with the zoning designation throughout Terminal Island and the adjacent U.S. Coast Guard Base.

However, the Board made an additional motion requesting that should the City Commission approve the request to amend the FLUM and the Goals, Objectives and Policies of the Comprehensive Plan, that the development regulations for this new zoning district be remanded back to the Board for further review. Because the approval of the zoning map change and development regulations was contingent upon the approval of the Comprehensive Plan amendments, the proposed regulations were not reviewed once the Planning Board recommended not to approve the amendments to the Comprehensive Plan.

CITY COMMISSION ACTION

January 8, 2003: The City Commission opened and continued this item at the request of the applicant to the February 5, 2003

February 5, 2003: the Commission opened and continued this item at the request of the applicant to May 21, 2003.

May 21, 2003: the Commission opened and continued this item at the request of the applicant to December 10, 2003.

December 10, 2003: the Commission opened and continued this item to February 25, 2004.

February 25, 2004: The Commission opened and continued the item to April 14, 2004.

CONCLUSION

In view of the foregoing analysis, the inconsistencies with the review criteria, and the incompatibility of uses, the Administration recommends that the City Commission not approve this proposed ordinance. Should the Commission deem it appropriate to approve the proposed amendments to the Zoning Map and the land development regulations as delineated in this report, the adoption of the ordinance cannot take effect until the Florida Department of Community Affairs has approved the amendments to the Comprehensive Plan.

Pursuant to Sec. 118-164(1) of the City Code, because the proposed amendment involves less than 10 contiguous acres, notification to all property owners within 375 feet of the subject property was mailed on or about December 3, 2002. Additionally, a newspaper ad inclusive of a map showing the location of the land subject to these amendments was published in The Miami Herald. In addition, because the request to amend the LDRs is initiated by an applicant other than the City (Sec. 118-164(3)a.), the amending ordinance may be read by title or in full on two separate days. Immediately following the public hearing at the second reading, the Commission may adopt the ordinance by a 5/7^{ths} vote.

JMG/CMC/JGG/ML
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RM-PRD-3 REGULATIONS AS PROPOSED BY JAMES F. SILVERS, TRUSTEE

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE OFFICIAL ZONING DISTRICT MAP, REFERENCED IN SECTION 142-72 OF THE CODE OF THE CITY OF MIAMI BEACH, FLORIDA, BY CHANGING THE ZONING DISTRICT CLASSIFICATION FOR A PARCEL OF UNPLATTED LAND OF APPROXIMATELY 5.6 +/- ACRES ON TERMINAL ISLAND, LOCATED SOUTH OF THE MACARTHUR CAUSEWAY FROM THE CURRENT I-1 LIGHT INDUSTRIAL, TO THE PROPOSED ZONING CLASSIFICATION RM-PRD-3, MULTIFAMILY PLANNED RESIDENTIAL DEVELOPMENT, WITH A FLOOR AREA RATIO (FAR) OF 1.0; AMENDING CHAPTER 142 "ZONING DISTRICTS AND REGULATIONS," AMENDING SUBDIVISION III. "RM-PRD MULTIFAMILY, PLANNED RESIDENTIAL DEVELOPMENT DISTRICT," BY ADDING SUBDIVISION IIIB. "DEVELOPMENT REGULATIONS FOR RM-PRD-3;" PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, James F. Silvers, Trustee, a contract purchaser, filed an application to amend the Official Zoning Map of the Code of the City of Miami Beach for a parcel of unplatted land of approximately 5.6 +/- acres on Terminal Island; and

WHEREAS, this same applicant requested to amend the development regulations to create regulations for a the new RM-PRD3 zoning district; and

WHEREAS, the Planning Board reviewed this application during a public hearing on October 22, 2002; and

WHEREAS, the Planning Board reviews amendments to the Zoning Map and land development regulations in an advisory capacity to the City Commission.

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

Section 1. That the Zoning District And Zoning District Map referenced in Section 142-72 is hereby amended as follows:

Changing the zoning district classification for the property located at 120 Mac Arthur Causeway from the existing zoning district classification I-1, Light Industrial, to the proposed classification RM-PRD-3 Multifamily, Planned Residential Development District 3.

Section 2. That Chapter 142, Division 3, Subdivision III. "RM-PRD Multifamily, Planned Residential Development District is hereby amended as follows:

Division 3. Residential Multifamily Districts

Subdivision IIIB. RM-PRD-3 MultiFamily, Planned Residential Development

Sec. 142-195. Purposes and Uses

1. District Purpose	2. Main Permitted Uses	3. Conditional Uses	4. Accessory Uses
This district is designed to provide for low-medium intensity Multiple-Family Planned Residential Development, with limited accessory commercial use.	Apartments*, Townhouses, Marina	None	See Section 142-901 thru 142-905. Commercial uses as specified in section 142-200

For the Terminal Island Site, residential development is restricted to apartment building and townhouses.

Sec. 142-196. Development Regulations

1. FAR	2. Min. Lot Area	3. Min. Unit Size	4. Max. Bldg. Height
1.0	5 acres	1,500 Sq. Ft.	200 feet

Residential development within this district may not exceed the following: 100 total dwelling units.

Sec. 142-197. Master Plan Approval

Development under this Subdivision shall be subject to review under the design review procedures pursuant to the Chapter 118, Article VI of this Code. For the Terminal Island site, development shall be substantially in compliance with the master plan on file with the planning department, prepared by James F. Silvers, Architect, which reflects a maximum building height of 200 feet for the main structure.

Sec. 142-198. Open Space.

Common landscaped areas shall be a minimum of 10 percent of the site. A minimum of 50 percent of the total landscaped area shall be retained for passive uses, with the remainder available for active uses. Landscaped areas shall be paved for no more than ten percent of their surface. For the purposes of this section, the calculation for open space does include pools, waterscapes, fountains, pool decks, tennis courts and marina decks.

Sec. 142-199. Urban and Architectural Design Guidelines

A. Buildings.

(1) General.

a. *Building use.* All principal buildings shall have residential uses, including townhouses and apartments. Limited accessory lobby floor and ground floor commercial uses shall be allowed as set forth in this section.

b. *Setback requirements.* All new buildings shall be setback from any property line a minimum of 12 feet.

c. *Special sites.* Special sites, which act as the termination of a vista or a leading corner, shall receive architectural or landscaped treatment recognizing their position.

(2) Apartments.

a. *Minimum unit size.* Apartments shall be a minimum of 1,500 square feet.

b. *Minimum average unit size.* Apartments shall be a minimum average of 2,500 square feet.

c. *Maximum building height.* New apartment buildings shall not exceed 200 feet in height.

d. *Setback requirements.* Apartment buildings shall have a setback of a minimum of 100 feet from the front property line. A minimum setback of 35 feet from any property line.

e. *Building use.* Building use shall be primarily residential, with commercial allowed on the lobby and ground floor. All such commercial use shall neither be visible from any public streets nor open to persons other than residents of the proposed development and their guests.

f. *Retail uses.* No retail uses are allowed in this development.

g. *Commercial uses.* Commercial space allowed at ground floor and the lobby floor is limited to: restaurant, health club, recreation uses, storage, marina uses, and business offices.

(3) Townhouses.

a. *Minimum unit size.* Townhouses shall be a minimum of 2,500 square feet in area.

b. *Maximum building height.* Townhouses shall not exceed 50 feet in height (excluding chimneys and elevator towers) to the main roof. Chimneys, elevator towers, enclosed stairwells, covered roof terraces, towers (with footprints less than 600 square feet and a height limit of 14 feet above the main roof) shall be allowed.

c. *Setback requirements.* Townhouses shall be setback a minimum of 12 feet from any property line. Setback requirements shall apply to the enclosed portion of the buildings only.

(4) Marina Dock Master Building.

a. *Maximum building size.* Dock master building shall be a maximum of 3,000 square feet.

b. *Maximum building height.* Dock master building shall not exceed 30 feet in height.

c. *Setback Requirements.* Dock master building shall have a front setback of 20 feet from a property line facing a public right of way. The building shall have a 10 foot setback facing any coastline.

(5) Recreation Building.

a. *Maximum building height.* Recreation buildings shall have a maximum height of 30 feet above any parking garage and 40 feet from the ground.

b. *Setback requirements.* Recreation buildings shall have a minimum setback of 20 feet from any property line.

(6) Parking Structure.

a. *Maximum building height.* Parking garages shall not exceed 25 feet in height.

b. *Setback requirements.* Parking garage shall have a minimum 20 foot setback from any property line.

c. *Visibility requirements.* Any parking garage shall be screened from view by means of landscaping, water features, and/or architectural elements.

B. Parking Requirements

(1) Apartments and Townhouses

a. Two spaces per unit shall be required for each unit.

b. One space per unit shall be required for service of each unit over 3,000 square feet.

(2) Marina - One space per 100 lineal feet of dockage shall be required.

(3) Restaurant - One space for every 4 seats shall be required.

(4) Dock Master - One space shall be required for every 400 square feet of office space.

Sec. 142-200. Accessory Uses

Restaurant, Dock Master, Communication Facilities, and Recreation related activities are permitted uses in the RM-PRD-3 District.

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 _____, 2003.

ATTEST:

_____
MAYOR

_____
CITY CLERK

APPROVED AS TO
FORM AND LANGUAGE
& FOR EXECUTION

_____ _____
City Attorney Date

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U.S. Department of Homeland Security
United States Coast Guard

Commanding Officer
U.S. Coast Guard
Civil Engineering Unit Miami

15608 SW 117th Ave.
Miami, FL 33177-1630
Staff Symbol: (rp)
Phone: 305-278-6700
FAX: 305-278-6704

11011
February 19, 2004

City of Miami Beach
Attention: Mayor David Dermer
1700 Convention Center Drive
Miami Beach, FL 33139

Dear Mayor Dermer:

The 10 December, 2003, City Commission meeting deferred until the scheduled meeting of 25 February, 2004, the matter of the proposed amendment of the future land use map of the city's Comprehensive Plan requested by Mr. James Silvers. This amendment would rezone 5.6 acres of unplatted land on Terminal Island from its existing light industrial category, to multi-family, planned residential development.

The Coast Guard has met with Mr. Silvers on numerous occasions during the past two years about our continuing opposition to residential development of the property. It has been, and continues to be, our position that such development would be incompatible with long established and vital Coast Guard missions on our adjoining property.

The Coast Guard has agreed to numerous continuances requested by Mr. Silvers in this matter. At this point however, the Coast Guard would recommend against further continuances should they be requested by Mr. Silvers under the expectation that further discussions will change the Coast Guard's opposition to this proposed rezoning.

Sincerely,

R. K. Murphy

Copy: City of Miami Beach, Commissioner Matti Herrera Bower
City of Miami Beach, Commissioner Simon Cruz
City of Miami Beach, Commissioner Luis R. Garcia, Jr.
City of Miami Beach, Commissioner Saul Gross
City of Miami Beach, Commissioner Jose Smith
City of Miami Beach, Commissioner Richard Steinberg
City of Miami Beach, City Manager Jorge M. Gonzalez
City of Miami Beach, Director of Planning and Zoning, Jorge Gomez
Mr. James Silvers
Commander, Coast Guard Seventh District (dcs)
Commander, Coast Guard Group Miami
Commanding Officer, Coast Guard Integrated Support Command Miami
Commanding Officer, Marine Safety Office Miami
Commander, Maintenance and Logistics Command Atlantic (s), (lg)

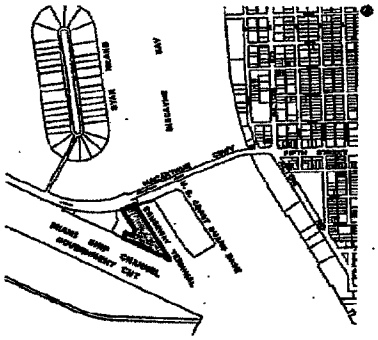
CITY OF MIAMI BEACH NOTICE OF COMPREHENSIVE PLAN TEXT AND FUTURE LAND USE MAP AMENDMENTS AND ZONING MAP AND DEVELOPMENT REGULATIONS AMENDMENTS

James F. Silvers, Trustee, 1100 Fifth Street, Miami Beach, Florida is requesting to amend the Future Land Use Map of the City of Miami Beach Comprehensive Plan by changing the Future Land Use Category from I-1 to RM-PRD, and amending the text of the Comprehensive Plan in order to allow the requested change for a parcel of unplatted land on Terminal Island, located south of the MacArthur Causeway. Upon approval of the above request, the applicant is also requesting to amend the Official Zoning District Map, referenced in Section 142-72 of the Code of the City of Miami Beach, Florida, by changing the Zoning District classification for the property and creating development regulations for future development.

THE CITY OF MIAMI BEACH will hold public hearings on the following ordinances on **WEDNESDAY, January 8, 2003 at 5:01 P.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, FLORIDA, AMENDING THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN BY CHANGING THE FUTURE LAND USE CATEGORY FOR A PARCEL OF UNPLATTED LAND OF APPROXIMATELY 5.6 +/- ACRES ON TERMINAL ISLAND, LOCATED SOUTH OF THE MACARTHUR CAUSEWAY, FROM THE CURRENT LAND USE CATEGORY I-1, LIGHT INDUSTRIAL WITH A FLOOR AREA RATIO OF 1.0, TO THE PROPOSED FUTURE LAND USE CATEGORY OF RM-PRD, MULTIFAMILY, PLANNED RESIDENTIAL DEVELOPMENT WITH A FLOOR AREA RATIO (FAR) OF 1.0; AND AMENDING THE GOALS, POLICIES AND OBJECTIVES OF THE COMPREHENSIVE PLAN IN ORDER TO ALLOW THE REQUESTED FUTURE LAND USE CATEGORY FOR THE SUBJECT PROPERTY; DIRECTING TRANSMITTALS OF THIS ORDINANCE AND ALL APPLICABLE DOCUMENTS TO AFFECTED AGENCIES; PROVIDING FOR REPEALER, SEVERABILITY, INCLUSION IN THE COMPREHENSIVE PLAN AND AN EFFECTIVE DATE.

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE OFFICIAL ZONING DISTRICT MAP, REFERENCED IN SECTION 142-72 OF THE CODE OF THE CITY OF MIAMI BEACH, FLORIDA, BY CHANGING THE ZONING DISTRICT CLASSIFICATION FOR A PARCEL OF UNPLATTED LAND OF APPROXIMATELY 5.6 +/- ACRES ON TERMINAL ISLAND, LOCATED SOUTH OF THE MACARTHUR CAUSEWAY FROM THE CURRENT I-1 LIGHT INDUSTRIAL, TO THE PROPOSED ZONING CLASSIFICATION RM-PRD3, MULTIFAMILY PLANNED RESIDENTIAL DEVELOPMENT, WITH A FLOOR AREA RATIO (FAR) OF 1.0; AMENDING CHAPTER 142 "ZONING DISTRICTS AND REGULATIONS," AMENDING SUBDIVISION III. "RM-PRD MULTIFAMILY, PLANNED RESIDENTIAL DEVELOPMENT DISTRICT BY ADDING SUBDIVISION IIIB. DEVELOPMENT REGULATIONS FOR "RM-PRD3;" PROVIDING FOR REPEALER, SEVERABILITY, INCLUSION AND AN EFFECTIVE DATE.



All 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's Office, 1700 Convention Center Drive, City Hall, Miami Beach, Florida 33139.

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.

In Accordance with the Americans with Disabilities Act of 1990, Persons Needing Special Accommodation to Participate in this Proceeding Should Contact the City Clerk's Office No Later Than Four Days Prior to the Proceeding. Telephone (305) 673-7441 for Assistance; If Hearing Impaired, Telephone the Florida Relay Service Number, (800) 955-8771 (TDD) (800) 955-8770 (Voice), for Assistance.

(Ad Number 0746)

CITY OF MIAMI BEACH
COMMISSION ITEM SUMMARY

Condensed Title:

An Ordinance amending the Classified Salary Ordinance No. 789 for Classified employees, providing for an increase of 3% for all FOP bargaining unit employees and an increase of 3% to the minimum and the maximum of the salary ranges, effective payroll period ending October 5, 2003; effective payroll period ending October 3, 2004; and an increase of 3.5% for all FOP bargaining unit employees and an increase of 3.5% to the minimum and maximum of the salary ranges, effective payroll period ending October 9, 2005.

Issue:

Shall the City amend the Classified Salary Ordinance to allow for implementation of the COLA salary provision of the FOP negotiated bargaining agreement which was approved by the Commission on March 17, 2004?

Item Summary/Recommendation:

The Administration recommends that the City Commission approve the Ordinance on first reading and set a second reading, public hearing for May 5, 2004. By amending the Classified Salary Ordinance, the City will implement the COLA salary provision of the negotiated bargaining agreement with the FOP which was approved by the Commission on March 17, 2004.

Advisory Board Recommendation:

N/A

Financial Information:

Amount to be expended:

Source of Funds:

	Year-1 cost	3-Year cost	Account	Approved
1	$613,905	$2,006,068	COLA– Police Department	
2				
3				
4				
Total	$613,905	$2,006,068		

Finance Dept.

City Clerk's Office Legislative Tracking:

Sign-Offs:

Department Director	Assistant City Manager	City Manager
Mayra Diaz Buttacavoli Mayra Buttacavoli		

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AGENDA ITEM R5I

DATE 4-14-04

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: April 14, 2004

From: Jorge M. Gonzalez
City Manager

FIRST 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, PROVIDING FOR THOSE CLASSIFICATIONS REPRESENTED BY THE FRATERNAL ORDER OF POLICE (FOP) IN ACCORDANCE WITH THE NEGOTIATED AGREEMENT A 3% INCREASE FOR ALL FOP BARGAINING UNIT EMPLOYEES AND AN INCREASE OF 3% TO THE MINIMUM AND MAXIMUM OF THE SALARY RANGES EFFECTIVE THE PAYROLL PERIOD ENDING OCTOBER 5, 2003, AND EFFECTIVE THE PAYROLL PERIOD ENDING OCTOBER 3, 2004; AND A 3.5% INCREASE FOR ALL FOP BARGAINING UNIT EMPLOYEES AND AN INCREASE OF 3.5% TO THE MINIMUM AND MAXIMUM OF THE SALARY RANGES EFFECTIVE THE PAYROLL PERIOD ENDING OCTOBER 9, 2005; PROVIDING FOR A REPEALER, SEVERABILITY, EFFECTIVE DATE, AND CODIFICATION.**

ADMINISTRATION RECOMMENDATION

Approve the Ordinance on first reading and schedule a second reading, public hearing for the Commission meeting on May 5, 2004.

ANALYSIS

The City negotiated a contract with the Fraternal Order of Police (FOP) bargaining unit. This amendment will implement the provisions of the contract to provide a 3% cost of living adjustment increase for all bargaining unit employees; and increase the minimum of the salary ranges by 3% and the maximum by 3% for payroll period ending October 5, 2003; a 3% cost of living adjustment increase for all bargaining unit employees; and increase the minimum of the salary ranges by 3% and the maximum by 3% for payroll period ending October 3, 2004; and a 3.5% cost of living adjustment increase for all bargaining unit employees; and increase the minimum of the salary ranges by 3.5% and the maximum by 3.5% for payroll period ending October 9, 2005. These increases will provide additional incentives and competitiveness to attract and retain new and existing employees in these classifications. The anticipated contract cost of the COLA is $2,006,068.

CONCLUSION

By amending the Classified Salary Ordinance for classified employees covered by the Fraternal Order of Police (FOP) bargaining unit, the City will implement the negotiated bargaining agreement and ensure that the City has an employee classification and compensation system which is fair and externally competitive.

JMG:MDB:GPL:PKR

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ORDINANCE NO.

AN ORDINANCE AMENDING ORDINANCE NO. 789, THE CLASSIFIED EMPLOYEES SALARY ORDINANCE OF THE CITY OF MIAMI BEACH, FLORIDA, PROVIDING FOR THOSE CLASSIFICATIONS REPRESENTED BY THE FRATERNAL ORDER OF POLICE (FOP) IN ACCORDANCE WITH THE NEGOTIATED AGREEMENT A 3% INCREASE FOR ALL FOP BARGAINING UNIT EMPLOYEES AND AN INCREASE OF 3% TO THE MINIMUM AND MAXIMUM OF THE SALARY RANGES EFFECTIVE THE PAYROLL PERIOD ENDING OCTOBER 5, 2003, AND EFFECTIVE THE PAYROLL PERIOD ENDING OCTOBER 3, 2004; AND A 3.5% INCREASE FOR ALL FOP BARGAINING UNIT EMPLOYEES AND AN INCREASE OF 3.5% TO THE MINIMUM AND MAXIMUM OF THE SALARY RANGES EFFECTIVE THE PAYROLL PERIOD ENDING OCTOBER 9, 2005; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE, AND CODIFICATION.

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

SECTION 1: That the following lines in Section 1 of Ordinance No. 789 as heretofore amended, which read as follows:

GROUP II FRATERNAL ORDER OF POLICE

JOB CLASSIFICATION	JOB CLASS NO.	BI-WEEKLY COMPENSATION MINIMUM	MAXIMUM
DETENTION OFFICER	5305	1217.95	1497.98
LIEUTENANT OF POLICE	5009	2541.92	2942.28
POLICE OFFICER	5011	1560.20	2196.00
POLICE OFFICER TRAINEE	8001	1326.17	1482.19
SERGEANT OF POLICE	5010	2304.73	2541.92

shall be amended on **October 5, 2003**, to read as follows:

GROUP II FRATERNAL ORDER OF POLICE

JOB CLASSIFICATION	JOB CLASS NO.	BI-WEEKLY COMPENSATION MINIMUM		MAXIMUM	
DETENTION OFFICER	5305	~~1217.95~~	1254.49	~~1497.98~~	1542.92
LIEUTENANT OF POLICE	5009	~~2541.92~~	2618.18	~~2942.28~~	3030.55
POLICE OFFICER	5011	~~1560.20~~	1607.00	~~2196.00~~	2261.88
POLICE OFFICER TRAINEE	8001	~~1326.17~~	1365.95	~~1482.19~~	1526.65
SERGEANT OF POLICE	5010	~~2304.73~~	2373.88	~~2541.92~~	2618.18

shall be amended on **October 3, 2004**, to read as follows:

GROUP II FRATERNAL ORDER OF POLICE

JOB CLASSIFICATION	JOB CLASS NO.	BI-WEEKLY COMPENSATION MINIMUM		MAXIMUM	
DETENTION OFFICER	5305	~~1254.49~~	1292.12	~~1542.92~~	1589.21
LIEUTENANT OF POLICE	5009	~~2618.18~~	2696.73	~~3030.55~~	3121.47
POLICE OFFICER	5011	~~1607.00~~	1655.21	~~2261.88~~	2329.74
POLICE OFFICER TRAINEE	8001	~~1365.95~~	1406.93	~~1526.65~~	1572.45
SERGEANT OF POLICE	5010	~~2373.88~~	2445.09	~~2618.18~~	2696.73

shall be amended on **October 9, 2005**, to read as follows:

GROUP II FRATERNAL ORDER OF POLICE

JOB CLASSIFICATION	JOB CLASS NO.	BI-WEEKLY COMPENSATION MINIMUM		MAXIMUM	
DETENTION OFFICER	5305	~~1292.12~~	1337.34	~~1589.21~~	1644.83
LIEUTENANT OF POLICE	5009	~~2696.73~~	2791.11	~~3121.47~~	3230.72
POLICE OFFICER	5011	~~1655.21~~	1713.15	~~2329.74~~	2411.28
POLICE OFFICER TRAINEE	8001	~~1406.93~~	1456.18	~~1572.45~~	1627.49
SERGEANT OF POLICE	5010	~~2445.09~~	2530.67	~~2618.18~~	2791.11

SECTION 2: **REPEALER.**

That 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: **EFFECTIVE DATES.**

The bi-weekly compensation set forth in Section 1 above shall be effective the payroll period ending October 5, 2003; October 3, 2004; and October 9, 2005, respectively.

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.

PASSED and ADOPTED this _____ day of _____ , 2004

_____

Mayor

ATTEST:

_____

City Clerk

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

JMG:MDB:GPL:PKR

City Attorney 3/25/04 Date

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CITY OF MIAMI BEACH
COMMISSION ITEM SUMMARY

Condensed Title:

An Ordinance amending the Classified Salary Ordinance No. 789 for Classified employees, providing for an increase of 3% for all IAFF bargaining unit employees and an increase of 3% to the minimum and maximum of the salary ranges, effective payroll period ending October 5, 2003; effective payroll period ending October 3, 2004; and an increase of 3.5% for all IAFF bargaining unit employees and an increase of 3.5% to the minimum and maximum of the salary ranges, effective payroll period ending October 9, 2005.

Issue:

Shall the City amend the Classified Salary Ordinance to allow for the implementation of the COLA salary provision of the IAFF negotiated bargaining agreement which was approved by the Commission on March 17, 2004?

Item Summary/Recommendation:

The Administration recommends that the City Commission approve the Ordinance on first reading and set a second reading, public hearing for May 5, 2004. By amending the Classified Salary Ordinance, the City will implement the COLA salary provisions of the negotiated bargaining agreement with the IAFF which was approved by the Commission on March 17, 2004.

Advisory Board Recommendation:

N/A

Financial Information:

Amount to be expended:

Source of Funds:

	Year-1 cost	3-Year cost	Account	Approved
1	$399,132	$1,304,251	COLA – Fire Department	
2				
3				
4				
Total	$399,132	$1,304,251		

Finance Dept.

City Clerk's Office Legislative Tracking:

Sign-Offs:

Department Director	Assistant City Manager	City Manager
Mayra Diaz Buttacavoli		

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AGENDA ITEM RSJ

DATE 4-14-04

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: April 14, 2004

From: Jorge M. Gonzalez
City Manager

FIRST 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, PROVIDING FOR THOSE CLASSIFICATIONS REPRESENTED BY THE INTERNATIONAL ASSOCIATION OF FIREFIGHTERS (IAFF) IN ACCORDANCE WITH THE NEGOTIATED AGREEMENT A 3% INCREASE THE FIRST FULL PAYROLL PERIOD ENDING OCTOBER 5, 2003, AND A 3% INCREASE EFFECTIVE WITH THE FIRST FULL PAYROLL PERIOD ENDING OCTOBER 3, 2004, AND A 3.5% INCREASE EFFECTIVE WITH THE FIRST FULL PAYROLL PERIOD ENDING OCTOBER 9, 2005; PROVIDING FOR A REPEALER, SEVERABILITY, EFFECTIVE DATE, AND CODIFICATION.**

ADMINISTRATION RECOMMENDATION

Approve the Ordinance on first reading and schedule a second reading, public hearing for the Commission meeting on May 5, 2004.

ANALYSIS

The City negotiated a contract with the International Association of Firefighters (IAFF) bargaining unit. This amendment will implement the provisions of the contract to provide a 3% cost of living adjustment increase for all bargaining unit employees; and increase the minimum of the salary ranges by 3% and the maximum by 3% for the first full pay period ending October 5, 2003; a 3% cost of living adjustment increase for all bargaining unit employees; and increase the minimum of the salary ranges by 3% and the maximum by 3% for the first full pay period ending October 3, 2004; and a 3.5% cost of living adjustment increase for all bargaining unit employees; and increase the minimum of the salary ranges by 3.5% and the maximum by 3.5% for the first full pay period ending October 9, 2005. These increases will provide additional incentives and competitiveness to attract and retain new and existing employees in these classifications. Based on current active employees, the estimated cost for the wage increase is approximately $1,304,251.

CONCLUSION

By amending the Classified Salary Ordinance for classified employees covered by the International Association of Firefighters (IAFF) bargaining unit, the City will implement the negotiated bargaining agreement and ensure that the City has an employee classification and compensation system which is fair and externally competitive.

JMG:MDB:GPL:PKR

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ORDINANCE NO.

AN ORDINANCE AMENDING ORDINANCE NO. 789, THE CLASSIFIED EMPLOYEES SALARY ORDINANCE OF THE CITY OF MIAMI BEACH, FLORIDA, PROVIDING FOR THOSE CLASSIFICATIONS REPRESENTED BY THE INTERNATIONAL ASSOCIATION OF FIREFIGHTERS (IAFF) IN ACCORDANCE WITH THE NEGOTIATED AGREEMENT A 3% INCREASE FOR ALL IAFF BARGAINING UNIT EMPLOYEES AND AN INCREASE OF 3% TO THE MINIMUM AND MAXIMUM OF THE SALARY RANGES EFFECTIVE THE PAYROLL PERIOD ENDING OCTOBER 5, 2003, AND EFFECTIVE THE PAYROLL PERIOD ENDING OCTOBER 3, 2004; AND A 3.5% INCREASE FOR ALL IAFF BARGAINING UNIT EMPLOYEES AND AN INCREASE OF 3.5% TO THE MINIMUM AND MAXIMUM OF THE SALARY RANGES EFFECTIVE THE PAYROLL PERIOD ENDING OCTOBER 9, 2005; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE, AND CODIFICATION.

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

SECTION 1: That the following lines in Section 1 of Ordinance No. 789 as heretofore amended, which read as follows:

GROUP III INTERNATIONAL ASSOCIATION OF FIREFIGHTERS

JOB CLASSIFICATION	JOB CLASS NO.	BI-WEEKLY COMPENSATION MINIMUM	MAXIMUM
FIRE CAPTAIN	5105	2810.99	3252.48
FIRE LIEUTENANT	5107	2444.35	2828.30
FIREFIGHTER I	5110	1326.17	2196.00
FIREFIGHTER II	5109	2125.55	2459.44

shall be amended on **October 5, 2003**, to read as follows:

GROUP III INTERNATIONAL ASSOCIATION OF FIREFIGHTERS

JOB CLASSIFICATION	JOB CLASS NO.	BI-WEEKLY COMPENSATION MINIMUM		MAXIMUM	
FIRE CAPTAIN	5105	~~2810.99~~	2895.32	~~3252.48~~	3350.05
FIRE LIEUTENANT	5107	~~2444.35~~	2517.68	~~2828.30~~	2913.15
FIREFIGHTER I	5110	~~1326.17~~	1365.93	~~2196.00~~	2261.88
FIREFIGHTER II	5109	~~2125.55~~	2189.32	~~2459.44~~	2533.22

shall be amended on **October 3, 2004,** to read as follows:

GROUP III INTERNATIONAL ASSOCIATION OF FIREFIGHTERS

JOB CLASSIFICATION	JOB CLASS NO.	BI-WEEKLY COMPENSATION MINIMUM		MAXIMUM	
FIRE CAPTAIN	5105	~~2895.32~~	2982.19	~~3350.05~~	3450.56
FIRE LIEUTENANT	5107	~~2517.68~~	2593.21	~~2913.15~~	3000.54
FIREFIGHTER I	5110	~~1365.93~~	1406.94	~~2261.88~~	2329.74
FIREFIGHTER II	5109	~~2189.32~~	2255.00	~~2533.22~~	2609.21

shall be amended on **October 9, 2005,** to read as follows:

GROUP III INTERNATIONAL ASSOCIATION OF FIREFIGHTERS

JOB CLASSIFICATION	JOB CLASS NO.	BI-WEEKLY COMPENSATION MINIMUM		MAXIMUM	
FIRE CAPTAIN	5105	~~2982.19~~	3086.57	~~3450.56~~	3571.33
FIRE LIEUTENANT	5107	~~2593.21~~	2683.97	~~3000.54~~	3105.56
FIREFIGHTER I	5110	~~1406.94~~	1456.15	~~2329.74~~	2411.28
FIREFIGHTER II	5109	~~2255.00~~	2333.92	~~2609.21~~	2700.53

SECTION 2: REPEALER.

That 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: EFFECTIVE DATES.

The bi-weekly compensation set forth in Section 1 above shall be effective the payroll period ending October 5, 2003; October 3, 2004; October 9, 2005, respectively.

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.

PASSED and ADOPTED this _____ day of _____, 2004.

_____

Mayor

ATTEST:

_____

City Clerk

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

City Attorney 3/25/04 Date

JMG:MDB:GPL:PKR

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CITY OF MIAMI BEACH
COMMISSION ITEM SUMMARY

Condensed Title:

An Ordinance amending Ordinance No. 1605, the Unclassified Salary Ordinance, for Unclassified Employees; providing for a 3% salary increase and a 3% increase to the minimum and the maximum of the salary ranges effective May 3, 2004, and effective the first payroll period begining on or after May 1, 2005; a 3.5% increase for all employees and a 3.5% increase to the minimum and maximum of the salary ranges effective the first payroll period beginning on or after May 1, 2006; and providing for a repealer, severability, effective date, and codification.

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 COLA increases for Unclassified employees consistent with those negotiated for the classified employees covered by bargaining agreements?

Item Summary/Recommendation:

The Administration recommends that the City Commission approve the Ordinance on first reading and set a second reading, public hearing for May 5, 2004. By amending the Unclassified Salary Ordinance, the City will ensure that there is a classification and compensation system which is fair and externally competitive.

Advisory Board Recommendation:

N/A

Financial Information:

Amount to be expended:

Source of Funds:

	1-Year Cost	3-Year Cost	Account	Approved
1	$745,205	$2,435,120	Budgeted in the various Departments	
2				
3				
4				
Total	$745,205	$2,435,120		

Finance Dept.

City Clerk's Office Legislative Tracking:

Sign-Offs:

Department Director	Assistant City Manager	City Manager
Mayra Diaz Buttacavoli Mayra D. Buttacavoli		

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AGENDA ITEM R5K

DATE 4-14-04

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: April 14, 2004

From: Jorge M. Gonzalez
City Manager

FIRST READING

Subject: **AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING ORDINANCE NO. 1605, THE UNCLASSIFIED EMPLOYEES SALARY ORDINANCE; PROVIDING FOR A 3% INCREASE FOR ALL UNCLASSIFIED EMPLOYEES AND A 3% INCREASE TO THE MINIMUM AND THE MAXIMUM OF THE SALARY RANGES EFFECTIVE MAY 3, 2004, AND EFFECTIVE THE FIRST PAYROLL PERIOD BEGINNING ON OR AFTER MAY 1, 2005; A 3.5% INCREASE FOR ALL UNCLASSIFIED EMPLOYEES AND A 3.5% INCREASE TO THE MINIMUM AND THE MAXIMUM OF THE SALARY RANGES EFFECTIVE THE FIRST PAYROLL PERIOD BEGINNIG ON OR AFTER MAY 1, 2006; AND PROVIDING FOR A REPEALER, SEVERABILITY, EFFECTIVE DATE, AND CODIFICATION.**

ADMINISTRATION RECOMMENDATION

Approve the Ordinance on first reading and schedule a second reading, public hearing for the Commission meeting on May 5, 2004.

ANALYSIS

This amendment, representing a Cost-of-Living Allowance (COLA), will increase the salary of each employee and the minimum and the maximum of the salary ranges by 3% for all Unclassified employees effective May 3, 2004, and the first payroll period beginning on or after May 1, 2005, and increase the salary of each employee and the minimum and the maximum of the salary ranges by 3.5% the first payroll period beginning on or after May 1, 2006. In previous years, the City has provided COLA increases for Unclassified employees consistent with those negotiated for the classified employees covered by bargaining agreements. The anticipated cost of the COLA for the three-year period is $2,435,120.

CONCLUSION

The Administration recommends that the City Commission approve the Ordinance on first reading and set a second reading, public hearing for May 5, 2004. By amending the Unclassified Salary Ordinance for Unclassified employees, the City will ensure that there is a classification and compensation system which is fair and externally competitive.

JMG:MDB:GPL:NJ
MDB

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ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING ORDINANCE NO. 1605, THE UNCLASSIFIED EMPLOYEES SALARY ORDINANCE; PROVIDING FOR A 3% INCREASE FOR ALL UNCLASSIFIED EMPLOYEES AND A 3% INCREASE TO THE MINIMUM AND THE MAXIMUM OF THE SALARY RANGES EFFECTIVE MAY 3, 2004, AND EFFECTIVE THE FIRST PAYROLL PERIOD BEGINNING ON OR AFTER MAY 1, 2005; A 3.5% INCREASE FOR ALL UNCLASSIFIED EMPLOYEES AND A 3.5% INCREASE TO THE MINIMUM AND THE MAXIMUM OF THE SALARY RANGES EFFECTIVE THE FIRST PAYROLL PERIOD BEGINNING ON OR AFTER MAY 1, 2006; AND PROVIDING FOR A REPEALER, SEVERABILITY, EFFECTIVE DATE, AND CODIFICATION.

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

SECTION 1: That the following lines of the Unclassified Salary Ordinance No.1605 as heretofore amended shall be amended effective May 3, 2004 to read as follows:

PAY GRADES AND SALARIES

A. Salary Grades and Ranges

GRADE	MINIMUM		MAXIMUM	
26	Determined by City Commission		Determined by City Commission	
25	~~$117,457~~	$120,980	~~$189,601~~	$195,289
24	~~$108,035~~	$111,276	~~$174,488~~	$179,723
23	~~$99,424~~	$102,407	~~$160,579~~	$165,397
22	~~$91,500~~	$94,245	~~$147,781~~	$152,214
21	~~$84,206~~	$86,733	~~$136,002~~	$140,082
20	~~$77,495~~	$79,820	~~$125,161~~	$128,916
19	~~$71,318~~	$73,458	~~$115,183~~	$118,639

18	~~$65,633~~	$67,602	~~$106,004~~	$109,185
17	~~$60,401~~	$62,213	~~$97,555~~	$100,481
16	~~$55,357~~	$57,018	~~$89,778~~	$92,472
15	~~$51,153~~	$52,687	~~$82,621~~	$85,100
14	~~$47,079~~	$48,491	~~$76,036~~	$78,317
13	~~$43,327~~	$44,626	~~$69,976~~	$72,076
12	~~$39,873~~	$41,069	~~$64,397~~	$66,329
11	~~$36,694~~	$37,795	~~$59,264~~	$61,042
10	~~$33,769~~	$34,783	~~$54,540~~	$56,176
9	~~$31,078~~	$32,010	~~$50,195~~	$51,700
8	~~$28,601~~	$29,459	~~$46,193~~	$47,579
7	~~$26,321~~	$27,110	~~$42,511~~	$43,786
6	~~$24,223~~	$24,950	~~$39,123~~	$40,296
5	~~$22,293~~	$22,961	~~$36,003~~	$37,083
4	~~$20,516~~	$21,131	~~$33,135~~	$34,129
3	~~$18,880~~	$19,446	~~$30,494~~	$31,409
2	~~$17,376~~	$17,897	~~$28,063~~	$28,905
1	~~$15,991~~	$16,470	~~$25,826~~	$26,600

shall be amended the first payroll period beginning on or after May 1, 2005, to read as follows:

26	Determined by City Commission		Determined by City Commission	
25	~~$120,980~~	$124,610	~~$195,289~~	$201,147
24	~~$111,276~~	$114,614	~~$179,723~~	$185,114
23	~~$102,407~~	$105,479	~~$165,397~~	$170,359
22	~~$94,245~~	$97,072	~~$152,214~~	$156,780
21	~~$86,733~~	$89,335	~~$140,082~~	$144,285
20	~~$79,820~~	$82,214	~~$128,916~~	$132,783
19	~~$73,458~~	$75,661	~~$118,639~~	$122,198
18	~~$67,602~~	$69,630	~~$109,185~~	$112,460
17	~~$62,213~~	$64,079	~~$100,481~~	$103,496
16	~~$57,018~~	$58,729	~~$92,472~~	$95,246
15	~~$52,687~~	$54,268	~~$85,100~~	$87,653
14	~~$48,491~~	$49,946	~~$78,317~~	$80,667
13	~~$44,626~~	$45,965	~~$72,076~~	$74,238
12	~~$41,069~~	$42,301	~~$66,329~~	$68,319
11	~~$37,795~~	$38,929	~~$61,042~~	$62,874
10	~~$34,783~~	$35,826	~~$56,176~~	$57,861
9	~~$32,010~~	$32,971	~~$51,700~~	$53,251

8	~~$29,459~~	$30,343	~~$47,579~~	$49,007
7	~~$27,110~~	$27,924	~~$43,786~~	$45,100
6	~~$24,950~~	$25,699	~~$40,296~~	$41,505
5	~~$22,961~~	$23,650	~~$37,083~~	$38,196
4	~~$21,131~~	$21,765	~~$34,129~~	$35,153
3	~~$19,446~~	$20,030	~~$31,409~~	$32,351
2	~~$17,897~~	$18,434	~~$28,905~~	$29,772
1	~~$16,470~~	$16,965	~~$26,600~~	$27,398

shall be amended the first payroll period beginning on or after May 1, 2006, to read as follows:

26	Determined by City Commission		Determined by City Commission	
25	~~$124,610~~	$128,971	~~$201,147~~	$208,187
24	~~$114,614~~	$118,625	~~$185,114~~	$191,593
23	~~$105,479~~	$109,171	~~$170,359~~	$176,321
22	~~$97,072~~	$100,470	~~$156,780~~	$162,268
21	~~$89,335~~	$92,461	~~$144,285~~	$149,335
20	~~$82,214~~	$85,092	~~$132,783~~	$137,431
19	~~$75,661~~	$78,309	~~$122,198~~	$126,475
18	~~$69,630~~	$72,067	~~$112,460~~	$116,396
17	~~$64,079~~	$66,322	~~$103,496~~	$107,118
16	~~$58,729~~	$60,784	~~$95,246~~	$98,579
15	~~$54,268~~	$56,167	~~$87,653~~	$90,720
14	~~$49,946~~	$51,694	~~$80,667~~	$83,490
13	~~$45,965~~	$47,574	~~$74,238~~	$76,836
12	~~$42,301~~	$43,781	~~$68,319~~	$70,710
11	~~$38,929~~	$40,291	~~$62,874~~	$65,074
10	~~$35,826~~	$37,080	~~$57,861~~	$59,887
9	~~$32,971~~	$34,125	~~$53,251~~	$55,115
8	~~$30,343~~	$31,405	~~$49,007~~	$50,722
7	~~$27,924~~	$28,901	~~$45,100~~	$46,678
6	~~$25,699~~	$26,598	~~$41,505~~	$42,958
5	~~$23,650~~	$24,478	~~$38,196~~	$39,533
4	~~$21,765~~	$22,527	~~$35,153~~	$36,383
3	~~$20,030~~	$20,731	~~$32,351~~	$33,483
2	~~$18,434~~	$19,079	~~$29,772~~	$30,814
1	~~$16,965~~	$17,558	~~$27,398~~	$28,357

SECTION 2: **REPEALER.**

That 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: **EFFECTIVE DATES.**

This Ordinance Amendment shall become effective May 3, 2004, and the first payroll periods beginning on or after May 1, 2005, and May 1, 2006, respectively.

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 relettered to accomplish such intention, and the word "ordinance" may be changed to "section", "article", or other appropriate word.

PASSED and ADOPTED this ____ day of _____, 2004.

_____
MAYOR

ATTEST:

APPROVED AS TO FORM & LANGUAGE & FOR EXECUTION

_____
CITY CLERK

City Attorney 4-8-04 Date

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CITY OF MIAMI BEACH
COMMISSION ITEM SUMMARY

Condensed Title:

An Ordinance amending Ordinance No. 789, the Classified Employees Salary Ordinance, for classifications in Group VI, being all other classifications in the classified service not covered by a bargaining unit; providing for a 3% salary increase and a 3% increase to the minimum and the maximum of the salary ranges effective May 3, 2004, and effective the first payroll period beginning on or after May 1, 2005; a 3.5% increase for all employees and a 3.5% increase to the minimum and the maximum of the salary ranges effective the first payroll period beginning on or after May 1, 2006; and providing for a repealer, severability, effective date, and codification.

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 COLA increases for non-union employees consistent with those negotiated for the classified employees covered by bargaining agreements?

Item Summary/Recommendation:

The Administration recommends that the City Commission approve the Ordinance on first reading and set a second reading, public hearing for May 5, 2004. By amending the Classified Salary Ordinance, the City will ensure that there is a classification and compensation system which is fair and externally competitive.

Advisory Board Recommendation:

N/A

Financial Information:

Amount to be expended:

Source of Funds:

	1-Year Cost	3-Year Cost	Account	Approved
1	$74,976	$245,001	Budgeted in the various Departments	
2				
3				
4				
Total	$74,976	$245,001		

Finance Dept.

City Clerk's Office Legislative Tracking:

Sign-Offs:

Department Director	Assistant City Manager	City Manager
Mayra Diaz Buttacavoli Mayra D. Buttacavoli		

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AGENDA ITEM RSL

DATE 4-14-04

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: April 14, 2004

From: Jorge M. Gonzalez
City Manager

FIRST 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, FOR CLASSIFICATIONS IN GROUP VI, BEING ALL OTHER CLASSIFICATIONS IN THE CLASSIFIED SERVICE NOT COVERED BY A BARGAINING UNIT; PROVIDING FOR A 3% INCREASE FOR ALL EMPLOYEES IN GROUP VI, "OTHERS", AND A 3% INCREASE TO THE MINIMUM AND THE MAXIMUM OF THE SALARY RANGES EFFECTIVE MAY 3, 2004, AND EFFECTIVE THE FIRST PAYROLL PERIOD BEGINNING ON OR AFTER MAY 1, 2005; A 3.5% INCREASE FOR ALL EMPLOYEES IN GROUP VI, "OTHERS", AND A 3.5% INCREASE TO THE MINIMUM AND THE MAXIMUM OF THE SALARY RANGES EFFECTIVE THE FIRST PAYROLL PERIOD BEGINNING ON OR AFTER MAY 1, 2006; AND PROVIDING FOR A REPEALER, SEVERABILITY, EFFECTIVE DATE, AND CODIFICATION.**

ADMINISTRATION RECOMMENDATION

Approve the Ordinance on first reading and schedule a second reading, public hearing for the Commission meeting on May 5, 2004.

ANALYSIS

This amendment, representing a Cost-of-Living Allowance (COLA), will increase the salary of each employee and the minimum and the maximum of the salary ranges by 3% for all "Others" employees (classified employees not covered by a bargaining unit) effective May 3, 2004, and the first payroll period beginning on or after May 1, 2005, and increase the salary of each employee and the minimum and the maximum of the salary ranges by 3.5% the first payroll period beginning on or after May 1, 2006. In previous years, the City has provided COLA increases for non-union employees consistent with those negotiated for the classified employees covered by bargaining agreements. The anticipated cost of the COLA for the three-year period is $245,001.

CONCLUSION

The Administration recommends that the City Commission approve the Ordinance on first reading and set a second reading, public hearing for May 5, 2004. By amending the Classified Salary Ordinance for Group VI, "Others", classified employees not covered by a bargaining unit, the City will ensure that there is a classification and compensation system which is fair and externally competitive.

JMG:MDB:GPL:PKR
MDB

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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, FOR CLASSIFICATIONS IN GROUP VI, BEING ALL OTHER CLASSIFICATIONS IN THE CLASSIFIED SERVICE NOT COVERED BY A BARGAINING UNIT; PROVIDING FOR A 3% INCREASE FOR ALL EMPLOYEES IN GROUP VI, "OTHERS", AND A 3% INCREASE TO THE MINIMUM AND THE MAXIMUM OF THE SALARY RANGES EFFECTIVE MAY 3, 2004, AND EFFECTIVE THE FIRST PAYROLL PERIOD BEGINNING ON OR AFTER MAY 1, 2005; A 3.5% INCREASE FOR ALL EMPLOYEES IN GROUP VI, "OTHERS", AND A 3.5% INCREASE TO THE MINIMUM AND THE MAXIMUM OF THE SALARY RANGES EFFECTIVE THE FIRST PAYROLL PERIOD BEGINNING ON OR AFTER MAY 1, 2006; AND PROVIDING FOR A REPEALER, SEVERABILITY, EFFECTIVE DATE, AND CODIFICATION.

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

SECTION 1: That the following lines of the Classified Salary Ordinance No. 789 as heretofore amended shall be amended effective May 3, 2004, to read as follows:

PAY GRADES AND SALARIES

A. Salary Grades and Ranges

Grade	Minimum		Maximum	
14	~~$47,079~~	$48,491	~~$76,036~~	$78,317
13	~~$43,327~~	$44,626	~~$69,976~~	$72,076
12	~~$39,873~~	$41,069	~~$64,397~~	$66,329
11	~~$36,694~~	$37,795	~~$59,264~~	$61,042
10	~~$33,769~~	$34,783	~~$54,540~~	$56,176
9	~~$31,078~~	$32,010	~~$50,195~~	$51,700
8	~~$28,601~~	$29,459	~~$46,193~~	$47,579
7	~~$26,321~~	$27,110	~~$42,511~~	$43,786
6	~~$24,223~~	$24,950	~~$39,123~~	$40,296
5	~~$22,293~~	$22,961	~~$36,003~~	$37,083
4	~~$20,516~~	$21,131	~~$33,135~~	$34,129
3	~~$18,880~~	$19,446	~~$30,494~~	$31,409
2	~~$17,376~~	$17,897	~~$28,063~~	$28,905

shall be amended the first payroll period beginning on or after May 1, 2005, to read as follows:

14	~~$48,491~~	$49,946	~~$78,317~~	$80,667
13	~~$44,626~~	$45,965	~~$72,076~~	$74,238
12	~~$41,069~~	$42,301	~~$66,329~~	$68,319
11	~~$37,795~~	$38,929	~~$61,042~~	$62,874
10	~~$34,783~~	$35,826	~~$56,176~~	$57,861
9	~~$32,010~~	$32,971	~~$51,700~~	$53,251
8	~~$29,459~~	$30,343	~~$47,579~~	$49,007
7	~~$27,110~~	$27,924	~~$43,786~~	$45,100
6	~~$24,950~~	$25,699	~~$40,296~~	$41,505
5	~~$22,961~~	$23,650	~~$37,083~~	$38,196
4	~~$21,131~~	$21,765	~~$34,129~~	$35,153
3	~~$19,446~~	$20,030	~~$31,409~~	$32,351
2	~~$17,897~~	$18,434	~~$28,905~~	$29,772

shall be amended the first payroll period beginning on or after May 1, 2006, to read as follows:

14	~~$49,946~~	$51,694	~~$80,667~~	$83,490
13	~~$45,965~~	$47,574	~~$74,238~~	$76,836
12	~~$42,301~~	$43,781	~~$68,319~~	$70,710
11	~~$38,929~~	$40,291	~~$62,874~~	$65,074
10	~~$35,826~~	$37,080	~~$57,861~~	$59,887
9	~~$32,971~~	$34,125	~~$53,251~~	$55,115
8	~~$30,343~~	$31,405	~~$49,007~~	$50,722
7	~~$27,924~~	$28,901	~~$45,100~~	$46,678
6	~~$25,699~~	$26,598	~~$41,505~~	$42,958
5	~~$23,650~~	$24,478	~~$38,196~~	$39,533
4	~~$21,765~~	$22,527	~~$35,153~~	$36,383
3	~~$20,030~~	$20,731	~~$32,351~~	$33,483
2	~~$18,434~~	$19,079	~~$29,772~~	$30,814

SECTION 2: REPEALER.

That 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: EFFECTIVE DATES.

This Ordinance Amendment shall become effective May 3, 2004, and the first payroll periods beginning on or after May 1, 2005, and May 1, 2006, respectively.

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.

PASSED and ADOPTED this _____ day of _____ , 2004

_____
MAYOR

ATTEST:

_____
CITY CLERK

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

City Attorney 4-8-04 Date

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R6
Commission Committee Reports

R6 - Commission Committee Reports

R6A Verbal Report Of The Finance And Citywide Projects Committee Meeting Of April 6, 2004: **1)** Discussion Regarding An Ordinance Amending Chapter 142 "Land Development Regulations" Of The City Code, Division 7, "CCC, Civic And Convention Center District," In Order To Allow Waivers Of Development Regulations By A Five-Sevenths Vote Of The City Commission For Developments Pertaining To Government-Owned Or Leased Buildings, Uses And Sites Which Are Wholly Used By, Open And Accessible To The General Public, Or Used By Not-For-Profit, Educational, Or Cultural Organizations, Or For Convention Center Hotels, Or Convention Center Hotel Accessory Garages, Or City Utilized Parking Lots; **2)** Review And Discussion Of The Proposed Purchase Of The Property Located At 1833 Bay Road, Miami Beach, Florida; **3)** Discussion Regarding The Renewal Option Provisions Set Forth In Section 2 Of The Management Agreement Between The City Of Miami Beach And The Miami Beach Garden Conservancy, Inc., Which Provide For An Extension Period Of Two (2) Years, Unless The City Manager Provides Notice 60 Days Prior To Expiration, For The Management And Operation Of The Miami Beach Botanical Garden, Pursuant To The Renewal Option Provisions Set Forth In Section 2 Of The Management Agreement; **4)** Discussion Regarding The Development And Implementation Of A Citywide Corporate Marketing And Sponsorship Program; **5)** Discussion Regarding An Amendment To Section 2-369 Of The City Code Relative To The Utilization Of Contracts Awarded By The U.S. Communities Government Purchasing Alliance; And **6)** Review Of Current Policies Regarding Homeless, Vagrants And Prostitutes.

AGENDA ITEM R6A
DATE 4-14-04

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R7
Resolutions

CITY OF MIAMI BEACH
COMMISSION ITEM SUMMARY

Condensed Title:

A Resolution Waiving By 5/7ths Vote, The Prohibition Of Tran Construction, Inc. From Continuing To Serve As A Vendor Regarding The Following Existing Contracts: 1) The Miami Beach Golf Club Clubhouse, Restroom Pavilions And Maintenance Yard Building; 2) The Design, Permitting And Construction Of Four New Restroom/Concession Facilities Within The Beachfront Parks Located At 21st, 46th, 53rd, And 64th Streets; And 3) The Job Order Contracting (JOC) Contract Relative To The Following Miami Beach Convention Center Projects: A) Chiller Replacement; B) Replacement Of Air Handlers; And C) Refurbishment Of 12 Air Handling Units.

Issue:

Shall the City Commission Waive the Prohibition of Tran Construction from Serving as a Vendor?

Item Summary/Recommendation:

On March 17, 2004, the Mayor and City Commission adopted a resolution that set a public hearing for April 14, 2004, relative to waiving by 5/7ths vote, the prohibition of Tran Construction, Inc. from continuing to serve as a vendor with the City pursuant to Section 2-487(B)(4) of the Miami Beach City Code (the "City Code").

The Administration is recommending that the City Commission waive by 5/7ths vote, the prohibition of Tran Construction, Inc. from continuing to serve as a vendor with the City pursuant to Miami Beach City Code Section 2-487 (B)(4), based on the following economic impact to the City:

As it relates to the Miami Beach Golf Course Clubhouse, Restroom Pavilions and Maintenance Yard Building, the CIP office estimates that the costs associated with disqualifying Tran construction on this project may potentially cost the City at least $1.31 million plus operational costs of $244,114.

As it relates to the Design, Permitting and Construction of Four New Restroom/Concession Facilities within the Beachfront Parks located at 21st, 46th, 53rd, and 64th Streets, funds appropriated from the proceeds from the Safe Neighborhood Parks (SNP) Bond Program in the amount of $750,000 **may be lost if the project is not commenced by November 30, 2004.**

As it relates to the Job Order Contracting JOC) contracts relative to the Miami Beach Convention Center (MBCC) Projects, it is the Administration's strong belief that the MBCC and the City of Miami Beach will be greatly hindered with any action or interruptions to the progress of these contracts, which Tran has diligently worked on to conclude in the next 30 days

THE ADMINISTRATION RECOMMENDS APPROVING THE RESOLUTION.

Advisory Board Recommendation:

Financial Information:

Source of Funds:

Finance Dept.

	Amount	Account	Approved
1			
2			
3			
4			
Total			

City Clerk's Office Legislative Tracking:

Gus Lopez, ext. 6641

Sign-Offs:

Department Director	Assistant City Manager/CFO	City Manager
TM	RCM PDW	JMG

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Agenda Item R7A

Date 4-14-04

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: April 14, 2004

From: Jorge M. Gonzalez
City Manager

PUBLIC HEARING

Subject: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, WAIVING BY 5/7THS VOTE, THE PROHIBITION OF TRAN CONSTRUCTION, INC. FROM CONTINUING TO SERVE AS A VENDOR WITH THE CITY PURSUANT TO MIAMI BEACH CITY CODE SECTION 2-487 (B)(4), FINDING SUCH WAIVER TO BE IN THE BEST ECONOMIC INTEREST OF THE CITY, REGARDING THE FOLLOWING EXISTING CONTRACTS: 1) THE MIAMI BEACH GOLF COURSE CLUBHOUSE, RESTROOM PAVILIONS AND MAINTENANCE YARD BUILDING; 2) THE DESIGN, PERMITTING AND CONSTRUCTION OF FOUR NEW RESTROOM/CONCESSION FACILITIES WITHIN THE BEACHFRONT PARKS LOCATED AT 21ST, 46TH, 53RD, AND 64TH STREETS; AND 3) THE JOB ORDER CONTRACTING (JOC) CONTRACT RELATIVE TO THE FOLLOWING MIAMI BEACH CONVENTION CENTER PROJECTS: A) CHILLER REPLACEMENT; B) REPLACEMENT OF AIR HANDLERS; AND C) REFURBISHMENT OF 12 AIR HANDLING UNITS.**

ADMINISTRATION RECOMMENDATION

Adopt the Resolution.

ANALYSIS

On March 17, 2004, the Mayor and City Commission adopted a resolution that set a public hearing for April 14, 2004, relative to waiving by 5/7ths vote, the prohibition of Tran Construction, Inc. from continuing to serve as a vendor with the City pursuant to Section 2-487(B)(4) of the Miami Beach City Code (the "City Code").

Section 2-487(B)(4) of the City Code provides a waiver of the prohibition of an individual or entity from serving as a vendor, should the following condition exist: "A *contract for the provision of goods, equipment or services exists which, if terminated by the City, would be adverse to the best economic interests of the City.*"

The reason for the waiver request is that Section 2-487(A)(3) of the City Code states that "a *person or entity who directly or indirectly makes a contribution to a candidate who is elected to the office of mayor or commissioner shall be disqualified for a period of 12 months following the swearing in of the subject elected official from serving as a vendor with the city.*"

The Administration is recommending that the City Commission waive by 5/7ths vote, the prohibition of Tran Construction, Inc. from continuing to serve as a vendor with the City pursuant to Miami Beach City Code Section 2-487 (B)(4), based on the following economic impact to the City:

1) THE MIAMI BEACH GOLF COURSE CLUBHOUSE, RESTROOM PAVILIONS AND MAINTENANCE YARD BUILDING (the "Clubhouse"):

a. Resolution No. 2002-24979 was passed and adopted by the City Commission on September 2002. Said Resolution approved the award of contract to Tran Construction, Inc., in the amount of $2,669,000, pursuant to Bid No. 54-01/02, for the Miami Beach Club (formerly Bayshore Golf Course) Clubhouse, Restroom Shelters and Maintenance Yard Building.

b. The lowest bid ($2,387,230) for the Clubhouse project was submitted by Lear Associates, Inc. ("Lear"). However, Lear was deemed non-responsive for failure to meet the minimum experience requirements of three (3) commercial projects of at least 15,000 square feet and $1.5 million construction value. Tran Construction was the second low bidder and demonstrated to the satisfaction of the City and URS, the City's Program Manager, that they met the minimum experience requirements and were deemed as the best bidder pursuant to Section 2-369 of the City Code.

c. A Candidate's Campaign Treasurer's Report lists a check for a campaign contribution to the candidate's campaign for City Commission from Tran Construction being deposited on October 28, 2003. The candidate has been elected to the office of Commissioner.

d. As of March 10, 2004, the Capital Improvements Projects (CIP) Office estimates that the Clubhouse is approximately 70% complete.

e. The CIP Office estimates that the costs associated with **disqualifying Tran Construction on this project may potentially cost the City $1.31 million.** This estimate is calculated from the following likely possibilities:

- $500.000 - Anticipated Profits Claim on remaining $1.6 Million of Work
- $300,000 - Wrongful Termination Claim
- $400,000 - 25% Premium to Replacement Contractor on remaining $1.6 Million of Work
- $60,000 - Additional Services To REG Architects to produce a Conformed set
- $50,000 - Additional Services to URS for Extended Program Management

Additionally, based on recent experience, a work stoppage on the project would be anticipated to last a minimum of four (4) to six (6) months. As Substantial Completion on the project is currently scheduled for June 2004, a disqualification of the current Contractor would delay Substantial Completion of the project until somewhere between October 2004 to January 2005.

f. The Parks and Recreation Department estimates the following economic impact on the City should the City Commission not waive the prohibition of Tran Construction from serving as a vendor:

(1) The following is a summary of the tournaments booked at the Miami Beach Golf Club with the understanding that the Clubhouse will be completed and ready for their use. Not having the Clubhouse may jeopardize our chances to host these events and seriously damage our credibility.

September 3, 04 - 144 players – National Lymphoma Foundation	$7,560.00
September 5, 04 - 50 players – Coldwell Bankers	3,750.00
September 10, 04 - 144 players – Multiple Sclerosis	7,560.00
September 17, 04 - 144 players – Cancer Society	7,560.00
September 26, 04 - 90 players – Tony Roma's	6,750.00
Revenue Total for September	$33,180.00
October 3, 04 - 100 players – American Teleservices Assn.	$7,500.00
October 8, 04 - 100 players – Playboy Scramble	7,500.00
October 27, 04 - 60 players – Accentuce	4,500.00
October 30, 04 - 128 players – 1st Home Mortgage	9,600.00

Revenue Total for October	$29,100.00
November 4, 04 - 90 players – Merit McConnell	$8,100.00
November 6, 04 - 144 players – Habitat for Humanity	9,072.00
Revenue Total for November	$17,172.00
December 3, 04 - 144 players – American Cancer Society	$ 9, 072.00
January 10, 05 - 120 players – Commercial Real Estate	$18,000.00
January 15, 05 - 144 players – MAFSI	$ 21,600.00
Revenue Total for January 2005	$39,600.00
March 11, 05 - 80 players – ITA Group	$14,000.00
April 15, 05 - 50 players – Acordia Golf Outing	$ 8,750.00
May 6, 05 - 100 players – Washington Guardsmen	$ 8,500.00
GRAND TOTAL	**$159,374.00**

(2) Presently, with the City not having the use of the Clubhouse, the Parks and Recreation Department advises clients that if a covered and/or air conditioned area is required for the event that the client needs to rent and pay for the use of a tent and related furnishings and equipment. For illustration, an average sized tent w/ AC costs approximately $6,500 to rent for the standard tournament. The City did not advise the groups who booked the events below of this condition due to the expectation that the Clubhouse would be completed.

(3) It is also important to note that as Parks and Recreation prepares for their budget for FY 05, they are considering recommending a rate increase based on the Clubhouse being fully operational. Parks estimates that these rate increases will represent additional average revenue of approximately $ 15,000 per month. The Administration would not recommend a rate increase if the Clubhouse is not completed.

(4) Also because the clubhouse, golf course equipment maintenance facility and on course restrooms are not completed the City is paying for the following costs:

$ 1,965.00 -- Modular Building per Month / $23,580/yr.

$ 4,300.00 -- Tropical Tent (Cart Barn) per Month/ $51,600.00/yr.

$ 200.00 -- Able Sanitation Temporary Rest Rooms (x2) Month / $2,400.00/yr.

$ 55.00 -- Metal Container - Storage (x1) Month / $660.00/yr.

Combined Monthly Expense	Annual Expense
$6,520.00	**$78,240.00**

g. A basis for a waiver is found in Section 2-487(B)(4), which states that a contract for the provision of goods, equipment or services exists which, if terminated by the City, would be adverse to the best economic interests of the City.

2. THE DESIGN, PERMITTING AND CONSTRUCTION OF FOUR NEW RESTROOM/CONCESSION FACILITIES WITHIN THE BEACHFRONT PARKS LOCATED AT 21ST, 46TH, 53RD, AND 64TH STREETS ("Beachfront Restroom Project").

a. Resolution No. 2003-25196 was passed and adopted by the City Commission on April 30, 2003. Said Resolution approved the award of a contract to Tran Construction, Inc., in the amount of $648,000, pursuant to Bid No. 03/02/03, for the Design, Permitting and Construction of Four New Restroom/Concession Facilities within the Beachfront Parks located at 21st, 46th, 53rd and 64th Streets, and authorized the reallocation of $175,000 from the General Obligation Bond Series 2000 Funds, for use in the construction of the 46th and 53rd Street Facilities.

b. Tran Construction's bid in the amount of $648,000 was the lowest and best bid. The second lowest bid ($868,990) submitted by Design/Build InterAmerican Construction, was $220,990 higher than Tran's bid.

c. A Candidate's Campaign Treasurer's Report lists a check for a campaign contribution to the candidate's campaign for City Commission from Tran Construction being deposited on October 28, 2003. The candidate has been elected to the office of Commissioner.

d. As of March 17, 2004, TRAN Construction has not commenced work on this project. However, the City Commission appropriated $750,000 of the proceeds from the Safe Neighborhood Parks (SNP) Bond Program for the replacement of the restroom/concession facilities. **These funds may be lost if the project is not commenced by November 30, 2004. Extensions available for use of these funds have already been obtained. There are no additional extensions.**

e. The project was released as a Design/Build and a probable three (3) to six (6) months of engineering and permitting is required prior to any construction commencement. As time is presently such a critical component, any replacement of the current Design/Build Team would result in significant additional difficulties in meeting the Safe Neighborhood Parks Bond funding timelines for the project. If the City loses the current SNPB funding, another source would need to be identified to replace it.

3. THE JOB ORDER CONTRACTING (JOC) CONTRACT RELATIVE TO THE FOLLOWING MIAMI BEACH CONVENTION CENTER PROJECTS: A) CHILLER REPLACEMENT; B) REPLACEMENT OF AIR HANDLERS; AND C) REFURBISHMENT OF 12 AIR HANDLING UNITS.

a. Resolution No. 2003-25157 was passed and adopted by the City Commission on March 19, 2003. Said Resolution awarded a contract to Tran Construction as well as five (5) other contractors to provide construction work on a job order contract basis.

b. Tran Construction was one of six General Contractors that were awarded contracts based on the lowest and best adjustment factors (i.e., percentage of overhead and profit added to firm fixed prices contained in the construction task catalog).

c. A Candidate's Campaign Treasurer's Report lists a check for a campaign contribution to the candidates campaign from Tran Construction being deposited on October 28, 2003.

d. SMG estimates the following economic impact to the City should the City Commission not waive the prohibition of Tran Construction from serving as a vendor on the aforementioned three (3) projects:

TITLE	STATUS NOW	STATUS IN 30 DAYS
6 Air Handling Units Replacement At D Hall	40%	90%
12 Air Handling Units Refurbish At D Hall	30%	90%
7 Air Handling Units Replace at C & D Ballrooms	80%	100%
Replace Chillers	90%	100%

Based on the information and progress of each job listed on the previous page, a termination to Tran's contract would create more problems and prevent the Convention Center from achieving the intended end results of these projects which have been closely coordinated by all parties around the very busy Convention Center season (i.e, Boat show, Art shows, multiple conventions, etc.).

Right now, there exists HVAC conditions which, unless these projects conclude within the next 30 days, the Convention Center will be crippled with systems which have been out of commission prior to Tran's start of the work and subsequent to them commencing their work. If there were an interruption to the progress of work, the City would be faced with additional costs to have temporary HVAC systems brought in to service the systems, which will be down due to Tran's work. Without clearly having a definitive timeframe of when the interruption will be resolved between the City and Tran Construction, the Convention Center could be faced with months and months of additional costs for any temporary systems and or lack of use of the systems in place.

If Tran Construction is disqualified from serving as a vendor, Convention Center staff is looking at an extensive cost factor to continue the projects that have been awarded and in progress that would include the following:

- Delay in project completion
- Cost in re-bid (approximately 30 Days)
- Cost in re-permitting
- Cost in project Close-out
- Cost to re-open new project
- Subcontractor payments
- Supplier Payment
- Cost in gathering releases of liens on all parties involved
- Cost of City staff
- Availability of fund and the capacity on other JOC contractors
- Cost of De-mobilization and Mobilization
- Attorney fees

If after the issues are resolved and Tran is successful with their legal pursuit, the MBCC and the City of Miami Beach will be faced with additional re-mobilization fees, permit extension fees, permit renewal fees, storage fees, equipment rental fees, increased overhead fees, delay claim fees, etc.

It is the Administration's strong belief that the MBCC and the City of Miami Beach will be greatly hindered with any action or interruptions to the progress of these contracts, which Tran has diligently worked on to conclude in the next 30 days.

CONCLUSION

The Administration recommends that the City Commission waive by 5/7ths vote, the prohibition of Tran Construction, Inc. from continuing to serve as a vendor with the City pursuant to Miami Beach City Code Section 2-487 (B)(4), finding such waiver to be in the best economic interest of the City, regarding the following existing contracts:

1) The Miami Beach Golf Course Clubhouse, Restroom Pavilions And Maintenance Yard Building;

2) The Design, Permitting And Construction Of Four New Restroom/Concession Facilities Within The Beachfront Parks Located At 21st, 46th, 53rd, And 64th Streets; and

3) The Job Order Contracting (JOC) Contract Relative To The Following Miami Beach Convention Center Projects: A) Chiller Replacement; B) Replacement Of Air Handlers; And C) Refurbishment Of 12 Air Handling Units.

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CITY OF MIAMI BEACH
NOTICE OF PUBLIC HEARINGS

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, April 14, 2004,** to consider the following:

at 10:15 a.m.:
An Ordinance Amending Chapter 142 "Land Development Regulations" Of The City Code, Division 7, "CCC, Civic And Convention Center District," In Order To Allow Waivers Of Development Regulations By A Five-Sevenths Vote Of The City Commission For Developments Pertaining To Government-Owned Or Leased Buildings, Uses And Sites Which Are Wholly Used By, Open And Accessible To The General Public, Or Used By Not-For-Profit, Educational, Or Cultural Organizations, Or For Convention Center Hotels, Or Convention Center Hotel Accessory Garages, Or City Utilized Parking Lots, Provided They Are Continually Used For Such Purposes; And To Amend The Public Notice Requirements For Such Waivers, Providing For Codification, Repealer, Severability And Effective

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

at 10:30 a.m.:
An Ordinance Amending The Land Development Regulations Of The Code Of The City Of Miami Beach, By Amending Chapter 138, Entitled "Signs," By Amending Article VI, Entitled "Specific Use Signs," By Creating Section 138-205 To Establish Regulations And Criteria For Signs For Vertical Retail Centers; Providing For Inclusion In The City Code; Providing For Repealer, Severability And An Effective Date

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

at 10:45 a.m.:
A Public Hearing To Consider Waiving By 5/7ths Vote, The Prohibition Of Tran Construction, Inc. From Continuing To Serve As A Vendor With The City Pursuant To Miami Beach City Code Section 2-487 (B)(4), Finding Such Waiver To Be In The Best Economic Interest Of The City; Regarding The Following Existing Contracts: 1) The Miami Beach Golf Course Clubhouse, Restroom Pavilions And Maintenance Yard Building; 2) The Design, Permitting And Construction Of Four New Restroom/Concession Facilities Within The Beachfront Parks Located At 21st, 46th, 53rd, And 64th Streets; And 3) The Job Order Contracting (JOC) Contract Relative To The Following Miami Beach Convention Center Projects: A) Chiller Replacement; B) Replacement Of Air Handlers; And C) Refurbishment Of 12 Air Handling Units

Inquiries may be directed to the City Clerk's Office at (305) 673-7411.

at 11:15 a.m.:
A Public Hearing To Consider An Amendment To The Code Of The City Of Miami Beach, By Amending The Land Development Regulations Of The City Code, Chapter 142, "Zoning Districts And Regulations" Division 13, "MXE, Mixed Use Entertainment District," Section 142-542, "Conditional Uses," To Include Public And Private Cultural Institutions Open To The Public, And Banquet Facilities As Conditional Uses In This Zoning District.

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

at 11:30 a.m.:
A Public Hearing To Consider An Amendment To The Code Of The City Of Miami Beach, By Amending Chapter 142, "Zoning Districts And Regulations," Article II, "District Regulations", Division 5, CD-2 Commercial, Medium Intensity District, Section 142-302, "Main Permitted Uses"Division 11, I-1 Light Industrial District, Section 142-485, "Prohibited Uses" And Division 18, "PS Performance Standard District," Section 142-693 "Permitted Uses", By Eliminating Dance Halls And Entertainment Establishments (Also Operating As Alcoholic Beverage Establishments And Restaurants With Full Kitchens And Serving Full Meals) As Permitted Uses In Certain Areas Of The CD-2 Commercial, Medium Intensity District, The I-1 Light Industrial District, And The PS Performance Standard District.

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 this ordinance are available for public inspection during normal business hours in the City Clerk's Office, 1700 Convention Center Drive, 1st Floor, City Hall, 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#254

RESOLUTION TO BE SUBMITTED

CITY OF MIAMI BEACH
COMMISSION ITEM SUMMARY

Condensed Title:

A resolution approving and authorizing the vacation of a portion of West 29th Street street-end, west of Prairie Avenue, to the adjacent property owners at 2900 Prairie Avenue.

Issue:

Shall the north half of West 29th Street street-end, west of Prairie Avenue be vacated/abandoned in favor of the adjacent property owners at 2900 Prairie Avenue?

Item Summary/Recommendation:

The Administration is recommending to open and continue the item to the May 5, 2004 Commission Meeting.

Advisory Board Recommendation:

N/A

Financial Information:

Source of Funds:

Finance Dept.

	Amount	Account	Approved
1			
2			
3			
4			
Total			

City Clerk's Office Legislative Tracking:

Bob Halfhill

Sign-Offs:

Department Director	Assistant City Manager	City Manager

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AGENDA ITEM R7B

DATE 4-14-04

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: April 14, 2004

From: Jorge M. Gonzalez
City Manager

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, APPROVING AND AUTHORIZING THE VACATION OF A PORTION OF WEST 29TH STREET STREET-END, WEST OF PRAIRIE AVENUE, IN FAVOR OF MASSIMO AND JISKA BARRACA, OWNERS OF THE ADJACENT PROPERTY LOCATED AT 2900 PRAIRIE AVENUE; WAIVING BY 5/7THS VOTE, THE COMPETITIVE BIDDING REQUIREMENTS PURSUANT TO ORDINANCE NO. 92-2783, FINDING SUCH WAIVER TO BE IN THE BEST INTEREST OF THE CITY; FURTHER AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE ANY AND ALL DOCUMENTS TO EFFECTUATE THE TRANSACTION, INCLUDING A QUITCLAIM DEED, SUBJECT TO FINAL REVIEW OF SAME BY THE CITY ATTORNEY'S OFFICE.**

ADMINISTRATION RECOMMENDATION

The Administration recommends to open and continue the item to May 5, 2004 Commission Meeting.

JMG/RCM/FHB/RH/AV/VGK

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CITY OF MIAMI BEACH
COMMISSION ITEM SUMMARY

Condensed Title:

A Resolution approving on First Reading/ Public Hearing, in accordance with the requirements of Sections 163.3220 - 163.3243, Florida Statutes, also referred to as the Florida Local Government Development Agreement Act, a proposed Development Agreement between the City of Miami Beach and AR&J SOBE, LLC (a/k/a Potamkin/Berkowitz) for the development of the project, presently referred to as "5th and Alton", containing approximately 179,000 square feet of retail area and a supermarket and an approximate 943 space parking garage facility, including an intermodal/transportation component, an integrated parking garage, vertical transportation, ramps, ventilation, etc., and surrounding streetscape and public infrastructure to serve the project, bounded by Lenox Avenue on east, Alton Road on west, 6th Street on north and 5th Street on the south, in Miami Beach and setting the Second Public Hearing.

Issue:

Shall the Mayor and City Commission approve on First Reading a Development Agreement between City of Miami Beach and AR&J SOBE, LLC (a/k/a Potamkin/Berkowitz)?

Item Summary/Recommendation:

A Resolution to open and continue the approval of the Development Agreement on First Reading to May 5, 2004 whereby the City will participate in a joint development opportunity to construct public parking within a mixed use project at the entryway to the City at 5th Street and Alton Road.

A Second Public Hearing will include the City Commission's consideration of the Declaration of Restrictions and Reciprocal Easement Agreement that will govern the parties and the operation and management of the public garage within the project.

Advisory Board Recommendation:

Finance & Citywide Projects Committee – December 22, 2003 - Referred to full Commission.

Transportation & Parking – February 2, 2004 and March 1, 2004

Financial Information:

Source of Funds:

Finance Dept.

	Amount	Account	Approved
1			
2			
3			
4			
Total			

City Clerk's Office Legislative Tracking:

Christina M. Cuervo

Sign-Offs:

Department Director	Assistant City Manager	City Manager
	cpl	

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AGENDA ITEM R7C

DATE 4-14-04

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: April 14, 2004

From: Jorge M. Gonzalez
City Manager

Subject: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING ON FIRST READING/PUBLIC HEARING, IN ACCORDANCE WITH THE REQUIREMENTS OF SECTIONS 163.3220 - 163.3243, FLORIDA STATUTES, ALSO REFERRED TO AS THE FLORIDA LOCAL GOVERNMENT DEVELOPMENT AGREEMENT ACT, A PROPOSED DEVELOPMENT AGREEMENT BETWEEN THE CITY OF MIAMI BEACH AND AR&J SOBE, LLC (a/k/a POTAMKIN/BERKOWITZ) FOR THE DEVELOPMENT OF THE PROJECT, PRESENTLY REFERRED TO AS "5TH AND ALTON", CONTAINING APPROXIMATELY 179,000 SQUARE FEET OF RETAIL AREA AND A SUPERMARKET AND AN APPROXIMATELY 943 SPACE PARKING GARAGE FACILITY, INCLUDING AN INTERMODAL/ TRANSPORTATION COMPONENT, AN INTEGRATED PARKING GARAGE, VERTICAL TRANSPORTATION, RAMPS, VENTILATION, ETC., AND SURROUNDING STREETSCAPE AND PUBLIC INFRASTRUCTURE TO SERVE THE PROJECT, BOUNDED BY LENOX AVENUE ON THE EAST, ALTON ROAD ON THE WEST, 6th STREET ON THE NORTH AND 5th STREET ON THE SOUTH, IN MIAMI BEACH; FURTHER, SETTING THE SECOND PUBLIC HEARING FOR THE DEVELOPMENT AGREEMENT; FURTHER SETTING A PUBLIC HEARING PURSUANT TO THE CITY'S GUIDELINES FOR VACATION OF PUBLIC RIGHT-OR-WAYS AND CHAPTER 82, ARTICLE II, SECTIONS 82-37 THROUGH 82-38, OF THE CITY CODE , TO HEAR PUBLIC COMMENT CONCERNING A VACATION OF THE ALLEY ADJACENT TO THE PROPERTY GENERALLY LOCATED BETWEEN ALTON ROAD AND LENOX AVENUE, AND CONTAINING APPROXIMATELY 7800 SQUARE FEET OF LAND.**

RECOMMENDATION

Open and continue.

ANALYSIS

On June 7, 2000, the Mayor and City Commission adopted Resolution No. 2000-23963 designating the area bounded by 6th Street to the North, 5th Street to the South, Alton Road to the West and Lenox Avenue to the East, as a Brownfield area to promote the environmental restoration and economic redevelopment of the area.

In July 2002, the Administration began meeting with representatives of the site generally located on 5th Street and Alton Road, owned by the Potamkin family, to review a

preliminary site plan for a five (5) level mixed-use retail complex, including over 900 parking spaces. One of the proposed commercial uses for the project included a supermarket and, to that end, Publix issued a letter of intent to lease a ground floor area in the complex. In accordance with the City Commission's directive and the community's identified needs, the City's interest in the project development was primarily focused on achieving the public benefit of locating a supermarket, exploring transit and excess parking opportunities, and developing a gateway project at one of the City's main arterial entryway.

The proposed site contains approximately three (3) acres, and a vacation of the public alley would be required for the project to proceed. This project has been the subject of much discussion due to (1) its pivotal location at the entrance to Miami Beach from the MacArthur Causeway, (2) due to transportation/concurrency issues that will affect ingress/egress to the site, and (3) massing/height issues related to the project. To that end, the developer has been working with the City's design review and planning staff in redesigning the project to be of the highest quality, commensurate with its prominent location.

On October 25, 2002, the Finance and Citywide Projects Committee discussed this proposal to determine the City's interest in the project. The Committee made a motion to authorize the Administration to move forward and fine tune negotiations with the project developers; exploring the following: the vacation of the public alley, determination of the relative value of said alley, the possibility of participating in the project as a partner in building and/or operating the garage portion of the development, and the availability of grants and other resources for funding construction of any City participation.

Over the past year, the City Administration has worked diligently with the project developers to negotiate terms that would serve in the mutual best interest of the parties. The attached term sheet reflects the terms negotiated by the parties and was presented to the Finance and Citywide Projects Committee on December 22, 2003. The Committee referred the item to the full Commission for action and the Committee's comments from that meeting are incorporated in the attached term sheet in bold and italics.

Concurrent with the negotiations, the Developer has obtained Planning Board recommendation to implement a signage overlay district to permit effective signage for the Supermarket and for the retail tenants within the Project. On March 17, 2004, the City Commission approved the item on First Reading, and will consider the Second Reading on today's date. On April 13, 2004, the project will be presented at a joint HP/DRB meeting.

Additionally, the Developer continues with its outreach initiative, scheduling meetings with various Citywide committees to present the proposed project schematics and to obtain community input. Since January 2004, the Developer has presented its plans before the Finance and Citywide Projects Committee and the Parking and Transportation Committee on two occasions; the Tuesday Morning Breakfast Club, the Flamingo Park Neighborhood Association and other committees.

While support for the Project is generally widespread, at both the Transportation and Parking and Finance and Citywide Projects Committee, the public raised some concerns on the economic viability of the parking operation and ingress/egress challenges to the site.

The parties will continue to seek further community outreach with area businesses/residents.

Concurrent actions required to finalize a Development Agreement include negotiation of a:

- Declaration of Restrictions and Reciprocal Easement Agreement ("DR&REA") that will govern the parties and the operation and management of the transit facility within the project.
- Final operating proforma for the operation and management of the garage within the project.
- Clarification of all Federal Transportation Administration (FTA) funding requirements and restrictions. A meeting was held with FTA on April 5, 2004 in Atlanta, and is further reported on below.

Current Status:

The attached term sheet summarizes the business terms negotiated between the parties and the comments made at the Finance Committee. Specific issues concerning this transaction are elaborated on below, due to the complex nature of the relevant agreements, and to highlight areas of importance to the City Commission.

Federal Transit Administration (FTA)

On April 5, 2004, the Developer and its project team, City staff and I met with the Federal Transit Administration (FTA) in Atlanta to review FTA funding requirements. The FTA expressed favorable comments in its initial review of the project and indicated the City would need to place emphasis on the transit elements of the project, focusing on their location, cost and use, and transit user profiles to determine the project's eligibility for FTA funding. Additionally, the parties will explore to what degree the Federal funding restrictions apply to the privately funded, non-transit portion of the project.

Furthermore, the FTA funding has an extensive community and stakeholder participation process, culminating in the mandatory submittal of an Environmental Assessment (EA) Report identifying potential social, economic or environmental impacts that may arise as a result of the project, and measures to mitigate these potential impacts. It is anticipated that this process will span a 3-4 month period.

FTA eligibility will be determined as a joint development project and must reflect the project as a transit oriented development. As part of the City improvements, in addition to the City's park and ride spaces, certain transit elements will be incorporated, owned and paid for by the City, including items such as transit station pedestrian connections and access links between transit services and the project (i.e. expanded right of way area fronting Alton, 6th Street and 5th Streets), safety and security equipment, vertical access links (i.e. elevators and ramps), transit information center, signage, etc.

Floor Area Ratio (FAR)

As reported on March 17, 2004, a prior review of the Developer's architectural schematics indicated that a portion of the excess public parking might result in the project exceeding the permissible FAR of 2.0. Further plan revisions have resulted in a zoning compliant project and may increase the number of City spaces. A provision in the Development Agreement has been negotiated giving the City a maximum number of spaces to purchase within the project, subject to finalizing the ultimate project uses. In addition, the Developer is further evaluating increasing roof top spaces (i.e. consolidating mechanical equipment) to increase the number of parking spaces without further impacting FAR calculations.

In the March 17, 2004 City Commission memo, the following policy issue was referred to the Land Use and Development Committee meeting for further discussion. As the City continues to evaluate parking opportunities to leverage private sector investment in the City, the City Commission should discuss the policy issue of whether excess public parking should continue to be counted against FAR calculations. As an inducement to promote public parking within private projects, the City Commission may consider amending the LDR's to encourage development of excess public parking without impacting FAR calculations.

Alley Vacation

As part of the Development Agreement, on Second Reading, the City will also agree to vacate the alley (subject to City Commission approval pursuant to the City's vacation procedures and a public hearing to consider same). The vacation of the alley is subject to a reverter in the event the project is not developed as contemplated herein, and will contain additional covenants, including that the Developer must maintain the transit elements and Public Benefits delineated herein

Park and Ride Transit Facility:

The City has negotiated to contribute $14,500/space within the garage (i.e. also refered to as Transit Facility). It is anticipated the Transit Facility will contain approximately 943 spaces of which the City will own 486± spaces to serve the public transit uses and supermarket, and 457± retail spaces to be owned by the Developer. The City's negotiated capital contribution for its spaces is $14,500/space. The Developer has asked that the City share on a proportionate basis with recent increases in steel prices which is adversely impacting projected construction cost estimates. Additionally, the City will fund an additional amount and own the transit elements referenced above.

The Park and Ride Transit Facility will be operated and maintained through the joint efforts of the City and the Developer. The City will provide the operating personnel for the Transit Facility through its contract for attendants and cashiers. The Developer will provide for the acquisition and coordination of all maintenance and other operating services.

It is expected that revenues will be generated through the use of the Transit Facility by the public, both hourly and on a permit basis, as well as from customers of the retail spaces.

Additionally, the Developer will make a contribution to revenue of $290,000 to offset the retail validation program. This amount will escalate at an annual rate of 2% beginning in the fourth year of operation. It is anticipated that additional revenues may be earned through the use of the facility for valet operators in the evening after retail operating hours or parking for special events, which result in excess of 900 new available spaces during peak nighttime hours.

The annual operating expenses of the garage (381,886s.f.) will be shared by the Developer and the City. The portion of expenses for the operation and maintenance of the retail common areas (29,611 s.f.) will be paid solely by the Developer. Net revenues will be shared on a pro-rata basis based on the ownership of spaces. Should the Transit Facility operating expenses exceed the total revenues earned from all parking spaces, including the annual contribution towards revenue from the Developer, the resulting loss will also be shared on a pro-rata basis based on the ownership of spaces.

Art in Public Places

As referenced in the Term Sheet, the City has advised that the proposed project constitutes a public joint development, and that the AIPP 1 ½% will apply to the Project construction cost (per proposed revisions to ordinance). If the AIPP is not waived, it will render this transaction economically infeasible, according to the Developer and thus a request for waiver of the AIPP requirement is being requested simultaneously with the approval of the Development Agreement. The Developer will meet with AIPP committee as part of this process.

In consideration of this waiver, the Developer is committing to install a major piece of art at the entrance of the project (as depicted in the Project Concept Plan) by local artist Romero Britto, which is valued at $500,000. The estimated AIPP contribution would have been approximately $490,000, based on the $32,000,000 project cost. If the project were developed without public participation, no art in public places contribution would be required.

Furthermore, Mr. and Mrs. Alan Potamkin have promised gifts to the Bass Museum with a declared value of $600,000, and Developer has requested these donated works be considered as part of the waiver request.

Other Issues

Due to the complex nature of this transaction and the uncertainty surrounding the FTA restrictions that may apply, the parties are contemplating an initial termination date, in which either party may terminate the Development Agreement. Additionally, an outside Termination Right may be provided, if the project is unfeasible from an operational standpoint.

Planning Board – Conditional Use

The Potamkin site is 50 feet away from the RM-1 Residential District (600 Lenox) and 70 feet from a residential use (1050 6th Street) and therefore Section 130-69.5 of the City Code will apply, requiring Conditional Use approval by the Planning Board to operate past midnight. The City and Developer, will jointly schedule a future item for consideration by the Planning Board to address this issue, as it is contemplated that the Transit Facility will be operational 24/7.

> **Sec. 130-69.5. Additional requirements.**
> In addition to any other requirements regarding parking garages and parking lots contained herein, and except where a parking garage or lot is accessory to a residential use and located on the same lot, all parking garages and lots located within 100 feet of a residential use or district that intend to operate after midnight, shall obtain conditional use approval from the planning board before obtaining a building permit or occupational license.

CONCLUSION

The parties continue to negotiate final terms and incorporate the appropriate FTA requirements. Therefore, the Administration recommends opening and continuing the approval of the Development Agreement on First Reading to May 5, 2004. The Second Public Hearing will include the City Commission's consideration of the DR&REA, the approval of the alley vacation and pertinent review requirements including Section 82-37 through 82-39 of the City Code, and consideration of the waiver of the AIPP requirements.

JMG/CMC/rar
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POTAMKIN - TERM SHEET

April 14, 2004

Incorporates comments based on Finance Committee Meeting of December 22, 2003

Owner(s):	City of Miami Beach ("City") and AR&J SOBE, LLC. (Potamkin/Berkowitz - Entity to be formed)
Developer:	AR&J SOBE, LLC. ("AR&J")
Developer A/E (Designers):	Robin Bosco with Todd Tragash
Developers Corporate Status:	TBD
Project Description:	Subject to the approval of the appropriate Boards after public hearing, Developer shall construct the Project depicted on the Project Concept Plans attached hereto, which Project, shall contain approximately 179,000 square feet of Retail Area and Supermarket and a Transit Facility.
Development Site:	Parcel bounded by Lenox Avenue on East, Alton Road on West, 6th Street on North and Fifth Street on the South, Miami Beach, defined as "Development Site" and collectively includes: "Retail Area", "Supermarket" & "Transit Facility". • "Retail Area" is defined as approximately 134,000 sf of retail/commercial area on the 1st, 3rd and 4th levels within the Project. • "Transit Facility" is the facility containing the Transit Elements (including, but not limited to, the vertical transportation, ramps, ventilation, etc., surrounding streetscape and public infrastructure to serve the facility), approximately 486 parking spaces to serve the Public and Supermarket ("City Park & Ride Spaces) and approximately 457 parking spaces required to serve the Retail Area ("Retail Spaces") within the Project. City Park & Ride Spaces consisting of "Public Spaces" which are excess above required parking, and "Supermarket Spaces" which are spaces required the supermarket to serve. The Transit Facility consists of City Park & Ride Spaces, Retail Spaces and Transit Elements. • "Supermarket" is approximately 45,000 sf area on the ground level which will be opened as a supermarket, pursuant to a long term lease.
City Improvements:	AR&J will convey a condominium or air rights interest so that title to the Transit Elements and an undivided

486 parking spaces (the City Park & Ride Spaces), which spaces will be constructed in accordance with all Code requirements, (e.g. roadways), together with any public improvements, which will be owned by the City of Miami Beach.

AR&J Improvements:

AR&J will own the Retail Area, Supermarket and Retail Spaces, as well as the underlying land and all common areas (reciprocal access easements).
[Finance Committee asked if restrictions can be placed on retail tenants and/or quality of tenant mix. Use restrictions in Public Privates to be incorporated into Agreement]

Alley

In accordance with its procedures governing same, City will vacate and convey fee simple title, free of any encumbrances or rights to possession by any party, to AR&J to the alley containing approximately 7,800 sf within the Development Site to the Project to enable development of the Project within a contiguous parcel and as consideration for the public benefits described herein.

The deed shall contain a right of reverter, providing that the Alley shall be reconveyed to the City, if for any reason, AR&J does not commence construction by August 31, 2004, the Project is not developed, or it is not completed by June 20, 2007.

Neighboring Property:

15,000 sf vacant lot on Alton Road between 6th Street and 7th Street, at 633 Alton Road. City will have a purchase option for this parcel at $1,000,000, or $66.67/sf., which option shall be exercised, if at all, and the transaction closed within three years from the Date of Commission approval of the Development Agreement. Thereafter, the City shall have the option to purchase at the then market value and/or a right of first refusal to acquire the Neighboring Property. City's intent is to exercise option if transportation planning analysis warrants acquisition.

Pending development of the Neighboring Property by the City following its acquisition, if at all, the Parties may use said Property for overflow parking. Prior to the City's acquisition, the Neighboring Property may be utilized for construction staging.

Legal Descriptions:	Actual legal facility description(s) for Retail Area, Transit Facility (i.e. Public Spaces, Supermarket Spaces, Retail Spaces and transit elements), and Supermarket, collectively the "Project", to be finalized upon completion of the improvements – "as builts".

Project Cost/Responsibilities:

AR&J Project Cost:	Retail Area, Supermarket and Retail Spaces. AR&J shall be contributing land and constructing improvements within the Project having a value of not less than $32,000,000.
City Project Cost:	City Park & Ride Spaces and Transit Elements. City will fund $14,500/per parking space inclusive of soft costs (including but not limited to any Prevailing Wage Requirements and all site development costs, permit and concurrency fees, if applicable), or $7,047,000 (plus costs of the Transit Elements), as a maximum contribution from City for the City improvements. AR&J will design and construct the entire Transit Facility. CMB shall own/operate the City improvements, which shall be operated as a public municipal park & ride transit facility together with the 457 Retail Spaces.
City Funding Sources:	AR&J will comply with all requirements of funding sources provided by City for construction of the City Improvements, (i.e. 486 Public and Supermarket Spaces and the Transit Components). AR&J shall, if such requirements prove too onerous at AR&J's sole discretion, have the right to terminate the Agreement within 18 months of the effective date. ***[Finance Committee felt all Issues must be resolved at onset. However, as cited in the memo, given the complex nature of the transaction and the unknown FTA requirements, an 18 month initial termination date is being contemplated.]*** However, in consideration of the Public Benefits, including initial development of the Supermarket, the City shall convey the Alley to AR&J subject to reverter and conditions for vacation.

Cost to City Capped:

Developer is responsible for cost overruns. The City of Miami Beach will be responsible for the capital cost of the park and ride spaces at a cost not to exceed $14,500/space, for an estimated total of $7,047,000 (plus the actual costs of any Transit Elements). The Developer has asked that the City share on a proportionate basis with recent increases in steel prices which is adversely impacting projected construction cost estimates. 100% of the risk of cost overruns for construction and development of the Transit Facility, including the related vertical transportation, vehicular ramps, pedestrian connections, access links and transit elements, etc. shall be that of AR&J. The cost to the City is fixed and capped.

Park and Ride Transit Center:

City to Manage and Operate Garage:

The City of Miami Beach shall be responsible for managing and operating the garage (a/k/a "Transit Facility") at City parking garage rates in accordance with a set of guidelines and standards to be mutually agreed upon in writing by the parties, but of a quality and consistency no less than that which is utilized by the City of Miami Beach in operating and managing other garages owned or operated by it. AR&J shall be responsible for providing security for the Project, including the Transit Facility, janitorial, repair and maintenance services, all in accordance with a budget to be mutually agreed upon. AR&J acknowledges that the City is self-insured. Notwithstanding that fact, the City shall contribute its pro rata share of the cost of Liability Insurance (minimum of $5,000,000) and Defense coverage to cover AR&J in connection with any claims, including attorneys fees, arising out of operation of the Parking and Transit Center.

Annual AR&J Contribution:

AR&J or its Tenants will contribute a minimum of $290,000 annually toward the Transit Facility's operating budget in consideration for Retail Area daily use upon a validated basis, subject to annual escalations commencing in the 4th year of operation.

Patron Parking:

In consideration of the annual contribution by AR&J, an agreed upon quantity of parking will be assured for the employees and customers of Project's tenants, including the Supermarket, and they shall be

permitted to park within the Transit Facility without incurring an additional fee on a permit or validated basis during store operating hours.

Garage Operating Budget: In determining "Net Revenues", both parties shall agree on a reasonable operating budget for operating the Transit Facility, which may include a reasonable management fee for operating the garage. The annual operating expenses of the garage (381,886s.f.) will be shared by the Developer and the City. The portion of expenses for the operation and maintenance of the retail common areas (29,611 s.f.) will be paid solely by the Developer.

Owner(s) Fund Any Deficit: The City and AR&J, on a proportionate basis, shall guaranty against any operating loss and shall fund any operating (including repair/replacement costs) deficiencies for the Transit Facility on an annual basis.

Division of profits: The City and AR&J shall share on a proportionate ownership basis in any net profit realized from the operation of the Transit Facility.

Parking Requirements: The Supermarket parking requirements will be satisfied within the Supermarket Spaces, herein defined, and City will provide the necessary mechanism to comply with any regulatory parking requirement for the Supermarket.

Project Construction:

Initial Termination: For 18 months from effective date or upon a secure construction financing commitment, the Developer and the City may terminate said Agreement for any reason.

Development Agreement Term: Not to exceed 10 years from effective date, and may be mutually extended by parties. (Section ___ of Dev. Agrmt.)

Declaration of Restrictions and Reciprocal Easement Agreement:
The DR&REA will survive the Development Agreement and govern the parties' joint ownership and management of the project.

Concurrency/Traffic Analysis:	AR&J will be obligated to perform a traffic analysis and mitigate and meet all concurrency requirements for the "Retail Area" and for the Supermarket, to the extent they apply. ***[Finance Committee stated Traffic Analysis is required as part of Project]***
Construction Staging:	Construction staging for the Project will be confined to the Development Site or Adjacent Property (which will be made available without charge for that purpose, even if the City has exercised its option and has acquired the Adjacent Property), thereby not impacting adjacent residential areas.
Performance Bond:	Prior to commencement of construction, AR&J shall cause G.C. to furnish City with payment and performance bond (or a dual obligee rider with AR&J's Lender) or Letter of Credit to provide a Completion Guarantee for the Project. (Section __ of Dev. Agrmt.)
Underground Utilities:	Developer will relocate any underground utilities now existing on the Development site, if necessary, included in Developer's project costs. The City shall provide Right of Way or other utility easements to enable Developer to relocate any such underground utilities off site.
Construction/Permitting:	
Effective Date:	Execution Date of Agreement
Initial Termination Date:	18 months from Effective Date
Vacation Date:	Upon Effective Date subject to reverter
Project Concept Plan:	Attached to Dev. Agreement as Exhibit
Preliminary Plans and Specs:	To be submitted within 6 months from Commencement Date for DRB/HP approval. (Section __ of Development Agreement)
Plans and Specs:	To be submitted 9 months from final DRB/HP approval. (Section __ of Development Agreement)
Building Permit:	18 months from DRB/HP approval
Construction Commencement:	60 days from Building Permit.
Possession Date:	Upon TCO
Construction Completion:	No later than 3 years from Effective Date, subject to unavoidable delays. "Completion Deadline" as defined in Development Agreement.
Environmental Matters:	AR&J is responsible for any required environmental remediation within the Development Site.
Art in Public Places (AIPP):	The City has advised that the proposed project constitutes a public joint development, and that the AIPP 1 ½% will apply to the Project construction cost (per proposed revisions to ordinance). Developer has advised the City that it intends to install a major piece

of Art selected by it at the entrance of the Project and that if the AIPP is not waived, it will render this transaction economically infeasible, Developer shall seek a waiver of the AIPP requirement from the City Commission, simultaneously with the approval of the Development Agreement. Per AR&J, if the AIPP is not waived, AR&J may terminate the City's right to purchase the parking spaces and to operate the Garage as a municipal lot.

Public Benefits:

Public Space in Project: AR&J agrees to incorporate a municipal park and ride transit center, with public intermodal/transportation components to the Project to serve the Public (the nature and scope of which shall be mutually agreed upon by the Parties).

Public Benefits: AR&J commits to enter into a long term lease with and to construct an approximately 45,000 sf. Supermarket on site.

City receives Public Benefits, including the following:

a. Opportunity for City to address present and future parking deficiencies at a key "gateway" intersection at a fixed, competitive cost, without having to condemn land at a prohibitive price.
b. Addresses parking deficiencies identified in Alternatives Analysis in Parking Study.
c. Supermarket will be secured as an anchor tenant based on a long term lease agreement (**see "Change in Use" below**).
d. Potential to serve as a collector to alleviate traffic congestion before entering the Historic District.
e. Project design/reduction in density.
f. Redevelopment of environmentally contaminated Brownfield Site.
g. Project preserves the historical character of the building located at the corner of 5th and Lenox. ***[Finance Committee suggested a First Source Hiring Agreement with Miami Beach residents]***
h. Creation of 600+ Jobs for the community.
i. Public use of 100% of the parking spaces (approximately 943 spaces) during high traffic hours.

Other:

Real Estate Taxes:	Each party will be responsible for their respective portion in the event Ad Valorem taxes are assessed.
Change in Use:	If the Supermarket ceases to operate and to serve the public, an acceptable substitute use will be mutually agreed upon by the parties, failing which, at AR&J's option, the Supermarket facility will automatically revert to City, for retail uses only, at the same rental rate and on the same terms and conditions which had been extended to the Supermarket pursuant to its Lease Agreement.
Termination Agreement:	If during the first 15 year period, operationally, the project is not viable pursuant to specific criteria to be established, or AR&J shall have the option to acquire the City Park and ride spaces and Transit elements based on the actual cost of said improvements and a rate of return equivalent to the City's investment rate. The Developer will be permitted to repay said investment proportionately over a three (3) year period, and the termination will be effective upon full repayment any net income derived by the City over the 15 year period may be utilized to offset the rate of return. In the event condemnation, _____
Prohibited Uses:	AR&J shall in no way use the Project for any purpose/use that would impair status/integrity of this and other public funds initially used to construct improvements.
Mutual Cooperation:	Both parties will agree to cooperate fully in maximizing the Benefits to which the project may be entitled pursuant to the "Brownfield Recovery Act", the Enterprise Zone Designation, and/or any other State, Local or Federal program, including but not limited to the waiver of impact fees relating to the Supermarket and to the entire Garage. To the extent that such benefits are available only to a municipality or governmental entity (such as EDA grants or HUD grants for infrastructure or utility relocation), the City agrees to make application and to diligently pursue maximizing the recovery of such available benefits on behalf of AR&J. Any funds, which may be recovered from any Federal, State or County program by the City as for reimbursements or grants shall be remitted to AR&J for use in constructing the Project. In addition, the City agrees to cooperate fully in presenting and, if approved, in implementing a

	signage overlay district to permit effective signage for the Supermarket and for the retail tenants within the Project.
Right of First Offer:	There are no sale right provisions contemplated in the Agreement other than Termination due to operational concerns.
Miscellaneous Issues:	Developer has indicated the need to address Construction Loan lender issues, real estate tax issues, depreciation issues, liability issues and condemnation issues.

Requirements for Vacation of Alleys, Easements and City Rights-of-Way (submitted separately)

Regulatory Procedure for Conveyance of Alley:
The City of Miami Beach shall comply with Ordinance 92-2783 (aka Shapiro Ordinance) adopted by the City Commission on June 17, 1992, and codified in the City Code as Article II, entitled "Sale or Lease of Public Property", more specifically with Sections 82-37 through 82-39, which require the following:

1) Public Hearing.
Section 82-37 of the Miami Beach City Code requires that the City Commission hold a public hearing, advertised not less than 15 days prior to the hearing, in order to obtain citizen input into any proposed sale and/or lease.

2) Planning Department Analysis.
Section 82-38 of the Miami Beach City Code requires that the Planning Department prepare an analysis in order for the City Commission and the public to be fully apprised of all conditions relating to the proposed sale of the property.

3) Advertised Public Bidding Process and Appraisal.
Section 82-39 states that there shall be no sale of City property unless there has been an advertised public bidding process and an independent appraisal of the fair market value of the property.

(Note: In regard to any sale of City property, the conditions of only this section may be waived upon a five-sevenths vote of the city commission upon a finding by the City Commission that the public interest would be served by waiving such conditions of bidding and/or appraisal for the disposition of the property.

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CITY OF MIAMI BEACH
COMMISSION ITEM SUMMARY

Condensed Title:

A Resolution authorizing the execution of a perpetual easement interest with FDOT to allow for the construction of a triple-left-turn northward from 63rd Street onto Indian Creek Drive, as part of an at-grade project which will replace the 63rd Street Flyover.

Issue:

Shall the City grant an easement to FDOT, as requested?

Item Summary/Recommendation:

This is a companion item to a previous Discussion Item on this Commission Agenda.

Resolution No. 2000-23965, dated June 7, 2000, endorsed an FDOT-proposed at-grade project for the 63rd Street/Indian Creek Drive intersection, after two independent traffic analysis of the area (conducted respectively by consultants for the City and the adjacent Neighborhood Associations) agreed with the FDOT conclusions. Subsequently, at City Commission request, a third independent traffic analysis was completed in November 2003, by HNTB, Inc. This analysis, using 2003 traffic data, once again confirmed the results of previous traffic studies.

In order to complete the final design plans for a construction planned to start in October 2005, FDOT requests that the City grant a perpetual easement on two strips of land, for a combined 1578 sq.ft, out of the easternmost portion of Brittany Bay Park. This easement will widen the Indian Creek Drive crossection to allow for the construction of a landscaped median. FDOT can build a triple-left intersection (as part of the at-grade project) without the easement, but then the landscaped median will not be built. FDOT has agreed to restore, at its sole cost and responsibility, any City infrastructure, including utility lines, sidewalk, and landscaping, that may be affected by the granting of this easement. The easement will revert back to the City if the at-grade project is not under construction by 2007. This easement will not adversely impact the park or access to the park. The Administration recommends approval of the Resolution.

Advisory Board Recommendation:

The Transportation & Parking Committee, at their meeting of May 2000, endorsed and recommended the proposed at-grade project.

Financial Information:

Source of Funds:

Finance Dept.

	Amount	Account	Approved
1			
2			
3			
4			
Total	N/A	N/A	

City Clerk's Office Legislative Tracking:

Robert Halfhill

Sign-Offs:

Department Directors	Assistant City Manager	City Manager
FHS		

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AGENDA ITEM R7D

DATE 4-14-04

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: April 14, 2004

From: Jorge M. Gonzalez
City Manager

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 A PERPETUAL EASEMENT INTEREST WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) FOR TWO SEPARATE STRIPS OF LAND ALONG THE EAST SIDE OF BRITTANY BAY PARK, CONTAINING 1578 SQUARE FEET, A LEGAL DESCRIPTION OF WHICH BEING ATTACHED HERETO AND MADE PART OF THIS RESOLUTION. SAID EASEMENT WILL WIDEN THE INDIAN CREEK DRIVE CROSSECTION TO ALLOW FOR THE CONSTRUCTION OF A TRIPLE-LEFT INTERSECTION, AS PART OF FDOT'S AT-GRADE PROJECT AT 63RD STREET AND INDIAN CREEK DRIVE. FDOT AGREES TO RESTORE TO SUBSTANTIALLY THE SAME CONDITION WHICH EXISTED IMMEDIATELY PRIOR TO SUCH WORK, AT ITS SOLE COST AND RESPONSIBILITY, ANY AND ALL AFFECTED CITY INFRASTRUCTURE WITHIN THE EASEMENT AREA, INCLUDING BUT NOT LIMITED TO UTILITY LINES, SIDEWALK AND LANDSCAPING; AND FURTHER THAT THE EASEMENT WILL BECOME NULL AND VOID IF THE PROJECT IS NOT UNDER CONSTRUCTION BEFORE THE YEAR 2007, AND THE RIGHTS CONVEYED BY THE CITY REVERT BACK TO THE CITY.**

ADMINISTRATION RECOMMENDATION

Adopt the Resolution.

ANALYSIS

This is a companion item to a previous Discussion Item on this Commission Agenda, regarding the 63rd Street At-Grade Project.

Resolution No. 2000-23965 dated June 7, 2000 endorsed the Florida Department of Transportation (FDOT)-proposed at-grade solution for the intersection of 63rd Street and Indian Creek Drive, as the best traffic operations solution available for the area. FDOT requests that the City grant a perpetual easement on two (2) strips of land along the east property line of Brittany Bay Park, abutting Indian Creek Drive, containing 1,578 square feet, as fully described in the attached easement document and map. This easement

will widen the Indian Creek Drive crossection to allow for the construction of a landscaped median. FDOT can build a triple left intersection (as part of the FDOT at-grade project) without the easement, but then the landscaped median will not be built.

Three (3) independent evaluations of the FDOT study and findings were conducted respectively by the City (Corradino Group, April 2000), the Neighborhood Associations (Miller Engineering, April 2000); and again by the City (HNTB, Inc., November 2003). These three independent evaluations concluded that the at-grade project is the best traffic operations solution for the intersection.

In order to maintain the project schedule for construction start in October 2005, FDOT urges the City to authorize the easement at this meeting. The proposed easement packet, which is attached hereto, includes the following items:

- A letter-request (cover letter) from the FDOT Office of Right-of-Way Administration;
- Proposed easement Letter
- Proposed easement document/legal description
- Copy of the parcel sketch (map)

The Administration foresees no adverse impacts to Brittany Bay Park, due to the granting of the easement. FDOT has agreed to include the following City-imposed conditions as part of the easement documentation:

1. Upon completion of the work required to be performed, FDOT agrees to restore to substantially the same condition which existed immediately prior to such work, at its sole cost and responsibility, any and all affected city infrastructure within the easement area, including but not limited to utility lines, sidewalk and landscaping; and further that

2. The easement will become null and void if the project is not under construction before the year 2007, and the rights conveyed by the City revert back to the City.

The Administration recommends approval of the Resolution.

JG/RM/FB/JJ/AJ

Attachment: Proposed Easement Packet received from FDOT

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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 A PERPETUAL EASEMENT IN FAVOR OF THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) ON TWO SEPARATE STRIPS OF LAND ALONG THE EAST SIDE OF BRITTANY BAY PARK, CONTAINING A TOTAL 1,578 SQUARE FEET; SAID EASEMENT GRANTED FOR TRANSPORTATION PURPOSES WHICH ARE IN THE PUBLIC OR COMMUNITY INTEREST AND FOR THE PUBLIC WELFARE, FOR THE PURPOSE OF DEMOLITION OF THE 63RD STREET FLYOVER AND FOR WIDENING THE INDIAN CREEK DRIVE CROSS-SECTION SO AS TO ALLOW FOR THE CONSTRUCTION OF A TRIPLE-LEFT INTERSECTION, AS PART OF FDOT'S AT-GRADE PROJECT AT 63RD STREET/INDIAN CREEK DRIVE; PROVIDED FURTHER, THAT FDOT SHALL RESTORE, TO SUBSTANTIALLY THE SAME CONDITION WHICH EXISTED IMMEDIATELY PRIOR TO THE AFORESTATED WORK, AND AT FDOT'S SOLE COST AND RESPONSIBILITY, ANY AND ALL AFFECTED CITY INFRASTRUCTURE WITHIN THE EASEMENT AREAS, INCLUDING BUT NOT LIMITED TO, UTILITY LINES, SIDEWALKS, AND LANDSCAPING; AND PROVIDED FURTHER, THAT THE PERPETUAL EASEMENT GRANTED HEREIN WILL BECOME NULL AND VOID, AND ANY INTEREST GRANTED TO FDOT PURSUANT TO THE SAID EASEMENT SHALL BE EXTINGUISHED, AND THE EASEMENT AREAS WILL AUTOMATICALLY REVERT BACK TO THE CITY, SHOULD FDOT NOT COMMENCE CONSTRUCTION OF THE PROJECT DESCRIBED HEREIN BY JANUARY 1, 2007.

WHEREAS, the Florida Department of Transportation (FDOT) has proposed to replace the existing flyover at 63rd Street and Indian Creek Drive, with an at-grade solution for the intersection (the Project); and

WHEREAS, in 2000, two independent evaluations of the FDOT study were conducted, respectively, by the City and the surrounding neighborhood associations, both confirming the FDOT findings for the Project; and

WHEREAS, on June 7, 2000, the City Commission endorsed the Project as the best solution for the intersection; and

WHEREAS, in November 2003, the City conducted a third independent evaluation of the FDOT proposal, which once again validated the original FDOT findings for the Project; and

WHEREAS, in order to initiate, construct, and complete the Project, FDOT will require that the City grant it a Perpetual Easement, consisting of two separate strips of City-owned land, containing a combined total of 1,578 square feet, and located at the easternmost portion of Brittany Bay Park, along the southbound Indian Creek corridor, for the purpose of demolition of the existing 63rd Street flyover and construction of a

triple left intersection; and

WHEREAS, FDOT has made a written application to the City for said easement; and

WHEREAS, the Administration has reviewed FDOT's request, as well as the attached Perpetual Easement, and would recommend that the Mayor and City Commission approve same in substantial form, subject to any further changes the Administration and City Attorney's Offices may have as to the final document.

NOW, THEREFORE, BE IT 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 a Perpetual Easement in favor of the Florida Department of Transportation (FDOT) on two separate strips of land along the east side of Brittany Bay Park, containing a total 1,578 square feet; said easement granted for transportation purposes which are in the public or community interest and for the public welfare, for the purpose of demolition of the 63rd Street flyover and for widening the Indian Creek Drive cross-section so as to allow for the construction of a triple-left intersection, as part of FDOT's At-Grade Project at 63rd Street at Indian Creek Drive; provided further, that FDOT shall restore, to substantially the same condition which existed immediately prior to the aforestated work, and at FDOT's sole cost and responsibility, any and all affected City infrastructure within the Easement areas, including but not limited to, utility lines, sidewalks, and landscaping; and provided further, that the Perpetual Easement granted herein will become null and void, and any interest granted to FDOT pursuant to the said Easement shall be extinguished, and the Easement areas will automatically revert back to the City, should FDOT not commence construction of the Project described herein by January 1, 2007.

PASSED and **ADOPTED** this _____ day of _____, 2004.

_____
MAYOR

ATTEST:

_____
CITY CLERK

T:\AGENDA\2004\Mar1704\Regular\63rd At-Grade Easement.reso.doc

APPROVED AS TO FORM & LANGUAGE & FOR EXECUTION

City Attorney 3-16-04 Date

Florida Department of Transportation

JEB BUSH
GOVERNOR

OFFICE OF RIGHT OF WAY ADMINISTRATION - DISTRICT SIX
1000 NW 111 AVENUE - ROOM 6116, MIAMI, FLORIDA 33172
PHONE: (305) 470-5150 / SC 429-5150 FAX: (305) 429-2340

JOSE ABREU
SECRETARY

January 1, 2004

City of Miami Beach
1700 Convention Center Drive
Fourth Floor
Miami Beach, Florida 33139

Attention: Amelia Johnson

RE:	Item Segment #	:	2499401
	SR No.	:	SR A1A (Indian Creek Drive)
	From/To	:	59 Street to 62 Abbot Avenue
	County	:	Miami-Dade
	Parcel	:	800

Dear Ms. Johnson:

Per our conversation this morning, I am hereby enclosing all the necessary documentation for the City's Donation of the referenced parcel. There was a minor revision to the parcel as follows:

The area for parcel 800 (two parts) is **1,578 sq. ft.** more or less (area was originally **5,659 S.F.**). The parcel is further described in the parcel sketch and legal descriptions attached hereto.

We were advised FDOT's request will be placed in the November 25, 2003 Commission Meeting.

In the meantime, if you need additional information, my number is (305) 470-5177. Your prompt attention to this matter is greatly appreciated.

Sincerely,

Paulina Villón

Paulina Villón
Real Estate Level III

Encl. (4)
Donation Letter
R/W Parcel Sketch
Perpetual Easement Document
Legal Description

cc: Fred Beckmann, City of Miami Beach
Debora M. Rivera, District R/W Manager
Alejandro G. Casals, DRWA
Richard Lineberger, Acquisition Administrator
Dennis Fernandez, Project Manager
R&FM

Florida Department of Transportation

JEB BUSH
GOVERNOR

JOSE ABREU
SECRETARY

Donation of Property to the Florida Department of Transportation

January 1, 2004

Mr. Fred Beckmann, Director of Public Works
City of Miami Beach
1700 Convention Center Drive
Fourth Floor
Miami Beach, Florida 33139

ITEM/SEGMENT NO.:	2499401
MANAGING DISTRICT:	Six
F.A.P. NO.:	n/a
STATE ROAD NO.:	SR A1A (Indian Creek Drive)
COUNTY:	MIAMI-DADE
PARCEL NO.:	800
INTEREST CONVEYED:	perpetual easement

This is to advise that the undersigned, as owner of the property or property interest referenced above and as shown on Right of Way maps for referenced project, desires to make a voluntary donation of said property or property interest to the State of Florida for the use and benefit of the Florida Department of Transportation.

The undersigned hereby acknowledges that he/she has been fully advised by a Department representative of his/her right to have the referenced property or property interest appraised, to accompany the appraiser during the appraisal inspection of the property, to receive full compensation for the above referenced property, and to receive reimbursement for reasonable fees and costs incurred, if any. Having been fully informed of the above rights, I hereby waive those rights unless otherwise noted below.

Owner's Signature

City of Miami Beach
Type or Print Property Owner's Name

1700 Convention Center Drive, Fourth Floor
Street Address

Miami Beach, Florida 33139
City, State, Zip Code

Date

07-PE.13 01/01

This instrument prepared by,
or under the direction of,
D. Michael Schloss, Esq.
District General Counsel
State of Florida
Department of Transportation
1000 N.W. 111th Avenue
Miami, Florida 33172
December 2, 2002 – NE

Parcel No. : 800.1R(12-18-03)
Item/Segment No.: 2499401
Managing District: 6

PERPETUAL EASEMENT

THIS EASEMENT, Made this _____ day of _____, 20_____, by the City of Miami Beach, a municipality of the State of Florida, grantor, to the STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION, its successors and assigns, grantee.

WITNESSETH: That the grantor for and in consideration of the sum of One Dollar and other valuable considerations paid, the receipt and sufficiency of which is hereby acknowledged, hereby grants unto the grantee, its successors and assigns, a perpetual easement for the purpose of: Demolition of Flyover and construction of triple left intersection in, over, under, upon and through the following described land in Miami-Dade County, Florida, to-wit:

Parcel 800 F. P. No. 2499401 Project 87060-2568

Those portions of Lots 1 through 7, inclusive, Block 3, of the AMENDED PLAT - SECOND OCEAN FRONT SUBDIVISION, as recorded in Plat Book 28, at Page 28, of the Public Records of Miami-Dade County, lying in the south one-half (S. ½) of Section 11, Township 53 South, Range 42 East, Miami-Dade County, Florida, being more particularly described as follows:

COMMENCE at the northwest corner of Lot 12, said Block 3; thence run North 89°57'50" East along the north line of said Lot 12, a distance of 110.95 feet to the existing westerly right of way of State Road A-1-A (Indian Creek Drive - a 90.00 foot right of way at that point): thence run South 12°55'49" East for 1.92 feet along the westerly line of a right of way dedication recorded in Deed Book 3459, at Page 396 of said Public Records of Miami-Dade County; thence run South 5°16'07" East along the westerly right of way line of an area claimed by the Florida Department of Transportation's Maintenance Map recorded in Road Plat Book 152 at Page 21 of said Public Records on August 21st, 2002, for a distance of 447.20 feet to the POINT OF BEGINNING of the parcel of land hereinafter to be described; thence continue along said westerly right of way line for 68.49 feet to the point of curvature of a circular curve, concave to the West, having a radius of 670.00 feet; thence run southeasterly, southerly and southwesterly along said curve to the right and said westerly right of way line through a central angle of 21°32'30" for an arc length of 251.90 feet to the point of tangency; thence, continuing along said westerly right of way line, run South 16°16'23" West for 68.49 feet to Reference Point "A" (to be referred to in the second body of this two-part description), the same being the point of cusp and curvature of a circular curve, lying concave to the West and having a radius of 1,030.00 feet; thence, turning 180°, run northeasterly, northerly and northwesterly along said curve to the left through a central angle of 21°32'30", for an arc length of 387.25 feet to a point of tangency with the said westerly line of State Road A-1-A, and the POINT OF BEGINNING.

Containing 1,375 square feet of land, more or less.

AND

COMMENCE at Reference Point "A" (as mentioned in the first part of this two-part description): thence run South 16°16'23" West along the westerly right of way line of State Road A-1-A for 131.56 feet to the POINT OF BEGINNING of the parcel of land hereinafter to be described; thence continue along said westerly right of way line for 10.81 feet to the point of curvature of a circular curve, concave to the Northwest, and having a radius of 120.00 feet; thence run southwesterly along said curve to the right, through a central angle of 45°22'05", for an arc length of 95.02 feet to the northerly line of State Road 907 (63rd Street); thence, run South 80°22'12" West for 5.03 feet along said northerly line to the beginning of a circular curve, concave to the Northwest, and having a radius of 140.50 feet; thence, from a tangent bearing of North 60°43'48" East, run northeasterly along said curve to the left, through a central angle of 44°27'25", for an arc length of 109.02 feet to the point of tangency with the westerly line of said State Road A-1-A and the POINT OF BEGINNING.

Containing 203 square feet of land, more or less.

All containing an aggregate area of 1,578 square feet of land, more or less.

MR/03/27/03
MR/08/21/03/R

TO HAVE AND TO HOLD the same unto said grantee, its successors and assigns forever, and the grantor will defend the title to said lands against all persons claiming by, through or under said grantor.

Upon completion by the Department of the work required to be performed, Florida DOT agrees to restore to substantially the same condition which existed immediately prior to such work, at its sole cost and responsibility, any and all affected City infrastructure within the easement area, including but not limited to Utility lines, sidewalk and landscaping within the easement area; and further, that the easement will become null and void if the project is not under construction before the year 2007, the rights conveyed by the City revert back to the City.

IN WITNESS WHEREOF, the said grantor has caused these presents to be executed in its name by its Mayor, and its seal to be hereto affixed, attested by its City Clerk, the date first above written.

ATTEST: _____

Its City Clerk

(Affix City Seal)

The City of Miami Beach, Florida

By: _____

Its Mayor

_____

_____

_____

(Address)

STATE OF FLORIDA

COUNTY OF _____

The foregoing instrument was acknowledged before me this _____day of_____, 20___, by _____, Mayor, who is personally known to me or who has produced _____ as identification.

_____

(Signature of person taking acknowledgement)

(Name typed, printed or stamped under signature)
Title or rank and serial number, if any:

PE.14 01/01

This instrument prepared by,
or under the direction of,
D. Michael Schloss, Esq.
District General Counsel
State of Florida
Department of Transportation
1000 N.W. 111th Avenue
Miami, Florida 33172
December 2, 2002 – NE

Parcel No. : 800.1R(10-29-03)
Item/Segment No.: 2499401
Managing District: 6

RESOLUTION

ON MOTION of Commissioner _____, seconded by Commissioner _____, the following Resolution was adopted:

WHEREAS, the State of Florida Department of Transportation proposes to construct or improve State Road No. **A-1-A,** Item/Segment No. **2499401**, in Miami-Dade County, Florida; and

WHEREAS, it is necessary that an easement across certain lands now owned by City of Miami Beach, Florida, be acquired by the State of Florida Department of Transportation; and

WHEREAS, said use is in the best interest of the City; and

WHEREAS, the State of Florida Department of Transportation has made application to said City to execute and deliver to the State of Florida Department of Transportation a perpetual easement, or easements, in favor of the State of Florida Department of Transportation for the purpose of: Demolition of Flyover and construction of triple left intersection, and said request having been duly considered.

NOW THEREFORE, BE IT RESOLVED by the Board of City Commissioners of City of Miami Beach, Florida, that the application of the State of Florida Department of Transportation for a perpetual easement, or easements, is for transportation purposes which are in the public or community interest and for public welfare; that a perpetual easement, or easements, in favor of the State of Florida Department of Transportation in City of Miami Beach, Florida, should be drawn and executed by this Board of City Commissioners. Consideration shall be $_____.

BE IT FURTHER RESOLVED that a certified copy of this Resolution be forwarded to the State of Florida Department of Transportation at 1000 N.W. 111th Avenue, Suite 6118, Miami, Florida 33172.

STATE OF FLORIDA

COUNTY OF _____

I HEREBY CERTIFY that the foregoing is a true copy of a Resolution adopted by the Board of City Commissioners of City of Miami Beach, Florida, at a meeting held on the _____day of _____,20_____.

_____

(Type, print or stamp name under signature)
Clerk, Board of City Commissioners
Address:

Parcel 800 F. P. No. 2499401 Project 87060-2568

Those portions of Lots 1 through 7, inclusive, Block 3, of the AMENDED PLAT - SECOND OCEAN FRONT SUBDIVISION, as recorded in Plat Book 28, at Page 28, of the Public Records of Miami-Dade County, lying in the south one-half (S. ½) of Section 11, Township 53 South, Range 42 East, Miami-Dade County, Florida, being more particularly described as follows:

COMMENCE at the northwest corner of Lot 12, said Block 3; thence run North 89°57'50" East along the north line of said Lot 12, a distance of 110.95 feet to the existing westerly right of way of State Road A-1-A (Indian Creek Drive - a 90.00 foot right of way at that point): thence run South 12°55'49" East for 1.92 feet along the westerly line of a right of way dedication recorded in Deed Book 3459, at Page 396 of said Public Records of Miami-Dade County; thence run South 5°16'07" East along the westerly right of way line of an area claimed by the Florida Department of Transportation's Maintenance Map recorded in Road Plat Book 152 at Page 21 of said Public Records on August 21st, 2002, for a distance of 447.20 feet to the POINT OF BEGINNING of the parcel of land hereinafter to be described; thence continue along said westerly right of way line for 68.49 feet to the point of curvature of a circular curve, concave to the West, having a radius of 670.00 feet; thence run southeasterly, southerly and southwesterly along said curve to the right and said westerly right of way line through a central angle of 21°32'30" for an arc length of 251.90 feet to the point of tangency; thence, continuing along said westerly right of way line, run South 16°16'23" West for 68.49 feet to Reference Point "A" (to be referred to in the second body of this two-part description), the same being the point of cusp and curvature of a circular curve, lying concave to the West and having a radius of 1,030.00 feet; thence, turning 180°, run northeasterly, northerly and northwesterly along said curve to the left through a central angle of 21°32'30", for an arc length of 387.25 feet to a point of tangency with the said westerly line of State Road A-1-A, and the POINT OF BEGINNING.

Containing 1,375 square feet of land, more or less.

AND

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Containing 203 square feet of land, more or less.

All containing an aggregate area of 1,578 square feet of land, more or less.

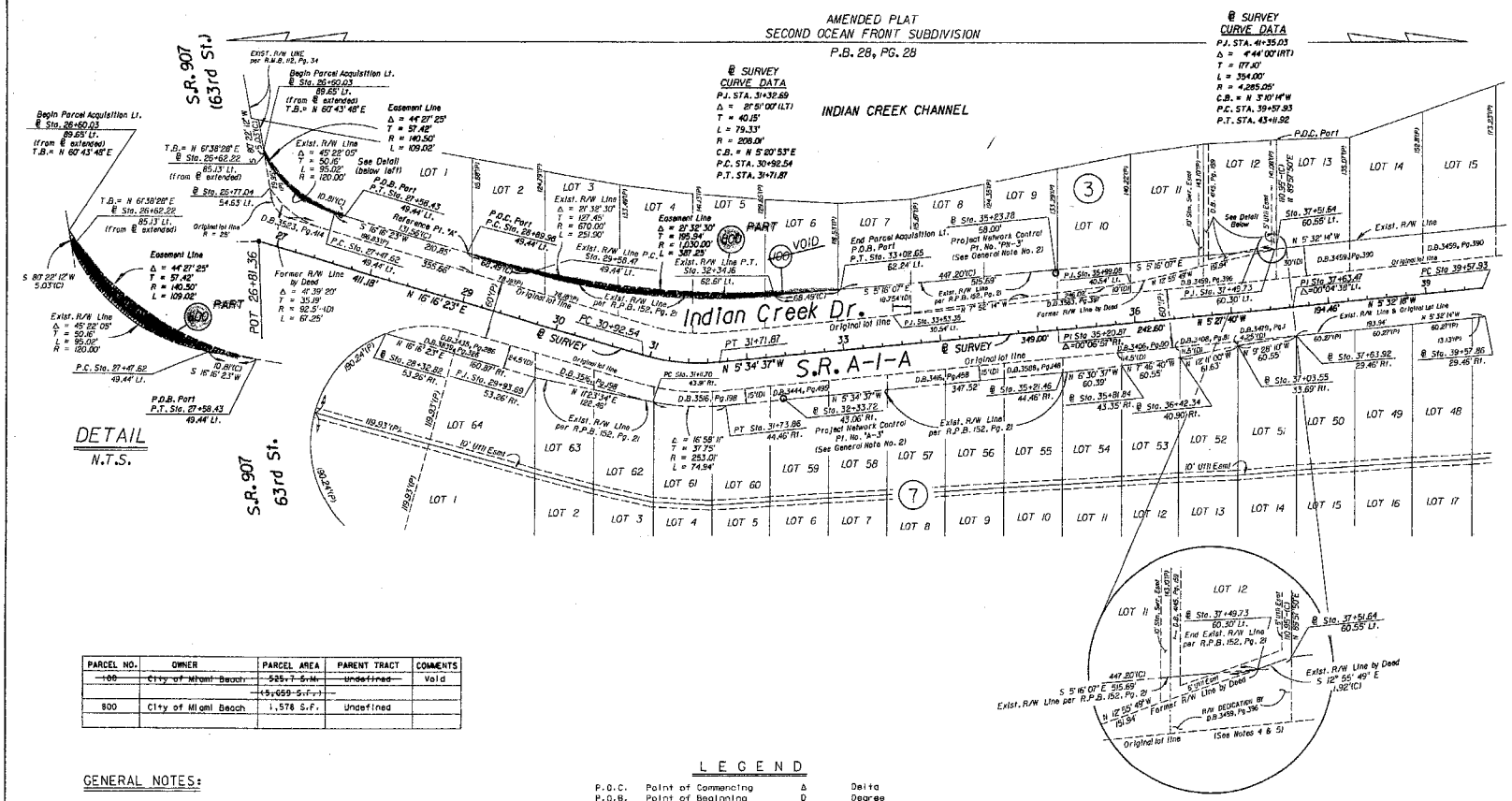
MR/03/27/03
MR/08/21/03/R

SCALE: 1" = 50'
SEC. 11, TWP. 53 S., RGE. 42 E.

AMENDED PLAT
SECOND OCEAN FRONT SUBDIVISION
P.B. 28, PG. 28

@ SURVEY
CURVE DATA
P.J. STA. 31+32.69
Δ = 21°51'00" (LT)
T = 40.15'
L = 79.33'
R = 208.04'
C.B. = N 5°20'53" E
P.C. STA. 30+92.54
P.T. STA. 31+71.87

@ SURVEY
CURVE DATA
P.J. STA. 41+35.03
Δ = 4°44'00" (RT)
T = 177.10'
L = 354.00'
R = 4,285.05'
C.B. = N 3°10'14" W
P.C. STA. 39+57.93
P.T. STA. 43+11.92



DETAIL
N.T.S.

DETAIL
N.T.S.

PARCEL NO.	OWNER	PARCEL AREA	PARENT TRACT	COMMENTS
~~100~~	~~City of Miami Beach~~	~~525.7 S.M.~~ ~~(5,659 S.F.)~~	~~Undefined~~	Void
800	City of Miami Beach	1,576 S.F.	Undefined	

GENERAL NOTES:

1. AN UPDATED TOPOGRAPHICAL SURVEY FOR THIS MAP WAS PERFORMED BY FERNANDO GATELL & ASSOC. ON AUGUST 21, 2001 (FIELD BOOK NO. 6D19436)
2. BEARINGS SHOWN HEREON ARE BASED ON A COMPUTED BEARING OF S 24°46'43" E DERIVED FROM STATE PLANE COORDINATES (DATUM 83/90) ESTABLISHED FROM NETWORK CONTROL POINTS NO. "S "A-6" (N 167854.3473 E 288115.2532) AND "PN-3" (N 167939.3789 E 288076.0018) SET BY THE F.D.O.T. SURVEY DEPT. ALONG S.R. A-1-A (INDIAN CREEK DR.) NORTH OF S.R. 907 (63RD STREET) ON AUGUST 13, 1997.
3. MAINTENANCE MAP REFERENCED HEREON FOR THIS AREA WAS RECORDED IN ROAD PLAT BOOK 152, AT PAGE 21, ON AUGUST 21ST, 2002 (PREPARED BY THE FLORIDA DEPARTMENT OF TRANSPORTATION).
4. DIMENSIONS SHOWN WITHIN LOTS ARE OBTAINED FROM RECORD PLATS.
5. LINES LABELLED "FORMER R/W LINE BY DEED" WERE EXISTING R/W LINES AFTER DEDICATIONS SHOWN AND NOTED HEREON WERE MADE, THOUGH THEY WERE NOT THE ORIGINAL LOT LINES BY PLAT.
6. FLORIDA DEPARTMENT OF TRANSPORTATION DISTRICT VI RIGHT OF WAY SURVEY AND MAPPING OFFICE IS LOCATED AT: 1000 N.W. 111th. AVENUE SUITE 6106 MIAMI, FLORIDA 33172 TELEPHONE (305) 470-5185

LEGEND

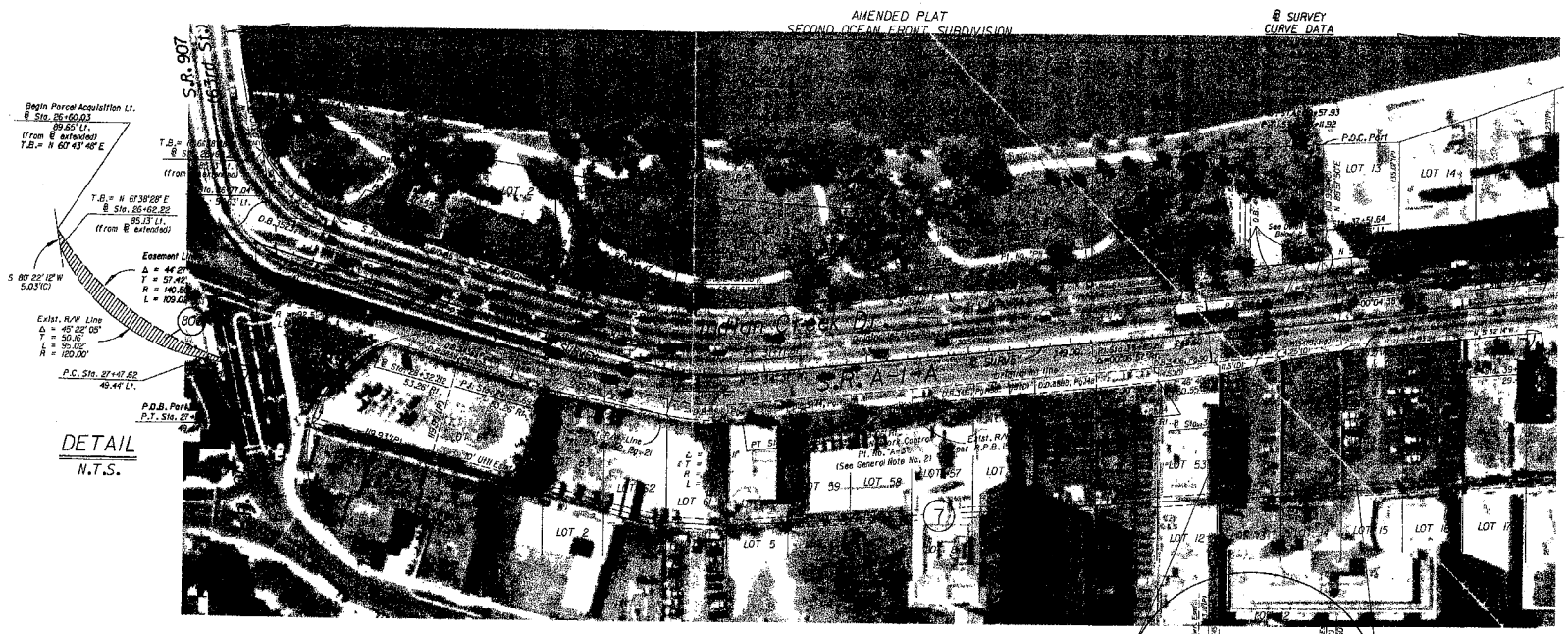
P.O.C.	Point of Commencing	Δ	Delta
P.O.B.	Point of Beginning	D	Degree
P.C.	Point of Curvature	T	Tangent
P.T.	Point of Tangency	L	Length
P.I.	Point of Intersection	R	Radius
Sta.	Station	℄	Centerline
Lt.	Left	@	Baseline
Rt.	Right	R/W	Right of Way
T.B.	Tangent Bearing	CONST.	Construction
C.B.	Chord Bearing	Exist.	Existing
P.B.	Plat Book	R.P.B.	Road Plat Book
Pg.	Page	(P)	Plat
(D)	Deed	(C)	Calculated

THIS MAP IS NOT A SURVEY

STATE ROAD No. A-1-A (Indian Creek Drive)
FROM S.R. 907 (63rd St.) to 1,300' North

PARCEL SKETCH	FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY SURVEYING AND MAPPING	APPROVED BY	DATE	REVISION	BY	DATE	Per south part Parcel 800	W. RICE	8-21-03	PRELIM	A. PEREZ	9-'00	F.A. PROJECT NO. N/A	F.P. NO. 2499401	MAPS PREPARED BY DISTRICT VI	FIELD BOOK NO.'s 1009128, 6006920 & 6D19436
							Revise Parcel 800 & Remove state - metric to english	W. RICE	3-28-03	FINAL	M. RICE	9-'02	STATE ROAD NO. A-1-A	MIAMI-DADE COUNTY	W.P.I. NO. 6114117	SCALE: 1"= 50'
							Hole Per 100-Mi 800	W. RICE	9-27-02	CHECKED	HERNANDEZ	9-'03			SECTION 87060-2568	SHEET 1 OF 2

SCALE: 1"= 50'
SEC. 11, TWP. 53 S., RGE. 42 E.



DETAIL
N.T.S.

DETAIL
N.T.S.

PARCEL NO.	OWNER	PARCEL AREA	PARENT TRACT	COMMENTS
~~100~~	~~City of Miami Beach~~	~~525.7 S.M.~~	~~Undefined~~	Void
		~~(5,669 S.F.)~~		
800	City of Miami Beach	1,578 S.F.	Undefined	

GENERAL NOTES:

1. AN UPDATED TOPOGRAPHICAL SURVEY FOR THIS MAP WAS PERFORMED BY FERNANDO GATELL & ASSOC. ON AUGUST 21, 2001 (FIELD BOOK NO. 6019436)
2. BEARINGS SHOWN HEREON ARE BASED ON A COMPUTED BEARING OF S 24°46'43" E DERIVED FROM STATE PLANE COORDINATES (DATUM 83/90) ESTABLISHED FROM NETWORK CONTROL POINTS NO.'S "A-6" IN 167854.3473 E 298115.2532) AND "TN-3" (N 167939.3789 E 298016.0018) SET BY THE F.D.O.T. SURVEY DEPT. ALONG S.R. A-1-A (INDIAN CREEK DR.) NORTH OF S.R. 907 (63RD STREET) ON AUGUST 13, 1997.
3. MAINTENANCE MAP REFERENCED HEREON FOR THIS AREA WAS RECORDED IN ROAD PLAT BOOK 152, AT PAGE 21, ON AUGUST 21ST, 2002 (PREPARED BY THE FLORIDA DEPARTMENT OF TRANSPORTATION).
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5. LINES LABELLED "FORMER R/W LINE BY DEED" WERE EXISTING R/W LINES AFTER DEDICATIONS SHOWN AND NOTED HEREON WERE MADE, THOUGH THEY WERE NOT THE ORIGINAL LOT LINES BY PLAT.
6. FLORIDA DEPARTMENT OF TRANSPORTATION DISTRICT VI RIGHT OF WAY SURVEY AND MAPPING OFFICE IS LOCATED AT:1000 N.W. 111th. AVENUE SUITE 6105 MIAMI, FLORIDA 33172 TELEPHONE (305) 470-5185

LEGEND

P.O.C.	Point of Commencing	Δ	Delta
P.O.B.	Point of Beginning	D	Degree
P.C.	Point of Curvature	T	Tangent
P.T.	Point of Tangency	L	Length
P.I.	Point of Intersection	R	Radius
Sta.	Station	℄	Centerline
Lt.	Left	℄	Baseline
Rt.	Right	R/W	Right of Way
T.B.	Tangent Bearing	CONST.	Construction
C.B.	Chord Bearing	Exist.	Existing
P.B.	Plat Book	R.P.B.	Road Plat Book
Pg.	Page	(P)	Plat
(D)	Deed	(C)	Calculated

THIS MAP IS NOT A SURVEY

STATE ROAD No. A-1-A (Indian Creek Drive)
FROM S.R. 907 (63rd St.) to 1,300' North

PARCEL SKETCH	FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY SURVEYING AND MAPPING	APPROVED BY	DATE	REVISION	BY	DATE	Re-work per Parcel 800	N. RICE	8-21-03	PRELIM	A. PEREZ	5-'00	F.A. PROJECT NO. N/A	F.P. NO. 2499401	MAPS PREPARED BY DISTRICT VI	FIELD BOOK NO.'S 1009126, 5005920 & 6019436
							Revise Parcel 800 & Convert Width - Metric to English	N. RICE	3-28-03	FINAL	M. RICE	9-'02	STATE ROAD NO. A-1-A	MIAMI-DADE COUNTY	M.P.S. NO. 6114117	SCALE: 1"= 50'
							Void Per KO: AM 800	N. RICE	9-27-02	CHECKED	HERNANDEZ	9-'02			SECTION 87060-2568	SHEET 2 OF 2

CITY OF MIAMI BEACH
COMMISSION ITEM SUMMARY

Condensed Title:

A resolution authorizing the execution of an agreement with Perkins and Will, Inc. in the amount of $1,200,788 for the provision of planning, architecture, landscape architecture, and engineering services required to design and construct the Multi-purpose Municipal Parking Facility (MMPF) project and appropriating said amount along with $299,813 in CIP Office project management charges from the Parking Enterprise Fund.

Issue:

Should the Mayor and City Commission authorize the execution of a professional services agreement with Perkins and Will, Inc. in the not to exceed amount of $1,200,788 for the provision of professional services required to design and construct the MMPF project and appropriate this amount along with $299,813 in associated CIP Office project management?

Item Summary/Recommendation:

In keeping with commitments made through the City's approval of the New World Symphony expansion project, the City needs to provide replacement parking in the form of a new MMPF on the current City Hall surface lot. The current schedule calls for substantial completion of the MMPF by November 2007 and final completion by February 2008. On September 10, 2003, the City Commission authorized the issuance of RFQ No. 69-02/03 for Architectural, Engineering, Design, and Construction Administration Services needed to Plan, Design, and Construct the MMPF.

On February 4, 2004, the City Commission authorized the Administration to negotiate with Perkins and Will Inc. to provide required professional services for the project. City and URS Program Management staff met three times with Perkins and Will to negotiate project scope and fee. Since the exact number of parking spaces and amount of retail/office square footage in the project will not be determined until the completion of the planning phase, and Perkins and Will's fee varies significantly depending on the finalization of these two project elements, staff negotiated two options. Option One provides for a fee of $1,073,806, based on a project with 480 parking spaces, 20,000 square feet of office/retail, a pedestrian bridge to City Hall, and required site improvements and utility extensions with an approximate construction cost of $9,085,250; this scope of work is consistent with the intent of the project RFQ. Option Two provides for a fee of $1,241,786 based on a project with 600 parking spaces, 50,000 square feet of office/retail, a pedestrian bridge, and site and utility improvements with an approximate construction cost of $14,761,250; this scope is consistent with the maximum build out of the project as described in the project RFQ. In addition, staff negotiated a traffic consultant fee of $52,685 and a cost estimator's fee of $37,864, as well as a fee of $36,433 for the planning of required Meridian Avenue improvements; the design fee for the latter project element will be negotiated once the scope of work is defined in the planning process. The Administration recommends Commission approval of the Option One agreement with Perkins and Will in the amount of $1,200,788 and the appropriation of this amount, along with the associated CIP Office project management fee of 3.3% of the construction budget ($299,813) from the Parking Enterprise Fund. If it is determined during the planning process that the number of parking spaces and square footage needs to be increased, an additional services agreement will be negotiated with Perkins and Will based on the upper project scope limit and associated fee established in Option Two.

Advisory Board Recommendation:

N.A.

Financial Information:

Source of Funds:

	Amount	Account	Approved
1	$1,500,601	Parking Enterprise Fund	
2			

City Clerk's Office Legislative Tracking:

Donald P. Shockey

Sign-Offs:

Department Director	Assistant City Manager	City Manager

:\AGENDA\2004\Apr1404\Regular\mmpfawardsum.doc

AGENDA ITEM R7E

DATE 4-14-04

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: April 14, 2004

From: Jorge M. Gonzalez
City Manager

Subject: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH PERKINS AND WILL, INC. IN THE NOT TO EXCEED AMOUNT OF $1,200,788 FOR THE PROVISION OF PLANNING, ARCHITECTURE, LANDSCAPE ARCHITECTURE, AND ENGINEERING SERVICES REQUIRED TO DESIGN AND CONSTRUCT THE MULTI-PURPOSE MUNICIPAL PARKING FACILITY PROJECT AND FURTHER APPROPRIATING FUNDS IN THIS AMOUNT ALONG WITH $299,813 FOR ASSOCIATED CIP OFFICE PROJECT MANAGEMENT CHARGES FROM THE PARKING ENTERPRISE FUND.**

ADMINISTRATION RECOMMENDATION:

Adopt the Resolution.

FUNDING:

Funding for the agreement with Perkins and Will and the associated CIP Office charges in the total amount of $1,500,601 is available from the Parking Enterprise Fund.

BACKGROUND:

On September 10th, 2003, the Mayor and City Commission approved Resolution No. 2003-25332 authorizing the execution of a Development Agreement between the City of Miami Beach and the New World Symphony (NWS) for the development of a portion of the surface parking lot, bounded by 17th Street to the north, North Lincoln Lane to the south, Washington Avenue to the east and Pennsylvania Avenue to the west, for construction of an approximately 50,000 square foot educational, performance and internet broadcast facility with an exterior screen ("Soundspace"), and an approximately 320-space (+/-) public parking garage facility.

In approving the execution of the Agreement, the Commission also directed that the Administration should proceed with developing a new Multipurpose Municipal Parking Facility (MMPF) on the site of the current City Hall surface lot. Throughout the negotiations with the NWS, the Administration has consistently stated that replacement parking must be built before displacement of either 17th Street surface parking lot. The

Municipal Multipurpose Parking Facility must be built and completed, or an alternate acceptable replacement parking location must be identified, prior to NWS's commencement of project construction. The current schedule calls for substantial completion of the MMPF by November 2007 and final completion by February 2008.

On September 10, 2003, the City Commission authorized the issuance of a Request for Qualifications (RFQ) No. 69-02/03 for Architectural, Engineering, Design, and Construction Administration Services needed to Plan, Design, and Construct a Multipurpose Municipal Parking Facility on the current site of the City Hall Surface Parking Lot. The RFQ was issued on September 29, 2003 and 13 proposals were received by the October 31, 2003 response deadline. An Evaluation Committee appointed by the City Manager met twice to review and rank the RFQ responses and subsequently ranked Zyscovich Inc. first and Perkins and Will second. The City Manager exercised his due diligence and reviewed the proposals submitted by Zyscovich and Perkins & Will, as well as copies of their respective presentations, and the results of the reference checks conducted by the Procurement Division and URS. It was evident from the documentation reviewed that both firms were equally competent and qualified to perform the services required for this project.

Since the selection of the most qualified Architectural and Engineering firm is governed by the Consultants' Competitive Negotiation Act (CCNA), Section 287.055, Florida Statutes, the City Manager must also consider the volume of work previously awarded by the City, to ensure an equitable distribution of City projects. Inasmuch as Perkins & Will has not previously been awarded a City contract, and considering the experience and qualifications of the Perkins & Will team, the City Manager recommended Perkins & Will as the top ranked firm. At their meeting on February 4, 2004, the City Commission approved Resolution 2004-25479 authorizing the Administration to negotiate with Perkins and Will to set fees for the required professional services.

City and URS Program Management staff met three times with Perkins and Will to negotiate the project scope and fee. The exact number of parking spaces and amount of retail/office square footage in the project will not be determined until the project planning phase has been completed. Perkins and Will's fee for construction design and administration varies depending on these two variables. Staff considered negotiating only the planning phase fee at this time. However, this option was rejected as it would require a second fee negotiation and approval period which could delay the project. In an effort to keep the project on its ambitious implementation schedule, staff negotiated two fee options.

Option One (Exhibit A) provides for a professional services fee of $1,073,806 (including $57,000 in reimbursables) based on a project with 480 parking spaces, 20,000 square feet of office/retail, a pedestrian bridge to City Hall, and required site improvements and utility extensions with an approximate construction cost of $9,085,250 (Exhibit B). This scope of work, which is detailed in Attachment A, is consistent with the intent of the project RFQ. Option Two (Exhibit C) provides for a professional services fee of $1,241,786 (including $57,000 in reimbursables) based on a project with 600 parking spaces, 50,000 square feet of office/retail, a pedestrian bridge, and site and utility improvements with an approximate

construction cost of $14,761,250 (Exhibit D). This scope of work is consistent with the maximum build out of the project as described in the project RFQ.

In addition to the design fee, staff negotiated a traffic consultant fee of $52,685 (Exhibit E), a cost estimator's fee of $37,864 (Exhibit F), and a fee of $36,433 (Exhibit G) for the planning of Meridian Avenue improvements which will be implemented as part of the project. The design fee for the latter project element will be negotiated once the scope of work is defined in the planning process; this two-step negotiation process for the streetscape improvements will not delay progress on the facility itself. With all of these associated costs included, the total Perkins and Will fee would be $1,200,788 for Option One and $1,368,768 for Option Two.

In addition to Perkins and Will's fees for professional services for this project, the Commission has previously approved $1,003,882 for program management services to be provided by URS Corporation for the project. There is also a need to fund the City's own project management for the project which is provided by the CIP Office. The CIP management charge is typically 3.3% of the construction budget which for this project would amount to $299,813. This funding needs to be appropriated along with the total Perkins and Will fee of $1,200,788 for a total appropriation of $1,500,601. Funding in this amount is available from the Parking Enterprise Fund.

CONCLUSION:

The Administration recommends that the Commission approve the Option One agreement with Perkins and Will in the amount of $1,200,788 and appropriate funding for this amount and the associated $299,813 for CIP Office management costs from the Parking Enterprise Fund. If it is determined during the planning process that the number of parking spaces and square footage needs to be increased, an additional services agreement will be negotiated with Perkins and Will based on fees already established for the upper project scope limit defined in Option Two.

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ATTACHMENT A

SCHEDULE A

CITY OF MIAMI BEACH, FLORIDA
MULTI-PURPOSE MUNICIPAL PARKING FACILITY
SCOPE OF A/E CONSULTANT SERVICES
CONSULTANT: Perkins and Will Architects Inc.

BACKGROUND

The City of Miami Beach (CITY) has developed its multi-million dollar, multi-year "Planned Progress" Capital Improvement Program to rebuild the City's existing roads, infrastructure, utilities, parks and facilities, and to build new capital projects where they are needed. The Program will dramatically improve the quality of life of the City's residents and complement the enormous amount of private reinvestment that has taken place in the City. For the park and facilities projects included in the Planned Progress Program (including the Multi-Purpose Municipal Parking Facility), the CITY has contracted the services of URS Corporation to function as Program Manager (PROGRAM MANAGER), and act as the CITY's agent with regard to all aspects of this scope of services. Hence, PROGRAM MANAGER shall serve as the focal point of contact with the Architectural / Engineering firm (CONSULTANT). The CITY will retain contractual agreement responsibilities with the CONSULTANT firms.

This project scope is limited to the Multi-purpose Municipal Parking Facility to be located adjacent to City Hall. This scope of services refers to CONSULTANT planning (Task 1), design (Task 2), bidding and award (Task 3) and construction administration (Task 4) services, additional services (Task 5) and Reimbursable's (Task 6) as identified below:

Multi-purpose Municipal Parking Facility

The Multi-purpose Municipal Parking Facility Site is bounded to the north by the "P Lot", the west by Meridian Avenue, to the east by City Hall and to the south by 17th Street and the City owned building at 777 Meridian Avenue. The project consists of the construction of up to 480 parking facilities, up to 20,000 square feet of retail and office space, and associated streetscape improvements. Work elements include site demolition, renovation and construction, landscaping, lighting, and roadway interface and streetscape improvements.

Total construction costs budgeted for the project are approximately $9,085,250 the funding for which will be provided primarily from parking impact fees.

Please note that for the Meridian streetscape improvement component of the project (excluding the actual frontage of the structure on the east side of the street from 17th to 18th streets which is included in this scope) the approved scope of services includes only Task 1 and excludes Tasks 2 through 6. It is anticipated that the City will negotiate an additional services agreement for the scope and fee for the completion of Tasks 2 through 6 for the Meridian streetscape improvements once the improvements are identified at the conclusion of Task 1.

TASK 1 –PLANNING SERVICES

The purpose of this Task is to develop a concept plan that meets the City's functional requirements, addresses community input, and stays within established schedule and cost parameters.

The planning phase of the project will include the following major tasks: (1) Project Kick - Off Meeting; (2) Visioning Session to clarify project goals and confirm budget; (3) Site Reconnaissance Visit and Development of Design Concept Alternatives; (4) two Community Design Workshops to provide residents the opportunity to participate in the planning process; and (5) the preparation and presentation of a basis of Design Report (BODR) for approval by the Mayor and City Commission.

Note that Tasks 1.1 through 1.4 are intended to identify the information required to develop an initial concept plan. A total of two Community Design Workshops shall be conducted as discussed in Task 1.5. Based on the results of the Community Design Workshops, a draft Basis of Design Report shall be developed as noted in Task 1.6. Subsequent City Division, Design Review Board and City Commission presentations and approvals shall be as noted in Task 1.7. A final Basis of Design Report shall then be prepared summarizing the accepted design concept, budget level cost estimate and implementation schedule as noted in Task 1.8. To facilitate the implementation of a Public Information Program, CONSULTANT shall provide electronic files of all project documents, as requested by CITY and/or PROGRAM MANAGER.

Task 1.1 – Project Kick-Off Meeting: CONSULTANT shall meet with CITY and PROGRAM MANAGER to review existing planning documents and receive copies of

available reference documents. CITY and PROGRAM MANAGER shall present general discussions as to Program procedures and direction. Based on this meeting CONSULTANT will schedule a reconnaissance visit of the Project site(s).

Deliverables: - Attend Project kick-off meeting.

Schedule: - Within 1 calendar day of Task 1 - Planning Phase Notice-to-Proceed.

Task 1.2 – Attend "Visioning" Session: The CONSULTANT shall attend a half-day "Visioning" session to be scheduled with representatives of CITY, CONSULTANT and PROGRAM MANAGER. The purpose of the "Visioning" session shall be to clarify project goals to prepare for the Community Design Workshops. Issues to be discussed shall include the proposed alternatives, budget and schedule.

Deliverables: - Attend "Visioning" session with representatives from CITY and PROGRAM MANAGER.

Schedule - Within 15 calendar days of Task 1.1 completion.

Task 1.3 – Project Site Reconnaissance Visit and Development of Design Concept Alternatives: After the Visioning Session the CONSULTANT shall attend a reconnaissance site visit. The site visit will be attended by CITY staff, PROGRAM MANAGER. This will facilitate CONSULTANT's understanding of the project needs.

Based on the results of the site visit, and the visioning session the CONSULTANT shall assemble a minimum of three alternative design concepts that the project may follow. At least two of the referenced concepts shall present proposed improvements possible under current budget limitations. The other concept(s) shall reflect additional levels of potential improvements that may be possible should additional funding become available. In addition, CONSULTANT shall prepare preliminary "budget" level cost estimates (+30%, -15% as defined by the American Association of Cost Engineers) for each alternative treatment indicating opinions of probable cost. Estimates shall present costs by category types (i.e. paving, lighting, landscaping, etc.) and shall be prepared in a Microsoft Excel Spreadsheet format.

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The CITY has performed certain planning efforts that identified potential locations and types of improvements anticipated. These efforts are summarized in the RFQ.

Deliverables: - Attend reconnaissance project site visit

- Develop three alternative design concepts

- Develop "budget" level cost estimates for each concept

Schedule: - Within 35 calendar days of completion of Task 1.2 services.

Task 1.4 – Review Meeting Prior to Community Design Workshops: CONSULTANT shall meet with applicable CITY and PROGRAM MANAGER Staff to ensure that any and all concerns regarding project scope, schedule and cost parameters are addressed prior to scheduling the Community Design Workshops. PROGRAM MANAGER shall prepare and distribute meeting minutes, accordingly.

Deliverables: - Meet with representatives of CITY and PROGRAM MANAGER during Task 1.1 through 1.3.

Schedule - Through completion of Task 1.1 through 1.3.

Task 1.5 - Community Design Workshops: Two community workshops shall be conducted to solicit and address resident input on the design of the project. CITY will schedule, find locations for, and notify residents of all such meetings. CONSULTANT shall prepare all materials for presentation at each workshop. At a minimum these shall include "full size" graphics, a summary of cost estimates, workshop agendas and requisite handouts of each. CONSULTANT shall prepare draft meeting minutes and forward them to PROGRAM MANAGER, who shall finalize and distribute, accordingly. Each workshop is intended to address specific design issues as discussed in the following:

Task 1.5.1 Community Design Workshop No. 1 – The first workshop is intended to provide community residents with a review of the proposed project scope, budget and schedule. CONSULTANT shall prepare full size presentation graphics illustrating the Site Analysis Maps and Design Concept Alternatives developed under Tasks 1.2 and 1.3. As previously noted, the alternatives shall present proposed improvements possible under current budget limitations. In

addition, graphics shall be prepared presenting a summary of probable costs for the various improvements and the workshop agenda. "Budget" level cost estimates shall be +30%, -15% as defined by the American Association of Cost Engineers. Based on this data, CONSULTANT shall present the preliminary planning information to attendees. CITY and PROGRAM MANAGER Staff will also attend these meetings, and assist CONSULTANT with responses to resident questions, as applicable. CONSULTANT shall note reasonable design revision requests from residents for review and incorporation into the proposed plan. Due to the fixed nature of funding on the various projects within the Program, budget limits must be adhered to. CONSULTANT shall be prepared to discuss budgets and the various impacts of resident requested revisions on such, accordingly.

Deliverables: - Prepare materials, attend and conduct Community Design Workshop No. 1.

Schedule: - Within 30 calendar days after completion of Task 1.3.

Task 1.5.2 Community Design Workshop No. 2 – The second workshop is intended to present community residents with the selected design concept, budget and schedule after consideration of the input received during Workshop No. 1. CONSULTANT shall prepare full size presentation graphics illustrating the selected design concept, along with a summary of probable costs for the improvements and the workshop agenda. The selected design concept shall be presented and shall illustrate proposed improvements possible under current budget limitations. "Budget" level cost estimates shall be +30%, -15% as defined by the American Association of Cost Engineers. Based on this data, CONSULTANT shall present the information to attendees. CITY and PROGRAM MANAGER Staff will also attend these meetings, and assist CONSULTANT with responses to resident questions, as applicable. CONSULTANT shall note that the design concepts presented during this meeting are considered "near final" and CITY will consider only minor design revision requests from residents for review and incorporation into the proposed plan.

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Deliverables: - Prepare materials, attend and conduct Community Design Workshop No. 2.

Schedule: - Within 29 calendar days of Community Design Workshop No. 1.

Task 1.6 – Basis of Design Report (DRAFT): CONSULTANT shall prepare a draft Basis of Design Report (BODR) presenting the results of the Community Design Workshops and final design concept plan. The BODR will include a summary of findings and a Site Plan illustrating all proposed improvements, inclusive of demolition, utilities, buildings, lighting and landscape. Where required, CONSULTANT shall perform a study to determine the most desirable routing for proposed underground improvements. The BODR shall include sufficient detail in plans, sections, notes and key descriptions to facilitate review by the various CITY permitting and planning divisions discussed in Task 1.7.

The draft BODR shall also include discussions and graphics illustrating:

- A project implementation plan, inclusive of demolition, utilities, buildings, landscape, lighting and landscape construction with a discussion of expected impacts to the facility operations.

- Proposed improvements. Description of all proposed project elements.

- A "budget" level cost estimate prepared in conformance with format approved by PROGRAM MANAGER. Estimates shall be provided for both current phase and future (unfunded) improvements. Based upon CONSULTANT's cost estimate, CITY shall advise CONSULTANT if portions of the project need to be deleted, phased and/or bid as alternate bid items to satisfy existing fiscal constraints. CONSULTANT shall revise BODR to reflect such issues accordingly.

- A schedule for implementing the Project itemized phase by phase (design, bid, award, and construction) including critical issues and the time period allowed for resolving each issue. The schedule shall be prepared in "Primavera Project Planner, Version 3.0" format or SureTrak and provided to the CITY and PROGRAM MANAGER.

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- Discussion regarding permitting authorities having jurisdiction over Projects and provide a list of permits typically retained by the Owner and/or Contractor. Unique and/or special permitting requirements shall be identified as well as permitting fees.

Deliverables: - Prepare 25 copies of the draft BODR.

Schedule: - Within 30 calendar days from completion of Community Design Workshop No. 2.

Task 1.7 – Review of BODR with CITY Divisions: CONSULTANT shall meet to present and review the draft BODR with the following review agencies:

- City of Miami Beach Departments, to include representatives of the Fire, Police, Planning, Parking, Building Department, Public Works and Property Management.
- City of Miami Beach Design Review Board (DRB).
- City of Miami Beach City Commission.

CITY and PROGRAM MANAGER shall attend review meetings and assist CONSULTANT, as practicable, in obtaining approvals from noted review agencies by participating in negotiations with such authorities. CONSULTANT retains final responsibility for procuring all necessary approvals, and for implementing required revisions and resubmissions as necessary. It is recognized by CITY and PROGRAM MANAGER that the time period for obtaining approvals from the various review agencies is beyond the control of CONSULTANT, except for issues concerning the acceptability of the proposed design concepts and CONSULTANT's ability to respond to review agency comments. CONSULTANT shall address and respond to comments received from the various reviews in writing, and implement requested revisions into the draft BODR, as agreed with CITY and PROGRAM MANAGER, within fourteen (14) calendar days of receipt of comments, unless agreed to otherwise with PROGRAM MANAGER. CONSULTANT shall draft meeting minutes and forward them to PROGRAM MANAGER, who shall finalize and distribute accordingly.

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Deliverables: -Attend BODR review meetings with noted committees.
- Prepare draft meeting notes.
- Address comments and revise BODR accordingly.

Schedule: - Within 14 calendar days of draft BODR completion.

Task 1.8 - Final Basis of Design Report: CONSULTANT shall prepare a final BODR based on comments and revisions implemented during the reviews with the various CITY Divisions. The final BODR will serve as the basis for development of detailed design documents as discussed in Task 2.

Deliverables: - Prepare 25 copies of a final BODR.

Schedule: - Within 30 calendar days after completion of reviews noted in Task 1.7.

TASK 2 –DESIGN SERVICES

The purpose of this Task is to establish requirements for the preparation of contract documents for the Project. Note that Task 2.1 requires that CONSULTANT perform a variety of forensic tasks to verify, to the extent practicable, existing conditions and the accuracy of base maps to be used for development of the contract drawings. Task 2.2 discusses requirements for the preparation of contract documents, inclusive of drawings, specifications and front-end documents. Task 2.3 establishes requirements with regard to constructability and value engineering reviews to be performed by others. Task 2.4 establishes requirements for the preparation of opinions of total probable cost by the CONSULTANT. Task 2.5 specifies requirements for review of contract documents with jurisdictional permitting agencies prior to finalization. Task 2.6 establishes requirements for developing final (100%) contract documents. To facilitate the implementation of a Public Information Program, CONSULTANT shall provide electronic files of all project documents, as requested by CITY and/or PROGRAM MANAGER. CONSULTANT shall provide the electronic files for the front end documents, technical specifications, and construction drawings.

Task 2.1 - Field Verification of Existing Conditions: CONSULTANT shall perform a detailed topographic survey of the existing project areas to be impacted by construction

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activities under the scope of this project. The survey shall be performed by a Certified Land Surveyor in the State of Florida and shall meet the minimum technical standards identified in Chapter 61G17-6, FAC. All survey files shall be prepared in AutoCAD Version 14 format with a layering system as approved by PROGRAM MANAGER. As a minimum, the survey shall address the following:

- Topographic survey shall consist of establishing a baseline with 100-foot stations, and identify sectionalized land corners. Baseline of survey shall be tied into the sectionalized land monuments.
- CONSULTANT shall set benchmarks at convenient locations within the project site to be used during both the design and construction phases of the project. As a minimum, permanent benchmarks shall be set at corners of the project property. CONSULTANT shall tie-in at least two existing County benchmarks. The benchmarks shall be derived from existing government benchmarks and be carried into the proposed system using Second Order, Class II procedures. A full listing of benchmark locations shall accompany the survey data.

- CONSULTANT shall locate and identify all the existing surface improvements / topographic features that are visible within the project site, such as the following:

  - Existing valve boxes, water / electrical meter boxes, electrical pull boxes, telephone / cable risers, fences, hydrants, roof drains, etc.
  - Above ground and underground utilities, invert elevations of accessible underground utilities, wood / concrete utility poles, culverts, guardrails, pavement limits, headwalls, end walls, manholes, vaults, mailboxes, driveways, side streets, trees, landscaping, traffic signage and any other noted improvements. Survey shall identify fence material / height, landscaping plant materials and driveway construction materials. Landscaping materials with a trunk diameter greater than 6 – inches in diameter shall be identified.
  - All buildings including overall dimensions and finished floor elevations.
- Survey limits shall include the entire project site and an additional overlap to encompass all adjoining areas potentially impacted by the project.

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- Topographic survey / base map shall be prepared in AutoCAD version 14.0 and submitted on a 3.5-inch diskette or CD with one copy on 24-inch by 36-inch bond paper to the CITY. CAD mapping shall be performed to a scale of 1:1 in the World Coordinate System. Text size shall be 100 leroy for a final product at 1=20 units.

- Indicate geometry of perimeter private property plats (inclusive of fences, landscaping and driveways).

Upon completion of the survey, CONSULTANT shall forward the same to the following agencies with a request to mark / identify their respective utilities on the survey base map. CONSULTANT shall coordinate this effort with each agency in an effort to identify the location of all underground utilities. CONSULTANT shall incorporate utility owner markups / edits into its survey base map file. CONSULTANT shall contact the following entities and request that they each verify locations of their existing improvements in the affected areas:

- Florida Power and Light
- BellSouth
- Charter Communications
- Natural Gas Utility
- Miami-Dade Public Works Department
- Miami-Dade Water and Sewer Authority
- Others as deemed necessary

Based on the collected data, CONSULTANT shall develop detailed design site plans for the project. The site plans shall include an overall key map and partial plans scaled at 1-inch equals 20 feet. CONSULTANT shall illustrate proposed improvements on the site plans based on available planning documents provided by CITY. A subsequent review shall be scheduled with CITY and PROGRAM MANAGER staff to determine locations where additional field verifications, via "Soft-Dig" underground identification services, may be implemented. As a minimum, a $5,000 underground improvements verification

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budget allowance shall be included under this scope of services. Unused amounts in this allowance shall be credited back to the CITY at the completion of the design services.

CONSULTANT shall prepare final site plans based on the information gathered herein. Copies of base maps shall be distributed to CITY and PROGRAM MANAGER.

Deliverables: - Perform forensic work as noted to develop final base maps. Deliver five (5) sets of site plans to PROGRAM MANAGER.

Schedule: - Within 30 calendar days after Task 2 - Design Notice to Proceed.

Task 2.2 – Detailed Design: CONSULTANT shall prepare detailed design documents consisting of general, civil, traffic, mechanical, architectural, electrical, landscaping, irrigation and structural drawings, as applicable. CONSULTANT shall use CITY standard details as provided by PROGRAM MANAGER, and as deemed appropriate by CONSULTANT. CONSULTANT shall supplement design documents with its own additional details, as it deems necessary, to provide CITY with a complete work product. All drawings shall be prepared using AutoCAD Version 14 software with a layering system as approved by PROGRAM MANAGER.

Technical specifications shall be prepared in conformance with Construction Specifications Institute (CSI) format. PROGRAM MANAGER shall furnish CONSULTANT with standard CITY specification outlines for Division 1. CONSULTANT shall refrain from amending FDOT standard specifications and including same in the detail design documents. CONSULTANT may provide technical specification sections that CONSULTANT may require, not already provided through CITY standard outlines, subject to review and comment by CITY and/or PROGRAM MANAGER. Any Supplier listings required by specifications shall include a minimum of two named Supplier's and shall meet all applicable CITY and State of Florida procurement codes. CITY standard specifications shall be provided to CONSULTANT in "Microsoft MS-Word" format. CONSULTANT shall use the same software in all project related work.

CONSULTANT shall utilize base front-end documents provided by CITY. CONSULTANT shall edit accordingly to result in a project specific document.

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Any changes / modifications to the Supplementary General Conditions shall be subject to review and acceptance by CITY.

CONSULTANT shall attend four (4) progress meetings with CITY, DRB and PROGRAM MANAGER staff during the design task. CONSULTANT shall prepare and maintain a design progress schedule in Primavera Project Planner, version 3.0 format or SureTrak. CONSULTANT shall update the schedule and review project status at each progress meeting. Should PROGRAM MANAGER determine that the CONSULTANT has fallen behind schedule, CONSULTANT shall provide a recovery schedule that will accelerate work to get back on schedule.

For purposes of this Scope of Services, the following will be considered the minimum effort to be provided by CONSULTANT for establishing the detail design milestones:

- 30% design completion shall consist of the completed survey / base map work as identified in Task 2.1 with the proposed improvements identified in plan view at a scale of 1-inch equals 20 feet. A key map shall also be provided which illustrates the relationship between the drawings and its respective location within the neighborhood. An outline identifying the anticipated technical specifications to be incorporated into the work shall also be submitted. CONSULTANT shall provide its "Budget" level opinion of probable cost as defined by the American Association of Cost Engineers with the submittal.

- 60% design completion shall consist of the plan and profile view of all improvements, applicable sections and construction details. Prior to the preparation of the 60% design drawings the CONSULTANT shall incorporate changes to its design based upon its underground utility verification efforts. Plan and profile sheets shall be provided for water and sewer improvements. CONSULTANT shall include the technical specifications and a draft schedule of prices bid (bid form) identifying the items to be bid by the prospective contractors with the submittal. CONSULTANT shall provide its "Budget" level opinion of probable cost as defined by the American Association of Cost Engineers with the submittal. The Consultant shall submit the 60% design to the DRB for review and comments. Said comments from the DRB shall be incorporated into the 90% design submittal.

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- 90% design completion shall consist of the entire construction document set including the front end documents (general and supplemental conditions), technical specifications and construction drawings for all the work proposed to be completed. CONSULTANT shall provide the detailed construction sequencing restrictions for the PROGRAM MANAGER's review. CONSULTANT shall provide its "Definitive" level opinion of probable cost as defined by the American Association of Cost Engineers with the submittal.

Deliverables:

- Furnish five (5) sets of 30, 60, 90 and 100 percent completion stage documents to PROGRAM MANAGER.

- Prepare and update project schedule, on a monthly basis.

- Attend progress meetings with CITY, DRB and PROGRAM MANAGER staff.

Schedule:

- Complete 30 percent documents within 87 calendar days after the Task 2 – Design Notice to Proceed.

- Complete 60 percent documents within 178 calendar days after Task 2 - Design Notice to Proceed. Submit to DRB for review.

- Complete 90 percent documents within 267 calendar days after Task 2 - Design Notice to Proceed.

- Complete 100 percent documents within 328 calendar days after Task 2 - Design Notice to Proceed.

Note: The above 30%, 60%, 90% and 100% design documents completions shown in calendar days are contingent upon City's reviews occurring pursuant to the attached Schedule D.

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Task 2.2.1 - Geotechnical Evaluation

CONSULTANT shall conduct a preliminary field exploration program to identify typical geotechnical conditions within the project site as further defined in Task 6.4. Actual locations shall be as directed by CONSULTANT.

Task 2.3 – Design / Constructability Review: To verify that all design review meeting comments have been incorporated and design standards have been followed, PROGRAM MANAGER shall perform reviews of all design project documents at the preliminary (30 percent completion), intermediate (60 percent completion) and near final (90 percent completion) design stages. The purpose of these reviews shall be to verify that the documents are consistent with the design intent. The PROGRAM MANAGER shall also review CONSULTANT's prepared cost estimates for the project at the 30, 60 and 90 percent submittal stages. Five (5) sets of construction drawings and specifications shall be submitted to the PROGRAM MANAGER at the 30, 60 and 90-percent design completion level. These documents will be furnished as bound 8-1/2-inch by 11-inch specifications, 2 full sets (24-inch by 36-inch) blue line drawings, and 3 full sets 11" X 17" drawings. PROGRAM MANAGER and applicable CITY departments shall perform reviews on these documents and provide written comments (in the form of markups of submitted documents) back to CONSULTANT within the timeframes specified in Schedule D. Following receipt of comments, a meeting shall be scheduled between CITY, CONSULTANT and PROGRAM MANAGER, to discuss the requirements, intent and review of comments. CONSULTANT shall prepare a written memorandum to address how each comment was resolved. Such written response shall be prepared and submitted to PROGRAM MANAGER, for acceptance, within 7 calendar days after the review session. CONSULTANT shall revise documents to include review comments accordingly.

In addition, PROGRAM MANAGER shall perform constructability reviews of the design documents relative to value, construction sequencing and bid format. The reviews shall be based upon the 60 and 90 percent design submittals received from the A/E consultant(s) and shall be conducted concurrently with the 60 and 90 percent design reviews. Meetings shall be held with CONSULTANT and CITY representatives to discuss review comments, as required. A detailed review of CONSULTANT's proposed construction sequencing restrictions will be performed by PROGRAM MANAGER at the 90-percent completion stage. The CONSULTANT shall note that the PROGRAM MANAGER's review of the contract documents does not relieve CONSULTANT from its responsibility to the CITY with regard to the quality of its contract documents.

Deliverables:

- Furnish five (5) sets of the 30, 60 and 90 percent completion stage documents to PROGRAM MANAGER.

- Attend meetings with CITY and PROGRAM MANAGER staff to review and discuss design, constructability and value comments.

- Prepare written responses to comments made during review sessions.

Schedule: - Complete concurrently with Design schedule.

Task 2.4 – Cost Opinions: CONSULTANT shall prepare opinions of probable construction costs for each design submittal (30, 60 and 90 percent) as well as the final (100 percent) completion stage. The accuracy of the cost estimate associated with the 30 and 60 percent completion stage shall be +30% to –15% "Budget" Level as defined by the American Association of Cost Engineers. The accuracy of the cost estimate associated with the 90 and 100 percent completion stage shall be a +15% to –5% "Definitive" Level Estimate as defined by the American Association of Cost Engineers. All estimates shall be submitted in Microsoft "Excel" format in accordance with the template approved by PROGRAM MANAGER. All estimates shall be furnished bound in 8-1/2-inch by 11-inch size. Based upon CONSULTANT's cost estimate, CITY shall advise CONSULTANT if portions of the project need to be deleted, phased and/or bid as alternate bid items to satisfy existing fiscal constraints. CONSULTANT shall revise documents to reflect such issues accordingly.

Deliverables:

- Prepare opinions of probable costs at the 30, 60, 90 and 100 percent completion stages.

- Attend meetings with CITY and PROGRAM MANAGER staff to review and discuss cost estimates.

Schedule: - Complete concurrently with Design schedule.

Task 2.5 – Community Design Review Meeting

CONSULTANT shall attend and participate in one community design review meeting to review the design progress and concept at 60% design completion status. The CITY will schedule, find location for, and notify residents of said meeting. CONSULTANT shall prepare draft meeting minutes and forward them

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to PROGRAM MANAGER, who shall review, provide comments and distribute, accordingly. CONSULTANT base fee proposal shall include participation and attendance of one (1) meeting. CONSULTANT shall identify in the fee proposal, the cost to participate in one (1) additional such meeting should it be necessary based on Community Input.

Task 2.6 – Document Revisions

Based upon the input provided by the residents, CONSULTANT shall incorporate the necessary contract document as approved by the CITY.

Task 2.7 – Permitting Reviews: CONSULTANT shall prepare applications and such documents and design data as may be required to procure approvals from all such governmental authorities that have jurisdiction over Project. CITY shall pay all permit fees. CONSULTANT shall participate in meetings, submissions, resubmissions and negotiations with such authorities. CONSULTANT shall respond to comments by such authorities through PROGRAM MANAGER within 10 calendar days of receipt of comments unless a different time is agreed to by PROGRAM MANAGER. It is the intent of this scope of services that CONSULTANT shall be the responsible party for formally transmitting and receiving permits to and from the respective authorities. PROGRAM MANAGER shall track and monitor progress on the preparation and review of permits and subsequent requests for information. It is recognized by PROGRAM MANAGER that the time period for obtaining permits is beyond the control of CONSULTANT except for issues concerning the permitability of the design and CONSULTANT's ability to respond to permitting agency requests for information. At the time of the scope preparation, the following governmental authorities that have or may have jurisdiction over Project have been identified:

- Miami Dade Water and Sewer Authority
- South Florida Water Management District
- Miami-Dade Department of Health
- Florida Department of Environmental Protection
- Miami-Dade Department of Environmental Resource Management

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- City of Miami Beach Building Department

Failure to identify governmental authorities that have jurisdiction over Project at the time of permitting scope preparation does not relieve CONSULTANT from responsibility to pursue the permit as described above.

Deliverables:

- Correspond with jurisdictional authorities to establish permitting requirements.

- Revise documents and respond to permitting inquiries as required.

- Attend meetings with CITY and PROGRAM MANAGER staff to review and discuss permitting status.

Schedule:

- Complete within 90 calendar days after the completion of the 100 percent detail design milestone.

TASK 3 –BIDDING AND AWARD SERVICES

Task 3.1 - Construction Contract Document Review

CONSULTANT shall assist CITY in bidding and award of the contract. PROGRAM MANAGER shall transmit permit approved contract documents prepared by the CONSULTANT to the CITY's Risk Management and Procurement Departments for verification of appropriate insurance and bonding capacity requirements for each Project prior to bid. Various departments within CITY (Risk Management, Procurement and the City Attorney's Office) have non-technical review responsibility for the Construction Contract Documents. CONSULTANT shall assist PROGRAM MANAGER in this process by providing three copies of Construction Contract Documents, participating in meetings, submissions, resubmissions and discussions with these departments. CONSULTANT shall respond to CITY comments within ten calendar days of receipt of comments unless a different time schedule is agreed to by PROGRAM MANAGER. CONSULTANT's compensation has been based upon one meeting with these departments.

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Task 3.2 - Bid Document Delivery

CONSULTANT shall provide PROGRAM MANAGER with reproducible, camera ready, sets of permit approved contract documents. The CITY Procurement Department will reproduce documents and handle the advertising, distribution, sale, maintenance of plan holder lists and other aspects of bid document distribution.

Task 3.3 - Pre-Bid Conference

PROGRAM MANAGER shall conduct one pre-bid conference. CONSULTANT shall attend the pre-bid conference and bid opening for each project.

Task 3.4 - Addenda Issuance

CONSULTANT shall provide, through PROGRAM MANAGER, timely responses to the inquiries of prospective bidders by preparing written addenda. Format for addenda shall be as provided to CONSULTANT by PROGRAM MANAGER. These queries and responses shall be documented and a record of each shall be transmitted to PROGRAM MANAGER on a same day basis. CONSULTANT shall prepare and distribute necessary addenda as approved by PROGRAM MANAGER.

Task 3.5 - Bid Evaluation

Within five calendar days of receipt of bids, CONSULTANT shall evaluate the bids for completeness, full responsiveness and price, including alternative prices and unit prices, and shall make a formal recommendation to CITY with regard to the award of contract. Non-technical bid requirements shall be evaluated by others.

This scope of services includes no allowance for CONSULTANT's time to assist CITY in the event of a bid protest. To the proportionate extent CONSULTANT's services are required in the event of a bid protest, due to a direct action or lack thereof by CONSULTANT, CONSULTANT shall participate in such activities at no additional cost to CITY.

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Task 3.6 - Contract Award

CONSULTANT shall provide eight sets of Construction Contract Documents for execution by CITY and the successful bidder within five calendar days of request by CITY.

Task 3.7 – As- Bid Contract Documents

After contract award and prior to the preconstruction conference, CONSULTANT shall prepare As-Bid construction contract documents, which incorporate the following items into the construction contract documents:

- Contractor's bid submittals, including but not limited to, bid proposal, insurance, licenses, etc.
- Amend / modify front end documents and / or technical specifications to incorporate changes made via contract addenda.
- Revise construction contract drawings to include modifications / revisions incorporated via contract addenda.

CONSULTANT shall prepare As-Bid construction contract documents and reproduce ten (10) sets for distribution to PROGRAM MANAGER within ten (10) calendar days after the City Commission approval / contract execution.

Deliverables:
- Attend and participate in Pre-bid conferences and bid openings.
- Respond to questions from prospective bidders and prepare Addenda for distribution by others.
- Prepare recommendation of award letter
- Prepare As-Bid contract documents, reproduce ten (10) sets and forward to PROGRAM MANAGER.

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Schedule: - Upon receipt of Task 3 Bidding and Award Notice to Proceed and within 120 calendar days upon receipt of Notice to Proceed.

TASK 4 –CONSTRUCTION ADMINISTRATION SERVICES

The CONSULTANT shall perform the following tasks associated with office administration activities related to the construction of the Project. These tasks shall be performed during the duration of the construction project. CONSULTANT's compensation is based upon a construction period of Eighteen (18) calendar months.

Task 4.1 – Pre-Construction Conferences: CONSULTANT shall attend a pre-construction conference for the Project. PROGRAM MANAGER shall prepare and distribute meeting minutes to all attendees and other appropriate parties. PROGRAM MANAGER shall issue a Limited Notice to Proceed at the Pre-Construction Conference. A final Notice to Proceed shall be issued upon receipt of a final schedule and procurement of all applicable construction permits from the Contractor.

Deliverables: -Attend and participate in pre-construction conferences.

Schedule: -As scheduled by Program Manager after receipt of Task 4 Construction Administration Notice to Proceed.

Task 4.2 – Weekly Construction Meetings: CONSULTANT shall attend weekly meetings with the Contractor, PROGRAM MANAGER and applicable CITY representatives on the Project. The purpose of these meetings shall be to review the status of construction progress, shop drawing submittals and contract document clarifications and interpretations. In addition, the Contractor shall furnish a two-week look ahead work schedule to allow for proper coordination of necessary work efforts. These meetings shall also serve as a forum for discussion of construction issues, potential changes / conflicts and any other applicable matters. PROGRAM MANAGER shall prepare and distribute meeting minutes to all attendees and other appropriate parties.

Deliverables: - Attend and participate in weekly progress meetings with Contractors.

Schedule: - Weekly throughout the project duration.

Task 4.3 – Requests for (RFIs): PROGRAM MANAGER will receive, log and process all RFI's. Whenever an RFI involves the interpretation of design issues or design intent, PROGRAM MANAGER shall forward the RFI to CONSULTANT. CONSULTANT shall prepare a response in fourteen (14) calendar days and return it to PROGRAM MANAGER.

Deliverables: -Respond to those RFI's that involve design interpretations and return to PROGRAM MANAGER's office. Issue CDC's as required.

Schedule: - Ongoing throughout project construction duration.

Task 4.4 – Requests for Changes to Construction Cost and/or Schedule: PROGRAM MANAGER will receive, log and evaluate all requests for project cost and/or schedule changes from the Contractor. Changes may be the result of unforeseen conditions or interferences identified by the Contractor during the routine progress of work, inadvertent omissions (betterment) issues in the contract documents, or additional improvements requested by the CITY or CONSULTANT after the project bid date. Regardless of the source, CONSULTANT will evaluate the merit of the claim as well as the impact of the potential change in terms of project cost and the schedule. CONSULTANT will review claims and / or change order requests with PROGRAM MANAGER. No claims assistance services are included under this task.

Deliverables: -

- Perform independent review of request for cost increase and/or time extension.
- Coordinate and participate in meetings, as required, with PROGRAM MANAGER, CITY and Contractor to resolve and/or negotiate the equitable resolution of request.
- Prepare change order documentation.

Schedule: - Ongoing throughout project construction duration.

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Task 4.5 – Processing of Shop Drawings: PROGRAM MANAGER will receive, log and distribute shop drawings to CONSULTANT for its review. CONSULTANT shall have 14 calendar days from the time of receipt in its office, to review and return shop drawings to PROGRAM MANAGER's office.

Deliverables:-	- Review Shop Drawings and return them to PROGRAM MANAGER's office.
Schedule:	- Ongoing throughout project construction duration.

Task 4.6 – Field Observation Services: PROGRAM MANAGER will provide field staff to observe the construction of the work. CONSULTANT shall provide specialty site visits by various design disciplines (civil, traffic, structural, mechanical, plumbing, electrical, and landscaping) on an as requested basis. For the purposes of this scope of services, it is assumed that a total of twenty-two (22) specialty site visits are included.

Deliverables:	- Provide up to twenty-two (22) specialty site visits.
Schedule:	- Ongoing throughout project construction duration.

Task 4.7 – Project Closeout: Upon receiving notice from the PROGRAM MANAGER advising the CONSULTANT that the Project is substantially complete, CONSULTANT, in conjunction with appropriate CITY and PROGRAM MANAGER staff, shall conduct an overview of the Project. The overview shall include development of a "punch list" of items needing completion or correction prior to consideration of final acceptance. CONSULTANT shall develop the Substantial Completion Punch list with assistance from CITY and PROGRAM MANAGER. The Substantial Completion Punch list shall be forwarded to the Contractor. For the purposes of this provision, substantial completion shall be deemed to be the stage in construction of the Project where the Project can be utilized for the purposes for which it was intended, and where minor items not be fully completed, but all items that affect the operational integrity and function of the Project are capable of continuous use.

Upon notification from PROGRAM MANAGER that all remaining "punch list" items have been resolved, the CONSULTANT, in conjunction with appropriate CITY and PROGRAM MANAGER staff, shall perform a final review of the finished Project. Based on successful completion of all outstanding work items by the Contractor, CONSULTANT shall assist in closing out the construction contract. This shall include, but not limited be to, preparation of record drawings (based on markups forwarded by

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Contractor through PROGRAM MANAGER), and certifying record drawings to the various affected permitting authorities. This certification shall be based on the CONSULTANT having received and reviewed all applicable test data, daily observation reports, record drawing markups, submittals, change orders and performed final walk through of the completed work during substantial and final completion punch list walk thru.

Deliverables:-	- Attend field meetings to review substantial completion and develop "Substantial Completion punch lists". - Certify project completion to appropriate agencies.
Schedule:	- At the Substantial completion of project

TASK 5 – ADDITIONAL SERVICES

No additional services are envisioned at this time. However, if such services are required during the performance of the Work, they shall be requested by CITY and negotiated in accordance with contract requirements. Note that a separate notice to Proceed is required prior to performance of any Work not expressly required by this scope of services. If CONSULTANT, proceeds with out of scope Work without proper authorization, it does so at its own risk.

TASK 6 – REIMBURSABLE'S

Task 6.1 – Reproduction Services:

CONSULTANT shall be reimbursed at the usual and customary rate for reproduction of reports, contract documents and miscellaneous items, as may be requested by CITY. Unused amounts in this allowance shall be credited back to the CITY at the completion of the project.

Task 6.2 – Travel and Subsistence:

Not Allowed.

Task 6.3 – Surveying:

CONSULTANT shall arrange for and coordinate the efforts of licensed surveyors to prepare a topographical survey of the project limits which meets the requirements of

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sub-task 2.1. CONSULTANT's compensation shall be a reimbursement of actual costs. Consultant shall solicit no fewer than 3 proposals from properly licensed and qualified surveyors, recommend the desired firm, and receive approval from the PROGRAM MANAGER prior to engaging the surveyor.

Task 6.4 - Geotechnical Evaluation

CONSULTANT shall conduct a preliminary field exploration program to identify typical geotechnical conditions throughout the project site to ascertain the sub surface conditions with respect to its drainage design and structural characteristics. The program will consist of sufficient quantity, depth and type of borings to adequately define the soil characteristics for the purposes of design. Asphalt pavement depth will be determined at to establish the existing thickness of asphalt. Actual locations shall be as directed by CONSULTANT. Cost shall be limited to the noted not-to-exceed amount. Unused amounts in this allowance shall be credited back to the CITY at the completion of the project.

Task 6.5 – Underground Utility Verification:

CONSULTANT shall employ the services of an underground utility location service in an effort to better identify existing underground conditions where work is to be performed. Actual locations shall be as directed by CONSULTANT. Cost shall be limited to a $5,000 not-to-exceed amount. Unused amounts in this allowance shall be credited back to the CITY at the completion of the project.

Minimum Drawing Requirement

The composite set of drawings to be produced shall contain sufficient information and detail to clearly define all proposed improvements in terms of quantity, quality and location. All drawings and details shall be to a scale sufficient to be legible. The consultant shall propose a drawing list to be reviewed and approved by the Program Manager.

Site Plans

Existing Conditions – Site Survey – to include property lines, sidewalks, pavement, landscaping, existing site improvements and buildings, fencing, lighting, overhead and underground utilities, and dimensions of buildings, pavement areas, fencing, etc.

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Demolition – Clearly depict existing conditions to be demolished or modified.

Proposed Improvements – Clearly depict all new design elements including sidewalks, pavement areas, landscaping, buildings, recreational courts and fields, fencing lighting, utility modifications, replacements, and additions, etc.

Enlarged Site plans - Where necessary to clearly define project requirements, provide enlarged site plans for specific areas of improvement.

Building Drawings

All buildings to be renovated or constructed shall be detailed in the project drawings in sufficient detail to clearly and thoroughly depict the intended improvements or modifications and shall at a minimum include drawings from all involved disciplines: Architectural, Civil, Landscape Architecture, Structural, Mechanical, Plumbing, and Electrical. Drawings shall be organized by building and by discipline.

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Exhibit A

SCHEDULE B
CITY OF MIAMI BEACH
PARKS AND FACILITIES PROGRAM A-E CONSULTANT
CONSULTANT'S COMPENSATION FEE SCHEDULE
MULTIPURPOSE MUNICIPAL FACILITY

TASK NO.	TASK DESCRIPTION	PROJ DIRECTOR/PRINCIPAL	PROJECT MANAGER	SR. ENGINEER / ARCHITECT	ENGINEER / ARCHITECT	STAFF ENGINEER	DESIGNER	DRAFTER	CLERICAL	TOTAL HOURS 1	TOTAL COST	TOTALS PER PHASE
1	**PLANNING SERVICES**											
1.1	PROJECT KICK-OFF MEETING	24	24				8			56	$7,367	
1.2	PROJECT SITE RECONNAISSANCE VISIT	8	24				8			40	$4,722	
1.2	DEVELOPMENT OF DESIGN CONCEPT ALTERNATIVES	16	140	120	160		96	80		612	$53,985	
1.2	DEVELOP BUDGET LEVEL COST ESTIMATE FOR EACH ALTERNATIVE		12	20						32	$2,940	
1.3	ATTEND "VISIONING" SESSION	8	8				8			24	$3,042	
1.4	REVIEW MEETING PRIOR TO COMMUNITY DESIGN WORKSHOPS	4	4				4			12	$1,521	
	REFINE ALTERNATIVES BASED ON VISIONING REVIEW		120	120	40		40	80		400	$34,080	
1.5	COMMUNITY DESIGN WORKSHOPS									0	$0	
1.5.1	COMMUNITY DESIGN WORKSHOP NO. 1	8	8	8			8			32	$3,714	
1.5.2	COMMUNITY DESIGN WORKSHOP NO. 2	8	40	40	40		40	40		208	$18,282	
1.6	BASIS OF DESIGN REPORT (DRAFT)	8	64	80			40	60		252	$22,162	
	PROJECT IMPLEMENT. PLAN		24	8			8			40	$4,072	
	BUDGET COST ESTIMATE		8	8						16	$1,512	
	SCHEDULE		8	8						16	$1,512	
	PERMITTING DISCUSSIONS		20	20			8			48	$4,660	
1.7	REVIEW OF BODR W/ CITY DIVISIONS	8	40	8			8			64	$7,074	
	MTG. W/ POLICE, PW, PARKING, SANITATION, ETC.		32	8			8			48	$4,912	
	MTG. W/ DRB	8	24	8			8			48	$5,394	
	MTG. W/ CITY COMMISSION	8	24				8			40	$4,722	
1.8	BASIS OF DESIGN REPORT (FINAL)	8	80	120	40		8	40		296	$25,682	**$211,359**
2	**DESIGN SERVICES**										$0	
2.1	FIELD VERIFICATION OF EXISTING CONDITIONS	8	16	80	40					144	$12,722	
	SURVEY COORDINATION		16	40						56	$5,040	
	COORDINATION WITH UTILITY COMPANIES		40	40						80	$7,560	
	COORDINATION WITH SOFT-DIG		40	40						80	$7,560	
	DEVELOP BASE SITE PLANS		24	60	60					144	$12,060	
	USER GROUP MTG.'S FOR OFFICE PLANNING (3 mtg.'s per user group)		16	16						32	$3,024	
	DEVELOP OFFICE SPACE PLANS FOR USER GROUP SIGN OFF		18	60	60					138	$11,430	
	DEVELOP SIGNAGE PACKAGE		8	40	40					88	$7,200	
2.2	DETAILED DESIGN									0	$0	
	30% DESIGN SUBMISSION	16	180	240	300		50	240		1,026	$81,705	
	INCORPORATE 30% DESIGN REVIEW COMMENTS		40	40	80			80		240	$17,560	
	60% DESIGN SUBMISSION	16	180	300	300		40	230		1,066	$85,145	
	DRB 2 MEETINGS	8	8				8			24	$3,042	
	INCORPORATE 60% DESIGN REVIEW COMMENTS		80	100	120			80		380	$29,800	
	90% DESIGN SUBMISSION	16	180	280	280		20	240		1,016	$80,265	
	INCORPORATE 90% DESIGN REVIEW COMMENTS		40	160	160			80		440	$33,640	
	100% DESIGN SUBMISSION	16	120	240	240		20	180		816	$64,605	
	INCORPORATE 100% DESIGN REVIEW COMMENTS		40	40	80			80		240	$17,560	
	SCHEDULE UPDATES (6 @ 8 hrs)		48							48	$5,040	
	PROGRESS MEETINGS (6 @ 4 hrs X 2 PERSONS)		24	24						48	$4,536	
2.3	DESIGN / CONSTRUCTABILITY REVIEW (30%, 60%, 90%)		40	40						80	$7,560	
2.4	COST OPINIONS (30%, 60%, 90%)		40							40	$4,200	
2.5	COMMUNITY DESIGN REVIEW MEETING	8	8	8			8			32	$3,714	
	(COST FOR 1 ADDITIONAL COMMUNITY DESIGN REVIEW MTG IF NEEDED)	8	8	8			8			32	$3,714	
2.6	DOCUMENT REVISIONS									0	$0	
2.7	PERMITTING REVIEWS		112	168						280	$25,872	**$534,555**
3	**BIDDING AND AWARD SERVICES**										$0	
3.1	CONSTRUCTION CONTRACT DOCUMENT REVIEW		24	24						48	$4,536	
3.2	BID DOCUMENT DELIVERY		4	16						20	$1,764	
3.3	PRE-BID CONFERENCE		8	8						16	$1,512	
3.4	ADDENDA ISSUANCE		16	24	40					80	$6,696	
3.5	BID EVALUATION		24	24						48	$4,536	
3.6	CONTRACT AWARD		16	16						32	$3,024	
3.7	AS-BID CONTRACT DOCUMENTS		40	120	40					200	$17,280	**$39,348**
4	**CONSTRUCTION ADMINISTRATION SERVICES**										$0	
4.1	PRE-CONSTRUCTION CONFERENCE		8	8			8			24	$2,392	
4.2	WEEKLY CONSTRUCTION MEETINGS (52 @ 4 HRS EACH)		208	40						248	$25,200	
4.3	REQUESTS FOR INFORMATION (RFI)		280	500						780	$71,400	
4.4	REQUESTS FOR CHANGES TO CONSTRUCTION COST AND/OR SCHEDULE		160	120						280	$26,880	
4.5	PROCESSING OF SHOP DRAWINGS		240	600						840	$75,600	
4.6	FIELD OBSERVATION SERVICES (22 VISITS)			88						88	$7,392	
4.7	PROJECT CLOSEOUT		120	120						240	$22,680	**$231,644**
5	**ADDITIONAL SERVICES**										$0	
6	**OTHER DIRECT COSTS**										$0	
6.1	REPRODUCTION SERVICES										$30,000	
6.2	MILEAGE - N/A										$0	
6.3	SURVEYING (NOT TO EXCEED EST.)										$12,000	
6.4	GEOTECHNICAL EVALUATION (NOT TO EXCEED EST.)										$10,000	
6.5	UNDERGROUND UTILITY VERIFICATION (EST.)										$5,000	**$57,000**
	11798										**total Des. Serv.**	**$862,447**
	TOTAL HOURS	212	3,178	4,308	2,120	0	470	1,510	0	**11798**	**$1,073,806**	**$1,073,806**
	TOTAL FEE ESTIMATE	$35,044	$333,690	$361,872	$159,000	$0	$51,700	$75,500	$0	$1,016,806		
	Hourly Rates	$165.30	$105.00	$84.00	$75.00	$0.00	$110.00	$50.00	$0.00			

* FEE BASED ON 25,000 SF OF OFFICE BUILD OUT, 485 PARKING SPACE GARAGE, LANDSCAPE AND HARDSCAPE OF THE SW CORNER OF THE SITE AND 18TH STREET

R:\4014\AE SCOPE OF SERVICES AND CONTRACTS\Schedule B ARCHITECTURE_STRUCTURAL_MEPFP_CIVIL_LANDSCAPE Reduced Scope

Exhibit B

Multi-Purpose Municipal Parking Facility
City of Miami Beach

Order-of-Magnitude Estimate of Probable Costs Mar. 17, 2004

Description	Qty.	Unit	Unit Price	Total
Building Construction Cost (special/deep foundations assumed)				
Parking Spaces (including building screen)	480	EA	$10,500	$5,040,000
Office / Administrative/inc. build-out	20,000	SF	$130	$2,600,000
Pedestrian Bridge	2	EA	$40,000	$80,000
Specialized Items (Generators, Access Flooring, FF&E, Computer Systems, etc.)				Not Included
Total Building Construction Cost				**$7,720,000**
Site Improvements Construction Cost				
Site Preparation / Demolition (existing parking/meters)	1	LS	$75,000	$75,000
Landscape / Irrigation (minimal assumed)	1	LS	$30,000	$30,000
Plaza Areas (10000 SF Assumed)	10,000	SF	$12	$120,000
Sidewalks	800	LF	$15	$12,000
Roadway Improvements (Off-Site/Entry-Exit) incl MOT	1	LS	$25,000	$25,000
(miminal off-site roadway improvements assumed)				
Traffic Signals / Modifications				Not Required?
Environmental Impacts / Mitigation				Not Included
Utility Extensions to main service lines (200' assumed)				
Electrical Service	1	LS	$7,500	$7,500
Telecommunications	1	LS	$3,000	$3,000
Storm Drainage	1	LS	$40,000	$40,000
Water Distribution System	1	LS	$10,000	$10,000
Sanitary Sewer System	1	LS	$10,000	$10,000
Pump / Lift Station				Not Required?
Fencing, Gates and other Hardscape	1	LS	$15,000	$15,000
Misc. Site Improvements	1	LS	$10,000	$10,000
Total Site Improvements Construction Cost				**$357,500**
Estimated Construction Cost				**$8,077,500**
Contingency (10%)				**$807,750**
General Conditions (included in prices above)				-
Soft Cost Estimate (permit, impact fees, etc....)				**$200,000**
TOTAL ESTIMATED CONSTRUCTION COST				**$9,085,250**
Other Project Costs (Not Included)				
Land Acquisition				Not Included
Professional Fees (Architectural/Engineering)				Not Included
Professional Fees (Constn. Engr & Inspection)				Not Included
Inspection Services (Fire Marshal, etc.)				Not Included
Survey / Tests / Geo-Tech				Not Included
Owner's Admin./Management Costs				Not Included
Movable Furnishings & Equipment (FF&E)				Not Included
Contigencies (Owner, Unforeseen Conditions)				Not Included

- Above Costs are intended to establish A reasonable budget for the Construction Costs for the project
- Cost Estimates are not based on any design details and are based on generic information only

M:\Proposals\P\City of Miami Bch Parking Fac\MBch Pkg Gar OOM Est-B

Exhibit C

SCHEDULE B
CITY OF MIAMI BEACH
PARKS AND FACILITIES PROGRAM A-E CONSULTANT
CONSULTANT'S COMPENSATION FEE SCHEDULE
MULTIPURPOSE MUNICIPAL FACILITY

TASK NO.	TASK DESCRIPTION	PROJ DIRECTOR/PRINCIPAL	PROJECT MANAGER	SR. ENGINEER / ARCHITECT	ENGINEER / ARCHITECT	STAFF ENGINEER	DESIGNER	DRAFTER	CLERICAL	TOTAL HOURS	TOTAL COST	TOTALS PER PHASE
1	**PLANNING SERVICES**											
1.1	PROJECT KICK-OFF MEETING	24	24				8			56	$7,367	
1.2	PROJECT SITE RECONNAISSANCE VISIT	8	24				8			40	$4,722	
1.2	DEVELOPMENT OF DESIGN CONCEPT ALTERNATIVES	16	180	180	180		96	90		742	$65,225	
1.2	DEVELOP BUDGET LEVEL COST ESTIMATE FOR EACH ALTERNATIVE		12	20						32	$2,940	
1.3	ATTEND "VISIONING" SESSION	8	8				8			24	$3,042	
1.4	REVIEW MEETING PRIOR TO COMMUNITY DESIGN WORKSHOPS	4	4				4			12	$1,521	
	REFINE ALTERNATIVES BASED ON VISIONING REVIEW		160	160	40		40	80		480	$41,640	
1.5	COMMUNITY DESIGN WORKSHOPS									0	$0	
1.5.1	COMMUNITY DESIGN WORKSHOP NO. 1	8	8	8			8			32	$3,714	
1.5.2	COMMUNITY DESIGN WORKSHOP NO. 2	8	40	40	40		40	40		208	$18,282	
1.6	BASIS OF DESIGN REPORT (DRAFT)	8	64	80			40	60		252	$22,162	
	PROJECT IMPLEMENT. PLAN		24	8			8			40	$4,072	
	BUDGET COST ESTIMATE		8	8						16	$1,512	
	SCHEDULE		8	8						16	$1,512	
	PERMITTING DISCUSSIONS		20	20			8			48	$4,660	
1.7	REVIEW OF BODR W/ CITY DIVISIONS	8	40	8			8			64	$7,074	
	MTG. W/ POLICE, PW, PARKING, SANITATION, ETC.		32	8			8			48	$4,912	
	MTG. W/ DRB	8	24	8			8			48	$5,394	
	MTG. W/ CITY COMMISSION	8	24				8			40	$4,722	
1.8	BASIS OF DESIGN REPORT (FINAL)	8	80	120	40		8	40		296	$25,682	**$230,159**
2	**DESIGN SERVICES**										$0	
2.1	FIELD VERIFICATION OF EXISTING CONDITIONS	8	16	80	40					144	$12,722	
	SURVEY COORDINATION		16	40						56	$5,040	
	COORDINATION WITH UTILITY COMPANIES		40	40						80	$7,560	
	COORDINATION WITH SOFT-DIG		40	40						80	$7,560	
	DEVELOP BASE SITE PLANS		24	60	60					144	$12,060	
	USER GROUP MTG.'S FOR OFFICE PLANNING (3 mtg.'s per user group)		16	16						32	$3,024	
	DEVELOP OFFICE SPACE PLANS FOR USER GROUP SIGN OFF		18	60	60					138	$11,430	
	DEVELOP SIGNAGE PACKAGE		8	40	40					88	$7,200	
2.2	DETAILED DESIGN									0	$0	
	30% DESIGN SUBMISSION	16	120	300	400		50	300		1,186	$90,945	
	INCORPORATE 30% DESIGN REVIEW COMMENTS		40	40	80			80		240	$17,560	
	60% DESIGN SUBMISSION	16	240	450	400		40	350		1,496	$117,545	
	DRB 2 MEETINGS	8	8				8			24	$3,042	
	INCORPORATE 60% DESIGN REVIEW COMMENTS		80	100	120			80		380	$29,800	
	90% DESIGN SUBMISSION	16	280	500	600		20	550		1,966	$148,745	
	INCORPORATE 90% DESIGN REVIEW COMMENTS	-	40	160	160			80		440	$33,640	
	100% DESIGN SUBMISSION	16	120	240	300		20	300		996	$75,105	
	INCORPORATE 100% DESIGN REVIEW COMMENTS		40	40	80			80		240	$17,560	
	SCHEDULE UPDATES (6 @ 8 hrs)		48							48	$5,040	
	PROGRESS MEETINGS (6 @ 4 hrs X 2 PERSONS)		24	24						48	$4,536	
2.3	DESIGN / CONSTRUCTABILITY REVIEW (30%, 60%, 90%)		40	40						80	$7,560	
2.4	COST OPINIONS (30%, 60%, 90%)		40							40	$4,200	
2.5	COMMUNITY DESIGN REVIEW MEETING	8	8	8			8			32	$3,714	
	(COST FOR 1 ADDITIONAL COMMUNITY DESIGN REVIEW MTG IF NEEDED)	8	8	8			8			32	$3,714	
2.6	DOCUMENT REVISIONS									0	$0	
2.7	PERMITTING REVIEWS		112	168						280	$25,872	**$655,176**
3	**BIDDING AND AWARD SERVICES**										$0	
3.1	CONSTRUCTION CONTRACT DOCUMENT REVIEW		24	24						48	$4,536	
3.2	BID DOCUMENT DELIVERY		4	16						20	$1,764	
3.3	PRE-BID CONFERENCE		8	8						16	$1,512	
3.4	ADDENDA ISSUANCE		16	24	40					80	$6,696	
3.5	BID EVALUATION		24	24						48	$4,536	
3.6	CONTRACT AWARD		16	16						32	$3,024	
3.7	AS-BID CONTRACT DOCUMENTS		40	120	40					200	$17,280	**$39,348**
4	**CONSTRUCTION ADMINISTRATION SERVICES**										$0	
4.1	PRE-CONSTRUCTION CONFERENCE		8	8			8			24	$2,392	
4.2	WEEKLY CONSTRUCTION MEETINGS (52 @ 4 HRS EACH)		208	40						248	$25,200	
4.3	REQUESTS FOR INFORMATION (RFI)		300	500						800	$73,500	
4.4	REQUESTS FOR CHANGES TO CONSTRUCTION COST AND/OR SCHEDULE		160	120					-	280	$26,880	
4.5	PROCESSING OF SHOP DRAWINGS		300	800						1,100	$98,700	
4.6	FIELD OBSERVATION SERVICES (22 VISITS)			88						88	$7,392	
4.7	PROJECT CLOSEOUT		120	160						280	$26,040	**$260,104**
5	**ADDITIONAL SERVICES**										$0	
6	**OTHER DIRECT COSTS**										$0	
6.1	REPRODUCTION SERVICES										$30,000	
6.2	MILEAGE - N/A										$0	
6.3	SURVEYING (NOT TO EXCEED EST.)										$12,000	
6.4	GEOTECHNICAL EVALUATION (NOT TO EXCEED EST.)										$10,000	
6.5	UNDERGROUND UTILITY VERIFICATION (EST.)										$5,000	**$57,000**
	14048										**total Des. Serv.**	**$1,011,627**
	TOTAL HOURS	212	3,438	5,078	2,720	0	470	2,130	0	**14048**	**$1,241,786**	**$1,241,786**
	TOTAL FEE ESTIMATE	$35,044	$360,990	$426,552	$204,000	$0	$51,700	$106,500	$0	$1,184,786		
	Hourly Rates	$165.30	$105.00	$84.00	$75.00	$0.00	$110.00	$50.00	$0.00			

* FEE BASED ON 50,000 SF OF OFFICE BUILD OUT, 600 PARKING SPACE GARAGE, LANDSCAPE AND HARDSACPE OF THE SW CORNER OF THE SITE AND 18TH STREET

R:\4014\AE SCOPE OF SERVICES AND CONTRACTS\Schedule B ARCHITECTURE_STRUCTURAL_MEPFP_CIVIL_LANDSCAPE Original

Exhibit D

Multi-Purpose Municipal Parking Facility
City of Miami Beach

Order-of-Magnitude Estimate of Probable Costs Mar. 17, 2004

Description	Qty.	Unit	Unit Price	Total
Building Construction Cost (special/deep foundations assumed)				
Parking Spaces (including building screen)	600	EA	$10,500	$6,300,000
Office / Administrative/inc. build-out	50,000	SF	$130	$6,500,000
Pedestrian Bridge	2	EA	$40,000	$80,000
Specialized Items (Generators, Access Flooring, FF&E, Computer Systems, etc.)				Not Included
Total Building Construction Cost				**$12,880,000**
Site Improvements Construction Cost				
Site Preparation / Demolition (existing parking/meters)	1	LS	$75,000	$75,000
Landscape / Irrigation (minimal assumed)	1	LS	$30,000	$30,000
Plaza Areas (10000 SF Assumed)	10,000	SF	$12	$120,000
Sidewalks	800	LF	$15	$12,000
Roadway Improvements (Off-Site/Entry-Exit) incl MOT	1	LS	$25,000	$25,000
(miminal off-site roadway improvements assumed)				
Traffic Signals / Modifications				Not Required?
Environmental Impacts / Mitigation				Not Included
Utility Extensions to main service lines (200' assumed)				
Electrical Service	1	LS	$7,500	$7,500
Telecommunications	1	LS	$3,000	$3,000
Storm Drainage	1	LS	$40,000	$40,000
Water Distribution System	1	LS	$10,000	$10,000
Sanitary Sewer System	1	LS	$10,000	$10,000
Pump / Lift Station				Not Required?
Fencing, Gates and other Hardscape	1	LS	$15,000	$15,000
Misc. Site Improvements	1	LS	$10,000	$10,000
Total Site Improvements Construction Cost				**$357,500**
Estimated Construction Cost				**$13,237,500**
Contingency (10%)				**$1,323,750**
General Conditions (included in prices above)				-
Soft Cost Estimate (permit, impact fees, etc....)				**$200,000**
TOTAL ESTIMATED CONSTRUCTION COST				**$14,761,250**
Other Project Costs (Not Included)				
Land Acquisition				Not Included
Professional Fees (Architectural/Engineering)				Not Included
Professional Fees (Constn. Engr & Inspection)				Not Included
Inspection Services (Fire Marshal, etc.)				Not Included
Survey / Tests / Geo-Tech				Not Included
Owner's Admin./Management Costs				Not Included
Movable Furnishings & Equipment (FF&E)				Not Included
Contigencies (Owner, Unforeseen Conditions)				Not Included

- Above Costs are intended to establish A reasonable budget for the Construction Costs for the project
- Cost Estimates are not based on any design details and are based on generic information only

M:\Proposals\P\City of Miami Bch Parking Fac\MBch Pkg Gar OOM Est-A

Exhibit E

SCHEDULE B
CITY OF MIAMI BEACH
PARKS AND FACILITIES PROGRAM A-E CONSULTANT
PARKING/TRAFFIC CONSULTANT COMPENSATION FEE SCHEDULE
MULTIPURPOSE MUNICIPAL FACILITY

TASK NO.	TASK DESCRIPTION	PROJ DIRECTOR/PRINCIPAL	PROJECT MANAGER	CLERICAL						TOTAL HOURS	TOTAL COST	TOTALS PER PHASE
1	**PLANNING SERVICES**											
1.1	PROJECT KICK-OFF MEETING	8								8	$1,360	
1.2	PROJECT SITE RECONNAISSANCE VISIT	8	24	15						47	$4,495	
1.2	DEVELOPMENT OF DESIGN CONCEPT ALTERNATIVES	40	120	15						175	$20,495	
1.2	DEVELOP BUDGET LEVEL COST ESTIMATE FOR EACH ALTERNATIVE									0	$0	
1.3	ATTEND "VISIONING" SESSION	8	8							16	$2,240	
1.4	REVIEW MEETING PRIOR TO COMMUNITY DESIGN WORKSHOPS									0	$0	
	REFINE ALTERNATIVES BASED ON VISIONING REVIEW									0	$0	
1.5	COMMUNITY DESIGN WORKSHOPS									0	$0	
1.5.1	COMMUNITY DESIGN WORKSHOP NO. 1	8								8	$1,360	
1.5.2	COMMUNITY DESIGN WORKSHOP NO. 2	8								8	$1,360	
1.6	BASIS OF DESIGN REPORT (DRAFT)									0	$0	
	PROJECT IMPLEMENT. PLAN									0	$0	
	BUDGET COST ESTIMATE									0	$0	
	SCHEDULE									0	$0	
	PERMITTING DISCUSSIONS									0	$0	
1.7	REVIEW OF BODR W/ CITY DIVISIONS									0	$0	
	MTG. W/ POLICE, PW, PARKING, SANITATION, ETC.									0	$0	
	MTG. W/ HISTORIC PRESERVATION BOARD									0	$0	
	MTG. W/ CITY COMMISSION									0	$0	
1.8	BASIS OF DESIGN REPORT (FINAL)									0	$0	**$31,310**
2	**DESIGN SERVICES**										$0	
2.1	FIELD VERIFICATION OF EXISTING CONDITIONS									0	$0	
	SURVEY COORDINATION									0	$0	
	COORDINATION WITH UTILITY COMPANIES									0	$0	
	COORDINATION WITH SOFT-DIG									0	$0	
	DEVELOP BASE SITE PLANS									0	$0	
2.2	DETAILED DESIGN									0	$0	
	30% DESIGN SUBMISSION	40	128	15						183	$21,375	
	INCORPORATE 30% DESIGN REVIEW COMMENTS									0	$0	
	60% DESIGN SUBMISSION									0	$0	
	INCORPORATE 60% DESIGN REVIEW COMMENTS									0	$0	
	90%/100% DESIGN SUBMISSION									0	$0	
	INCORPORATE 90%/100% DESIGN REVIEW COMMENTS									0	$0	
	SCHEDULE UPDATES (6 @ 8 hrs)									0	$0	
	PROGRESS MEETINGS (6 @ 4 hrs X 2 PERSONS)									0	$0	
2.3	DESIGN / CONSTRUCTABILITY REVIEW (30%, 60%, 90%,100%)									0	$0	
2.4	COST OPINIONS (30%, 60%, 90%, 100%)									0	$0	
2.5	COMMUNITY DESIGN REVIEW MEETING									0	$0	
	(COST FOR 1 ADDITIONAL COMMUNITY DESIGN REVIEW MTG IF NEEDED)									0	$0	
2.6	DOCUMENT REVISIONS									0	$0	
2.7	PERMITTING REVIEWS									0	$0	**$21,375**
3	**BIDDING AND AWARD SERVICES**										$0	
3.1	CONSTRUCTION CONTRACT DOCUMENT REVIEW									0	$0	
3.2	BID DOCUMENT DELIVERY									0	$0	
3.3	PRE-BID CONFERENCE									0	$0	
3.4	ADDENDA ISSUANCE									0	$0	
3.5	BID EVALUATION									0	$0	
3.6	CONTRACT AWARD									0	$0	
3.7	AS-BID CONTRACT DOCUMENTS									0	$0	**$0**
4	**CONSTRUCTION ADMINISTRATION SERVICES**										$0	
4.1	PRE-CONSTRUCTION CONFERENCE									0	$0	
4.2	WEEKLY CONSTRUCTION MEETINGS (52 @ 4 HRS EACH)									0	$0	
4.3	REQUESTS FOR INFORMATION (RFI)									0	$0	
4.4	REQUESTS FOR CHANGES TO CONSTRUCTION COST AND/OR SCHEDULE									0	$0	
4.5	PROCESSING OF SHOP DRAWINGS									0	$0	
4.6	FIELD OBSERVATION SERVICES (22 VISITS)									0	$0	
4.7	PROJECT CLOSEOUT									0	$0	**$0**
5	**ADDITIONAL SERVICES**										$0	
6	**OTHER DIRECT COSTS**										$0	
6.1	REPRODUCTION SERVICES										$0	
6.2	MILEAGE - N/A										$0	
6.3	SURVEYING										$0	
6.4	GEOTECHNICAL EVALUATION										$0	
6.5	UNDERGROUND UTILITY VERIFICATION										$0	**$0**
	445											
	TOTAL HOURS	120	280	45	0	0	0	0	0	**445**	**$52,685**	**$52,685**
	TOTAL FEE ESTIMATE	$20,400	$30,800	$1,485	$0	$0	$0	$0	$0	$52,685		
	Hourly Rates	$170.00	$110.00	$33.00	$0.00	$0.00	$0.00	$0.00	$0.00			

Exhibit F

SCHEDULE B
CITY OF MIAMI BEACH
PARKS AND FACILITIES PROGRAM A-E CONSULTANT
COST ESTIMATOR'S COMPENSATION FEE SCHEDULE
MULTIPURPOSE MUNICIPAL FACILITY

TASK NO.	TASK DESCRIPTION	QC/COORD.	SR. ESTIMATOR	ESTIMATOR						TOTAL HOURS	TOTAL COST	TOTALS PER PHASE
1	**PLANNING SERVICES**											
1.1	PROJECT KICK-OFF MEETING									0	$0	
1.2	PROJECT SITE RECONNAISSANCE VISIT									0	$0	
1.2	DEVELOPMENT OF DESIGN CONCEPT ALTERNATIVES									0	$0	
1.2	DEVELOP BUDGET LEVEL COST ESTIMATE FOR EACH ALTERNATIVE	1	8	42						51	$3,402	
1.3	ATTEND "VISIONING" SESSION									0	$0	
1.4	REVIEW MEETING PRIOR TO COMMUNITY DESIGN WORKSHOPS									0	$0	
	REFINE ALTERNATIVES BASED ON VISIONING REVIEW									0	$0	
1.5	COMMUNITY DESIGN WORKSHOPS									0	$0	
1.5.1	COMMUNITY DESIGN WORKSHOP NO. 1									0	$0	
1.5.2	COMMUNITY DESIGN WORKSHOP NO. 2									0	$0	
1.6	BASIS OF DESIGN REPORT (DRAFT)									0	$0	
	PROJECT IMPLEMENT. PLAN									0	$0	
	BUDGET COST ESTIMATE									0	$0	
	SCHEDULE									0	$0	
	PERMITTING DISCUSSIONS									0	$0	
1.7	REVIEW OF BODR W/ CITY DIVISIONS									0	$0	
	MTG. W/ POLICE, PW, PARKING, SANITATION, ETC.									0	$0	
	MTG. W/ HISTORIC PRESERVATION BOARD									0	$0	
	MTG. W/ CITY COMMISSION									0	$0	
1.8	BASIS OF DESIGN REPORT (FINAL)									0	$0	**$3,402**
2	**DESIGN SERVICES**										$0	
2.1	FIELD VERIFICATION OF EXISTING CONDITIONS									0	$0	
	SURVEY COORDINATION									0	$0	
	COORDINATION WITH UTILITY COMPANIES									0	$0	
	COORDINATION WITH SOFT-DIG									0	$0	
	DEVELOP BASE SITE PLANS									0	$0	
2.2	DETAILED DESIGN									0	$0	
	30% DESIGN SUBMISSION									0	$0	
	INCORPORATE 30% DESIGN REVIEW COMMENTS									0	$0	
	60% DESIGN SUBMISSION									0	$0	
	INCORPORATE 60% DESIGN REVIEW COMMENTS									0	$0	
	90%/100% DESIGN SUBMISSION									0	$0	
	INCORPORATE 90%/100% DESIGN REVIEW COMMENTS									0	$0	
	SCHEDULE UPDATES (6 @ 8 hrs)									0	$0	
	PROGRESS MEETINGS (6 @ 4 hrs X 2 PERSONS)									0	$0	
2.3	DESIGN / CONSTRUCTABILITY REVIEW (30%, 60%, 90%,100%)									0	$0	
2.4	COST OPINIONS (30%, 60%, 90%, 100%)	5	36	502						543	$34,462	
2.5	COMMUNITY DESIGN REVIEW MEETING									0	$0	
	(COST FOR 1 ADDITIONAL COMMUNITY DESIGN REVIEW MTG IF NEEDED)									0	$0	
2.6	DOCUMENT REVISIONS									0	$0	
2.7	PERMITTING REVIEWS									0	$0	**$34,462**
3	**BIDDING AND AWARD SERVICES**										$0	
3.1	CONSTRUCTION CONTRACT DOCUMENT REVIEW									0	$0	
3.2	BID DOCUMENT DELIVERY									0	$0	
3.3	PRE-BID CONFERENCE									0	$0	
3.4	ADDENDA ISSUANCE									0	$0	
3.5	BID EVALUATION									0	$0	
3.6	CONTRACT AWARD									0	$0	
3.7	AS-BID CONTRACT DOCUMENTS									0	$0	**$0**
4	**CONSTRUCTION ADMINISTRATION SERVICES**										$0	
4.1	PRE-CONSTRUCTION CONFERENCE									0	$0	
4.2	WEEKLY CONSTRUCTION MEETINGS (52 @ 4 HRS EACH)									0	$0	
4.3	REQUESTS FOR INFORMATION (RFI)									0	$0	
4.4	REQUESTS FOR CHANGES TO CONSTRUCTION COST AND/OR SCHEDULE									0	$0	
4.5	PROCESSING OF SHOP DRAWINGS									0	$0	
4.6	FIELD OBSERVATION SERVICES (22 VISITS)									0	$0	
4.7	PROJECT CLOSEOUT									0	$0	**$0**
5	**ADDITIONAL SERVICES**										$0	
6	**OTHER DIRECT COSTS**										$0	
6.1	REPRODUCTION SERVICES										$0	
6.2	MILEAGE - N/A										$0	
6.3	SURVEYING										$0	
6.4	GEOTECHNICAL EVALUATION										$0	
6.5	UNDERGROUND UTILITY VERIFICATION										$0	**$0**
	594											
	TOTAL HOURS	6	44	544	0	0	0	0	0	**594**	**$37,864**	**$37,864**
	TOTAL FEE ESTIMATE	$720	$3,960	$33,184	$0	$0	$0	$0	$0	$37,864		
	Hourly Rates	$120.00	$90.00	$61.00	$0.00	$0.00	$0.00	$0.00	$0.00			

Exhibit G

SCHEDULE B
CITY OF MIAMI BEACH
PARKS AND FACILITIES PROGRAM A-E CONSULTANT
MERIDIAN PLANNING SERVICES ONLY /CONSULTANT COMPENSATION FEE SCHEDULE
MULTIPURPOSE MUNICIPAL FACILITY

TASK NO.	TASK DESCRIPTION	PROJ DIRECTOR/PRINCIPAL	PROJECT MANAGER	SR. ENGINEER / ARCHITECT	ENGINEER / ARCHITECT	STAFF ENGINEER	DESIGNER	DRAFTER	CLERICAL	TOTAL HOURS	TOTAL COST	TOTALS PER PHASE
1	**PLANNING SERVICES**											
1.1	PROJECT KICK-OFF MEETING	4	6	6					1	17	$1,835	
1.2	PROJECT SITE RECONNAISSANCE VISIT		8				8	8		24	$2,200	
1.2	DEVELOPMENT OF DESIGN CONCEPT ALTERNATIVES		16	8			16	16	2	58	$5,152	
1.2	DEVELOP BUDGET LEVEL COST ESTIMATE FOR EACH ALTERNATIVE		2	2					1	5	$418	
1.3	ATTEND "VISIONING" SESSION	4	2	2	2				1	11	$1,229	
1.4	REVIEW MEETING PRIOR TO COMMUNITY DESIGN WORKSHOPS	8	16	16	16		16	16		88	$8,266	
	REFINE ALTERNATIVES BASED ON VISIONING REVIEW									0	$0	
1.5	COMMUNITY DESIGN WORKSHOPS									0	$0	
1.5.1	COMMUNITY DESIGN WORKSHOP NO. 1	4	8	8			8		8	36	$3,373	
1.5.2	COMMUNITY DESIGN WORKSHOP NO. 2	4	8	8	16				8	44	$3,693	
1.6	BASIS OF DESIGN REPORT (DRAFT)		6	6						12	$1,134	
	PROJECT IMPLEMENT. PLAN		16	16	8			8	4	52	$4,264	
	BUDGET COST ESTIMATE		3	3					4	10	$727	
	SCHEDULE		8							8	$840	
	PERMITTING DISCUSSIONS									0	$0	
1.7	REVIEW OF BODR W/ CITY DIVISIONS		4						4	8	$580	
	MTG. W/ POLICE, PW, PARKING, SANITATION, ETC.		4						4	8	$580	
	MTG. W/ DRB	2	4							6	$751	
	MTG. W/ CITY COMMISSION	2	4							6	$751	
1.8	BASIS OF DESIGN REPORT (FINAL)								16	16	$640	**$36,433**
2	**DESIGN SERVICES**										$0	
2.1	FIELD VERIFICATION OF EXISTING CONDITIONS									0	$0	
	SURVEY COORDINATION									0	$0	
	COORDINATION WITH UTILITY COMPANIES									0	$0	
	COORDINATION WITH SOFT-DIG									0	$0	
	DEVELOP BASE SITE PLANS									0	$0	
2.2	DETAILED DESIGN									0	$0	
	30% DESIGN SUBMISSION									0	$0	
	INCORPORATE 30% DESIGN REVIEW COMMENTS									0	$0	
	60% DESIGN SUBMISSION									0	$0	
	INCORPORATE 60% DESIGN REVIEW COMMENTS									0	$0	
	90%/100% DESIGN SUBMISSION									0	$0	
	INCORPORATE 90%/100% DESIGN REVIEW COMMENTS									0	$0	
	SCHEDULE UPDATES (6 @ 8 hrs)									0	$0	
	PROGRESS MEETINGS (6 @ 4 hrs X 2 PERSONS)									0	$0	
2.3	DESIGN / CONSTRUCTABILITY REVIEW (30%, 60%, 90%,100%)									0	$0	
2.4	COST OPINIONS (30%, 60%, 90%, 100%)									0	$0	
2.5	COMMUNITY DESIGN REVIEW MEETING									0	$0	
	(COST FOR 1 ADDITIONAL COMMUNITY DESIGN REVIEW MTG IF NEEDED)									0	$0	
2.6	DOCUMENT REVISIONS									0	$0	
2.7	PERMITTING REVIEWS									0	$0	
3	**BIDDING AND AWARD SERVICES**									0	$0	**$0**
3.1	CONSTRUCTION CONTRACT DOCUMENT REVIEW										$0	
3.2	BID DOCUMENT DELIVERY									0	$0	
3.3	PRE-BID CONFERENCE									0	$0	
3.4	ADDENDA ISSUANCE									0	$0	
3.5	BID EVALUATION									0	$0	
3.6	CONTRACT AWARD									0	$0	
3.7	AS-BID CONTRACT DOCUMENTS									0	$0	
4	**CONSTRUCTION ADMINISTRATION SERVICES**									0	$0	**$0**
4.1	PRE-CONSTRUCTION CONFERENCE										$0	
4.2	WEEKLY CONSTRUCTION MEETINGS (52 @ 4 HRS EACH)									0	$0	
4.3	REQUESTS FOR INFORMATION (RFI)									0	$0	
4.4	REQUESTS FOR CHANGES TO CONSTRUCTION COST AND/OR SCHEDULE									0	$0	
4.5	PROCESSING OF SHOP DRAWINGS									0	$0	
4.6	FIELD OBSERVATION SERVICES (22 VISITS)									0	$0	
4.7	PROJECT CLOSEOUT									0	$0	
5	**ADDITIONAL SERVICES**									0	$0	**$0**
6	**OTHER DIRECT COSTS**										$0	
6.1	REPRODUCTION SERVICES										$0	
6.2	MILEAGE - N/A										$0	
6.3	SURVEYING										$0	
6.4	GEOTECHNICAL EVALUATION										$0	
6.5	UNDERGROUND UTILITY VERIFICATION										$0	
	409										$0	**$0**
	TOTAL HOURS	28	115	75	42	0	48	48	53	409	$36,433	**$36,433**
	TOTAL FEE ESTIMATE	$4,628	$12,075	$6,300	$3,150	$0	$5,280	$2,880	$2,120	$36,433		
	Hourly Rates	$165.30	$105.00	$84.00	$75.00	$0.00	$110.00	$60.00	$40.00			

RESOLUTION TO BE SUBMITTED

CITY OF MIAMI BEACH
COMMISSION ITEM SUMMARY

Condensed Title:

A resolution adopting the recommendation of the City Manager and authorizing the Administration to commit the 5,000 square foot space within "The Courts" project (f/k/a The Cobb Project) located at 131 Alton Road, for use as a library.

Issue:

Shall the City commit the entire 5,000 square foot space within "The Courts" for use as a library?

Item Summary/Recommendation:

Miami Beach Redevelopment Agency Resolution 444-2003 authorized the Executive Director to exercise the RDA's option to purchase the 5,000 square foot space within "The Courts" (the Facility) project and to contribute the Facility to the City of Miami Beach for uses including a library and such other public uses as permitted and as mutually agreed to by the parties. The existing South Shore Library Branch, located at 225 Washington Avenue, is intended to be relocated to the Facility at 131 Alton Road. In the meantime, the Developer of The Courts is currently utilizing the Facility as its Sales Center while it is preparing to commence the retrofit/build-out of the 5,000 square foot Facility, which is to be completed by September 2004. The Developer is now seeking direction as to the final space configuration of the Facility, and concurrently, the Miami-Dade Public Library System has requested the City's commitment for an allocation of the entire Facility as a Library so that proper budgeting for the necessary books, materials, and computers may be secured. The community has expressed a preference for the entire Facility to be utilized as a library. The Miami-Dade County Library System has represented that a small portion of the Facility, specifically the area fronting Alton Road, will not be improved with any fixtures and will remain flexible throughout their initial occupancy if the City should decide to utilize this portion of the Facility. However, any such decision needs to be evaluated regarding multi-tenant facility build-out requirements.

Advisory Board Recommendation:

N/A

Financial Information:

Source of Funds:

	Amount	Account	Approved
1			
2			
3			
4			
Total			

City Clerk's Office Legislative Tracking:

Sign-Offs:

Department Director	Assistant City Manager	City Manager
	Christina M. Cuervo	

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AGENDA ITEM R7F

DATE 4-14-04

CITY OF MIAMI BEACH

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

COMMISSION MEMORANDUM

To: Mayor David Dermer and Members of the City Commission

Date: April 14, 2004

From: Jorge M. Gonzalez
City Manager

Subject: **A RESOLUTION OF THE MAYOR AND MEMBERS OF THE CITY COMMISSION ADOPTING THE RECOMMENDATION OF THE CITY MANAGER AND AUTHORIZING THE ADMINISTRATION TO COMMIT THE 5,000 SQUARE FOOT SPACE WITHIN "THE COURTS" PROJECT (F/K/A THE COBB PROJECT) LOCATED AT 131 ALTON ROAD, MIAMI BEACH, FLORIDA, FOR USE AS A LIBRARY.**

RECOMMENDATION:
Adopt the Resolution.

ANALYSIS:
Miami Beach Redevelopment Agency Resolution 444-2003, passed and adopted February 26, 2003, authorized the Executive Director to exercise the RDA's option to purchase the 5,000 square foot space (the "Facility") within "The Courts" project (f/k/a The Cobb Project) and to contribute the Facility to the City of Miami Beach for uses including a library and such other public uses as permitted and as mutually agreed to by the parties. The existing South Shore Library Branch, located at 225 Washington Avenue, is intended to be relocated to the Facility at 131 Alton Road.

The Developer is currently utilizing the Facility as its Sales Center while it is preparing to commence the retrofit/build-out of the 5,000 square foot Facility, which is to be completed by September 2004. Accordingly, the Developer is seeking direction as to the final space configuration. Concurrently, the Miami-Dade Public Library System has requested the City's commitment for an allocation of the entire Facility as a Library so that proper budgeting for the necessary books, materials, and computers may be secured.

During the February 26, 2003 Commission meeting, there was discussion concerning the possibility of utilizing the 5,000 square foot Facility as a Library and for any other public purpose which would be mutually agreed to by the Parties. At that time, the Administration stated it would be prepared to make a recommendation as the April 2004 date approaches and when the retrofit of the space needs to begin.

On March 13, 2003, a community meeting was held, during which the community indicated a preference for the entire Facility to be utilized as a library.

Pursuant to the City Commission's direction, on March 25, 2003, the attached Letter Agreement Modification of Paragraph 4 of Fourth Extension and Clarification Agreement between the Miami Beach Redevelopment Agency, the City of Miami Beach, and the Courts at South Beach Limited, a Florida limited partnership f/k/a Cobb Partners South Beach, Ltd., dated July 26, 2000, was executed, which identified the following as "other public uses as permitted and as mutually agreed to by the parties":

- Public purposes outlined in previous agreements such as a police sub-station or administrative fire or police office facilities;
- Office space for cultural organizations and/or organizations which serve as arts incubators;
- A library facility.

While the City Commission has requested the Administration consider additional public purpose uses for the Facility, consistent with the public's expressed preference, the Administration believes it is in the City's best interest to continue with the Developer's improvements (as outlined in the attached letter dated March 25, 2003, page 3) to retrofit the Facility for the Library use, for the following reasons:

1. Members of the community have expressed they prefer the Facility be purchased for the exclusive use of relocating and expanding the South Shore Library Branch. They do not support the sharing of the Facility between the Library System and other public purposes.

2. The Miami-Dade County Library System has prepared a schematic plan for the library relocation and expansion utilizing the 5,000 square foot Facility which envisions more space for a computer facility, an expanded book collection, and a children's area for story-reading programs.

3. The Facility is currently built for a single user with one set of restrooms and only minimal means of egress. Therefore, the permitting requirements of retrofitting the Facility to allow for a second occupant may result in additional restroom requirements and a requirement for an additional means of ingress and egress, which will substantially affect the retrofit cost and timeframe for construction.

4. The Miami-Dade County Library System has represented that a small portion of the Facility, specifically the area fronting Alton Road (see Exhibit A), will not be improved with any fixtures and will remain flexible throughout their initial occupancy if the City should decide to utilize this portion of the Facility. However, any such decision needs to be evaluated with the aforementioned comments regarding multi-tenant facility build-out requirements and shared costs of said space.

It should be noted that the Capital Improvements office is in the process of contracting the firm of Swanke Hayden from the rotating architecture/engineering list in order to conduct a Community Design Workshop process and to develop a Concept Plan for the City-owned parcels located at the intersection of Collins Avenue and Second Street, referred to as Washington Park, which is the site of the existing South Shore Library. This process is underway in order to assist in the determination of potential uses for the existing South Shore Library space. However, the public meetings required for this process have not yet occurred.

RECOMMENDATION:
Adopt the Resolution accepting the recommendation of the City Manager and authorizing the Administration to commit the 5,000 square foot space within "The Courts" Project (f/k/a The Cobb Project) located at 131 Alton Road, Miami Beach, Florida, for use as a Library.

JMG/~~CMC~~ DMC/AP
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Enclosure: Letter Agreement dated March 25, 2003

Miami Beach Redevelopment Agency

1700 Convention Center Drive, Miami Beach, Fl. 33139
http:\\ci.miami-beach.fl.us

Miami Beach Redevelopment Agency

Telephone (305) 673-7193
Facsimile (305) 673-7772

March 25, 2003

Courts at South Beach Limited,
a Florida limited partnership
f/k/a Cobb Partners South Beach, Ltd.
20803 Biscayne Boulevard
Suite 200
Aventura, Florida 33180

Attn: Alan M. David

Re: Modification of Paragraph 4 of Fourth Extension and Clarification Agreement between the Miami Beach Redevelopment Agency, the City of Miami Beach, and the Courts at South Beach Limited, a Florida limited partnership f/k/a Cobb Partners South Beach, Ltd., dated July 26, 2000

Dear Mr. David:

This Letter Agreement shall serve to modify and amend the understanding between the Miami Beach Redevelopment Agency, the City of Miami Beach, and the Courts at South Beach Limited, a Florida limited partnership f/k/a Cobb Partners South Beach, Ltd., with respect to Paragraph 4 of that certain document entitled Fourth Extension and Clarification Agreement, dated July 26, 2000, with respect to the Agency's right to exercise its option to purchase the Library facility, as defined therein, and the parties' respective obligations thereto. The terms of this Letter Agreement shall only serve to amend and supplement Paragraph 4 of the Fourth Extension but, where in conflict therewith, the terms of this Letter Agreement shall prevail and govern the understanding between the Parties with respect to the Agency's option to purchase the Library Facility.

The Miami Beach Redevelopment Agency is exercising its option to purchase a 5,000 commercial condominium space located at 131 Alton Road, (the "Facility") in accordance with Paragraph 4 of that certain Fourth Extension and Clarification Agreement dated July 26, 2000 (the "Fourth Extension"), by and among the Miami Beach Redevelopment Agency (the "RDA"), the City of Miami Beach (the "City"), and the Courts at South Beach Limited, a Florida limited partnership f/k/a Cobb Partners South Beach, Ltd. (the "Developer"), as same is herein amended by the Parties thereto.

The Fourth Extension allowed for the RDA to purchase the commercial condominium space and contribute the space to the City of Miami Beach for use as a Library facility. The Parties also acknowledged that the intent to so utilize this commercial space for a library may no longer be feasible or desirable due to other library facilities that have been constructed in the general area and the inability or unwillingness of Miami-Dade County to allow and/or support the maintenance

of another library at the subject location. However, the Parties also recognized that there may be other public needs of the City that can be met through the acquisition of the Library space. As a result, the Parties agreed that the RDA shall have the option to obtain ownership of what was previously identified as the Library facility for any other public purpose, such as, but not limited to, a police sub-station or administrative fire or police office facilities, or such other public usage that is mutually agreed to by the Parties.

On February 26, 2003, the RDA Board adopted Resolution No. 444-2003, which authorized the acquisition of the space, provided that a pre-approved list of public uses be identified prior to the acquisition, and that terms be identified for the event that your organization is not able to vacate the space by September, 2004.

Therefore, a community meeting was held on March 13, 2003, during which the community indicated a preference for the entire 5,000 sf space to be utilized as a library facility.

This Letter Agreement shall also confirm your meeting with members of my staff on March 17, 2003, during which the following list of pre-approved public uses were identified:

- Public purposes outlined in the Fourth Extension and Clarification Agreement dated July 26, 2000 between the City, the RDA, and the Courts at South Beach Limited, a Florida limited partnership f/k/a Cobb Partners South Beach, Ltd., such as a police sub-station or administrative fire or police office facilities;
- Office space for cultural organizations and/or organizations which serve as arts incubators;
- A library facility.

The Fourth Extension stipulates that once the option is exercised, the RDA shall pay $275,000 in 10 yearly installments starting with the first installment at the time of notice of exercise of the option, and each additional installment of $27,500 is to be paid on the anniversary date of the exercise of the option. However, the Developer has requested to be allowed to remain in the facility which it is now using as a sales center and complete the build-out and close the transaction by September 30, 2004. Therefore, as part of the City and the RDA's agreement to allow the Developer the extended use of the facility, the first installment payment will be due on the closing date, September 30, 2004, with additional installments to be paid henceforth over the next nine years.

Also, the Fourth Extension states that the designated space was offered to the RDA "as is" and "where is". However, because the City will allow the Developer to continue using the space as its sales center until September 2004, the Developer agreed to perform the retrofit/build-out of the 5,000 square foot space by September 30, 2004, at its sole cost and expense as outlined below.

Therefore, the RDA's exercise of the option to purchase the facility is contingent upon the aforementioned and the following understandings between the Parties:

- An extension of time for the closing of the transaction is granted so that the closing may be delayed until September 30, 2004, instead of within 180 days of March 31, 2003;
- Payment of the first installment in the amount of $27,500 is delayed until the closing date on September 30, 2004, with each additional nine installments of $27,500 to be paid on the anniversary date of the exercise of the closing of the transaction;

- The Developer may remain in the Library facility and continue its sales center use until September 30, 2004, provided that the Developer performs the retrofit/build-out of the 5,000 square foot space, at its sole cost, pursuant to the attached permitted Lighting and Electrical Drawing #LE2, dated November 11, 1994, as modified, and which will also include three extra electrical drops, demolition of the demising wall, sprinklers, HVAC, conduits with pull strings for computer and data lines;
- Developer will procure the design, preparation of construction documents, and/or permitting fees and the City will pay the costs in connection therewith;
- If Developer's obligations have not been met by September 30, 2004, and the Developer has not achieved final completion of the retrofit and/or vacated, then from October 1, 2004 until Developer achieves final completion of the retrofit and vacates the space, a penalty in the amount of $7,000 per month (equivalent to approximately $17 per square foot annually) will apply.

Should you agree with the preceding terms and conditions of this Letter Agreement Modification, please have a duly authorized representative of the Courts at South Beach Limited, a Florida limited partnership f/k/a Cobb Partners South Beach, Ltd., acknowledge and execute in the space provided below. A fully executed copy will be provided to the duly authorized representative. All other terms and conditions of the Fourth Extension and Clarification Agreement, dated July 26, 2000, shall remain in full force and effect.

ATTEST:

By:_____

THE COURTS AT SOUTH BEACH LIMITED f/k/a Cobb Partners South Beach, Ltd., a Florida limited partnership

By: PACIFIC INTERNATIONAL SOUTH BEACH, INC., a Florida corporation, a General Partner

By:_____
ALAN DAVID, Vice President

STATE OF FLORIDA)
)SS
COUNTY OF MIAMI-DADE)

BEFORE ME, the undersigned authority duly authorized in the State and County aforesaid to take acknowledgments, personally appeared ALAN DAVID, well known to me or who presented identification in the form of _____, the Vice President of PACIFIC INTERNATIONAL SOUTHBEACH, INC., a Florida corporation, a General Partner, and who took an oath, acknowledging that he executed the above and foregoing document as his free act and deed, for an on behalf of said corporation as its duly authorized representative, for the purposes set forth therein, and that the seal affixed thereto is the true and correct seal of said Agency.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, in the State and County aforesaid, on this 26 day of March, 2003.

Name_____
Notary Public, State of Florida at Large

RUTHANN MOORE
Notary Public - State of Florida
My Commission Expires Jun 20, 2004
Commission # CC912849

ATTEST:

By: Rosa Rodriguez

MIAMI BEACH REDEVELOPMENT AGENCY

By: Jorge M. Gonzalez
JORGE M. GONZALEZ
Executive Director

STATE OF FLORIDA)
)SS
COUNTY OF MIAMI-DADE)

BEFORE ME, the undersigned authority duly authorized in the State and County aforesaid to take acknowledgments, personally appeared JORGE M. GONZALEZ, well known to me or who presented identification in the form of N/A, the Executive Director of the Miami Beach Redevelopment Agency, and who took an oath, acknowledging that he executed the above and foregoing document as his free act and deed, for an on behalf of said Agency as its duly authorized representative, for the purposes set forth therein, and that the seal affixed thereto is the true and correct seal of said Agency.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, in the State and County aforesaid, on this 27 day of MARCH, 2003.

Lisa C. Dixon
Name LISA C. DIXON
Notary Public, State of Florida at Large

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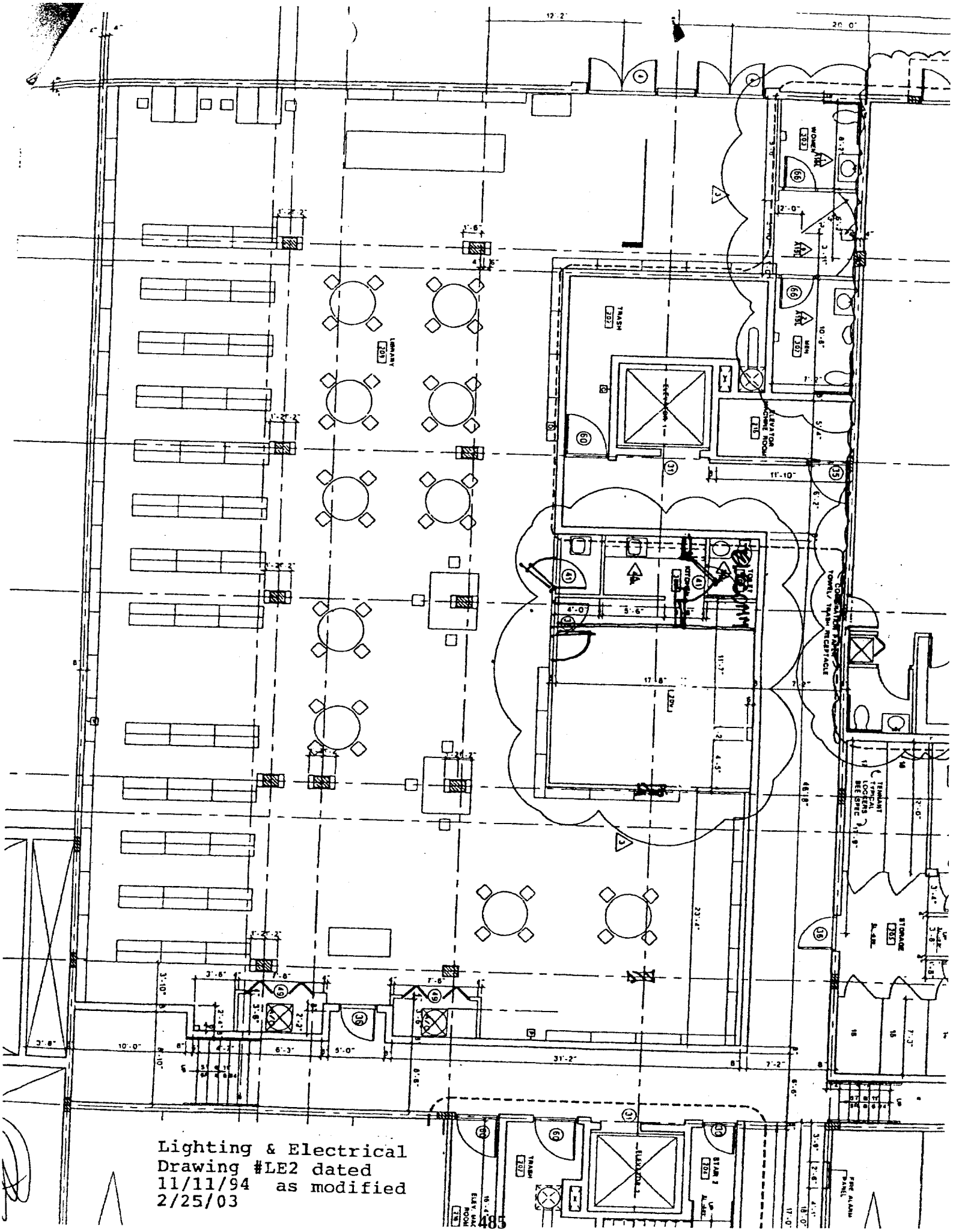
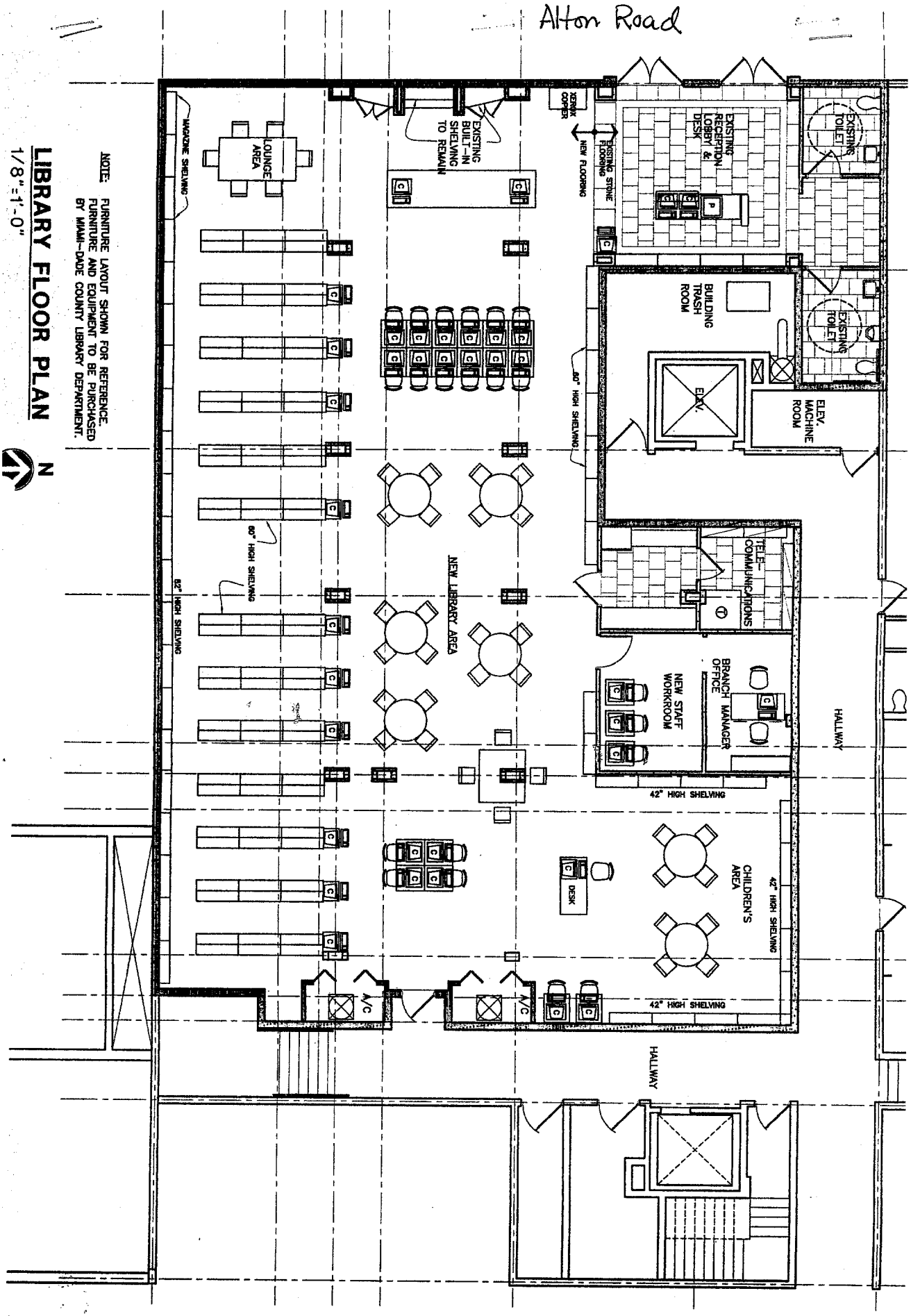
NOTARY PUBLIC STATE OF FLORIDA
LISA C. DIXON
My Commission # CC 820608
Expires: 05/18/2003
1-800-3-NOTARY Fla Notary Service & Bonding Co



Lighting & Electrical
Drawing #LE2 dated
11/11/94 as modified
2/25/03

Alton Road

Exhibit "A"



NOTE: FURNITURE LAYOUT SHOWN FOR REFERENCE. FURNITURE AND EQUIPMENT TO BE PURCHASED BY MIAMI-DADE COUNTY LIBRARY DEPARTMENT.

LIBRARY FLOOR PLAN

1/8"=1'-0"

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RESOLUTION TO BE SUBMITTED

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CITY OF MIAMI BEACH
COMMISSION ITEM SUMMARY

Condensed Title:

A Resolution authorizing continuation of the City of Miami Beach's forgiveness of the Housing Authority of the City of Miami Beach's Payment In Lieu Of Taxes (PILOT) payment through 2023, which at final payment will result in the closure of the U.S. HUD Office of Inspector General Audit Finding 1A regarding expenditures through a 1992 Interlocal Agreement with the City of Miami Beach.

Issue:

Shall the City approve a PILOT forgiveness continuation to close audit finding?

Item Summary/Recommendation:

In 1992 the City of Miami Beach in partnership with the Housing Authority of Miami Beach (HACMB) undertook a special program for added services to Housing Authority properties. The program for additional services provided that the City of Miami Beach enhance services in the area of Code, Police, Recreation and Child care. The enhanced services were to be paid with a reserve that was maintained by the Housing Authority for community development activities. In a subsequent audit of the program and its expenditures by the HUD Office of the Inspector General, the Inspector General made a determination that $748,616 of the enhanced services program was ineligible for reimbursement from the Housing Authority's reserves which were under the review and authority of HUD. In exploring options other than litigation, the City has found a vehicle which is acceptable both to HUD and to the Housing Authority which is recommended for the Commission's consideration and approval. In order to resolve the outstanding audit finding, the City proposed and HUD and the Housing Authority agreed to continue the forgiveness of the PILOT payment through the year 2023. Previously the City has extended a benefit to the Housing Authority in the form of forgiveness of a Payment In Lieu Of Taxes (PILOT) to the City. PILOT payments are commonly made from one tax exempt governmental agency (Housing Authority) to another (the City) in lieu of property taxes. The PILOT's are intended to reimburse the receiving agency for governmental services rendered, but not paid for, as a result of tax exempt status. Essentially the Housing Authority is permitted not to pay the equivalent of property taxes on properties that they hold or operate for their various clienteles. The benefit is intended to allow in this instance more affordable rents.

Advisory Board Recommendation:

N/A

Financial Information:

Source of Funds:

Finance Dept.

	Amount	Account	Approved
1			
2			
3			
4			
Total			

City Clerk's Office Legislative Tracking:

Robert C. Middaugh

Sign-Offs:

Department Director	Assistant City Manager	City Manager

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AGENDA ITEM R7G

DATE 4-14-04

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: April 14, 2004

From: Jorge M. Gonzalez
City Manager

Subject: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AUTHORIZING CONTINUATION OF THE CITY OF MIAMI BEACH'S FORGIVENESS OF THE HOUSING AUTHORITY OF THE CITY OF MIAMI BEACH'S PAYMENT IN LIEU OF TAXES (PILOT) PAYMENT THROUGH 2023, WHICH AT FINAL PAYMENT WILL RESULT IN THE CLOSURE OF THE U.S. HUD OFFICE OF INSPECTOR GENERAL AUDIT FINDING 1A, AS RELATING TO SECTION 8, RESERVE FUNDS USED TO PAY FOR POLICE SERVICES, CODE ENFORCEMENT AND RECREATION ACTIVITIES THROUGH A NOVEMBER 10, 1992 INTERLOCAL AGREEMENT WITH THE CITY OF MIAMI BEACH.**

ADMINISTRATION RECOMMENDATION

Adopt the Resolution.

ANALYSIS

In 1992 the City of Miami Beach in partnership with the Housing Authority of Miami Beach (HACMB) undertook a special program for added services to Housing Authority properties. The program for additional services provided that the City of Miami Beach enhance services in the area of Code, Police, Recreation and Child care. The enhanced services were to be paid with a reserve that was maintained by the Housing Authority for community development activities.

Prior to undertaking this program of enhanced services, both the Housing Authority and the City reviewed and received the approval of the program with the Tallahassee Office of the U.S. Department of Housing and Urban Development (HUD).

Between 1992 and 2000 the City undertook the enhanced services program and the City was paid $938,619 for those services from the Housing Authority reserves.

In a subsequent audit of the program and its expenditures by the HUD Office of the Inspector General, the Inspector General made a determination that $748,616 of the enhanced services program was ineligible for reimbursement from the Housing Authority's reserves which were under the review and authority of HUD.

Subsequent to the finding, the City and Housing Authority have spent a significant amount of effort to demonstrate to the Office of the Inspector General that not only did the City receive HUD approval for the program but the services were rendered and documented as approved. The Office of the Inspector General has dismissed the City's arguments and continued to insist that the funds be repaid by the City to the Housing Authority.

Since the City has exhausted all opportunities to provide additional documentation and information relative to the services provided, the City was left with one of two options to resolve the Office of the Inspector General's audit finding. The City could either litigate with HUD to attempt to prove the validity of its position or find an alternative means to satisfy the outstanding payment which the Office of the Inspector General insists be made by the City.

In exploring options other than litigation, the City has found a vehicle which is acceptable both to HUD and to the Housing Authority which is recommended for the Commission's consideration and approval.

Previously the City has extended a benefit to the Housing Authority in the form of forgiveness of a Payment In Lieu Of Taxes (PILOT) to the City. PILOT payments are commonly made from one tax exempt governmental agency (Housing Authority) to another (the City) in lieu of property taxes. The PILOT's are intended to reimburse the receiving agency for governmental services rendered, but not paid for, as a result of tax exempt status. Essentially the Housing Authority is permitted not to pay the equivalent of property taxes on properties that they hold or operate for their various clienteles. The benefit is intended to allow, in this instance, more affordable rents.

In order to resolve the outstanding audit finding, the City proposed and HUD and the Housing Authority agreed to continue the forgiveness of the PILOT payment through the year 2023. The length of the PILOT payment is specifically calculated so as to provide for the full repayment of the funds in dispute with HUD as a result of the audit finding. The Resolution has a schedule of PILOT payments which are anticipated between approval and the year 2023 in which the program expires.

The PILOT payment schedule has been reviewed and approved by HUD and the Housing Authority. The formula is a HUD approved calculation utilizing rentals which are charged to property owners as the primary method to establish a Payment In Lieu Of Taxes (PILOT). As the exhibit illustrates, a calculation of rent charged minus certain allowances is undertaken to arrive at a net facility rent collected, of which 10% in each fiscal year is chargeable as an annual Payment In Lieu Of Taxes (PILOT).

As the City of Miami Beach would have more than likely extended the forgiveness of a PILOT to the Housing Authority for this time period, in any event, this Resolution and formal forgiveness of the PILOT payment not only resolves the HUD Audit Finding but also does not impose upon the City the need for a cash outlay for the services previously rendered.

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RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AUTHORIZING CONTINUATION OF THE CITY OF MIAMI BEACH'S FORGIVENESS OF THE HOUSING AUTHORITY OF THE CITY OF MIAMI BEACH'S (HACMB) PAYMENT IN LIEU OF TAXES (PILOT) PAYMENT THROUGH 2023, IN FULL AND FINAL SETTLEMENT AND SATISFACTION OF ANY AND ALL CLAIMS THAT THE HACMB MAY HAVE AGAINST THE CITY (INCLDUING BUT NOT LIMITED TO ALL REIMBURSEMENT CLAIMS RELATED TO LETTERS OF AGREEMENT ENTERED INTO BETWEEN THE CITY AND HACMB BETWEEN JUNE 24, 1992 THROUGH FEBRUARY 2000) PURSUANT TO FINDING IA OF AUDIT REPORT NO. 01-AT-202-1001, ISSUED BY THE OFFICE OF THE INSPECTOR GENERAL OF THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD), DATED OCTOBER 20, 2000 (THE AUDIT REPORT); PROVIDED FURTHER THAT THE CITY'S FORGIVENESS OF HACMB'S PILOT PAYMENT THROUGH 2023 WILL RESULT IN THE CLOSURE BY HUD OF FINDING IA OF THE AUDIT REPORT; PROVIDED FURTHER THAT THE ACTIONS TAKEN BY THE CITY IN THIS RESOLUTION ARE TAKEN SOLEY IN FULL AND FINAL SETTLEMENT OF THE AFORESTATED MATTERS, AND DO NOT REPRESENT ANY ADMISSION OF LIABILITY ON THE CITY'S PART, EITHER WITH REGARD TO THE CITY'S REIMBURSEMENT TO THE HACMB AND/OR THE FINDINGS IN THE AUDIT REPORT; PROVIDED FURTHER THAT THE CITY'S FORGIVENESS OF THE HACMB'S PILOT PAYMENT THROUGH 2023, AND THIS PROPOSED SETTLEMENT, IS SUBJECT TO AND CONDITIONED UPON THE CITY'S 1) RECEIPT OF A FULLY EXECUTED RELEASE AND SATISFACTION BY HACMB, AND 2) RECEIPT OF A LETTER FROM HUD EVIDENCING HUD'S AGREEMENT TO CLOSE FINDING IA OF THE AUDIT REPORT.

WHEREAS, representatives of the Housing Authority of the City of Miami Beach (HACMB) and of the City of Miami Beach Administration met on June 11, 1992 to agree on a mission statement designed to utilize portions of the HACMB's Section 8 reserves for community development activities; and

WHEREAS, the mission statement provided that the community development activities must meet HUD's criteria and receive annual HUD approval; and

WHEREAS, on June 24, 1992, the HACMB Board adopted a resolution that approved the mission statement; and

WHEREAS, prior to implementation, the mission statement was reviewed and approved by HUD representatives in the HUD Tallahassee Office; and

WHEREAS, on November 10, 1992, HACMB approved a Letter of Understanding between the City of Miami Beach and HACMB for the development of a Joint Program for Housing Assistance-Related Community Development Enhancement in the City of Miami Beach to provide the following services: enhanced code compliance, subsidized affordable child care, enhanced police protection, and recreational activities; the Letter of Understanding was ratified by the City Commission on November 18, 1992; and

WHEREAS, subsequent Letters of Understanding for continuation of the provision of the aforestated services, with the exception of the enhanced code compliance component, were entered into by the City and the HACMB, and ratified by the City on September 22, 1994; September 24, 1997; and March 3, 1999, respectively (including the November 10, 1992 Letter of Understanding, collectively referred to as the Letters of Understanding); and

WHEREAS, from inception of the mission statement on June 24, 1992 through February 2000, the HACMB expended $938,619 of its Section 8 administrative fee reserves to fund the provision of the aforestated services as described in the Letters of Understanding; and

WHEREAS, on October 20, 2002, the HUD, Office of Inspector General (OIG) issued Audit Report No. 01-AT-202-1001 (Audit Report); Finding IA of the Audit Report disallowed $795,178 of the $938,619 paid by the HACMB to the City for services provided by the City pursuant to the Letters of Understanding, stating that the City should have provided and paid for certain police protection, recreation, and code enforcement services therein through local tax revenues; and

WHEREAS, the Audit Report, Finding IA, concluded that the City of Miami Beach is to reimburse the HACMB the amount of $748,616, a reduced amount representing payment in full of the $795,178 requested reimbursement; and

WHEREAS, in full and final settlement and satisfaction of all payments that may be due by the City to the HACMB pursuant to Finding IA of the Audit Report, and in order to close the finding against the City under Finding 1A of the Audit Report, the City herein recommends continuing to extend the foregiveness of the the HACMB's PILOT payment through the Year 2023; and

WHEREAS, HUD and the HUD OIG have approved of the City's proposed PILOT payment extension, through the year 2023, as the means for resolving the City's reimbursement due to the HACMB; and

WHEREAS, by Resolution dated March 9, 2004, the Board of Commissioners of the HACMB approved the proposed settlement, which would represent full reimbursement of the $748,616 reimbursement required by HUD under Finding IA of the Audit Report; and

WHEREAS, the Administration would request approval of the aforestated settlement subject to the conditions set forth in this Resolution.

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 authorize continuation of the City of Miami Beach's forgiveness of the Housing Authority of the City of Miami Beach's (HACMB) payment in lieu of taxes (PILOT) payment through 2023, in full and final settlement and satisfaction of any and all claims that the HACMB may have against the city (including but not limited to all reimbursement claims related to Letters of Agreement entered into between the City and HACMB between June 24, 1992 through February 2000) pursuant to Finding IA of Audit Report No. 01-At-202-1001, issued by the Office of the Inspector General of the U.S. Department of Housing and Urban Development (HUD), dated October 20, 2000 (the Audit Report); provided further that the City's forgiveness of HACMB's Pilot payment through 2023 (PILOT schedule attached) will result in the closure by HUD of Finding IA of the Audit Report; provided further that the actions taken by the City in this Resolution are taken solely in full and final settlement of the aforestated matters, and do not represent any admission of liability on the City's part, either with regard to the City's reimbursement to the HACMB and/or the findings in the Audit Report; provided further that the City's forgiveness of the HACMB's Pilot payment through 2023, and this proposed settlement, is subject to and conditioned upon the City's 1) receipt of a fully executed release and satisfaction by HACMB, and 2) receipt of a letter from HUD evidencing HUD's Agreement to close Finding IA of the Audit Report.

PASSED and **ADOPTED** this _____ day of _____, 2004.

ATTEST:

_____
MAYOR

_____
CITY CLERK

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

City Attorney 4-8-04 Date

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CITY OF MIAMI BEACH
COMMISSION ITEM SUMMARY

Condensed Title:

A Resolution that Accepts the City Manager's Ranking of Proposals for the Development and Implementation of a Citywide Corporate Marketing and Sponsorship Program; Further Authorizing the Administration to Enter Into Negotiations with International Merchandising Corporation D/B/A IMG; and Should the Administration not be Able to Negotiate an Agreement with International Merchandising Corporation D/B/A IMG; Authorizing the Administration to Negotiate with Sports and Sponsorships.

Issue:

Shall the City Commission Adopt the Resolution?

Item Summary/Recommendation:

The world-class resort City of Miami Beach is especially well positioned to implement this now well-established model for generating additional revenue. In the municipal environment, a Corporate Sponsorship Program is integrated with existing Economic Development. In this complimentary role, it can support and accelerate new business attraction functions.

Developing and implementing successful Corporate Sponsorship Programs is a complex business. It requires inventorying City assets, determining the sponsorship marketing value of the assets, developing sponsorship management policy, the actual marketing of the assets and negotiating sponsorship contracts. As such, the City determined that professional assistance was desirable and issued an RFP for services.

After being fully briefed of the Committee's recommendation, and after reviewing the proposals and additional information provided by the top four firms, it is the Manager's recommendation that IMG be ranked as the number one firm. The ranking was heavily influenced by the second submission of materials. Team experience and experience working together was an important factor, as was the demonstrated ability to generate results.

The Administration will ensure that the various City stakeholders are involved and committed to the success of this program, and be cognizant of the potential for "over commercialization" of the City.

ADOPT THE RESOLUTION.

Advisory Board Recommendation:

Finance and Citywide Projects Committee at its April 6, 2004 meeting, discussed the implementation of a corporate marketing and sponsorship program.

Financial Information: N/A

Source of Funds:

Finance Dept.

	Amount	Account	Approved
1			
2			
3			
4			
Total			

City Clerk's Office Legislative Tracking:

Gus Lopez, ext. 6641

Sign-Offs:

Department Director	Assistant City Manager	City Manager
KS	RCM	JMG

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Agenda Item R7H

Date 4-14-04

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: April 14, 2004

From: Jorge M. Gonzalez
City Manager

Subject: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ACCEPTING THE RECOMMENDATION OF THE CITY MANAGER PERTAINING TO THE RANKING OF PROPOSALS PURSUANT TO REQUEST FOR PROPOSALS (RFP) NO. 66-02/03, FOR THE DEVELOPMENT AND IMPLEMENTATION OF A CITYWIDE CORPORATE MARKETING AND SPONSORSHIP PROGRAM; AUTHORIZING THE ADMINISTRATION TO ENTER INTO NEGOTIATIONS WITH INTERNATIONAL MERCHANDISING CORPORATION D/B/A IMG; AND SHOULD THE ADMINISTRATION NOT BE ABLE TO NEGOTIATE AN AGREEMENT WITH INTERNATIONAL MERCHANDISING CORPORATION D/B/A IMG; AUTHORIZING THE ADMINISTRATION TO NEGOTIATE WITH SPORTS AND SPONSORSHIPS.**

ADMINISTRATIVE RECOMMENDATION

Adopt the Resolution.

ANALYSIS

A corporate sponsorship is the *linking of complimentary corporate brands for mutual benefit* with business partners whose corporate missions are consistent with those of the City. For the business, benefit is typically some form of advertising, public relations or facility naming rights. While the business gains financially by marketing advantage and/or customer loyalty enhancement, the advantage to the City is primarily financial. Corporations will pay the City for the ability to use or link with our City image and identity.

These marketing programs rise from the natural partnerships between city governments and the local, regional and national businesses they host and interact with in the daily course of business. Corporate sponsorship programs have emerged as a *financially viable, ethically appropriate and aesthetically acceptable* municipal financing tool.

The development of Corporate Sponsorships is in direct response to citizen input contained in the May 2002 Parks & Recreation Programs Blue Ribbon Citizens' Committee report. In part the report recommended:

"...engage in an active corporate sponsorship program to raise additional programming funds."
"...establish a full-time development position...to secure private sponsorships, partnerships and grant funding."

The world-class resort City of Miami Beach is especially well positioned to implement this now well-established model for generating additional revenue. Nearly all the most important characteristics advertisers are willing to pay hundreds of thousands of dollars to associate their products with are present here.

In the municipal environment, a Corporate Sponsorship Program is integrated with existing Economic Development. In this complimentary role, it can support and accelerate new business attraction functions.

Developing and implementing successful Corporate Sponsorship Programs is a complex business. It requires inventorying City assets, determining the sponsorship marketing value of the assets, developing sponsorship management policy, the actual marketing of the assets and negotiating sponsorship contracts. As such, the City determined that professional assistance was desirable and issued an RFP for services.

To advance the sponsorship project, the City issued an RFP to consulting firms to assist in the development of sponsorships. The RFP required that a successful firm must agree to provide the following services and/or meet the following objectives:

Objective 1: Inventory existing and prospective marketing Assets

The inventory should include, but is not limited to:

1. On-site interviews of City department heads and other personnel as a planning step to understanding the existing marketing and sponsorship activity level.
2. Examination of any current sponsorship agreements, City marketing materials and other information on past sponsorship efforts, and the level of success.
3. Add/suggest to the City other sponsorship opportunities.
4. Organize all data collected into a database (e.g., spreadsheet format or other user-friendly format). Examples of data collected are as follows:

    a. Inventory Item Category (Advertising, Event, Preferred Vendor, Capital Project, Naming Rights, etc.)
    b. Address/physical location, description, date added to the database, utilization statistics
    c. Pedestrian, vehicular, viewership or other relevant exposure data
    d. Marketing opportunity available (advertising, branding, promotion, etc.)
    e. Rights available, date available, etc.
    f. Any sales history (to whom, what price, when, etc.)
    g. Any known conflicts/limitations on selling
    h. Contact address, phone fax and e-mail
    i. Terms (length, price, options to renew)
    j. Rights granted

k. Any encumbered reversionary rights.
l. Legal/policy limitations on rights
m. Suggested pricing
n. Assessment of the value range for assets
o. Suggested/possible bundling opportunities with other assets
p. Assessment of the degree of difficulty to obtain a sale
q. Indication of priority

Objective 2: Create a Comprehensive Sponsorship Policy

1. Review current sponsorship acceptance procedures.
2. Determine a framework from which to recommend policy, with sensitivity to existing sentiment of the Community and City Government.
3. Include both financial and economic development factors.
4. Submit draft policy. Present developing policy as directed by City.

Objective 3: Develop Strategic Plan for Marketing Assets

1. Prioritize the database.
2. Develop a written strategy document.

Objective 4: Market Assets

1. Develop sample rights packages for the marketplace
2. Assist in the development of sponsorship RFP's
3. Prepare reports and presentations on the City's municipal marketing program, as directed by the City.
4. Assist in contract negotiations

RFP PROCESS

On August 15, 2003, RFP 66-02/03 was issued via BidNet, which in turn contacted 72 vendors, resulting in 12 of those contacted to download the RFP package. On or before the specified due date of September 23, 2003, Procurement received eight (8) responses to this RFP.

On February 23, 2004, the City Manager via Letter to Commission (LTC) appointed an Evaluation Committee ("the Committee") consisting of the following individuals:

1) Donna Shaw, Tourism and Cultural Development Director
2) Bob Papke, SMG Marketing Director
3) Jay Moore, Parks and Recreation Development Coordinator
4) Joe Zubizarretta, Zubi Advertising
5) Richard Weiner, Marketing Consultant
6) Maria Lopez, Vice President Univision News
7) Susan Brustman, Public Relations Agent for Tony Goldman Properties

The Committee convened on November 18, 2003, and was provided information relative to the City's Cone of Silence Ordinance, the Government in the Sunshine Law and an overview of the project from Jay Moore. Committee Members Joe Zubizarreta and Maria Lopez were unable to attend.

The Committee was provided with a 15-minute presentation followed by a 15-minute question and answer session with the following firms:

1. The Superlative Group, Inc.
2. Sports & Sponsorship
3. The Wilkinson Group
4. Global Branding Group
5. Public Enterprise Group
6. Pantheon International, LLC
7. IMG

Envision Consulting Group elected not to make a presentation to the Committee.

The Committee during its deliberation, unanimously agreed that the following four firms should be short listed and receive further consideration:

1. IMG
2. Sports & Sponsorship
3. The Wilkinson Group
4. Public Enterprise Group

After deliberating and discussing the pros and cons of each firm, the Committee ranked and scored the firms as follows:

	Donna Shaw	Bob Papke	Jay Moore	Richard Weiner	Susan Brustman
Sports & Sponsorships	4 (83)	1 (88)	1 (80)	1 (92)	1 (68)
IMG	2 (88)	2 (83)	2 (72)	2 (90)	2 (66)
The Wilkinson Group	1 (91)	2 (83)	5 (59)	3 (62)	4 (52)
Public Enterprise	3 (85)	3 (67)	3 (66)	3 (62)	3 (55)
The Superlative Group	5 (65)	3 (67)	3 (66)	3 (62)	6 (44)
Pantheon International	6 (50)	3 (67)	7 (42)	6 (42)	5 (49)
Global Branding Group	7 (48)	7 (54)	6 (52)	7 (30)	7 (24)
Envision Consulting	8 (0)	8 (0)	8 (0)	8 (0)	8 (0)

Calculations:

Sports & Sponsorships: 4-1st place votes = 4x1= 4
1-4th place vote = 1x4= 4
TOTAL = 8 = Ranked 1st

IMG: 5- 2nd place votes = 5x2=10
TOTAL = 10 = Ranked 2nd

The Wilkinson Group: 1-1st place vote = 1x1=1
1-2nd place vote =1x2=2
1-3rd place vote = 1x3=3
1-4th place vote = 1x4=4
1-5th place vote = 1x5=5
TOTAL = 15 =Ranked 3rd

Public Enterprise Group: 5-3rd place votes = 5x3=15
TOTAL = 15 =Ranked 4th

Based on the scoring, the Committee agreed to rank the firms as follows:

1. Sports & Sponsorship;
2. IMG;
3. The Wilkinson Group; and
4. Public Enterprise Group.

The City Manager exercised his due diligence and reviewed the proposals submitted by the top four firms listed above. In reviewing the submissions and the Committee's recommendation there were several key questions for which information had not been provided or for which inadequate material was provided. The Manager requested that the following information/clarification be provided by the top four firms. The request was issued by the City solely as a request for additional information as permitted by the RFP, to assist the City Manager in determining the most qualified firm to develop and implement a corporate marketing and sponsorship program for the City of Miami Beach. (Attached are the submissions of the top two firms: IMG and Sports & Sponsorships).

1. As it relates to your proposed team:

   a. Project Team Leader.
   b. Project Team Members and the responsibility of each member.
   c. Has your proposed team ever worked together? If so, on how many projects, or for how long?
   d. Office location of team members?

2. Methodology/approach in developing the following deliverables for the City of Miami Beach:

   a. A Marketing Asset Inventory;
   b. A Strategic Plan for implementing the Marketing Asset Inventory; and
   c. A Policy/Guideline for implementing and executing a corporate sponsorship program.

3. Success measurements for sponsorship programs prepared by each firm and implemented by one of their clients.

4. Approach/methodology in developing licensing/marketing opportunities for the City of Miami Beach?

5. Evidence of any successful experience each firm has had in working with another governmental agency in the Corporate Sponsorship field; include partner relationships, values of contracts, terms of contracts etc.

6. Sponsorship marketing role do you envision for the City's website?

7. How would you utilize you corporate relationships to generate additional funding and/or generate additional tourism?

Based on the information received from the top four firms, the Committee reconvened on April 2, 2004. Only four (4) of the members were able to attend the meeting. Upon further review and consideration of the information provided, the Committee re-affirmed its recommendation of November 18, with the following observations:

Committee member Jay Moore stressed the importance of maximizing the City's superior potential to benefit our residential and commercial stakeholders thorough corporate sponsorship agreements. Therefore, the City of Miami Beach should select a consultant firm with a clear, quantifiable record of success in this highly specialized discipline. In his opinion, most of Sports & Sponsorship's experience is in sports marketing and event promotion and naming rights negotiation.

Committee Member Susan Brustman believed that the information provided by IMG was worthy of changing her ranking.

Committee Members Bob Papke and Richard Weiner, re-affirmed their belief that Sports and Sponsorship as a result of their enthusiasm demonstrated during their presentation, is their number one ranked firm, but felt that IMG is an excellent and capable firm as well, and it is the Manager's decision on who he believes should be recommended.

After being fully briefed of the Committee's recommendation, and after reviewing the proposals and additional information provided by the top four firms, it is my recommendation that IMG be ranked as the number one firm. The ranking was heavily influenced by the second submission of materials. Team experience and experience working together was an important factor, as was the demonstrated ability to generate results. IMG specifically exceeded other firms in these areas as follows:

IMG's Experience & Qualifications

- IMG has more than 2,500 employees in 80 offices located throughout 33 countries. And for 20 years IMG has had a full time office in Miami with a staff of 22 people.
- IMG has on-point and successful experience in working with City governments (i.e., Chicago, New York, and Cleveland) to create corporate sponsorships.
- IMG's Senior Management Team (i.e., Mr. Lotz, Mr. Pirnie, and Mr. Kenney) has worked together on over 20 projects in the past 15 years.
- IMG's Project Team Leader, Jay Lotz, has been with IMG since 1987, and has managed numerous projects including:

Universal Studios	-	$145 million in corporate support
Rock and Roll Hall of Fame	-	$50 million in corporate support
Cedar Fair Amusement Parks	-	$16 million in corporate support
Grammy Awards	-	$25 million in corporate support

- IMG's International VP, Dario Brignole, has been with IMG for eight years and has extensive knowledge of the Corporate Hispanic and Latin American regions, and has created a new U.S. Hispanic Division for IMG.
- IMG's Television Division, is the largest independent distributor and producer of televised sports, managing a library of more than 150,000 hours, and producing and distributing 6,500 hours of original programming to more than 200 countries covering more than 200 sports.
- IMG's Golf Division has promoted 215 golf events with total prize money that exceeds $170 million. IMG clients have dominated both the U.S. PGA Tour and LPGA Tour, featuring such stars as Tiger Woods, Annika Sorenstam, David Duval, Vijay Singh, and Mark O'Meara.
- IMG's Tennis Division dates back to 1968, and since that time IMG has represented the top players in the world including Billie Jean King, Chris Evert, Martina Navratilova, Rod Laver, Bjorn Borg, John McEnroe, Ivan Lendl, and the Williams Sisters – Venus and Serena.
- IMG's experience includes a wide range of national clients. Other notable IMG Divisions include: Academies (Tennis, Golf, Soccer and Basketball); Chinese National Soccer League; Professional Athlete Management; Winter Sports; Licensing; Artists; Models; Broadcasting; and Charities.

In addition to having the wherewithal to ensure a successful corporate sponsorship program, IMG submitted a very comprehensive Strategic Marketing Plan, Target Sponsorship Market/Businesses, Cost Reduction Opportunities, and Sponsorship Policy (see attached letter dated January 20, 2004).

IMG's references were very positive and provided the following feedback:

United States Olympic Committee (USOC)
Jim Grice
Chief of Sales & Marketing
USOC
One Olympic Plaza
Colorado Springs, CO 80909

IMG has also been retained for the past four years by the USOC, an agency of the US government, to secure sponsorships. Their initial assignment was with OPUS (Olympic Properties of the United States), a joint venture between the 2002 Salt Lake City Organizing Committee (SLOC) and the USOC for whom we raised over $100 million. A portion of those funds were used for the operations of the Olympic Games in Salt Lake City and a portion were used by the USOC to train the US Olympic teams for the Salt Lake and Athens (2004) Games. In addition, IMG has raised another $100 million for the USOC to support the US Olympic Teams that will be competing in Turino (2006) and Beijing (2008).

Carolina Stadium
Mark S. Richardson
President, Carolina Panthers
800 South Mint Street
Charlotte, NC 28202

The Muhleman Marketing division of IMG served the NFL franchise owner in Charlotte as managing strategic consultants for the overall franchise-stadium project. This included building the 73,000-seat stadium in a public-private partnership in which the City of Charlotte contributed the site land and the County and State of North Carolina paid the costs of developing the surrounding infrastructure. IMG/ Muhleman Marketing also designed a seat license program that raised $150 million for construction costs from fans for the new franchise and facility and brokered the deal for Bank of America to become naming rights sponsor of the facility for approximately $140 million over 20 years.

City of Cleveland
The Rock and Roll Hall of Fame (RRHF) in Cleveland was financed through a state bond referendum. In 1994, IMG was retained by the City of Cleveland to raise funds to alleviate the bond debt 18 months prior to the RRHF Grand Opening. IMG generated over $50 million in sponsorship and promotional dollars across several major sponsorship categories. Sponsors included AT & T, Pepsi, Ameritech, Levi's Continental Airlines, Radio Shack, Thrifty Car Rental and MasterCard, among others.

Chicago Parks District
IMG was retained on a one-year, non-exclusive basis, by the Chicago Parks District to secure partners in a number of product categories in order to generate additional revenue for the District. IMG was successful in securing partnership arrangements with Best Kosher (hot dog), credit card (Discover Card), ice cream (Breyers), salty snack (Jay's potato chips) and the Chicago Transit Authority.

New York City
David Klasfeld
666 West 111th Street
New York, NY 10025

After a comprehensive review process, IMG was selected over numerous applicants because of their extensive experience in dealing with the corporate world and in their creativity and sensitivity in dealing with the political issues that such a program generated. IMG created an overall marketing plan for the City that ultimately was approved by all of the major city constituencies (Fire Department, Police Department, Department of Parks, Department of Education, museums and other cultural institutions, etc.).

IMG's efforts in this process were extraordinarily impressive - they were diligent, dogged and professional in their efforts to pull together what was an unprecedented coalition of agreement among such disparate stakeholders.

Greater Miami Convention & Visitors Bureau (GMCVB)
Rolando Aedo
VP of Marketing & Tourism
701 Brickell Avenue
Miami, FL 33131

IMG serves as GMCVB's marketing consultant, and as such provides the following services:

- Strategic planning;
- Property review and evaluation;
- Contract negotiations;
- Proprietary measurement tools;
- Budgetary management;and
- Creative services.

IMG also assists in the development of an overall marketing strategy to improve the exposure of GMCVB. Currently IMG manages the Miami Spice Restaurant Month, which has Wachovia Corporation as the presenting sponsor.

Optional Strategic Alliance

IMG's proposal states that they would not retain any subcontractors for this project, but has proposed for the City's consideration, the concept of strategic alliance which allows for IMG and the City to offer the wished-for sponsor the good will of public relations and marketing a city title, as well as offering incremental advertising and sales. By integrating commercials and/or advertorials along with sales of product by City vendors; the sponsor receives added value of advertising and direct sales.

IMG's optional strategic alliance includes the following entities:

Onboard Media. IMG believes that Onboard Media's contribution will add cache and value by potential sponsors through advertising on BeachTV and other publications.

Boucher Brothers. Boucher Brothers are the City's current beachfront concessionaire. Boucher Brothers' clients includes many major resort and boutique hotels on Miami Beach, including the Fontainebleau, Loews, Marriot, Holiday Inn, Delano, Shore Club, Roney Palace and many more.

Miami-Metro Vending Corp. Metro Vending has delivered vending services to the City since 1983. Metro brokers vending accounts for clients in South Florida. Metro has a local and national relationship with Pepsi and Coke.

Sports & Sponsorships' Experience & Qualifications

Office Location of Team Members

Sports & Sponsorships is located at 846 Lincoln Road, Miami Beach FL 33139, upstairs from the Van Dyke Restaurant. There are members of the Sports & Sponsorships team that are currently not employees of Sports & Sponsorships but will be contracted with specifically for this project.

There are five participating entities that make up the Sports & Sponsorship team: 1) Sports & Sponsorships; 2) Pro Access; 3) L2 Group; 4) P-Squared; and 5) Wizard Entertainment. All currently operate in shared office space on Lincoln Road.

The Sports & Sponsorships team is comprised of individuals within the sponsorship marketing industry. The team consists of individuals that have been assembled based on their skills to work on this project. The "shared work" experience between the team members are as follows:

Pro Player Stadium Naming Rights Research Study. Developed and customized research study examining the impact and awareness of naming rights. This study was utilized to help identify a target list and helped validate the opportunity. A dollar value was placed on all aspects of visibility a naming rights sponsor would receive at this venue.

Sprint PCS Super Bowl XXXIII Promotion. Created a promotional platform centering on Miami Dolphins former kicker, Garo Yepremian. Called "Where's Garo," the promotion was heralded at Super Bowl marketplace and resulted in dramatic revenue gains for Sprint. As Sprint's consultant, Sports & Sponsorships helped package Miami Dolphins assets as part of the overall campaign.

Sprint sponsorship with the Miami Dolphins/Pro Player Stadium. Developed and negotiated a three year relationship with the team and stadium including permanent signage, promotional rights and hospitality.

United States Bobsled & Skeleton Federation Sponsorships. Collectively marketed the official national governing body for Bobsled and Skeleton resulting in a title sponsorship with Verizon. This sponsorship contract was the largest of any U.S. Olympic Team negotiated the year prior to the Olympic Winter Games.

United Airlines Sponsorship with the Miami Dolphins/Pro Player Stadium/Florida Panthers/ Sports channel. Finalized the largest travel industry sponsor ever with the organization totaling over $3 million.

Sports & Sponsorship's Municipal and/or Destination Marketing Experience

Below are examples of Sports & Sponsorship's experience relative to Municipal and/or Destination Marketing:

- Cancun, Mexico – Retained by Cancun Tourism Trust to develop proprietary events in order to increase awareness and drive tourism to this resort destination. Result included staging of ABC's The Jeep Superstars programming from Cancun.

  Values/terms of contracts: Jeep Superstars agreement was for 3 years, valued at more than $1 Million. Negotiated first-ever international broadcast for Superstars, which was considered the top event priority by Cancun. Resulted in four hours of network exposure each year.

- U.S. Olympic Lottery program – Retained by the United States Olympic Committee to create and manage a lottery scratch-and-win program to benefit U.S. Olympic hopefuls. Contract term was two years for this assignment. Revenue generated for the USOC exceeded $1 Million. First-ever tie between USOC and local state government controlled lottery programs.

- Beijing, China – Partnership agency spearheading assessment of Citywide assets and feasibility study for partnership marketing and infrastructure improvement to be made prior to Beijing Olympic Games in 2008. Annual renewable partnership; terms are commission-based.

- State of Louisiana – Retained to assess and quantify deliverables pertaining to the naming rights initiative for the Louisiana Superdome, a State owned facility. Retained for 6 months. First-ever use of state assets packaged with naming rights offering.

Finance and Citywide Projects Committee

The Finance and Citywide Projects Committee at its April 6, 2004 meeting discussed the development and implementation of Citywide Corporate Marketing and Sponsorship Program. The Administration informed the Finance Committee that the creation of a Corporate Sponsorship Program represents yet another new way of doing business for the City of Miami Beach. As such, if this project is to move forward, it will require several policy decisions from the City Commission. Among the policy considerations for the City Commission may be:

"What kinds of advertising are appropriate for Miami Beach?"
"How much advertising does the City want?"

The Finance and Citywide Projects Committee recommended moving the matter forward for the full City Commission's consideration with a concern expressed that in negotiations, the Administration negotiate a commission-based contract rather than a front end fees contract.

The Administration will ensure that the various City stakeholders are involved and committed to the success of this program, and be cognizant of the potential for "over commercialization" of the City.

CONCLUSION

The Administration recommends that the City Commission adopt the attached resolution that accepts the Manager's recommendation pertaining to the ranking of firms, and authorizes the Administration to negotiate with IMG, to develop and implement a Citywide corporate marketing and sponsorship program.

JMG/RCM/KS/GL

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City of Miami Beach

Request for Proposal for Development and Implementation of a Citywide Corporate Marketing and Sponsorship Program

Response Submitted by:

IMG

September 19, 2003

IMG

Douglas Pirnie
Senior Vice President

September 19, 2003
Mr. Gus Lopez
Procurement Director
City of Miami Beach
Procurement Division
1700 Convention Center Drive
Third Floor
Miami Beach, FL 33139

Re: Development and Implementation of Citywide Corporate Marketing and Sponsorship Program

Dear Mr. Lopez:

Attached is IMG's response to the above RFP.

As requested in the RFP, our particulars are as follows:

Name of Firm	IMG (our International Merchandising Corporation [IMC] division will be the contracting entity for this proposal)
Contact Person:	Douglas Pirnie Sr. Vice President IMG 22 East 71st Street New York, NY 10021
Phone:	212-774-4460
Fax:	212-772-2617
E-Mail:	dpirnie@imgworld.com

Strengths of the Firm/Team

For over 40 years, IMG has been involved in the representation of individuals, federations, municipalities, teams, leagues and other rights holders to assist them in the commercial exploitation of those rights. Our credentials are outlined in more detail in our response to the RFP.

The experience of the team who will work on the assignment (if awarded the opportunity to do so) is unsurpassed in terms of sales experience, contacts, creativity and closing skills.

We appreciate the opportunity to bid on this exciting assignment and look forward to hearing from you regarding the next steps in the selection process.

Sincerely,

DDP/dp

cc: D. Brignole
J. Lotz
I. Chattas

glmiamibchrfpcover

DEVELOPMENT

AND IMPLEMENTATION OF

CITYWIDE CORPORATE

MARKETING AND SPONSORSHIP

PROGRAM

FOR MIAMI BEACH

What follows is IMG's response to the above RFP as submitted by the City of Miami Beach Procurement Division on August 20, 2003.

Company Profile

IMG was founded by Mark H. McCormack in the early 1960s. The company is the world's premier sports and lifestyle management and marketing firm, with an international staff of more than 2,500 people in 80 offices in 32 countries.

TWI, IMG's television division, is the largest independent distributor and producer of televised sports, managing a library of more than 150,000 hours; and TWI annually produces and distributes 6,500 hours of original programming to more than 200 countries covering 200+ sports.

IMG's Golf Division specializes in event management, corporate hospitality, corporate consulting and player representation. Some of IMG Golf's most successful and well known events include The Skins Game, Battle at the Bridges, Battle at Bighorn, The Office Depot Father/Son Challenge, all of which are IMG owned and created, the ADT Championship, an LPGA event and The Deutsche Bank Championship, a PGA Tour event. In addition, the Golf Division has created high-stature golf hospitality platforms for a variety of clients at many PGA Championship and US Open events.

IMG is commercially involved in an average of 11 major sports and cultural events around the world every day including the GRAMMYS®, the NASDAQ-100 Open, Wimbledon, Mercedes-Benz New York Fashion Week and Fashion Week LA to name a few. IMG is also the world's largest non-character licensing firm, and is a leading literary agency and book packager.

IMG Artists is a top global performing arts management firm; IMG owns and operates top sports and fitness academies, and IMG Models is the world's number one international model management firm.

IMG Consulting works with many of the world's largest corporations such as Philips, Verizon, American Express, Royal Bank of Scotland, Cisco, Hewlett-Packard and 24 Hour Fitness on marketing and sponsorship programs; its stadium and arena group works with leagues and franchises worldwide, and TWI Interactive, the Internet arm of IMG, is a worldwide leader in digital sports and entertainment.

IMG's clients include Tyra Banks, Charles Barkley, Bob Costas, Chris Evert, Sergei Fedorov, Renée Fleming, Rich Gannon, Gisele, Jeff Gordon, Scott Hamilton, Elizabeth Hurley, Derek Jeter, John Madden, John McEnroe, Joe Montana, Kate Moss, Martina Navratilova, Jack Nicklaus, The Nobel Foundation, Arnold Palmer, Itzhak Perlman, the Royal and Ancient Golf Club of St. Andrews, Pete Sampras, Michael Schumacher, Annika Sorenstam, Liv Tyler, USGA, the U.S. Olympic Committee, Jack Welch, Serena Williams, Venus Williams, and Tiger Woods. On the Hispanic side, IMG's roster includes Cristina Saralegui, Oscar de la Hoya and the Latin GRAMMYS®.

IMG Experience –Minimum Requirements/Qualifications

IMG has been retained over the past 10 years by a number of municipalities on a consulting basis to assist them in generating additional funds from the private marketplace.

In so doing, we deal with all of the various city and municipality "stakeholders" (from the Mayor's office to neighborhood action committees to the public). We therefore have a deep and finely tuned understanding of how these programs work, how to put them together to meet the various concerns and needs of both the private Partners and the public and how to bring them to fruition.

In addition, IMG has been responsible for generating nearly $899 million in revenue for municipalities in conjunction with stadium projects and through the sales of Personal Seat Licenses (PSLs).

A summary of our experiences (and references) is as follows:

New York City

IMG was retained by the City of New York to conduct a complete marketing plan for the entire city. While the program was not brought to fruition as a result of the Mayor's decision to rescind the initiative, we encourage you to contact the former Chief of Staff for the Deputy Mayor for Economic Development, with whom we worked for nearly two years in an attempt to complete the project. He can attest to the depth of our preparation, the professionalism of our approach and our ability to create unanimity among all city factions in support of the project.

Reference:

Mr. David Klasfeld
600 West 111th Street
Apartment 8E
Phone: 212-666-9810

Greater Miami Convention & Visitors Bureau (GMCVB)

IMG serves as GMCVB's marketing consultant, and in connection therewith provides the following services:

- Strategic planning
- Property review and evaluation
- Contract negotiations
- Proprietary measurement tools
- Budgetary management
- Creative services

IMG also assists in the development of an overall marketing strategy to improve the exposure of GMCVB. Currently IMG manages the Miami Spice Restaurant Month, which has Wachovia Corporation as the presenting Sponsor.

Reference:

Mr. William Talbert, III
President
Greater Miami Convention & Visitors Bureau
701 Brickell Avenue, Suite 2700
Miami, FL 33131
Phone: 305-539-3000

Charlotte

IMG just completed a study for the City of Charlotte to evaluate the value of their football stadium, the type of seating that should be included and what the demographics of their attendance would be.

Reference:

Jim Schumacher
City Engineer
Engineering & Property Management
City of Charlotte
Charlotte-Mecklenburg Government Center
600 East Fourth Street
Charlotte, NC 28202
Phone: 704-336-3656

Nashville

IMG was retained to study the market's ability to support an NFL franchise and stadium. We concluded that it could and the Houston Oilers (with a stop in Memphis) were re-located to play in the new facility as the Tennessee Titans.

Reference:

Governor Phil Bredesen (Nashville Mayor 1991 to 1999)
Governors Office
Tennessee State Capitol
Nashville, TN 37203
Phone: 615-244-7445

St. Louis

In St. Louis, we were hired by a local group of key business leaders to assist them in raising funds to build a domed football stadium, which we were able to do successfully.

Reference:

Tony Ponturo
Vice President, Global Media and Sports Marketing
Anheuser-Busch
1 Busch Place
St. Louis, MO 63118
Phone: 314-577-4421

Related Project Experience

IMG was retained by Universal Studios (California and Florida), Cedar Fair Amusement Park (Ohio, Pennsylvania and Minnesota) and the Rock and Roll Hall of Fame (Ohio) to secure corporate Partnerships on their behalf.

1. Project Name: Universal Studios

Client: Universal Studios Florida and Hollywood

Special Features/Accomplishments/Problems: IMG was retained to secure funding for the refurbishment of Universal's Hollywood property and the building of the Florida property in Orlando. Universal's desire was to use these funds not only for construction, but also to help them advertise and promote the properties. Therefore, IMG had to develop partnership relationships that provided funding as well as promotional dollars while, at the same time, providing sufficient on-site assets to the Partners to help them meet their marketing objectives.

Specific Services Provided: Our role included the identification of sponsor/Partner opportunities, supplier rights, the presentation of merchandising and promotion ideas, the negotiation of contract deal points and the oversight of relationship implementation, working in conjunction with the client.

Dates of Service: 1987 – 1992

Approximate Consultant Contract Value: IMG took on the assignment on an exclusive basis at no cost (other than cost plus 20% for sales and promotion materials we produced), with the understanding that we would be paid a commission on all monies generated through our efforts, including any renewals of Partnerships.

Annual Revenues Generated: For reasons of confidentiality, we cannot provide category details of the results, but the total amount raised from all sponsor categories as a result of our efforts was more than $130 million.

Reference:

David Weitzner
Entertainment Marketing Specialist
(former President Universal Theme Parks)
24138 Park Rosso
Calabassas, CA 19302
(818)-225-9988

Weitzner was President of Universal Theme Parks and IMG worked with him on all sponsorship activities.

2. Project Name: Cedar Fair Amusement Park (Ohio, Pennsylvania and Minnesota)

Client: Cedar Fair Amusement Park, Inc.

Special Features/Accomplishments/Problems: Cedar Fair wanted to secure corporate partnerships across three different properties in three different states. IMG had to develop a program that provided Partners with sufficient assets to meet their marketing objectives while at the same time providing the client with the funds needed for their planning needs.

Specific Services Provided: Our role included the identification of sponsor/Partner opportunities, supplier rights, the presentation of merchandising and promotion ideas, the negotiation of contract deal points and the oversight of relationship implementation, working in conjunction with the client.

Dates of Service: 1993 – 1995

Approximate Consultant Contract Value: IMG took on the assignment on an exclusive basis at no cost (other than cost plus 20% for sales and promotion materials we produced), with the understanding that we would be paid a commission on all monies generated through our efforts, including any renewals of partnerships in the future.

Annual Revenues Generated: For reasons of confidentiality, we cannot provide category details of the results, but the total amounts raised from all sponsor categories as a result of our efforts were over $26 million.

Reference:

John Hildebrandt
Vice President, Marketing
Cedar Point
P.O. Box 5006
Sandusky, OH 44871-8006
(419)-627-2207

Hildebrandt retained IMG to secure the beverage rights for Cedar Point and we worked with him on a regular basis to generate and implement a successful program.

3. Project Name: Rock and Roll Hall of Fame

Client: Rock and Roll Hall of Fame, Inc.

Special Features/Accomplishments/Problems: The Rock and Roll Hall of Fame (HOF) needed corporate support to provide construction funding for its planned Hall. However, the HOF wanted to minimize corporate presence on-site. Therefore, IMG had to create a plan to provide sufficient assets for the Partners to benefit from their relationship away from the HOF while still providing the HOF with the funding it required for its planning purposes.

Specific Services Provided: Our role included the identification of sponsor/Partner opportunities, supplier rights, the presentation of merchandising and promotion ideas, the negotiation of contract deal points and the oversight of relationship implementation, working in conjunction with the client.

Dates of Service: 1993 – 1995

Approximate Consultant Contract Value: IMG took on the assignment on an exclusive basis at no cost (other than cost plus 20% for sales and promotion materials we produced), with the understanding that we would be paid a commission on all monies generated through our efforts, including any renewals of partnerships in the future.

Annual Revenues Generated: For reasons of confidentiality, we cannot provide details of the results, but the total amounts raised from all sponsor categories as a result of our efforts were over $40 million.

Reference:

Terry Stewart
President and CEO
Rock and Roll Hall of Fame
1 Key Plaza
Cleveland, OH 44114
(216)-515-1204

Stewart was our daily contact and we worked with him on a regular basis.

4. Project Name: The GRAMMYs

Client: National Academy of Recording Arts and Sciences (NARAS)

Special Features/Accomplishments/Problems: The GRAMMYs needed corporate support for their many programs outside of the well-known, nationally televised awards program. Therefore, IMG had to create a plan to provide sufficient assets for the Partners to benefit from their relationship away from the telecast while still providing the GRAMMYs with the funding it required for its planning purposes.

Specific Services Provided: Our role included the identification of sponsor/Partner opportunities via grass roots, schools and ethnic marketing opportunities, supplier rights, the presentation of merchandising and promotion ideas, the negotiation of contract deal points and the oversight of relationship implementation, working in conjunction with the client.

Dates of Service: 1998 – 2003

Approximate Consultant Contract Value: IMG took on the assignment on an exclusive basis for a fee to develop the strategic plan (plus cost plus 20% for sales and promotion materials we produced), and was paid a commission on all monies generated through our efforts, including any renewals of partnerships in the future.

Annual Revenues Generated: For reasons of confidentiality, we cannot provide details of the results, but the total amounts raised so far from all sponsor categories as a result of our efforts are over $12 million.

Reference:

Neil Portnow
President
NARAS
3402 Pico Boulevard
Santa Monica, CA 90405
310-392-3777

Portnow is our current daily contact and we work with him on a regular basis.

5. Project Name: NASDAQ-100 Open

Client: This is an IMG owned event

Special Features/ Accomplishments/ Problems: Celebrating its 20th year in 2004, the NASDAQ-100 Open is the largest tournament in the world with Title Sponsorship. When Butch Buchholz established the tournament in 1985, it was the first newly-created two-week tennis event where men and women competed simultaneously. Located in Delray Beach (Laver's International Tennis Center) in its first year, the tournament moved to Boca Raton (Boca West) in 1986, and in 1987 found a permanent home on Miami's Key Biscayne.
In 1994, Miami-Dade County completed and christened the Tennis Center at Crandon Park, a 30-acre expanse that is transformed each year from a public tennis facility into a full-fledged festival for the NASDAQ-100 Open.
The NASDAQ-100 Open is one of the most prestigious titles in professional tennis. It is the fifth largest tennis tournament in the world, the first non-Grand Slam event and the second largest tennis event in the US after the US Open.

Specific Services Provided: As owner of the event, IMG develops all aspects of the event including operations, communications, marketing, identification of sponsor/Partner opportunities, supplier rights, merchandising and promotion of the event, television rights and travel packages.
In terms of sponsor development, our role includes the negotiation of contract deal points and the oversight of sponsorship implementation including, but not limited to the title sponsor, presenting sponsor and host sponsor, patrons and hospitality sponsors.

Dates of Service: 1999 – to date (IMG acquired the event in 1999)

Approximate Consultant Contract Value: Not Applicable

Annual Revenue: For reasons of confidentiality, we cannot provide details of the revenues generated, but the tournament generates incomes in support of $ 6.5 M prize money, 400 players, 900 media and 280,000 fans. About 70 % of the operational budget comes from sponsorship revenues, from a group of over 80 corporate or individual sponsors. In addition the tournament has an economic impact to the region of between $70 M and $100M per year.

Reference:

Earl "Butch" Buchholz, Jr.
Founder & Chairman
Nasdaq-100 Open
150 Alhambra Circle
Suite 825
Coral Gables, FL 33134

Project Proposal

With regards to addressing the Scope of Services as outlined in Section II of the RFP, IMG can respond as follows:

Review Inventory of Assets

IMG will initially schedule, with the assistance of the City, meetings with representatives of all of the agencies representing the Inventory Items mentioned in the RFP (Advertising, Events, Vendors, Naming Rights, etc.) to gain an understanding of their objectives, plans, commitments, resources and all other data required. Such data will be consolidated in spreadsheet format to provide a comprehensive asset database for reference throughout the project.

We will also educate each person/entity with whom we meet of the goals of the Marketing and Sponsorship Program and of the importance of their cooperative involvement in its implementation.

We would want to meet with additional organizations to discuss the program (some of whom may or may not be City controlled but all of whom can contribute to the maximization of the potential revenue that can be derived from the program). No meeting would be held without the City's approval. Suggested institutions would include (but not be restricted to):

- Health and Hospitals
- Police Department
- Fire Department
- Sanitation Department
- Parks & Recreation Department
- Department of Transportation
- Museums
- Entertainment Facilities
- Convention Facilities
- Miami Beach Golf Course

In addition, IMG's new media arm, TWI Interactive, would review the City website and offer recommendations, as appropriate, to make it more user and/or Partnership friendly.

We would review all contracts for the special events outlined in the RFP.

Create a Comprehensive Sponsorship Policy

Using IMG's experience in "best practices" for projects of this sort, we would develop a policy for the City which would be a proactive document; one that the City could use to "sell-in" its various stakeholders as to the merits of their active involvement in the

program. We would consider this effort to be a part of the "internal" (i.e. within the City) sales effort for the initiative.

As a part of the effort, IMG would provide examples of how other cities have developed similar programs and the results they have achieved.

We will also acknowledge the concern on behalf of many in the community for the potential "over commercialization" of the City. Our experience has allowed us to demonstrate how private sector companies can subtly and quietly be involved with programs in an effective manner without their presence being made a focal point.

All of these aspects would be combined into a format that could be presented to the various City stakeholders to secure their involvement and commitment to the program.

Develop a Strategic Marketing Plan

In preparing the strategic marketing plan (the "external sell-in"), IMG would rely on its over 40 years of experience in selling sponsorships. As such, we have an excellent understanding of not only the value of such properties, but more importantly, how potential sponsors ("Partners") value the properties.

In conjunction with what the City has to offer (as outlined in the RFP as well as what we learn from our discussions), we would look at the opportunity from an overall perspective of every asset that might be made available to a potential Partner.

What follows, therefore, is a template of potential benefits, which has been designed to strategically maximize the revenue opportunity from corporate Partners (as appropriate). The template would guide our discussions during the review process and would, in the end, allow us to develop an overall strategy.

The items are stated briefly and are in no particular order of priority, but they are the benefits that we feel would be of importance to prospective Partners at this time. Some of them may not completely be within the City's purview and others may need to be researched further (which we will do with the City's involvement and cooperation).

However, IMG feels that it is important to establish, to the degree possible, exactly what can be offered to any prospective Partner in advance in order to generate their maximum enthusiasm for the project and, ultimately, their maximum support.

- Partner Designation/Use of Logo – Partners would receive designation as an "official product" of the City and the opportunity to use a specifically designed City Partnership logo in any Partner advertising, publicity or promotions of their product/services (subject to City approval).

- Product Category Exclusivity – The Partners' products/services would be used by the City on an exclusive basis (where appropriate and subject to City approval).

The broader the exclusivity that can be offered (i.e., "beverages" instead of "soda"), the more valuable the exclusivity.

- First Right of Negotiation for Third Party Events – There are many events that take place in the City with City approval and license. This fact can impact the exclusivity that can be offered. For example, if a certain brand is the exclusive in its category for a major event, that could conflict with the City's attempt to sell an exclusive across the board to another brand in that category. As such, a First Right of Negotiation should be included in any contracts for such City approved events so that City Partners will have the right, when the existing contracts expire, to decide whether they want to be involved in the events or not.

- Promotion Opportunities – Potential Partners would be supplied with a number of promotional opportunity ideas developed by IMG (and approved by the City) designed to enhance the Partner relationship. These opportunities could take the form of sweepstakes (with prizes of Partner product), coupons, special access to any VIP events held by or sanctioned by the City, etc.

- Signage – The Partners would receive, where permitted by the City, branded signage in conjunction with events held on City assets and in the promotion of said events (i.e. street pole signage, bus stop advertising, on City vehicles, etc.) as approved by the City and, as necessary the City Department of Transportation.

- Print Exposure – Partners would receive a to-be-determined amount of advertising in all printed material produced by the City, including flyers, press releases, annual reports, tourist materials (i.e. maps) and any other publications of the City and/or its advertising and public relations activities.

- Press Announcements – Acknowledgement of Partners' support of the City would be included in a press announcement attended by City dignitaries as well as in a press release distributed by the City to all major media groups.

- Access to Facilities – Partners would receive a to-be-determined number of "VIP passes" and or preferred seating opportunities at all City sponsored or controlled events/activities.

  In addition, Partners would be allowed to use appropriate City facilities for corporate outings, picnics and hospitality programs.

- Product Sale – Partner products would be sold (as appropriate) on an exclusive basis at all concession areas controlled by the City.

- Sampling – Partners would be have the opportunity to have a controlled display to sample product on site on City properties (as appropriate and as approved by the City).

- Couponing/Sweepstakes – Partners would conduct couponing programs at retail locations within the City to drive customers to use City facilities and/or conduct a sweepstakes on City facilities (Parks, e.g.).

- Merchandise – Partners would have access to quantities (to be determined) of City premium merchandise (at a negotiated price) for use in promotional sales and give-aways.

- Naming Rights – Partners would have the opportunity to "name" one of the attractions in the City (a playground, swimming pool, small park, etc.) or any one of a number of the City sponsored festivals/activities that are currently not "named".

- Internet based linkages – Partners would receive a link to the City website. Through our new media division, TWI, IMG has a thorough and up-to-date understanding of the types of successful promotional and merchandising programs that can be made a part of the Marketing Initiative.

- Corporate Partners Conference – When and if there are a number of Partners, they should be invited to participate in a conference where all can discuss cross-promotional opportunities with the City that can incrementally enhance all of their involvements.

- Renewal Option – All Partners should receive the option to renew their contract beyond the initial contract period. Much will have been learned during that first period, and the City can benefit long-term from a continued Partnership program.

Marketing the Assets

Once the above have been consolidated down into a set of available offerings, IMG would draw up a list of key categories on which to focus.

IMG has an extensive base of corporate contacts. Having worked with each for years, we are aware of their marketing objectives, budgets and decision-making prices.

As such, we would recommend that the City focus on the beverage category for its first Partnership, as the category has traditionally been most involved in similar initiatives. In addition, a successful beverage partnership will establish the initiative as viable for the other categories. Note New York's recent deal with Snapple as an example.

Based on the opportunities available through the City Marketing and Sponsorship Program, we would present an initial listing of potential contacts, work with the City on crafting an appropriate approach to each, schedule meetings and handle follow-up, through, but not including, contract signing (which is for the City to do). At each step, IMG would consult with the City and only move forward with City approval.

As an initial step, IMG would want to review a listing of all items currently purchased by the City as a way of identifying potential and logical product categories to approach.

Cost Reduction Opportunities

IMG would also want to review the above list with the thought that some of the items currently purchased by the City could be secured through a barter arrangement. These "cost reduction" arrangements are as valuable as cash as they are "expense reducing," thereby freeing up funds for other City priorities.

Examples of "cost reduction" opportunities are as follows:

- Having a car/truck manufacturer provide some or all of the City's 6,000 vehicles
- Securing donation of lawn care equipment (mowers, trimmers, grass seed, etc.) for the City parks
- Having an apparel manufacturer provide uniforms for City/Parks workers
- Having a paint company supply paint for use in (or on) all City buildings
- Having a lighting company provide light bulbs for city street lights

Revenue Generation – Events and Activities

IMG would also meet with City agencies to develop new event opportunities that would generate additional revenue for the City.

IMG has created a number of events in the past for sponsorship and television including:

- The Superstars
- World's Strongest Man
- Escape from Alcatraz Triathlon
- Christmas Tree Lighting in Rockefeller Center
- Survival of the Fittest
- Race to the Altar
- Skins Game (golf and bowling)

Examples of the types of events IMG would consider for the City:

- A Fashion related event (similar to IMG's Mercedes Benz New York Fashion Week and L.A. Fashion Week)
- An outdoor Film Festival (all summer long) featuring films shot in or about Miami
- "Active Sports" (featuring mountain bikes, in-line skating and skateboarding) extravaganzas
- A classical music concert series on the beach
- A triathlon
- A major golf event/ tournament

Each event could be organized and implemented by IMG, with City approval.

Identification of Prospective Partners

Once the benefits that will be available have been determined, any additional revenue opportunities addressed and a bidding process outlined (some categories will be of interest to more than one potential Partner), IMG will provide the City with a listing of prospects as well as companies at which we have key senior level, decision making contacts.

Drafting RFPs

IMG would work with the City in drafting any Partnership RFPs and would assist in the evaluation of the responses.

Pre-Selling

Once the City has approved the list of companies to be approached, IMG would develop a sample rights package and "pre-sell" them on the opportunity to alert them to the benefits available to potential Partners and also to secure any immediate feedback from them that might require an adjustment in the Partner Packages being offered.

Contract Negotiation

IMG would assist the City in the negotiation of any contract arising from the Marketing and Sponsorship Program.

Market Research and Analysis

IMG's research staff would handle all necessary market research and provide its findings as part of the initial assessment of the City's assets.

Consultants and Subcontractors

IMG would not retain any subcontractors for the assignment.

Management of Partner Relationships

Once a contract has been signed, IMG would assist the City in the implementation of the agreement details and be conscious of and recommend to the City any additional revenue opportunities that might become available that could augment any Partner relationship.

Audit of the Contracts

IMG would work with the City to ensure that all aspects of the business relationship (cash flow, adherence to contract stipulations, etc.) are being followed. A key factor will be ensuring that the City delivers to the Partners what is expected while at the same time determining that the Partner is doing all it can to maximize its relationship with the City.

Problem Solving

In conjunction with the above, IMG will work with the City, the Partners and any other contractees to structure solutions to any problems that might arise.

Best Practices

We will provide insight into the "best practices" that have been used by other municipal organizations for revenue generation. Some or all of these practices may be of use to the City in its marketing efforts.

Timetable

From the moment when IMG is retained to move forward on the marketing initiative project and a contract has been signed, we anticipate the following activities timetable:

Phase I

- Review of existing City contracts and sponsorships
- Conduct all necessary market research and analysis
- Review relevant local standards and regulations
- Analyze other municipal marketing and sponsorship initiatives
- Prepare and deliver a strategic marketing plan

Delivery: depending on the degree of cooperation and ability of City officials to meet with us, we anticipate that the above will require a minimum of three months to complete.

Phase II

- Identification of potential Partners
- Development of RFPs
- Structuring of financial and business terms
- Review of RFPs and designation of Partners
- Structuring of contracts
- Supervision of contract implementation

Delivery: depending on the City's ability to act on the initiative, the RFP process and the review of RFP responses, we anticipate that the process will require a minimum of nine months from completion of Phase I.

Optional Strategic Alliance: Today's economic conditions and shareholder demands mandate Fortune 500 companies to integrate public relations and marketing efforts with sales and advertising opportunities.

Concept

The concept of the strategic alliance would allow for IMG along with the City to offer the wished-for sponsor the good will of public relations and marketing a city title, as well as offering incremental advertising and sales. By integrating commercials and or advertorials along with sales of product by City vendors; the sponsor receives added value of advertising and direct sales. The experience, expertise, reach, asset inventory and integration with City departments and goals of the strategic alliance differentiate IMG from the competition, thus allowing for a greater incremental fees and gross revenue to the City.

Optional Strategic Alliance - Proposed Structure and Remuneration Model: IMG is the Proposer of this RFP. Onboard Media's contribution will add perceived cache and value by the potential sponsors through advertising on BeachTV and other publications. Boucher Brothers are the "hands on" connectors to the public providing sampling and sales opportunities. IMG will lead and have final discretion in dealing with the City for the best possible structure for the City. The synergistic proposing entity should deliver greater opportunity and results to each of the contributing entities within their field of expertise.

Remuneration to each entity will be discounted from usual margins; however the discount will be made up from greater revenue from the attractiveness of the sponsorship package of advertising, marketing and sales. A vertical operation of sorts not realized in municipal sponsorship programs.

IMG: Brings "experience, qualifications, performance and national stature…in representing cities of similar size and marketing assets". IMG's current client base and experience will provide comfort to potential sponsor's dealings with entities of a strategic alliance.

Onboard Media: A subsidiary of a world leader in luxury, LVMH Moët Hennessy - Louis Vuitton possesses a unique portfolio of some 60 prestigious brands. Onboard's parent company provides a unique sponsorship opportunity for presentation to it's 60 brands. The Group is active in five different sectors: Wines & Spirits, Fashion & Leather Goods, Perfumes & Cosmetics and Watches & Jewelry. Onboard brings creative services for presentation and execution of the venture, locally based with national experience in publishing, video and

advertising sales. Local assets include BeachTV, Miami Beach Chamber of Commerce Visitor Guide and BeachTV internet site. With its home based office building at 9th and Alton Road, Onboard brings instant recognition and reach to 90,000 residents and 8,000,000 tourists.

Boucher Brothers Management Incorporated (BBMI) is Florida's largest pool and beach concession management company. BBMI has every major convention, resort and boutique hotel on Miami Beach; including Fontainebleau, Loews, Marriot, Holiday Inn, Delano, Shore Club, Deauville, Sagamore, Roney Palace and many more. BBMI is currently responding to 3 additional beach concessions Request for Proposals in South Florida. BBMI brings rights to sell and sample products on pools and/or beaches behind Miami Beach's leading hotels.

Boucher Brothers Miami Beach, L.L.C. (BBMB) is the City's current beachfront concessionaire. Ending year 2 in November of a 5 year agreement with a 5 year renewal; BBMB has almost 20 blocks of beachfront which includes South Beach as one of the world's most popular beaches. BBMB brings concession rights to name brand products and receives fee free sponsorships dollars within their current agreement with Miami Beach.

Miami-Metro Vending Corporation (MMVC) has delivered vending services to the City of Miami Beach since 1983. MMVC brokers vending accounts for large clients in South Florida. While growing account commissions both organically (machine count) and commission structure; MMVC is the sole administrator of subcontractors for its clients. MMVC enjoys a strong local and national relationship with Pepsi and Coke.

Memorandum of Understanding

Between IMG, Boucher Brothers Management, Inc., Boucher Brothers Miami Beach LLC, Miami – Metro Vending Corporation & Onboard Media

Date: September 19, 2003

To: Mr. Doug Pirnie, Sr. Vice President, IMG / Mr. Dario Brignole, Vice President Corporate Development, IMG

RE: City of Miami Beach RFP: 66-02/03

The undersigned would like to express that our companies are willing to work with IMG in reference to the Development of a Citywide Corporate Marketing and Sponsorship Program in the event they are awarded the contract resulting from RFP 66-02/03. We are very enthusiastic about the potential alliance with IMG and its client base and proven track record.

The City of Miami Beach would benefit from our experience, rights and knowledge of assets within Miami Beach and/or with the City of Miami Beach. We have the ability to deliver incremental imaging and product sales not contemplated by the City in this RFP process. We believe the alliance brings together resources that will produce synergistic added value to corporate sponsorship producing an easier sell and greater remuneration to the City. We are willing to grant IMG access to our assets by working with them in establishing creative and aggressive price strategies.

This relationship between our company and IMG will certainly translate into benefits for the City of Miami Beach and access to additional opportunities to lure Corporate Sponsors, including signage, advertising impressions, sampling or sales opportunities through our network.

Because each potential sponsorship deal for a city asset is structured differently, we would emphasize that IMG, as the proposer and the City of Miami Beach as the client, maintain all rights in use or nonuse of the assets of the undersigned.

Steven V. Boucher
Boucher Brothers Miami Beach, LLC
Boucher Brothers Management, Inc.

Robert Eichner
Onboard Media

Michael Milberg
Miami-Metro Vending, Corporation

Stated Vision and Outcome for the Miami Beach Corporate Sponsorship Program

IMG would see the end result of its (and the City's) efforts to be a program that would generate significant funds (or cost reductions) for the City, that would demonstrate its proactive approach to the private sector, that would generate additional awareness and tourism to the City and that overall, would have a significant, positive economic impact on the City.

Integrating and Supporting City Goals

While we do not know the specific goals for the City in each of the categories outlined below, we do know that the effort outlined in our proposal will create the following opportunities and benefits:

- Economic Development – Corporate Programs will generate additional funding (or cost reductions) for the City so that it can more efficiently conduct its business and assist the inhabitants of the City.

- Tourism – Part of any Partnership agreement would be the requirement that the Partner spend additional funds to activate their involvement by promoting their involvement in the City. The additional exposure for the City so derived will generate additional tourism traffic and accordingly, more economic impact on the City.

- Cultural Affairs – IMG would make recommendations for new, exciting events to be held in the City supported by City Partners. These events would add to the cultural calendar and heritage of the already vibrant City.

- Parks and Recreation – This area will be a major beneficiary of the Marketing and Sponsorship Program as many events can be held in Parks, thereby drawing more visitors. As a result, the Parks will receive more visibility and additional funding will be generated for Parks maintenance.

IMG's Management Team for the Project

The members of the IMG team who will work on the program assignment were chosen for their abilities, experience and expertise in the areas of marketing, consulting, sales, sponsorship, licensing and promotion/activation.

The individuals are:

Dario Brignole
International Vice President (Project Team Leader).

Dario has been with IMG for eight years and has worked in the Sports and Entertainment industry for a total of 13 years. He has developed extensive knowledge of the Corporate Hispanic and Latin American regions. During this time he lived in Miami and South America. Dario has proven skill in negotiating contracts for the best terms and price for the client. He has negotiated contracts for $25M for the region and has sold over $40M in properties.

His main responsibilities are:

- Creating a new U.S. Hispanic Division for IMG
- Creating new business in the Americas' region
- The Sales and Marketing of Sponsorships and Partnerships
- Liaison with agencies, networks, federations and key players in the Americas and European region.
- Acquisition of international sports/entertainment properties and TV
- Soccer rights

Previously Dario held marketing positions at Topper/Nike and Head Corporation in Argentina.

He has an Executive MBA, from the University of Maryland and did post-graduate study in business, economics and communications at George Washington University, Stanford University and the University of Antwerp, Belgium.

He received his BA in Business at the University of Business and Social Sciences; Buenos Aires, Argentina

Adam Barrett
Executive Vice President – (Events Operation and Consulting)

Adam Barrett was named Tournament Director of the NASDAQ-100 Open after the retirement of Cliff Buchholz at the conclusion of the 2002 event. Barrett becomes the tournament's second director, succeeding Buchholz, who served as co-Founder and Tournament Director since the event's inception in 1985.

Barrett, who will remain in charge of the day-to-day operations of the NASDAQ-100 Open, joined the staff in 1990 as accounting manager. He was promoted to Vice President of Finance in 1995 before taking on Executive Vice President duties in 1997.

During his tenure at the NASDAQ-100 Open, Barrett has overseen two name changes, including the most recent one before the 2002 event, in which the entire tournament identity was transformed to NASDAQ-100 in a little over seven weeks time.

Prior to joining the NASDAQ-100 Open, Barrett was a staff auditor with Coopers & Lybrand-Miami.

Barrett was born and raised in Miami Beach. He graduated with Bachelor of Arts in Accounting from the University of Florida.

R. Jay Lotz
Senior Vice President - National Sales Group (Sales)

Jay started with IMG in 1987 in the Corporate Sales and Marketing Division selling numerous sports, lifestyle, and leisure properties. He has been responsible for managing numerous entertainment projects including:

- Universal Studios - $145 million in corporate support
- Rock and Roll Hall of Fame - $50 million in corporate support
- Cedar Fair Amusement Parks - $16 million in corporate support
- NARAS/Grammy Awards - $12 million in corporate support (to date)

In addition, Jay is part of IMG's international sales force and works with numerous international companies including Samsung on the Nobel Prize Series, Cafe de Colombia on the ISU program, Ford in China, etc. Jay's responsibilities include establishing long-term relationships with senior corporate decision makers and keeping abreast of the latest marketing trends.

Through Jay's experience with MCA/Universal, the Rock and Roll Hall of Fame, Nobel Foundation, etc., he has become very cognizant of over commercialization; protecting the integrity of high-profile properties; and protecting the "intellectual property" rights of multi-personality facilities. He has also had considerable experience dealing with non-profit organizations and is savvy on the IRS "non-profit" issues regarding corporate sponsorships.

Prior to IMG, Jay spent four years working for Saachi & Saachi in New York as Director of Promotions and originally started in the sports marketing industry at Worldwide Ski Corporation where he worked as Director of Marketing for five years.

In total, Jay has 22 years experience working in sports, lifestyle, and leisure marketing.

He has a BS from the University of New Hampshire.

Steve Kerepesi
Senior Vice President - Corporate Sales and Marketing (Sales)

Steve joined IMG in 1997 as part IMG's acquisition of 21 Marketing, a sports and intellectual property marketing agency. As Director of Sales and Marketing, Steve's clients included the 1996 Summer Olympic Games, the Smithsonian Institution's 150th Anniversary US Tour and NASA's Kennedy Space Center Visitor Complex.

Since joining IMG, Steve has focused on new business development and corporate sales for IMG's US-based sports properties. He also oversees all sales and marketing for IMG's New York Fashion Shows and other fashion properties in the US and Brazil. In addition to Steve's sales responsibilities, he has been actively involved in developing corporate consulting relationships and in 1999 secured IMG's first global client, Philips Electronics, a relationship that continues today.

In 2001, Steve and two colleagues began IMG 'entertainment,' an initiative that would uniquely position IMG within the Hollywood community in identifying and securing marketing opportunities on behalf of IMG's corporate clients.

Prior to IMG and 21 Marketing, Steve spent 17 years working in a corporate environment across the consumer-packaged goods and financial services industries. Steve's background includes sales, corporate marketing, advertising, event sponsorship, retail merchandising and marketing services.

He has a BS in Marketing from Post University.

Tom Annear
Senior Vice President – Corporate Sales and Marketing (Sales)

Tom Annear joined the NASDAQ-100 Open Tournament family nearly ten years ago (Feb 1994) as Director of Business Development and Community Affairs.

In this capacity, Tom was responsible for securing corporate sponsorship dollars for the Tournament, and raising money for various not-for-profit projects spearheaded by the Tournament. During this time, he was also in charge of coordinating special events and promotions.

Currently, Tom is Sr. VP of Corporate Sales, and oversees a team of eight dedicated to raising sponsorship dollars on a local, regional and national basis.

Prior to joining the NASDAQ-100 Open, Tom enjoyed a ten year career in NYC, working at several world renown advertising agencies including Ted Bates Advertising and J. Walter Thompson, and on the client-side managing media and marketing for Rolex Watch USA.

Tom was graduated from the University of Wisconsin-Madison with a degree in Economics, and lives in Coconut Grove.

Wendy S. Elkin
Vice President – Corporate Communications & Marketing Services (Team Support)

An integral part of the Nasdaq-100 Open for the past sixteen years, Wendy became part of the IMG family with the acquisition of the Nasdaq-100 Open in 2000.

She began her career in advertising in New York City then moved home to Miami where she worked at a local advertising agency representing clients such as Continental Companies, McDonald's, TCBY, Mayfair and The Lipton Championships, which is what is now called the Nasdaq-100 Open.

Wendy has been responsible for all aspects of the tournaments marketing strategy and promotion which includes advertising, public relations, press relations, promotion, television production, merchandising and environmental design. She played an integral role in the reengineering of the tournament into a global entertainment event and oversaw the development of a series of award-winning advertising campaigns.

In addition, in 2002, Wendy was part of the IMG group involved in the feasibility Corporate Sponsor study for inaugural Art Basel Miami Beach.

A Miami native, Wendy lives in Coral Gables and is active in many South Florida charities.

Wendy has a BA in Political Sciences and Communication from University of Denver.

Douglas D. Pirnie, Jr.
Senior Vice President - IMG Sales & Marketing Services (Team Support)

Doug has been at IMG since 1976, which he joined after spending six years in the publicity, promotions, presentations and research areas of the publishing business (initially Sports Illustrated and then Golf Digest/Tennis Magazines).

In his career at IMG, Doug has worked extensively with all divisions of the company, from corporate marketing to sales to hospitality and promotions. In his current position, he is responsible for creating marketing and promotion plans for IMG's various corporate clients, creating customized promotion and marketing plans in conjunction with specific sporting events and organizations, producing special event and promotional evaluation systems and handling all IMG's research needs.

Headquartered in New York, Doug and his staff are also responsible for IMG's internal communications and sales tracking systems.

Doug has a BA from Stanford University.

Elizabeth L. Perkins
Manager - IMG Sales & Marketing Services (Team Coordinator)

Elizabeth has been at IMG since 2000, which she joined after spending three years as tournament manager of the Kremlin Cup, a professional men's and women's tennis event, in Moscow, Russia and as the marketing manager of Tennis Week magazine.

Headquartered in New York, she works extensively with all divisions of the company, working on projects such as research, competitive analyses, sponsorship evaluations, and demographic analyses. In addition to being actively involved in project work, she is also responsible for managing the division staff, overseeing projects and the group's hiring.

She has a BA from Colgate University.

Jay Kenney
Senior Vice President - IMG Consulting (Consulting)

Jay graduated from Boston College in 1979 with a major in marketing and finance. He went on to receive an MBA at Babson College before joining IMG in 1983. With a strong background in marketing and expertise in developing strategic marketing plans, Jay has worked in IMG Consulting on a wide variety of domestic and international consulting assignments. Recent accounts that Jay has worked on include Amway, AT&T Broadband, Brunswick, Club Med, Hertz, Merrill Lynch, Philips, Philip Morris, Rolex, Seabourn Cruise Line, Seagram, Verizon, and United Airlines Loyalty division. In addition to his client work, Jay oversees IMG Consulting in New York.

Kimberly Varing
Research Manager - IMG Sales & Marketing Services (Research)

Kimberly has an extensive background of research experience specializing in Business-to-Business and Business to Consumer marketing strategies and research. She joined IMG in 2002 as the Research Manager for the Sales and Marketing Services Department where she handles in-depth research in sponsorships and endorsements.

Prior to IMG, Kimberly was a research analyst for the Wolf Group, responsible for developing marketing strategies for a number of Fortune 500 companies including IBM, Microsoft and Hewlett Packard.

Kimberly is a graduate of the University of Southern California and resides in Manhattan.

Amy Berkowitz
Assistant Manager - IMG Sales & Marketing Services (Implementation)

Amy joined IMG following two years at TWI (IMG's television division), where she served as event coordinator for sports and entertainment events including the New York City Marathon, the Christmas Tree Lighting in Rockefeller Center, and the 2002 Winter

Olympics All-Star Olympic Salute. Since joining IMG, Amy assists various IMG areas of business with research assistance on overall marketplace, sponsorship, licensing, public relations, marketing strategies and hospitality. Most recently, Amy worked closely with IMG Consulting and IMG Golf to devise and implement a golf sponsorship platform for the Royal Bank of Scotland. Responsibilities included research and development on various program elements such as media launch/press coordination and hospitality implementation at the 2003 PGA Championship and 2004 US Open.

Amy holds a BA degree from Ithaca College in Broadcast Communications and a minor in Spanish Language.

Time on Site

IMG has an established office with over 25 people in Miami, as part of the NASDAQ-100 Open Tournament office. Both Mr. Barrett and Mr. Annear are currently established in Miami.

In addition, IMG will appoint a designated executive dedicated to acting as a liaison between the City of Miami Beach and IMG. The executive will work full time with the City of Miami Beach, its representatives and partners. The executive will coordinate all of IMG's resources and divisions (National Sales Group, Consulting, Interactive/New Media, Event Planning, Television, Creative Services, Models, Artists and other relevant IMG divisions) and would always be available to the City to service the relationship.

IMG estimates that it would take approximately 720 hours to prepare the "deliverables".

Other members of the Management Team would be in Miami to meet regularly with the City to provide updates, to attend meetings and/or events as appropriate.

Fee Proposal

IMG would provide all of the services outlined above for a monthly retainer of $20,000 per month for the first 12 months.

In addition, the City of Miami Beach shall pay IMG a 20% sales commission on all amounts generated for the City of Miami Beach (including, but not limited to cash, in-kind payments).

IMG agrees to deduct, from first commissions, 50% of any retainer paid, up to a total of $120,000. For example, if IMG brings in a $2 Million per year contract within the first six-months then commissions owed to IMG for the first year would be $400,000.

Assuming IMG has received from the City of Miami Beach a total of $120,000 in monthly retainers for the first six months then would deduct $60,000 from the commissions owed for the first year and suspend any future retainers.

Any renewals would be commissioned at 10%.

miamibchrfpresponse4_b.doc

PROPOSER INFORMATION

Submitted by:	DOUGLAS PIRNIE
Proposer (Entity):	INTERNATIONAL MERCHANDISING CORPORATION
Signature:	Douglas Pirnie
Name (Typed):	DOUGLAS PIRNIE
Address:	22 EAST 71st St.
City/State:	NEW YORK, NY 10021
Telephone:	212 772-8900
Email:	DPIRNIE@IMGWORLD.COM
Fax:	212-772-2617

It is understood and agreed by Proposer that the City reserves the right to reject any and all proposals, to make awards on all items or any items according to the best interest of the City, and to waive any irregularities in the RFP or in the proposals received as a result of the RFP. It is also understood and agreed by the Proposer that by submitting a proposal, Proposer shall be deemed to understand and agree than no property interest or legal right of any kind shall be created at any point during the aforesaid evaluation/selection process until and unless a contract has been agreed to and signed by both parties.

Proposer certifies that all delinquent and currently due fees, and taxes have been paid. No individual or entity who is in arrears in any payment under a contract, promissory note or other loan document with the City, either directly or indirectly through a firm, corporation, partnership or joint venture shall be allowed to receive any additional City contracts, purchase orders or extensions of City contracts until either the arrearage has been paid in full or the City has agreed in writing to a payment schedule. Failure to meet the terms and conditions of any obligation or repayment schedule shall constitute a default of the subject contract and may be cause for suspension, termination and debarment, in accordance with the terms of the contract.

Douglas Pirnie
(Authorized Signature)

9/12/03
(Date)

DOUGLAS D. PIRNIE JR
(Printed Name)

ACKNOWLEDGMENT OF ADDENDA

REQUEST FOR PROPOSALS NO. 61-02/03

Directions: Complete Part I or Part II, whichever applies.

Part I: Listed below are the dates of issue for each Addendum received in connection with this RFP:

Addendum No. 1, Dated _____

Addendum No. 2, Dated _____

Addendum No. 3, Dated _____

Addendum No. 4, Dated _____

Addendum No. 5, Dated _____

Part II: ___✓___ No addendum was received in connection with this RFP.

Verified with Procurement staff

_____ _____ Name of Staff Date

DOUGLAS D PIRNIE JR 9/12/03

Proposer - Name Date

Douglas D Pirnie

Signature

DECLARATION

TO: Jorge M. Gonzalez
City Manager
City of Miami Beach, Florida

Submitted this 19 day of SEPTEMBER, 2003.

The undersigned, as Proposer, declares that the only persons interested in this proposal are named herein; that no other person has any interest in this proposal or in the contract to which this proposal pertains; that this proposal is made without connection or arrangement with any other person; and that this proposal is in every respect fair and made in good faith, without collusion or fraud.

The Proposer agrees if this proposal is accepted, to execute an appropriate City of Miami Beach document for the purpose of establishing a formal contractual relationship between the Proposer and the City of Miami Beach, Florida, for the performance of all requirements to which the proposal pertains.

The Proposer states that this proposal is based upon the documents identified by the following number: RFP No. 61-02/03.

Douglas J. Pirnie
SIGNATURE

DOUGLAS J. PIRNIE JR
PRINTED NAME

SR. VICE PRESIDENT
TITLE (IF CORPORATION)

QUESTIONNAIRE

Proposer's Name: INTERNATIONAL MERCHANDISING CORPORATION

Principal Office Address: IMG CENTER, SUITE 100
1360 EAST 9th STREET
Cleveland, OH 4414

Official Representative: DOUGLAS D. PIRNIE

Individual
Partnership **(Circle One)**
Corporation

If a Corporation, answer this:

When Incorporated: JANUARY 12, 1967

In what State: OHIO

If a Foreign Corporation:

Date of Registration with

Florida Secretary of State: JUNE 21, 2001

Name of Resident Agent: CT CORPORATION SYSTEM

Address of Resident Agent: 1200 SOUTH PINE ISLAND RD
PLANTATION, FL 33324

President's Name: ROBERT KAIN & ALASTAIR JOHNSTON

Vice-President's Name: ARTHUR J. LAFAVE JR; PETER KUHN; PETER A. CARFAGNA

Treasurer's Name: KATHRYN CHURCHIN

Members of Board of Directors: ARTHUR J. LAFAVE, JR; PETER A. CARFAGNA

Questionnaire (continued)

If a Partnership: _____

Date of organization: _____

General or Limited Partnership*: _____

Name and Address of Each Partner:

NAME	ADDRESS

*** Designate general partners in a Limited Partnership**

_____

1. **Number of years of relevant experience in operating similar business:** 40

2. **Have any similar agreements held by Proposer for a project similar to the proposed project ever been canceled?** Yes ( )No (✓)

   If yes, give details on a separate sheet.

3. **Has the Proposer or any principals of the applicant organization failed to qualify as a responsible Bidder, refused to enter into a contract after an award has been made, failed to complete a contract during the past five (5) years, or been declared to be in default in any contract in the last 5 years?** NO

   If yes, please explain:

   _____

   _____

   _____

4. **Has the Proposer or any of its principals ever been declared bankrupt or reorganized under Chapter 11 or put into receivership? Yes ( ) No (✓)**

   If yes, give date, court jurisdiction, action taken, and any other explanation deemed necessary on a separate sheet.

5. **Person or persons interested in this bid and Proposal Form have ( ) have not (✓) been convicted by a Federal, State, County, or Government Court of any violation of law, other than traffic violations. To include stockholders over ten percent (10%). (Strike out inappropriate words)**

   Explain any convictions:

   _____

   _____

6. **Lawsuits (any) pending or completed involving the corporation, partnership or individuals with more than ten percent (10%) interest:**

   A. **List all pending lawsuits:** Julia K. Wood v. The Centurytel Center, et al., 26th Judicial District Court, Bossier Parish, LA; Case Number 108629
   StarCare Associates, Inc. v. International Merchandising Corporation, United States District Court for the District of Massachusetts; Civil Action No. 03-CV10750WGY
   Douglas Howard v. International Management Inc., a/k/a International Merchandising Corporation, et al., Supreme Court of the State of New York, County of New York; Index No. 03110464

   B. **List all judgments from lawsuits in the last five (5) years:**

   _____

   _____

   C. **List any criminal violations and/or convictions of the Proposer and/or any of its principals:**

   _____

   _____

7. **Conflicts of Interest. The following relationships are the only potential, actual, or perceived conflicts of interest in connection with this proposal: (If none, state same.)**

   NONE KNOWN

   _____

8. **Public Disclosure. In order to determine whether the members of the Evaluation Committee for this Request for Proposals have any association or relationships which would constitute a conflict of interest, either actual or perceived, with any Proposer and/or individuals and entities comprising or representing such Proposer, and in an attempt to ensure full and complete disclosure regarding this contract, all Proposers are required to disclose all persons and entities who may be involved with this Proposal. This list shall include public relation firms, lawyers and lobbyists. The Procurement Division shall be notified in writing if any person or entity is added to this list after receipt of proposals. (Use additional sheet if needed)**

_____

_____

9. **Vendor Campaign Contribution.**

   a. **You must provide the names of all individuals or entities (including your sub-consultants) with a controlling financial interest. The term "controlling financial interest" shall mean the ownership, directly or indirectly, of 10% or more of the outstanding capital stock in any corporation or a direct or indirect interest of 10% or more in a firm. The term "firm" shall mean any corporation, partnership, business trust or any legal entity other than a natural person.**

   IMG WORLDWIDE, INC. - PARENT

   _____

   b. **Individuals or entities (including our sub-consultants) with a controlling financial interest: _____have __X__have not contributed to the campaign either directly or indirectly, of a candidate who has been elected to the office of Mayor or City Commissioner for the City of Miami Beach. Please provide the name(s) and date(s) of said contributions and to whom said contribution was made.**

   _____

   _____

The Proposer understands that information contained in this Questionnaire will be relied upon by the City in awarding the proposed Agreement and such information is warranted by the Proposer to be true. The undersigned Proposer agrees to furnish such additional information, prior to acceptance of any proposal relating to the proposals of the Proposer, as may be required by the City Manager. The Proposer further understands that the information contained in this questionnaire may be confirmed through a background investigation conducted by the Miami Beach Police Department. By submitting this questionnaire the Proposer agrees to cooperate with this investigation, including but not necessarily limited to fingerprinting and providing information for credit check.

WITNESS: **IF INDIVIDUAL:**

_____ _____

Signature **Signature**

Print Name

Print Name

WITNESS:

IF PARTNERSHIP:

Signature

Print Name of Firm

Print Name

Address

By: _____

General Partner

Print Name

WITNESS:

IF CORPORATION:

Signature

INTERNATIONAL MERCHANDISING CORPORATION

Print Name of Corporation

Print Name

IMG CENTER, SUITE 100 - 1360 E. 9th STREET
CLEVELAND, OH 44114 Address

By: _____

President

(CORPORATE SEAL)

Attest: _____ Secretary

CERTIFICATE OF PASSAGE OF RESOLUTION

I, Peter A. Carfagna, Senior Staff Vice President and Assistant Secretary of International Merchandising Corporation, (the "Corporation"), a corporation duly organized and existing under the laws of the State of Ohio, certify that I am duly authorized to prepare this certificate on behalf of the Corporation, and that in an action by unanimous written consent of the Board of Directors of the Corporation taken as of September 18, 2003, the following resolution was duly adopted and is now in full force and effect:

> RESOLVED, that Adam Barrett is hereby authorized, empowered and directed to sign, on behalf of the Corporation, the Request for Proposal ("RFP") for Development and Implementation of a Citywide Corporate Marketing and Sponsorship Program (RFP No. 66-01203) for the City of Miami Beach in the form presented to the Board of Directors, with such changes therein, if any, as said Adam Barrett may approve, such approval to be conclusively evidenced by his signature thereto, and that Tracy Moceau-Pendleton is hereby authorized, empowered and directed to attest to Adam Barrett's signature on said RFP.

IN WITNESS WHEREOF, I have hereunto set my hand this 19th day of September, 2003.

By: Peter A. Carfagna
Peter A. Carfagna
Senior Staff Vice President and
Assistant Secretary

SWORN TO BEFORE ME and subscribed in my presence by Peter A. Carfagna, who is known to me, this 19th day of September, 2003.

Karen L. Kroeger
Notary Public

KAREN L. KROEGER
Notary Public, State of Ohio, Cuy. Cty.
My commission expires July 1, 2008

LD-KK/pl 53624

ACORD™ CERTIFICATE OF LIABILITY INSURANCE

DATE 09/10/2003

PRODUCER 877-945-7378

Willis North America, Inc. - Regional Cert Center
26 Century Blvd.
P. O. Box 305191
Nashville, TN 372305191

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.

INSURERS AFFORDING COVERAGE

INSURED
International Merchandising Corporation
IMG
IMG CENTER
1360 E. Ninth St - Suite 100
Cleveland, OH 44114-1782

INSURER A:	American Home Assurance Company	19380-001
INSURER B:	Commerce and Industry Insurance Company	19410-001
INSURER C:		
INSURER D:		
INSURER E:		

COVERAGES

THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS	
A	GENERAL LIABILITY	3598021	8/10/2003	8/10/2004	EACH OCCURRENCE	$ 1,000,000
	X COMMERCIAL GENERAL LIABILITY				FIRE DAMAGE (Any one fire)	$ 1,000,000
	CLAIMS MADE X OCCUR				MED EXP (Any one person)	$ 10,000
	X Blanket Liability				PERSONAL & ADV INJURY	$ 1,000,000
	X Contract Liability				GENERAL AGGREGATE	$ 2,000,000
	GEN'L AGGREGATE LIMIT APPLIES PER: POLICY PRO-JECT LOC				PRODUCTS - COMP/OP AGG	$ 1,000,000
	AUTOMOBILE LIABILITY				COMBINED SINGLE LIMIT (Ea accident)	$
	ANY AUTO					
	ALL OWNED AUTOS				BODILY INJURY (Per person)	$
	SCHEDULED AUTOS					
	HIRED AUTOS				BODILY INJURY (Per accident)	$
	NON-OWNED AUTOS					
					PROPERTY DAMAGE (Per accident)	$
	GARAGE LIABILITY				AUTO ONLY - EA ACCIDENT	$
	ANY AUTO				OTHER THAN AUTO ONLY: EA ACC	$
					AGG	$
	EXCESS LIABILITY				EACH OCCURRENCE	$
	OCCUR CLAIMS MADE				AGGREGATE	$
						$
	DEDUCTIBLE					$
	RETENTION $					$
B	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY	3592457	8/10/2003	8/10/2004	X WC STATUTORY LIMITS OTHER	
B		3592458	8/10/2003	8/10/2004	E.L. EACH ACCIDENT	$ 1,000,000
					E.L. DISEASE - EA EMPLOYEE	$ 1,000,000
					E.L. DISEASE - POLICY LIMIT	$ 1,000,000
	OTHER					

DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES/EXCLUSIONS ADDED BY ENDORSEMENT/SPECIAL PROVISIONS

City Of Miami Beach is included as Additional Insureds as their interest may appear as respects to General Liability.

CERTIFICATE HOLDER | ADDITIONAL INSURED; INSURER LETTER: ____

City Of Miami Beach
Procurement Division
1700 Convention Center Drive
Miami Beach, FL 33139

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING INSURER WILL ENDEAVOR TO MAIL 30 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO DO SO SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE INSURER, ITS AGENTS OR REPRESENTATIVES.

AUTHORIZED REPRESENTATIVE

© ACORD CORPORATION 1988

IMPORTANT

If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

DISCLAIMER

The Certificate of Insurance on the reverse side of this form does not constitute a contract between the issuing insurer(s), authorized representative or producer, and the certificate holder, nor does it affirmatively or negatively amend, extend or alter the coverage afforded by the policies listed thereon.

IMG

Please note that the policy that follows expired on September 16, 2003. However, it was renewed and we are awaiting the updated policy information. We will forward it on to you as soon as we receive it.

22 EAST 71ST STREET | NEW YORK, NY | 10021-4911
212 772-8900 FAX: 212 772-2617

ACORD™ CERTIFICATE OF LIABILITY INSURANCE

DATE 09/16/2003

PRODUCER

877-945-7378

Willis North America, Inc. - Regional Cert Center
26 Century Blvd.
P. O. Box 305191
Nashville, TN 372305191

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.

INSURERS AFFORDING COVERAGE

INSURED

International Merchandising Corporation
1360 East Ninth Street
IMG Center, Suite 100
Cleveland, OH 44114-1782

INSURER A: American International Specialty Lines In 26883-006
INSURER B:
INSURER C:
INSURER D:
INSURER E:

COVERAGES

THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS	
	GENERAL LIABILITY				EACH OCCURRENCE	$
	COMMERCIAL GENERAL LIABILITY				FIRE DAMAGE (Any one fire)	$
	CLAIMS MADE / OCCUR				MED EXP (Any one person)	$
					PERSONAL & ADV INJURY	$
					GENERAL AGGREGATE	$
	GEN'L AGGREGATE LIMIT APPLIES PER: POLICY / PRO-JECT / LOC				PRODUCTS - COMP/OP AGG	$
	AUTOMOBILE LIABILITY				COMBINED SINGLE LIMIT (Ea accident)	$
	ANY AUTO					
	ALL OWNED AUTOS				BODILY INJURY (Per person)	$
	SCHEDULED AUTOS					
	HIRED AUTOS				BODILY INJURY (Per accident)	$
	NON-OWNED AUTOS					
					PROPERTY DAMAGE (Per accident)	$
	GARAGE LIABILITY				AUTO ONLY - EA ACCIDENT	$
	ANY AUTO				OTHER THAN AUTO ONLY: EA ACC	$
					AGG	$
	EXCESS LIABILITY				EACH OCCURRENCE	$
	OCCUR / CLAIMS MADE				AGGREGATE	$
						$
	DEDUCTIBLE					$
	RETENTION $					$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY				WC STATUTORY LIMITS / OTHER	
					E.L. EACH ACCIDENT	$
					E.L. DISEASE - EA EMPLOYEE	$
					E.L. DISEASE - POLICY LIMIT	$
A	OTHER Errors & Omissions	2798406	9/16/2002	9/16/2003	$1,000,000 Occ./$3,000,000 Agg.	

DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES/EXCLUSIONS ADDED BY ENDORSEMENT/SPECIAL PROVISIONS

The Certficiate Holder is included as an addiitional insrued as their interest may appear.

CERTIFICATE HOLDER | ADDITIONAL INSURED; INSURER LETTER: ____

City Of Miami Beach
Procurement Division
1700 Convention Center Drive
Miami Beach, FL 33139

CANCELLATION

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AUTHORIZED REPRESENTATIVE

© ACORD CORPORATION 1988

IMPORTANT

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DISCLAIMER

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IMG

Douglas Pirnie
Senior Vice President

January 19, 2004

Mr. Gus Lopez
Director of Procurement
City of Miami Beach
1700 Convention Center Dr.
Miami Beach, FL 33139

Re: Your letter dated January 8, 2004 / Request for Proposals (RFP) No. 66-02/03 – Development and Implementation of a Citywide Corporate Marketing and Sponsorship Program

Dear Mr. Lopez,

In reference to the above-mentioned letter and your request for additional information as requested by the RFP, IMG responds as follows:

1. As it relates to your proposed team, please provide the following information:

a. Project Team Leader name and experience

Jay Lotz
Senior Vice President – Special Projects

Jay started with IMG in 1987 in the Corporate Sales and Marketing Division selling numerous sports, lifestyle, and leisure properties. He has been responsible for managing numerous entertainment projects including:

- Universal Studios - $145 million in corporate support
- Rock and Roll Hall of Fame - $50 million in corporate support
- Cedar Fair Amusement Parks - $16 million in corporate support
- NARAS/GRAMMY Awards $25+ million in corporate support (to date)

In addition, Jay is part of IMG's international sales force and works with numerous international companies including Samsung on the Nobel Prize Series, Cafe de Colombia on the ISU program, Ford in China, etc. Jay's responsibilities include establishing long-term relationships with senior corporate decision makers and keeping abreast of the latest marketing trends.

IMG | 22 EAST 71ST. STREET
NEW YORK, NY | 10021-4911
212-774-4460 FAX: 212-772-2617

Through Jay's experience with MCA/Universal, the Rock and Roll Hall of Fame, Nobel Foundation, etc., he has become very cognizant of over commercialization; protecting the integrity of high-profile properties; and protecting the "intellectual property" rights of multi-personality facilities. He has also had considerable experience dealing with non-profit organizations and is savvy on the IRS "non-profit" issues regarding corporate sponsorships.

Prior to IMG, Jay spent four years working for Saatchi & Saatchi in New York as Director of Promotions and originally started in the sports marketing industry at Worldwide Ski Corporation where he worked as Director of Marketing for five years.

In total, Jay has 24 years experience working in sports, lifestyle, and leisure marketing.

He has a BS from the University of New Hampshire.

b. *Project Team Members by name and the responsibility of each member*

Name	Function	Title	IMG Office
Jay Lotz	Team Leader	Senior Vice President – Special; Projects	Cleveland
TBD	Account Director	**To be hired / assigned to the account in agreement with City of Miami Beach**	Miami
Tom Annear	Sales	Sr. VP - Corporate Sales & Marketing	Miami
Dario Brignole	Sales	Int'l VP – Corporate Development	Cleveland
Steve Kerepesi	Sales	Sr. VP – Business Development	New York
Elizabeth L. Perkins	Team Coordinator	Manager - IMG Sales & Marketing Services	New York
Wendy S. Elkin	Team Support (Marketing)	VP - Corporate Communications & Marketing Services	Miami
Douglas D. Pirnie Jr.	Team Support (Sales & Marketing)	Sr. VP - IMG Sales & Marketing Services	New York
Adam Barrett	Events Operation and Consulting	Executive VP	Miami
Kimberly Varing	Research	Research Manager - IMG Sales & Marketing Services	New York
Amy Berkowitz	Implementation	Assistant Mgr. - IMG Sales & Marketing Services	New York
Jay Kenney	Consulting	Sr. VP - IMG Consulting	New York

Dario Brignole
International Vice President.

Dario has been with IMG for eight years and has worked in the Sports and Entertainment industry for a total of 13 years. He has developed extensive knowledge of the Corporate Hispanic and Latin American regions. During this time he lived in Miami and South America. Dario has proven skill in negotiating contracts for the best terms and price for the client. He has negotiated contracts for $25M for the region and has sold over $40M in properties.

His main responsibilities are:

- Creating a new U.S. Hispanic Division for IMG
- Creating new business in the Americas' region
- The Sales and Marketing of Sponsorships and Partnerships
- Liaison with agencies, networks, federations and key players in the Americas and European region.
- Acquisition of international sports/entertainment properties and TV Soccer rights

Previously Dario held marketing positions at Topper/Nike and Head Corporation in Argentina.

He has an Executive MBA, from the University of Maryland and did post-graduate study in business, economics and communications at George Washington University, Stanford University and the University of Antwerp, Belgium.

He received his BA in Business at the University of Business and Social Sciences; Buenos Aires, Argentina

Tom Annear
Senior Vice President – Corporate Sales and Marketing (Sales)

Tom Annear joined the NASDAQ-100 Open Tournament family nearly ten years ago (Feb 1994) as Director of Business Development and Community Affairs.

In this capacity, Tom was responsible for securing corporate sponsorship dollars for the Tournament, and raising money for various not-for-profit projects spearheaded by the Tournament. During this time, he was also in charge of coordinating special events and promotions.

Currently, Tom is Sr. VP of Corporate Sales, and oversees a team of eight dedicated to raising sponsorship dollars on a local, regional and national basis.

Prior to joining the NASDAQ-100 Open, Tom enjoyed a ten year career in NYC, working at several world renown advertising agencies including Ted Bates Advertising and J. Walter Thompson, and on the client-side managing media and marketing for Rolex Watch USA.

Tom was graduated from the University of Wisconsin-Madison with a degree in Economics, and lives in Coconut Grove.

Steve Kerepesi
Senior Vice President – Business Development Group (Sales)

Steve joined IMG in 1997 as part IMG's acquisition of 21 Marketing, a sports and intellectual property marketing agency. As Director of Sales and Marketing, Steve's clients included the 1996 Summer Olympic Games, the Smithsonian Institution's 150th Anniversary US Tour and NASA's Kennedy Space Center Visitor Complex.

Since joining IMG, Steve has focused on new business development and corporate sales for IMG's US-based sports properties. He also oversees all sales and marketing for IMG's New York Fashion Shows and other fashion properties in the US and Brazil. In addition to Steve's sales responsibilities, he has been actively involved in developing corporate consulting relationships and in 1999 secured IMG's first global client, Philips Electronics, a relationship that continues today.

In 2001, Steve and two colleagues began IMG 'entertainment,' an initiative that would uniquely position IMG within the Hollywood community in identifying and securing marketing opportunities on behalf of IMG's corporate clients.

Prior to IMG and 21 Marketing, Steve spent 17 years working in a corporate environment across the consumer-packaged goods and financial services industries. Steve's background includes sales, corporate marketing, advertising, event sponsorship, retail merchandising and marketing services.

He has a BS in Marketing from Post University.

Elizabeth L. Perkins
Manager - IMG Sales & Marketing Services (Team Coordinator)

Elizabeth has been at IMG since 2000, which she joined after spending three years as tournament manager of the Kremlin Cup, a professional men's and women's tennis event, in Moscow, Russia and as the marketing manager of Tennis Week magazine.

Headquartered in New York, she works extensively with all divisions of the company, working on projects such as research, competitive analyses, sponsorship evaluations, and demographic analyses. In addition to being actively involved in project work, she is also responsible for managing the division staff, overseeing projects and the group's hiring.

She has a BA from Colgate University.

Wendy S. Elkin
Vice President – Corporate Communications & Marketing Services (Team Support)

An integral part of the Nasdaq-100 Open for the past sixteen years, Wendy became part of the IMG family with the acquisition of the Nasdaq-100 Open in 2000.

She began her career in advertising in New York City then moved home to Miami where she worked at a local advertising agency representing clients such as Continental Companies, McDonald's, TCBY, Mayfair and The Lipton Championships, which is what is now called the Nasdaq-100 Open.

Wendy has been responsible for all aspects of the tournaments marketing strategy and promotion which includes advertising, public relations, press relations, promotion, television production, merchandising and environmental design. She played an integral role in the reengineering of the tournament into a global entertainment event and oversaw the development of a series of award-winning advertising campaigns.

In addition, in 2002, Wendy was part of the IMG group involved in the feasibility Corporate Sponsor study for inaugural Art Basel Miami Beach.

A Miami native, Wendy lives in Coral Gables and is active in many South Florida charities.

Wendy has a BA in Political Sciences and Communication from University of Denver.

Douglas D. Pirnie, Jr.
Senior Vice President - IMG Sales & Marketing Services (Team Support)

Doug has been at IMG since 1976, which he joined after spending six years in the publicity, promotions, presentations and research areas of the publishing business (initially Sports Illustrated and then Golf Digest/Tennis Magazines).

In his career at IMG, Doug has worked extensively with all divisions of the company, from corporate marketing to sales to hospitality and promotions. In his current position, he is responsible for creating marketing and promotion plans for IMG's various corporate clients, creating customized promotion and marketing plans in conjunction with specific sporting events and organizations, producing special event and promotional evaluation systems and handling all IMG's research needs.

Headquartered in New York, Doug and his staff are also responsible for IMG's internal communications and sales tracking systems.

Doug has a BA from Stanford University.

Adam Barrett
Executive Vice President – (Events Operation and Consulting)

Adam Barrett was named Tournament Director of the NASDAQ-100 Open after the retirement of Cliff Buchholz at the conclusion of the 2002 event. Barrett becomes the tournament's second director, succeeding Buchholz, who served as co-Founder and Tournament Director since the event's inception in 1985.

Barrett, who is in charge of the day-to-day operations of the NASDAQ-100 Open, joined the staff in 1990 as accounting manager. He was promoted to Vice President of Finance in 1995 before taking on Executive Vice President duties in 1997.

During his tenure at the NASDAQ-100 Open, Barrett has overseen two name changes, including the most recent one before the 2002 event, in which the entire tournament identity was transformed to NASDAQ-100 in a little over seven weeks time.

Prior to joining the NASDAQ-100 Open, Barrett was a staff auditor with Coopers & Lybrand-Miami.

Barrett was born and raised in Miami Beach. He graduated with Bachelor of Arts in Accounting from the University of Florida.

Kimberly Varing

Research Manager - IMG Sales & Marketing Services (Research)

Kimberly has an extensive background of research experience specializing in Business-to-Business and Business to Consumer marketing strategies and research. She joined IMG in 2002 as the Research Manager for the Sales and Marketing Services Department where she handles in-depth research in sponsorships and endorsements.

Prior to IMG, Kimberly was a research analyst for the Wolf Group, responsible for developing marketing strategies for a number of Fortune 500 companies including IBM, Microsoft and Hewlett Packard.

Kimberly is a graduate of the University of Southern California and resides in Manhattan.

Amy Berkowitz
Assistant Manager - IMG Sales & Marketing Services (Implementation)

Amy joined IMG following two years at TWI (IMG's television division), where she served as event coordinator for sports and entertainment events including the New York City Marathon, the Christmas Tree Lighting in Rockefeller Center, and the 2002 Winter Olympics All-Star Olympic Salute. Since joining IMG, Amy assists various IMG areas of business with research assistance on overall marketplace, sponsorship, licensing, public relations, marketing strategies and hospitality. Most recently, Amy worked closely with IMG Consulting and IMG Golf to devise and implement a golf sponsorship platform for the Royal Bank of Scotland. Responsibilities included research and development on

various program elements such as media launch/press coordination and hospitality implementation at the 2003 PGA Championship and 2004 US Open.

Amy holds a BA degree from Ithaca College in Broadcast Communications and a minor in Spanish Language.

Jay Kenney
Senior Vice President - IMG Consulting (Consulting)

Jay graduated from Boston College in 1979 with a major in marketing and finance. He went on to receive an MBA at Babson College before joining IMG in 1983. With a strong background in marketing and expertise in developing strategic marketing plans, Jay has worked in IMG Consulting on a wide variety of domestic and international consulting assignments. Recent accounts that Jay has worked on include Amway, AT&T Broadband, Brunswick, Club Med, Hertz, Merrill Lynch, Philips, Philip Morris, Rolex, Seabourn Cruise Line, Seagram, Verizon, and United Airlines Loyalty division. In addition to his client work, Jay oversees IMG Consulting in New York.

In addition IMG will hire / identify an account director based out the Miami office that will be the main liaison with the City of Miami Beach on a daily basis.

c. *Has you proposed team ever worked together? If so, on how many projects or for how long?*

While all members of the team outlined above have not worked together as a group, the senior management members of the group (Mr. Lotz, Mr. Pirnie, Mr. Kenney) have worked together on over 20 projects in the past 15 years on projects ranging from Universal Studios, The Olympics, The Rock and Roll Hall of Fame, The GRAMMYs, New York City and the Chicago Parks District. The Miami based group works together on the NASDAQ-100 Open on a regular basis.

d. *Office location of team members*
See table on point 1.b.

2. *Please provide a specific list of deliverables anticipated for the City project and identify the methodology and approach to be used for each.*

A. Inventory of Assets / Database

Methodology:

IMG will initially schedule, with the assistance of the City, meetings with representatives of all of the agencies representing the Inventory Items mentioned in the RFP (Advertising, Events, Vendors, Naming Rights, etc.) to gain an understanding of their objectives, plans, commitments, resources and all other data required. Such data will be

consolidated in spreadsheet format to provide a comprehensive asset database for reference throughout the project.

We would want to meet with additional organizations to discuss the program (some of whom may or may not be City controlled but all of whom can contribute to the maximization of the potential revenue that can be derived from the program). No meeting would be held without the City's approval. Suggested institutions would include (but not be restricted to):

- Health and Hospitals
- Police Department
- Fire Department
- Sanitation Department
- Parks & Recreation Department
- Department of Transportation
- Museums
- Entertainment Facilities
- Convention Facilities
- Miami Beach Golf Course

In addition, IMG's new media arm, TWI Interactive, would review the City website and offer recommendations, as appropriate, to make it more user and/or Partnership friendly.

We would review all contracts for the special events outlined in the RFP.

B. Comprehensive Sponsorship Policy

Methodology:

Using IMG's experience in "best practices" for projects of this sort, we would develop a policy for the City which would be a proactive document; one that the City could use to "sell-in" its various stakeholders as to the merits of their active involvement in the program. We would consider this effort to be a part of the "internal" (i.e. within the City) sales effort for the initiative.

As a part of the effort, IMG would provide examples of how other cities have developed similar programs and the results they have achieved.

We will also acknowledge the concern on behalf of many in the community for the potential "over commercialization" of the City. Our experience has allowed us to demonstrate how private sector companies can subtly and quietly be involved with programs in an effective manner without their presence being made a focal point.

All of these aspects would be combined into a format that could be presented to the various City stakeholders to secure their involvement and commitment to the program.

C. Strategic Marketing Plan

Methodology:

In preparing the strategic marketing plan (the "external sell-in"), IMG would rely on its over 40 years of experience in selling sponsorships. As such, we have an excellent understanding of not only the value of such properties, but more importantly, how potential sponsors ("Partners") value the properties.

In conjunction with what the City has to offer (as outlined in the RFP as well as what we learn from our discussions), we would look at the opportunity from an overall perspective of every asset that might be made available to a potential Partner.

What follows, therefore, is a template of potential benefits, which has been designed to strategically maximize the revenue opportunity from corporate Partners (as appropriate). The template would guide our discussions during the review process and would, in the end, allow us to develop an overall strategy.

The items are stated briefly and are in no particular order of priority, but they are the benefits that we feel would be of importance to prospective Partners at this time. Some of them may not completely be within the City's purview and others may need to be researched further (which we will do with the City's involvement and cooperation).

- Partner Designation/Use of Logo – Partners would receive designation as an "official product" of the City and the opportunity to use a specifically designed City Partnership logo in any Partner advertising, publicity or promotions of their product/services (subject to City approval).

- Product Category Exclusivity – The Partners' products/services would be used by the City on an exclusive basis (where appropriate and subject to City approval). The broader the exclusivity that can be offered (i.e., "beverages" instead of "soda"), the more valuable the exclusivity.

- First Right of Negotiation for Third Party Events – There are many events that take place in the City with City approval and license. This fact can impact the exclusivity that can be offered. For example, if a certain brand is the exclusive in its category for a major event, that could conflict with the City's attempt to sell an exclusive across the board to another brand in that category. As such, a First Right of Negotiation should be included in any contracts for such City approved events so that City Partners will have the right, when the existing contracts expire, to decide whether they want to be involved in the events or not.

- Promotion Opportunities – Potential Partners would be supplied with a number of promotional opportunity ideas developed by IMG (and approved by the City) designed to enhance the Partner relationship. These opportunities could take the

form of sweepstakes (with prizes of Partner product), coupons, special access to any VIP events held by or sanctioned by the City, etc.

- Signage – The Partners would receive, where permitted by the City, branded signage in conjunction with events held on City assets and in the promotion of said events (i.e. street pole signage, bus stop advertising, on City vehicles, etc.) as approved by the City and, as necessary the City Department of Transportation.

- Print Exposure – Partners would receive a to-be-determined amount of advertising in all printed material produced by the City, including flyers, press releases, annual reports, tourist materials (i.e. maps) and any other publications of the City and/or its advertising and public relations activities.

- Press Announcements – Acknowledgement of Partners' support of the City would be included in a press announcement attended by City dignitaries as well as in a press release distributed by the City to all major media groups.

- Access to Facilities – Partners would receive a to-be-determined number of "VIP passes" and or preferred seating opportunities at all City sponsored or controlled events/activities.

  In addition, Partners would be allowed to use appropriate City facilities for corporate outings, picnics and hospitality programs.

- Product Sale – Partner products would be sold (as appropriate) on an exclusive basis at all concession areas controlled by the City.

- Sampling – Partners would be have the opportunity to have a controlled display to sample product on site on City properties (as appropriate and as approved by the City).

- Couponing/Sweepstakes – Partners would conduct couponing programs at retail locations within the City to drive customers to use City facilities and/or conduct a sweepstakes on City facilities (Parks, e.g.).

- Merchandise – Partners would have access to quantities (to be determined) of City premium merchandise (at a negotiated price) for use in promotional sales and give-aways.

- Naming Rights – Partners would have the opportunity to "name" one of the attractions in the City (a playground, swimming pool, small park, etc.) or any one of a number of the City sponsored festivals/activities that are currently not "named".

- Internet based linkages – Partners would receive a link to the City website. Through our new media division, TWI, IMG has a thorough and up-to-date

understanding of the types of successful promotional and merchandising programs that can be made a part of the Marketing Initiative.

- Corporate Partners Conference – When and if there are a number of Partners, they should be invited to participate in a conference where all can discuss cross-promotional opportunities with the City that can incrementally enhance all of their involvements.

- Renewal Option – All Partners should receive the option to renew their contract beyond the initial contract period. Much will have been learned during that first period, and the City can benefit long-term from a continued Partnership program.

D. Database of Prospective Partners

Methodology:

Once the benefits that will be available have been determined, any additional revenue opportunities addressed and a bidding process outlined (some categories will be of interest to more than one potential Partner), IMG will provide the City with a listing of prospects as well as companies at which we have key senior level, decision making contacts.

In addition to the above-mentioned deliverables IMG will assist the City of Miami Beach in the following tasks throughout the duration of the contract:

a. Drafting RFPs

IMG would work with the City in drafting any Partnership RFPs and would assist in the evaluation of the responses.

b. Pre-Selling

Once the City has approved the list of companies to be approached, IMG would develop a sample rights package and "pre-sell" them on the opportunity to alert them to the benefits available to potential Partners and also to secure any immediate feedback from them that might require an adjustment in the Partner Packages being offered.

c. Contract Negotiation

IMG would assist the City in the negotiation of any contract arising from the Marketing and Sponsorship Program.

d. Market Research and Analysis

IMG's research staff would handle all necessary market research and provide its findings as part of the initial assessment of the City's assets.

e. Revenue Generation – Events and Activities

IMG would also meet with City agencies to develop new event opportunities that would generate additional revenue for the City.

Examples of the types of events IMG would consider for the City:

- A Fashion related event (similar to IMG's Mercedes Benz New York Fashion Week and L.A. Fashion Week)
- An outdoor Film Festival (all summer long) featuring films shot in or about Miami
- "Active Sports" (featuring mountain bikes, in-line skating and skateboarding) extravaganzas
- A classical music concert series on the beach
- A triathlon
- A major golf event/ tournament

Each event could be organized and implemented by IMG, with City approval.

f. Management of Partner Relationships

Once a contract has been signed, IMG would assist the City in the implementation of the agreement details and be conscious of and recommend to the City any additional revenue opportunities that might become available that could augment any Partner relationship.

g. Audit of the Contracts

IMG would work with the City to ensure that all aspects of the business relationship (cash flow, adherence to contract stipulations, etc.) are being followed. A key factor will be ensuring that the City delivers to the Partners what is expected while at the same time determining that the Partner is doing all it can to maximize its relationship with the City.

f. Problem Solving

In conjunction with the above, IMG will work with the City, the Partners and any other contractees to structure solutions to any problems that might arise.

g. Best Practices

We will provide insight into the "best practices" that have been used by other municipal organizations for revenue generation. Some or all of these practices may be of use to the City in its marketing efforts.

Timetable

From the moment when IMG is retained to move forward on the marketing initiative project and a contract has been signed, we anticipate the following activities timetable:

Phase I

- Review of existing City contracts and sponsorships
- Conduct all necessary market research and analysis
- Review relevant local standards and regulations
- Analyze other municipal marketing and sponsorship initiatives
- Prepare and deliver a strategic marketing plan

Delivery: depending on the degree of cooperation and ability of City officials to meet with us, we anticipate that the above will require a minimum of three months to complete.

Phase II

- Identification of potential Partners
- Development of RFPs
- Structuring of financial and business terms
- Review of RFPs and designation of Partners
- Structuring of contracts
- Supervision of contract implementation

Delivery: depending on the City's ability to act on the initiative, the RFP process and the review of RFP responses, we anticipate that the process will require a minimum of nine months from completion of Phase I.

3. *Provide evidence (back-up documentation) of any successful experience your firm has had in working with another municipal agency or resort destination similar to Miami Beach in the Corporate Sponsorship field; include partner relationships, values of contracts, terms of contracts, etc.*

Chicago Parks District

- IMG was retained on a one-year, non-exclusive basis, by the Chicago Parks District to secure partners in a number of product categories in order to generate additional revenue for the District.

- IMG was successful in securing partnership arrangements with Best Kosher (hot dog), credit card (Discover Card), ice cream (Breyers), salty snack (Jay's potato chips) and Transit Authority (Chicago Transit Authority).

- Contract terms were from one to four years (specific contract details are confidential at the sponsors' request).

New York City

- Introduced the concept of "municipal marketing" to the Deputy Mayor for Economic Development in 1995.

- Were retained after an RFP process to develop a marketing plan for the City to generate revenue and expense reducing partnerships with the corporate community.

- Spend 18 months developing the plan, meeting with all of the primary governmental, municipal, cultural and public "stakeholders" to secure maximum rights and benefits to take to the corporate community.

- Developed a list of key target companies.

- Completed the final plan but it was never submitted, as the Mayor, who had originally approved the initiative, decided (for reasons not disclosed to us) not to go forward with it.

Rock and Roll Hall of Fame (RRHF)

- The Rock and Roll Hall of Fame in Cleveland was financed through a state bond referendum. In 1994, IMG was retained by the City of Cleveland (Mayor George Voinovich) to raise funds to alleviate the bond debt18 months prior to the RRHF Grand Opening

- The RRHF is an educational facility enshrining the legends of Rock and Roll and educating the public on the importance of rock culture.

- **IMG generated over $50 million in sponsorship and promotional dollars across several major sponsorship categories.**

- The terms of the agreements ranged from three to ten years (specific contract details are confidential at the sponsors' request).

- Sponsors included AT&T, Pepsi, Ameritech, Levi's Continental Airlines, Radio Shack, Thrifty Car Rental and MasterCard, among others.

- As an educational facility and a non-profit 501C3 organization, the RRHF could not be over-commercialized. The corporate sponsors received limited yet tasteful signage within the building.

- IMG created a "bigger than life" image for Rock 'N Roll.

- Convinced potential sponsors that this was a very effective way to align themselves with the Rock Era without the risks of endorsements by individual artists or bands.

Universal Studios

- IMG was hired in 1987 to secure corporate sponsors and promotional partnerships for Universal Studios Florida three years prior to its Grand Opening in June, 1990.

- Due to IMG's success in securing corporate partners, Universal expanded the agreement with IMG two years later to represent Universal Studios Hollywood.

- **In total, IMG raised over $145 million for Universal Studios Hollywood and Florida across 26 different sponsorship categories.**

- Terms of agreements range from three to ten years (specific contract details are confidential at the sponsor's request).

- Sponsors included Pepsi, AT&T, Chrysler, Frito-Lay, Kodak, Haagen-Dazs, Norwegian Cruise lines, Texaco, Ocean Spray, Hawaiian Tropic and American Express among others.

- Major emphasis was on "tasteful commercialization."

4. *Identify the target sponsorship market / businesses and indicate your specific experience on dealing with this market or businesses.*

IMG has an extensive base of corporate contacts. Having worked with each for years, we are aware of their marketing objectives, budgets and decision-making prices.

As such, we would recommend that the City focus on the beverage category for its first Partnership, as the category has traditionally been most involved in similar initiatives. In addition, a successful beverage partnership will establish the initiative as viable for the other categories. Note New York's recent deal with Snapple as an example.

Based on the opportunities available through the City Marketing and Sponsorship Program, we would present an initial listing of potential contacts, work with the City on crafting an appropriate approach to each, schedule meetings and handle follow-up, through, but not including, contract signing (which is for the City to do).

At each step, IMG would consult with the City and only move forward with City approval.

Some of the categories with which IMG has had successful relationships (and the types of projects or relationships in which we have been involved) include:

- Soft Drink – Non-Alcoholic Beverages (consult with **Coke** on overall marketing and sponsorship strategy; work with PowerAde brand on IHRA sponsorship). Involved in sponsorships with **Pepsi, Fiji, Nestle** and **DPSU**.

- Beer (consulted with **Coors, Miller, Molson's** and **Labatts** on sponsorship strategy; involved in sponsorships with **Heineken, Labott USA, Beck's** and **Anheuser-Busch**)

- Telecommunications (serve as sponsor agency of record for **Verizon**). Work on sponsorship programs with **Sprint, AT&T, Nextel**, and **Cingular**.

- Automobile (corporate consultant to **Volkswagen**). Work with **GM, Ford, Daimler-Chrysler, BMW, Mercedez-Benz, Toyota** and **Honda** on sponsorship programs.

- Beauty & Personal Care products (suntan lotions, grooming products, etc.) –work with **Avon, Cover Girl, P&G, Unilever, L'Oreal, Redken, Shu-Uemura, Revlon, and Maybelline** on endorsement programs with athletes.

- Sports Apparel – work with **Nike, Adidas, Reebok, Fila, Puma**, etc. on athlete endorsements.

- Casual/Dress Apparel (Resort wear, swimwear, etc.) – work with **OP, Lee Jeans, Polo, Calvin Klein, Levi's, Speedo**, and **O'Neill** on sponsorship programs

- Accessories (sunglasses, watches) – work with **Luxotica, Bolle, Ray Ban, Silhouette, Oakley, Scott** and **Velvet** on sponsorship programs

- Credit Card (work or have worked with **Mastercard, Visa, Discover Card, American Express** on endorsement and sponsorship programs). In addition we serve as corporate consultants for **American Express** on several major markets including UK and Mexico.

- Banking and Financial Services (consult with **Merrill Lynch** and **RBS**) We work with **JP Morgan Chase, Bank of the West, Wachovia, North Fork Bank, US Warburg, ABN Amro, Bank of America, Deutsche Bank, Wells Fargo** and **Citibank.**

- Retailers (work with **Target, Gap, Old Navy** and **Sears**)

- Consumer Products (have consulted with **P&G, Kraft, Nestlé** and **Heinz** on their sponsorship activities). Work with **Unilever** on sponsorship and endorsements.

- Consumer Electronics – are worldwide agency of record for **Philips**; have worked with **LG, Samsung, Sony, Sony-Ericsson, Siemens, Olympus, Kodak, Sharp** and **Panasonic** on sponsorship programs

- Computer / Hardware & Software (consult with **HP**). Have worked with **IBM, Gateway, Dell** and **Sony**

- Fast Food (work with **McDonald's, KFC** and **Burger King** on endorsement programs)

- Snacks (work with **PowerBar** on sponsorships)

- Meat Products (work with **Maverick Meats, Hillshire Farm** and **Kahn's** on sponsorships)

- Airlines (consult with **United**) Work with **Delta, Son, Continental, Lan Chile, American Airlines.**

- Car Rentals (consulted with **Hertz**)

- Home Improvements Products Manufacturer / Retailer (work with **Home Depot** and **Lowes** on sponsorship)

- Office equipment (serve as sponsorship agency for **Office Max,** work with **Office Depot** on sponsorship)

- Automotive Products (work with **Cooper Tires, Goodyear** and **Firestone** on endorsements

- Lawn Care products (consult with **Textron/Jacobsen** and **Scotts**)

- Recreational Motor Vehicles (ATVs, Boats, Wave Runners, Outboards, etc.) – work with **Honda, Kawasaki** and **Suzuki** on sponsorship programs; consulted with **Brunswick**.

As an initial step, IMG would want to review a listing of all items currently purchased by the City as a way of identifying potential and logical product categories to approach.

Cost Reduction Opportunities

IMG would also want to review the above list with the thought that some of the items currently purchased by the City could be secured through a barter arrangement. These "cost reduction" arrangements are as valuable as cash as they are "expense reducing," thereby freeing up funds for other City priorities.

Examples of "cost reduction" opportunities are as follows:

- Having a car/truck manufacturer provide some or all of the City's 6,000 vehicles
- Securing donation of lawn care equipment (mowers, trimmers, grass seed, etc.) for the City parks
- Having an apparel manufacturer provide uniforms for City/Parks workers
- Having a paint company supply paint for use in (or on) all City buildings
- Having a lighting company provide light bulbs for city street lights

We look forward to hearing from you regarding the next steps in the decision-making process.

Sincerely,

D. Pirnie

Douglas D. Pirnie, Jr.
DDP/dp

cc: J. Lotz
D. Brignole

glrfpletter11604

Sports & Sponsorships, Inc.

Proposal to Develop and Implement a Citywide Corporate Marketing and Sponsorship Program

RFP# 66 02/03

Respectfully Submitted to:
The City of Miami Beach
September 19, 2003

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SPORTS
& SPONSORSHIPS

September 19, 2003

Mr. Gus Lopez
Procurement Director
City of Miami Beach
1700 Convention Center Drive
Third Floor
Miami Beach, FL 33139

Dear Mr. Lopez,

Please accept the enclosed as Sports & Sponsorships' proposal submission for development and implementation of a Miami Beach citywide corporate marketing and sponsorship program.

Requested firm particulars
Name: Sports & Sponsorships, Inc. (a Florida Corporation)
846 Lincoln Road, Fifth Floor
Miami Beach, FL 33139
T) 786-276-7760
F) 786-276-7724
Email: Scott@sportsandsponsorships.com
Contact person: Scott Becher

Three keys for selecting the BEST partner

- The right experience
  Our business is focused on helping clients to achieve measurable brand and business building (revenue) goals via sponsorships and licensing. It's what we do all day, every day. On both sides of the table, working on behalf of municipalities and corporations. We know what it takes to create meaningful "win-win" relationships. And we are recognized nationally as a leader and innovator. Our experience and skill set makes us an ideal fit.
- The best understanding of Miami Beach
  We know Miami Beach. We live it. And we care about it. No other agency of our capability resides in your backyard (Lincoln Road) and is a part of the culture of the city. Our sensibilities are yours. And we are available on a moment's notice.
- This is a prestigious assignment in our eyes
  We want this project. Not because we need it, but because it is very important to us. We feel this is a landmark time in the growth of Miami Beach and we're excited to play a meaningful role. When you can use your expertise to make a difference in your community, you have hit a home run. We are prepared to hit a grand slam for the City of Miami Beach.

Gus, thank you for your consideration. We look forward to hearing from you soon.

Best,

Scott Becher
President

Sports & Sponsorships, Inc.
846 Lincoln Road, Fifth Floor, Miami Beach, Florida 33139
Tel: 786.276.7760 Fax: 786.276.7724

www.sportsandsponsorships.com

Sports & Sponsorships: Overview

Sports & Sponsorships is one of the most highly respected national sponsorship agencies in the United States based in Miami Beach, FL.

Our firm is comprised of sponsorship and event marketing professionals with extensive credentials and a track record for success. We maximize revenue potential and sponsorship guarantees within both the private and public sectors.

Our primary goal is to help identify and financially optimize the quantifiable assets owned or controlled by our clients and to leverage all resources for maximum impact.

The scope of our endeavors reflects our commitment to our trade and to the community in which we have chosen to practice. We understand Miami Beach unlike our competitors - We live and work here. We are poised to embrace challenge, push boundaries and envision new domains in which to excel.

Sports & Sponsorship: Background

Sports & Sponsorships was founded in 1996 by Scott Becher with a commitment to be the leading innovator in the use of sponsorship to build business. Born and raised in Miami, Scott returned from New York and fulfilled his wish to establish a major sponsorship agency in his home town. After eight years in South Florida, Sports & Sponsorships represents multiple Fortune 500 clients and strategically works in tandem with one of the best teams of people in the sponsorship business.

Our passion is creating strategies and programs that deliver measurable results for our clients. Our experience tells us that being better often requires original thinking. So that's what we promise.

We provide End-to End Service: From Strategy to Execution

- Strategic Consulting
  - -Asset Evaluation
  - -Strategy Development
  - -Opportunity Analysis
  - -Development of Comprehensive Sponsorship Policy and Marketing Plan
- Marketing, Sponsorship Sales, and Naming Rights
  - -Strategic Event & Entertainment Marketing
  - -Prospect Identification
  - -Creative
  - -Extensive Sponsorship Sales Expertise
  - -Rights Negotiation
- Licensing and Merchandising
  - -Negotiating brand building and revenue producing license agreements
  - -Turnkey marketing of licensing and merchandising
- Property/Event Development and Execution
  - -Creating Events Blueprint/ Leveraging Plans
  - -Event Production
- Research and Evaluation
  - -ROI Analysis
  - -Success Measurement
- Communication
  - -Television Negotiation - local, national, international
  - -Public Relations
  - -Multi-Media Production/ Distribution Capabilities

Sports & Sponsorship: Background

Our Points of Difference for the City of Miami Beach

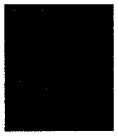
- Fully diversified operation with the ability to provide full service
  - Expertise in wide range of disciplines
- Intimately familiar with the South Florida/Miami Beach marketplace
- Accessible
  - Locally based
  - Ability to be a daily presence for full integration
- National, International and Local Relationships already in place
  - Media
  - Corporate
  - Extensive client base within US Hispanic and Latin American Marketplace
- Ability to view the city's needs from a comprehensive POV

Relationships

Below is a sampling of our reach:

Municipal Relationships

Sports/Entertainment



Corporate Affiliates

Media Partners

The Team

Sports & Sponsorships is comprised of professionals with diverse but complimentary skills, interest and experience. Our philosophy is to leverage our collective talents and expertise to successfully monetize Miami Beach's assets.

- Our goal is to leverage our extensive relationships to access and integrate the best resources to accomplish these objectives.

- Core Management Team:
  - –Scott Becher (18 years experience)
    - ▪Strategic Vision
    - ▪Program Development
    - ▪Sponsorship Policy Creation
    - ▪Database Management
  - –Laurie Landgrebe (16 years experience)
    - ▪Asset Analysis
    - ▪Prospect Identification
    - ▪Sponsorship Sales
    - ▪Naming Rights
  - –Eric Levin (12 years experience)/Jeff Bernstein (15 years experience)
    - ▪Licensing
    - ▪Merchandising
    - ▪Celebrity Acquisition
  - –Dan Barnett (18 years experience)
    - ▪Event Production
  - –Irving Plonskier (20 years experience)/Cathy Pratt (18 years experience)
    - ▪Television Packaging/Distribution

Our Credentials

Our management team has extensive experience within the core disciplines for implementation of a comprehensive marketing and sponsorship program with the City of Miami Beach.
Highlights include:

- Strategic Consulting/Marketing Plan Development
  - –Miami Dolphins/Pro Player Stadium
    - ▪Wrote all strategic marketing plans for both the Miami Dolphins and Pro Player Stadium from 1998-2001. This includes all fiscal projections, creation of the first advertising campaign, launch of new inventory and sales plan.
  - –United States Olympic Committee
    - ▪Developed Consumer Products Business Plan resulting in triple revenues
  - –NFL Properties
    - ▪Created marketing promotion to connect with urban youth through regional events with national overlay tied to football. Development of throwback jerseys for NFL teams and players emerged from licensing and merchandising program in response to reactions of inner city youths involved.
  - –Gillette
    - ▪Consultation and Marketing Plan Development for the Gillette Challenge Series. It annually delivered double-digit share increases and was seen by millions via live network broadcasts. It also became the industry's most widely copied promotional platform.
  - –Sprint
    - ▪One of two national agencies charged with strategic evaluation and activation of Sprint's portfolio of sponsorships, both national and local
  - –Hershey's
    - ▪Manage and Implement Hershey's NCAA Program

- Asset Evaluation
  - –International Speedway Corporation
    - ▪Created Venue Alliance Program which synergized sponsorship opportunities with all 15 ISC Motor Speedways
  - –Pro Player Stadium/Miami Dolphins
    - ▪Created all Marketing Plans and quantified all inventory for both the stadium and the Miami Dolphins and created new inventory to increase revenue
  - –Conducted asset evaluation and pricing methodology for five stadiums and two(2) Performing Arts Centers seeking naming rights
    - ▪Louisiana Superdome, Toronto Skydome, Citizens Bank Ballpark, Home Depot Center, Biltmore Theater (New York), Miami Performing Arts Center

Our Credentials

Municipal Experience

- State of Louisiana - Naming Rights for the Louisiana Superdome
  - Objective: To develop a naming rights platform for the State owned Louisiana Superdome.
  - Specifics: Weekly meetings with Lieutenant Governor and Administration and Purchasing Directors to script sponsorship policy and target key clients of the State. Conducted asset evaluation including assets of the building coupled with a full analysis of other state owned assets acting within procurement laws of the State. Created all naming rights presentations and developed primary prospect methodology resulting in two offers.

- Cancun (Department of Tourism)
  - Objective: To demonstrate Cancun's versatility as a sought-after vacation destination.
  - Strategy: Develop annual network televised event synergistic with showcasing various attributes of Cancun
  - Specifics: Relocate the popular sports TV program "The Superstars" to Cancun which was telecast on ABC's Wide World of Sports. Included broadcast vignettes showcasing Mayan ruins, snorkeling, fishing, etc. to be viewed by millions in the US.

- Beijing, China
  - Objective: Generate revenue to offset Beijing municipal infrastructure expenses tied to hosting 2008 Summer Olympic Games
  - Specifics: Development of a sponsorship program allowing corporations the opportunity to sponsor the environmental cleanup of Beijing in return for exposure throughout the city and in media.

Our Credentials

- Sponsorship Sales

  Over $100 million in sponsorship contracts with clients. Highlights include:

  -ISC (NASCAR)
    - DeWalt

  -USA Volleyball (Beach Volleyball)
    - Sunglass Hut, Coca Cola, Playtex

  -Miami Dolphins-
    - United Airlines, American Express, Sprint, Sports Authority, SBC, Spherion, Bacardi

  -World Cup Skiing
    - Audemars Piguet, Hiram Walker, Warsteiner

  -National Concert Amphitheatres
    - Gillette, Revlon, TDK Electronics, Eveready Battery Company, Anheuser Busch

  -Music Tours/Entertainment
    - Pepsi/Michael Jackson, Gillette/Rolling Stones "Steel Wheels" Tour

  -USOC
    - Verizon- Title Sponsor of Bobsled and Skeleton Federation

  -Naming Rights
    - Pro Player, Home Depot, Citizens Bank

  -Extensive experience with the practice of naming rights
    - Clients included Joe Robbie Stadium (Pro Player), The National Training Center (Home Depot), The Phillies Ballpark (Citizens Bank), The Louisiana Superdome, The Toronto Skydome, International Speedway Corporation (15 motor Speedways) Miami Performing Arts Center, Biltmore Theatre

- Licensing/Merchandising

  -Licensor Services
    - Founded Upper Deck's Licensing Program
      - Annual Programs grossed over $20MM
      - Included 20 companies
    - Founded Major League Soccer's Licensing program for teams and players
      - Annual programs grossed over $50MM
    - Athlete Licensing
      - Emmit Smith Run with History
      - Barry Bonds
      - Barry Sanders
      - Bruce Smith
      - Frank O'Harris/Jerome Bettis
      - Dontrelle Willis

  -Licensee Acquisition
    - Helped over 30 companies acquire licenses

  -Retail Services
    - Kmart
    - Champs
    - JCPenny

Integration with City's Goals

All activities will focus on fulfilling each department's goals:

- Economic Development
  - –Exposure to national corporate marketplace - Introduction to assets of Miami Beach
  - –Provide propriety benefits and marketing platform for locally based companies
  - –Generate incremental revenue
- Tourism
  - –Increase proprietary event portfolio to increase "heads in beds"
  - –Increase exposure for Miami Beach through sponsor's media
  - –Public relations exposure through event and sponsor programs
- Cultural Affairs
  - –Target multi-cultural corporations for program development and marketing to various cultural interests
  - –Include cultural arts programming with sponsor deliverables
  - –Develop proprietary events to enrich culturally diverse programming
  - –Support Film and Modeling Industry Initiatives through corporate involvement
  - –Increase Corporate Revenue for Entertainment/Arts Facilities
- Parks & Recreation
  - –Enhance quality of park's services
  - –VIK products for facilities
  - –Foster Event Platform for Parks & Recreation facilities
  - –Implementation of sponsor driven programs to benefit Parks & Recreation Initiatives

We will prioritize the City's potential partners through a criteria analysis that addresses the diverse goals of the City.

Target Partner Criteria will include:

- –Partner's Marketing Platform
  - •Brands that fit within Miami Beach's branding and tourism strategy
- –Positioning
  - •Association value for the Miami Beach
- –Strategy/Tactics
- –Multi-faceted Objectives
  - •Partners with multiple objectives to fully integrate with multiple citywide programs
- –Budget
- –Extensions/Promotional Concepts
  - •National/International Reach
  - •Plans for implementation locally, nationally and internationally
- –Fit with Additional Miami Beach Initiatives
  - •Barter Opportunities
  - •Incorporate Miami Beach in Product Advertising
  - •Leverage sponsor relationships for infuence with events, film opportunities, etc.

Vision and Desired Outcomes

The vision is to establish Miami Beach as a municipality that aggressively, thoughtfully and tastefully develops partnerships that reinforce its superior reputation and generate significant revenue to underwrite important community initiatives.

Our model is the Olympic Games, not NASCAR.

We will selectively seek only the most outstanding opportunities.

Sports & Sponsorships will develop and apply a custom matrix which will allow for us to evaluate all programs:

- –Provide a Benchmark for Success
- –Develop Methodology for Future Decisions
- –Evaluation of sponsorships and Expansion of Successful Programs
  - ▪Manage/Audit agreements throughout the contract term

Desired Outcome

•Maximize all revenue streams and successfully contribute significant revenue to offset tax dollars:

- –Sponsorship
- –Major Vending Contracts (Soft Drink and Water)
- –VIK
- –Activate Comprehensive Licensing Programs with key categories
- –Develop Propriety Event Portfolio
- –Develop Exclusive Merchandise
- –Focus on "Heads in Beds"/Increase Tourism

•Solidify and grow the branding of Miami Beach/South Beach through multifaceted marketing platform perpetuated by these corporate partnerships

•Establish Miami Beach as top market for industry

•Significantly increase exposure for Miami Beach to drive tourism and economic development

•Associate Miami Beach with top level companies

•Leverage media spending

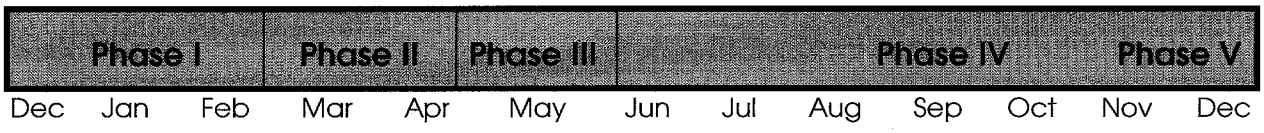
•Benefit all key sectors of Miami Beach Government

Timeline

We intend to conduct the initial asset evaluation, sponsorship policy and strategic plans within the first six (6) months of the relationship. Initial sponsor solicitations will begin by June 1, 2004.

- Phase I: Asset Evaluation - 3 Months (Dec 1, 2003 start date)
  - -Initial Evaluation Report - 3 months
  - -Ongoing asset report conducted quarterly
- Phase II: Comprehensive Sponsorship Policy - 2 Months
  - -Policy can be developed upon the conclusion of initial asset report
  - -Sponsorship Policy will also be revised on a quarterly basis to take into consideration: Market changes, revised city objectives, new opportunities
- Phase III: Develop Strategic Plan for Marketing Assets - 1 Month
  - -Strategic Plan will commence at the conclusion of Phase II.
- Phase IV: Market Assets/Sales - Ongoing after Phase I-III
- Phase V: Measuring the Results - Annual
  - -We will conduct an annual report to measure results with initial benchmarked objectives and submit to the City by December 31 each year of the contract.

Year 1 Timeline



Contract Term and Fee Structure

- We propose the following terms:
  - –Initial contract term of one (1) year with a renewable three (3) year option at the conclusion of the first year
- No upfront fee
- Our compensation will be determined exclusively by our successful sales efforts – once we are reimbursed for our time and effort for the Asset Evaluation, Comprehensive Sponsorship Policy and Development of the Strategic Plan
  - –First $60,000 in sales revenue will be used to reimburse Sports & Sponsorships for its upfront council
  - –15% of subsequent gross contract revenue
- The City of Miami Beach will reimburse all travel and entertainment expenses within 30 days upon submission of receipts
  - –Annual T&E Budget not to exceed $25,000
  - –Other day-to-day expenses including overhead, supplies, phone and administrative expenses will be included with the aforementioned fee for services and will not be billed separately

Commitment of Time

- The City of Miami Beach will be the # 1 concern of Sports & Sponsorships.
  - –We anticipate the scope of this assignment will require the full-time attention of our most senior executives.
  - –Phase I-III- 600 Hours
    - ▪Includes Account mgmt, database development, On-site inventory assessment
    - ▪multiple meetings and research to prepare initial asset report, develop the comprehensive sponsorship policy and strategic plan for marketing the assets
  - –Phase IV- Ongoing
    - ▪Active sales will commence after 6 month preparation

- With our corporate headquarters located on Lincoln Road in Miami Beach, we are at the City's disposal 365 days per year.

- We commit the full team to achieving the City's Goals:
  - –Point person for communication with City of Miami Beach - Laurie Landgrebe
    - ▪Executive Team (Fully dedicated to project): Scott Becher, Eric Levin, Jeff Bernstein, Dan Barnett, Irving Plonskier, Cathy Pratt

Scott Becher - Biography

Scott has spent the last 18 years as a leading sponsorship marketing consultant for internationally acclaimed corporations and agencies. His expertise is creative property consulting to increase revenues and visibility for municipalities, teams, leagues, marketers...and athletes.

Proven Track Record:

-Sports & Sponsorships, President –

- The creative thinking and bottom-line results Scott brought to his clients at Clarion Marketing (Sprint, Hershey Foods, Gillette) prompted them to take a chance with him and his startup agency in 1996. These relationships continue to this day.
- United States Olympic Committee – Secured multi-million dollar title sponsorship for U.S. Bobsled and Skeleton Federation
- China: part of an agency team exclusively charged with attracting top international events to China for the purpose of generating revenue and global visibility

-Clarion Marketing and Communications, Vice President –

- Managed the portfolio of sports sponsorships owned by The Gillette Company, as well as working with top sponsorship marketers Sprint and Hershey's, among others. He was responsible for the integration of Gillette's $2 Million Challenge Series programs to include live network prime time television coverage of its Final Four and World Series events.

-Saatchi & Saatchi, Account Supervisor –

- Cancun Hotel Association: stimulated significant US visibility via exclusive network prime time broadcast of ABC's "TheJeep Superstars" from the beaches of Cancun, as Cancun was beginning an aggressive push for US tourism dollars.
- Created and managed Olympic sponsorship marketing and advertising programs for clients Bristol Myers-Squibb and the United States Olympic Committee. Scott created and developed the "Does He or Doesn't He?" Clairol Men's Hair Color promotion featuring Olympic Gold Medalists Mark Spitz, Frank Shorter and Bob Seagren. This campaign was considered ground-breaking, both in its success, as well as its creative use of Olympic spokesmen. Scott was later instrumental in the marketing and network television success of the then 41-year-old Spitz's return to competitive swimming.

-NFL Films, Producer/ Director

- Earned Ace Award recognition, working on such productions as ESPN's "Monday Night Match-Up" and HBO's "Inside the NFL"

- Clients include:
  - China International Culture Dispersion Center
  - US Bobsled & Skeleton Federation
  - Jay Fiedler (QB, Miami Dolphins)
  - K-Rod (Pitcher, Anaheim Angels)
  - FPL
  - Sprint
  - Purina
  - Gillette
  - Hershey's

- Education:
  - –1987, Northwestern University, MS, Advertising
  - –1985, Northwestern University, BS, Journalism

Laurie Landgrebe - Biography

Laurie is recognized throughout the sports and entertainment marketing industry for strategically uniting corporations with advantageous sponsorship opportunities. She is uniquely versed in the idiosyncrasies of naming rights and has specialized in forging lucrative partnerships for proprietary project development.

She has extensive experience with identifying and quantifying a client's assets, attractively packaging those assets and identifying lucrative partners for maximum benefit.

- Proven Track Record
  - Agencies:
    - IMG, Director of Sales - Based in New York responsible for selling sponsorship for the portfolio of North American properties. She worked with fortune 500 clients on properties such as Wimbledon, ATP, WTA, World Cup Skiing in Aspen, World Figure Skating Championships, PGA&LPGA, USA Volleyball/Beach Volleyball and the Three Tenors

    - AEG, Director Corporate Sponsorships - Landgrebe headed the naming rights division for Envision in Los Angeles. She participated with the successful completion of three (3) naming rights contracts.

    - EMCI, National Sales Director - Concert Tour and Premium entertainment sponsorships including Pepsi/Michael Jackson, Gillette/Rolling Stones and amphitheater marketing programs.
  - Teams/Venues:
    - Miami Dolphins, Pro Player Stadium, Director of Sales and Marketing- Landgrebe served as Director of Sales and Marketing of the Miami Dolphins and Pro Player Stadium with Huizenga Sports Properties for five (5) years where she spearhead revenue generating programs through sponsorship, naming rights and suite sales for all all teams and the facility. And was responsible for the creation of all marketing plans and budgeting.

- Focused practice with naming rights

- Pro Player Stadium - Pro Player and Tyco International
- L.A. National Training Center - Home Depot
- Phillies Ballpark
--Toronto Skydome
- Biltmore Theatre (Broadway)
- International Speedway Corporation
- Louisiana Superdome

- Additional Clients include:
  - NFL/ New Orleans Saints
  - Cirque du Soleil
  - Radio City Christmas Spectacular

- Education
  –1996, University of Connecticut, BS, Business Admin., Marketing

Eric Levin- Biography

With over 12 years as an industry leader in sports marketing and entertainment, Eric helped revolutionize the relationship between professional athletes and Madison Avenue. By activating modeling agencies such as Wilhemina, Michelle Pommier and Click, Eric has turned athletes into fashion icons, including Emmit Smith, Eddie George and Gabriela Sabatini. His commitment to the Beach transcends the sports world through his activities in real estate development, night club and restaurant operations, and event management.

- Proven Track Record

  –Pro Access, President – Garnered relationships with top celebrities such as Emmit Smith, Barry Sanders, Barry Bonds, and Roy Jones Jr. by successfully managing these top athletes' off-field marketing and endorsements.

  –Together with his partner Jeff Bernstein, Pro Access formulated the most successful licensing and merchandising program in NFL history with Emmit Smith's Run with History campaign.

- Focused Practice with South Florida Interests

  –Real Estate Holdings - Chili Pepper, Rumi, El Cyclon (Landmark Condominium)

  –Production Realty

- Education

  –1986, University of Florida, BS, Construction Design

Jeff Bernstein- Biography

Jeff Bernstein is one of the most successful producers within the licensing industry. Relationships are the key to his success and JB's track record at building licensing programs from the ground up puts him in a league enjoyed by few others.

- Proven Track Record

  -Major League Soccer (MLS), Vice President, Licensing - Started the league-licensing program from scratch. As head of MLS' licensing program, JB led them to success out of the gate with first year (1996) retail sales of over $20MM with over 40 national licensees producing product under MLS license.

  -Sony Signatures - (licensing group for Columbia/TriStar/Sony/Columbia House) World Cup '98, IHL, ATP. Jeff was recruited to help set up basic licensing sales program framework for their sports & entertainment properties.

  -Upper Deck , Director New Business - In a four-year span, JB helped negotiate licenses (non-trading card) with many licensors including, MLB, MLBPA, NHL, NHLPA, NBA, NFL, NFLPA, NFL QB Club, World Cup '94, US Soccer, USA Basketball, Warner Brothers, and Nike. In addition, JB helped Upper Deck turn into a licensor, signing over 20 licensees during his tenure (ranging from T-shirts to Mead school supplies). JB also helped start the memorabilia division of the company, Upper Deck Authenticated. JB ran this subsidiary's marketing and product development departments during his final year at Upper Deck. In addition to developing over 270 products, JB oversaw and was responsible for, the creation and management of two major pro sports milestone programs. They were Wayne Gretzky's 802nd goal and Dan Marino's 343rd TD pass. JB oversaw all aspects of these programs from beginning to end.

  -Grey Advertising, Account Manager - Working exclusively on Procter & Gamble brands, during Jeff's tenure at Grey (1987 - 1989), he rose through the ranks quickly by averaging +45% billings across the brands he managed, and was one of the youngest employees to be promoted to the Account Supervisor level in the firm's history. When he left Grey he was managing accounts totaling over $120MM in billings.

- Awards

  - SGB top ten sports executives of 1997

- Education

  -1986, University of Massachusetts, Amherst, BS Political Science
  -1987, London School of Economics, Masters in Business Studies

Dan Barnett - Biography

Dan Barnett is one of the nations leading Executive Producers of live events.

- Proven Track Record

  –Cellar Door International, President - For over fifteen years, Dan spearheaded the talent booking division of the nation's largest concert promotion company, Cellar Door Concerts. Based on his success, the company continually expanded to include international tours, special events, and corporate entertainment. As President of Cellar Door International- Dan booked and produced over 2500 concert events.

  –SFX Entertainment, Vice President Business Development - SFX was the world's leading promoter of live entertainment He created a division dedicated to developing large Special Events and Corporate Entertainment. This effort was culminated when he closed a deal with the NFL to produce the half-time show for Super Bowl XXXV.

  –Five Star Productions, Co-Executive Producer - Dan was the co-executive producer of over 40 television shows. His ability to bring television to special events has made him one of the nations leading executive producers of live events.

- Focused practice with live event production

  ▪Over 2500 Live Concert Performances – Jimmy Buffet, Bruce Springsteen, Lollapalooza
  ▪ NFL Super Bowl – Chairman Special Events for South Florida 1995 & 1999
  ▪ Sun Fest – Execute Producer of live Entertainment (1997-1998)
  ▪ Planet Hollywood Grand Openings – Dublin, Key West, Zurich, Munich (1996-1999)
  ▪ Hurricane Relief Concert at Joe Robbie Stadium – Co-Executive Producer (1992)
  ▪ ATP/WTA Awards – Jackie Gleason Theater (1997)
  ▪ All-Star Salute to Baseball – Bayfront Park Amphitheater
  ▪ Nike Pro Soccer Post Game, Orange Bowl – Santana (1997)
  ▪ American Airlines, Miami Celebration – Michael McDonald, Celine Dion (1991)

- Education:

  –1980, University of Florida, BA, Communications

Cathy Pratt - Biography

Cathy is a revenue generating professional with over 20 years of experience in the broadcast industry developing media sponsorships and partnerships with a wide variety of clients and properties. A pioneer in the global cable industry, she has established a reputation for building sales organizations from their initiation to market revenue leadership.

- Proven Track Record

  –Discovery Communications, Senior Vice President - Cathy led the international sales drive for the Discovery Channel as Senior Vice President and opened the door for the network in Latin America by creating strategic alliances, building a top sales force and developing programming partnership revolutionary for that time.

  –CBS Radio Network, Vice President - Cathy led the charge for CBS's groundbreaking lead into sports through unique sponsorship/media co-partnerships

- Event Media Experience:
  - –NFL Football
  - –Major League Baseball
  - –Summer/Winter Olympics 1984/88
  - –US Open Tennis
  - –The Masters (Golf)
  - –Eco-Challenges 1995-2000

- Television Distribution/Partnerships
  - –Global partnerships in 156 countries across 13 Discovery Network platforms
  - –Garnered distribution for special events and syndicated programming for ABC and CBS

- Education
  - – 1985, Boston College, BS, Communications
  - – 1987, Wharton School of Business, MBA

Irving Plonskier - Biography

An accomplished global marketing communications professional with nearly 20 years of experience in advertising and media, Irving has worked across the globe with diverse clients in a vast array of industries.

• Proven Track Record

–Terra-Lycos, Vice President of Sales - Irving was able to build the Spanish language website into the market leader. A key part of the strategy focused on developing and leveraging community centric events such as the heralded, TerraGOL.

–Young & Rubicam - Irving's distinguished career at Y&R spanned 15 years where he was Managing Director for Media Edge LatAm as well as EVP Media Director for Miami/LatAm and Global/Regional Media Director Y&R Europe. His global expertise and media relationships involved multinational clients such as AT&T, Colgate Palmolive, Ford Motor Company, MetLife, UDV, Paramount Pictures, 20th Century Fox and other blue chip companies.

• Television Sales and Distribution Specialist working on original productions and distribution of *Land Rovers G4 Challenge, The Mother and Daughter Beauty Pageant, Turner Original*

• Clients include:

- United Airlines
- Holiday Inn
- UDV
- Bloomberg TV
- Ericcson
- AT&T
- Paramount Pictures
- Sony Electronics
- US Army/NFL
- Ryder Logistics
- Disney

• Education:

–1984, Michigan State University, BS, Communications

Thank You

Sports & Sponsorships looks forward to working with you.

The Assignment

It is the goal of the City to develop mutually beneficial sponsorship contracts that deliver revenue dollars and/or in-kind products or services to the City of Miami Beach in exchange for certain advertising, marketing and/or promotional considerations granted by the City.

- The Challenge:
  - -Initial questions inherent to the current landscape include:
    - •Miami Beach controlled assets
    - •Ability to offer comprehensive exclusivity
    - •Trademark rights for Miami Beach, South Beach, etc.
    - •Sponsorship ambush opportunities through independently promoted events
    - •Ability to engage private sector businesses (restaurants, nightclubs, etc.)
    - •Ability for full agency integration to interface with the City and related entities
- The Opportunity
  - -Miami Beach is a saleable and established asset
  - -Miami Beach is a top tourism and convention market
  - -Sponsorship foundation with deliverables currently exists
    - •Expand other programs around this platform
  - -Capitalize on strong brand image
  - -Sponsors like to grow success, not create it - Miami Beach is compelling
  - -Integrated business model within various categories

The Assignment

- Phase I: Identify and Quantify Assets

  Sports & Sponsorships will provide a comprehensive evaluation (defining and valuing) of City owned and controlled assets and properties:

  -Tangible Assets
    - Real Estate/Facilities
    - Vending/Pouring Rights Opportunities
    - Signage
    - Web Site

  -Intangible Assets
    - Overall Marketing Rights
    - Entitlements/Naming Rights

  -Future Assets
    - Licensing and Merchandising Opportunities
    - Media Extensions

- Phase II: Create Sponsorship Policy

  -Situation Analysis
  -Set Measurable Objectives/Goals
  -Strategic/Creative Development
  -Market Research and Analysis

- Phase III: Develop Strategic Plan for Marketing Assets

  -Target by Industry
  -Establish Rate card for Assets
  -Prioritize top prospects

- Phase IV: Market Assets

  Prospect Synthesis/Sales

  -Draft Proposals for all relationships including official beverage pouring rights, et. Al.
  -Conduct aggressive but systematic sales presentations
  -Negotiation

- Phase V: Implementation

  -Activation/Administration
  -Fulfillment

INSURANCE CHECK LIST

XXX 1. Workers' Compensation and Employer's Liability per the statutory limits of the state of Florida.

_____2. Comprehensive General Liability (occurrence form), limits of liability $ 1,000,000.00 per occurrence for bodily injury property damage to include Premises/ Operations; Products, Completed Operations and Contractual Liability. **Contractual Liability** and Contractual Indemnity (Hold harmless endorsement exactly as written in "insurance requirements" of specifications).

_____3. Automobile Liability - $1,000,000 each occurrence - owned/non-owned/hired automobiles included.

_____4. Excess Liability - $_____. 00 per occurrence to follow the primary coverages.

XXX 5. The City must be named as and additional insured on the liability policies; and it **must** be stated on the certificate.

____ 6. Other Insurance as indicated:

___ Builders Risk completed value	$_____. 00
___ Liquor Liability	$_____. 00
___ Fire Legal Liability	$_____. 00
___Protection and Indemnity	$_____. 00
___ Employee Dishonesty Bond	$_____. 00

XXX Professional Liability **$1,000,000 .00**

XXX 7. Thirty (30) days written cancellation notice required.

XXX 8. Best's guide rating B+:VI or better, latest edition.

XXX 9. The certificate must state the Quote number and title

VENDOR AND INSURANCE AGENT STATEMENT:

We understand the Insurance Requirements of these specifications and that evidence of this insurance may be required within five (5) days after Proposal opening.

Sports! Sponsorships, Inc.
Vendor

Signature of Vendor
Scott Becher, President

PROPOSER INFORMATION

Submitted by:	Scott Becher
Proposer (Entity):	Sports & Sponsorships, Inc.
Signature:	
Name (Typed):	
Address:	846 Lincoln Road, Fifth floor
City/State:	Miami Beach, FL 33139
Telephone:	786-276-7760
Email:	Scott@SportsandSponsorships.com
Fax:	786-276-7724

It is understood and agreed by Proposer that the City reserves the right to reject any and all proposals, to make awards on all items or any items according to the best interest of the City, and to waive any irregularities in the RFP or in the proposals received as a result of the RFP. It is also understood and agreed by the Proposer that by submitting a proposal, Proposer shall be deemed to understand and agree than no property interest or legal right of any kind shall be created at any point during the aforesaid evaluation/selection process until and unless a contract has been agreed to and signed by both parties.

Proposer certifies that all delinquent and currently due fees, and taxes have been paid. No individual or entity who is in arrears in any payment under a contract, promissory note or other loan document with the City, either directly or indirectly through a firm, corporation, partnership or joint venture shall be allowed to receive any additional City contracts, purchase orders or extensions of City contracts until either the arrearage has been paid in full or the City has agreed in writing to a payment schedule. Failure to meet the terms and conditions of any obligation or repayment schedule shall constitute a default of the subject contract and may be cause for suspension, termination and debarment, in accordance with the terms of the contract.

(Authorized Signature)

9/17/03
(Date)

Scott Becher
(Printed Name)

ACKNOWLEDGMENT OF ADDENDA

REQUEST FOR PROPOSALS NO. 61-02/03

Directions: Complete Part I or Part II, whichever applies.

Part I: Listed below are the dates of issue for each Addendum received in connection with this RFP:

Addendum No. 1, Dated September 15, 2003

Addendum No. 2, Dated _____

Addendum No. 3, Dated _____

Addendum No. 4, Dated _____

Addendum No. 5, Dated _____

Part II: _____ No addendum was received in connection with this RFP.

Verified with Procurement staff

_____ _____ Name of
Staff Date

Sports & Sponsorships 9/17/03
Proposer - Name Date

[signature]
Signature

DECLARATION

TO: Jorge M. Gonzalez
City Manager
City of Miami Beach, Florida

Submitted this 19 day of September, 2003.

The undersigned, as Proposer, declares that the only persons interested in this proposal are named herein; that no other person has any interest in this proposal or in the contract to which this proposal pertains; that this proposal is made without connection or arrangement with any other person; and that this proposal is in every respect fair and made in good faith, without collusion or fraud.

The Proposer agrees if this proposal is accepted, to execute an appropriate City of Miami Beach document for the purpose of establishing a formal contractual relationship between the Proposer and the City of Miami Beach, Florida, for the performance of all requirements to which the proposal pertains.

The Proposer states that this proposal is based upon the documents identified by the following number: RFP No. 61-02/03.

SIGNATURE

Scott Becher
PRINTED NAME

President
TITLE (IF CORPORATION)

QUESTIONNAIRE

Proposer's Name: Sports & Sponsorships, Inc

Principal Office Address: 846 Lincoln Road
Fifth Floor
Miami Beach, FL 33139

Official Representative: Scott Becher

Individual
Partnership (Circle One)
Corporation

If a Corporation, answer this:

When Incorporated: 1996

In what State: Florida

If a Foreign Corporation:

Date of Registration with

Florida Secretary of State: _____

Name of Resident Agent: _____

Address of Resident Agent: _____

_____

President's Name: Scott Becher

Vice-President's Name: N/A

Treasurer's Name: N/A

Members of Board of Directors: N/A

_____

Questionnaire (continued)

If a Partnership: _____

Date of organization: _____

General or Limited Partnership*: _____

Name and Address of Each Partner:

NAME	ADDRESS
_____	_____
_____	_____
_____	_____
_____	_____

* Designate general partners in a Limited Partnership

_____

1. Number of years of relevant experience in operating similar business: 7 years this biz

2. Have any similar agreements held by Proposer for a project similar to the proposed project ever been canceled? Yes ( )No (X)

   If yes, give details on a separate sheet.

3. Has the Proposer or any principals of the applicant organization failed to qualify as a responsible Bidder, refused to enter into a contract after an award has been made, failed to complete a contract during the past five (5) years, or been declared to be in default in any contract in the last 5 years? NO

   If yes, please explain: _____

Questionnaire (continued)

4. Has the Proposer or any of its principals ever been declared bankrupt or reorganized under Chapter 11 or put into receivership? Yes ( ) No (X)

If yes, give date, court jurisdiction, action taken, and any other explanation deemed necessary on a separate sheet.

5. Person or persons interested in this bid and Proposal Form have (X) have not ( ) been convicted by a Federal, State, County, or Government Court of any violation of law, other than traffic violations. To include stockholders over ten percent (10%). (Strike out inappropriate words)

Explain any convictions:

_____

_____

6. Lawsuits (any) pending or completed involving the corporation, partnership or individuals with more than ten percent (10%) interest: NONE

A. List all pending lawsuits: NONE

B. List all judgments from lawsuits in the last five (5) years:

NONE

C. List any criminal violations and/or convictions of the Proposer and/or any of its principals:

NONE

7. Conflicts of Interest. The following relationships are the only potential, actual, or perceived conflicts of interest in connection with this proposal: (If none, state same.)

NONE

Questionnaire (continued)

8. **Public Disclosure.** In order to determine whether the members of the Evaluation Committee for this Request for Proposals have any association or relationships which would constitute a conflict of interest, either actual or perceived, with any Proposer and/or individuals and entities comprising or representing such Proposer, and in an attempt to ensure full and complete disclosure regarding this contract, all Proposers are required to disclose all persons and entities who may be involved with this Proposal. This list shall include public relation firms, lawyers and lobbyists. The Procurement Division shall be notified in writing if any person or entity is added to this list after receipt of proposals. (Use additional sheet if needed)

Laurie Landgrebe, Eric Levin, Jeff Bernstein, Dan Barnett, Irving Plenskien, Cathy Pratt

9. **Vendor Campaign Contribution.**

a. You must provide the names of all individuals or entities (including your sub-consultants) with a controlling financial interest. The term "controlling financial interest" shall mean the ownership, directly or indirectly, of 10% or more of the outstanding capital stock in any corporation or a direct or indirect interest of 10% or more in a firm. The term "firm" shall mean any corporation, partnership, business trust or any legal entity other than a natural person.

Same as above

b. Individuals or entities (including our sub-consultants) with a controlling financial interest: _____have ___X___have not contributed to the campaign either directly or indirectly, of a candidate who has been elected to the office of Mayor or City Commissioner for the City of Miami Beach. Please provide the name(s) and date(s) of said contributions and to whom said contribution was made.

The Proposer understands that information contained in this Questionnaire will be relied upon by the City in awarding the proposed Agreement and such information is warranted by the Proposer to be true. The undersigned Proposer agrees to furnish such additional information, prior to acceptance of any proposal relating to the proposals of the Proposer, as may be required by the City Manager. The Proposer further understands that the information contained in this questionnaire may be confirmed through a background investigation conducted by the Miami Beach Police Department. By submitting this questionnaire the Proposer agrees to cooperate with this investigation, including but not necessarily limited to fingerprinting and providing information for credit check.

WITNESS: **IF INDIVIDUAL:**

Signature Signature

Print Name

Print Name

WITNESS:

IF PARTNERSHIP:

Signature

Print Name of Firm

Print Name

Address

By: _____
General Partner

Print Name

WITNESS:

IF CORPORATION:

Signature

Sports & Spectrum, Inc.
Print Name of Corporation

Randy DesRocher
Print Name

846 Lincoln Road, Fifth Floor
Miami Beach, FL 33139
Address

By: Scott Becher
President

(CORPORATE SEAL)

Attest: _____ Secretary

January 20, 2004

Mr. Gus Lopez
Director of Procurement
City of Miami Beach
1700 Convention Center Drive
Miami Beach, FL 33139

Re: Request for Proposals (RFP) No. 66-02/03 – Development and Implementation of a Citywide Marketing and Sponsorship Program ("the RFP")

Dear Gus,

Thank you for the opportunity to respond with additional information to assist the City Manager in choosing the most qualified firm for the City of Miami Beach marketing and sponsorship program.

We trust the enclosed submission will reinforce both our expertise as well as our level of commitment to the assignment.

More importantly, we are excited at putting our local and national experience to work on a project that has so much impact on our community. There is no greater professional experience than to apply what we do best for the benefit of our "neighbors."

We look forward to hearing from you soon. Please let us know if you have any additional questions.

Sincerely,

Scott Becher
President

The Team

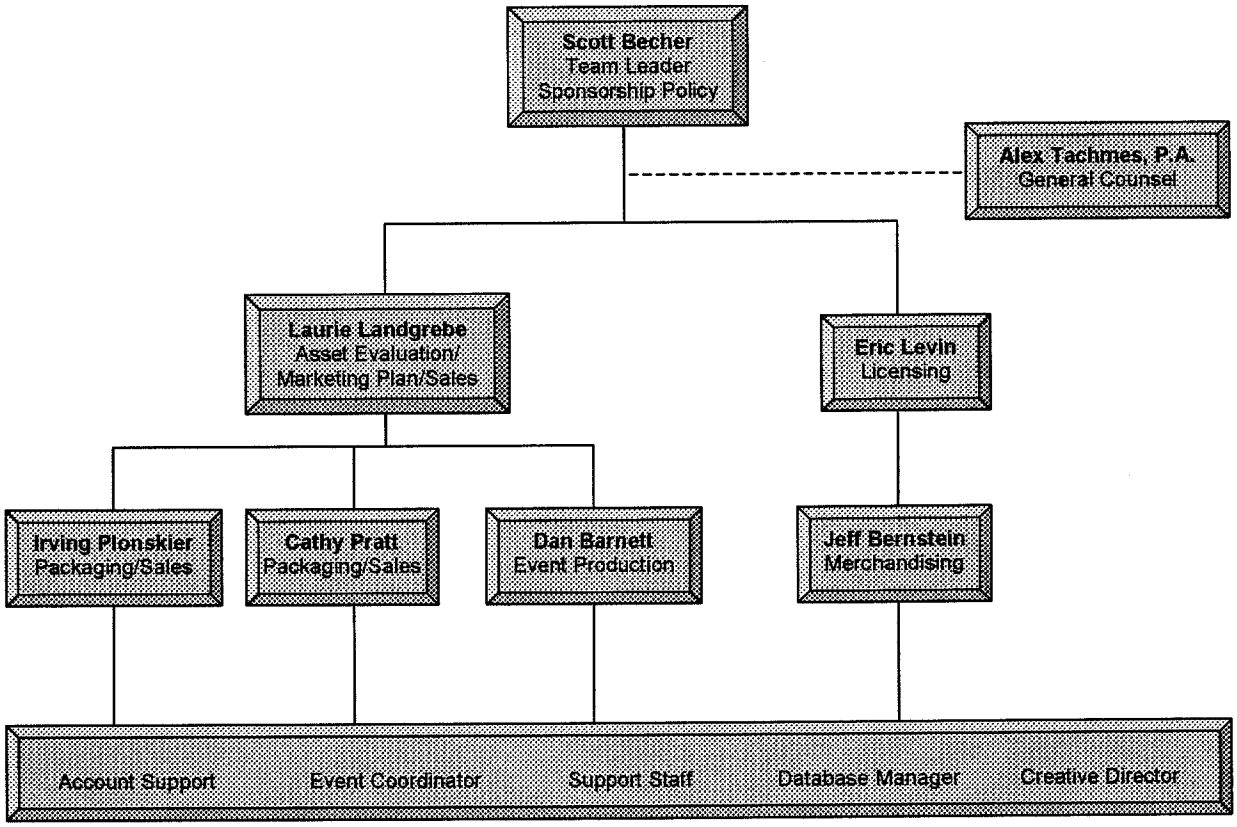
The Sports & Sponsorships team is comprised of hand-picked talent within the sponsorship marketing industry. Team members were selected based on each individual/firm's unquestionable experience and track record within the area of sponsorship, consulting, licensing, media, event production and implementation – all areas of importance for this project.

This itself is quite unusual. Usually when contracting an agency for broad services, a client is "force-fed" a team that has been assembled in the best interest of the agency -- not necessarily the client.

Here it is quite the opposite. *We are working together because we choose to, because our skill sets match your needs, and we enjoy collaborating. Not because we have to.*

Here is a snapshot of how our team personnel is organized to serve the City of Miami Beach:

Sports & Sponsorships Team Organizational Chart



▩ Team members working in Sports & Sponsorships headquarters, 846 Lincoln Rd., Miami Beach

Overall Team Leader

- Scott Becher: Primary contact with City personnel, Strategic Leader, Program Development, Sponsorship Policy Creation, Database Management
  - Eighteen years experience as a leading sponsorship marketing consultant
  - Innovator in the use of media to activate and leverage consumer promotions
  - Selected by trade publication The Sports Business Journal to chair its annual national sponsorship symposium, considered the preeminent industry event of each year
  - Consultant to Fortune 500 companies and major sponsorship properties including:
    - Cancun Tourism Trust
    - Gillette

        - Hershey's
        - Sprint
        - Nestle Purina
        - United States Olympic Committee
        - NFL and MLB

Team Members

- Laurie Landgrebe: Secondary contact with City personnel, Asset Analysis, Strategy Development, Prospect Identification, Sponsorship Sales
    - Fifteen years experience
    - Worked with the top sponsorship organizations on both the Agency and Property side of the sports and entertainment business
        - International Management Group (IMG)
        - Miami Dolphins/Pro Player Stadium
        - Anschutz Entertainment Group (AEG)
        - Entertainment Marketing Communications International (EMCI)
    - Responsible for contracting hundreds of millions of dollars in sponsorship revenue with Fortune 500 Companies. Laurie has also gained added respect for her experience within the naming rights arena, a discipline few have undertaken first-hand

- Eric Levin: Licensing, Merchandising
    - Twelve years experience
    - Garnered licensing relationships with top sports properties and personalities managing off-field marketing and endorsements
    - Widespread relationships within the licensing industry
    - Manages a wide portfolio of celebrity assets and continually creates distinguished programs from the ground up

- Jeff Bernstein: Licensing, Merchandising
    - Fifteen years experience
    - One of the preeminent experts in the licensing industry
    - Responsible for creating the most successful licensing initiative ever for the NFL with Emmitt Smith's "Run with History" Campaign
    - Founded and developed Major League Soccer's Licensing initiative which represents over $50 million in revenue for the league
    - Former senior executive with Upper Deck, the nations top licensing, merchandising and memorabilia company

- Irving Plonskier: Sponsorship Sales, Television Negotiation, Distribution, Valuation
    - Twenty years experience
    - Fifteen years as senior executive at Young & Rubicam, one of the world's top advertising agencies
        - Extensive contacts within the Latin American and European Media/Sponsor community from running Y & R's Media Edge in Miami/Latin America, and was Global/Regional Managing Director based in London
        - Direct interaction and relationships with Y&R's Fortune 500 client base including United Airlines, Ericsson, Sony, AT&T, Colgate, Citibank among many others
        - Spearheaded sales and distribution for proprietary and original productions including Turner Originals and Land Rover's G4 Challenge
        - Recognized for outstanding strategic work and media innovation on behalf of various agency clients by leading trade publications, *Media International* and *MM/Media & Marketing*
    - Used event and sponsorship platform to build Spanish Language website, Terra (div. of Telefonica) into the US and Latin American market leader

- Cathy Pratt: Sponsorship Sales, Television Production, Packaging, Advertising
    - Twenty years experience
    - Revenue generating professional in the broadcast industry focusing on media sponsorships

- Launched and developed from its inception the advertising sales, pricing, packaging, procedures and operations for Discovery Networks Latin America/Iberia, leading the sales of their portfolio of channels from bottom to top market share in the pan-region
    - Garnered global partnerships for Discovery in 156 countries over 13 network platforms
- Developed compelling and successful sales propositions and sponsorship packages for properties including Olympics (1984, 1988), NFL Football (1986-90), Major League Baseball (1986-90), US Open Tennis (1986-90), Masters Golf (1986-90), Rock 'n Roll Hall of Fame (1986-90), "Antiques Road Show" (1990-91), Eco-Challenges (1995 – 99), Discovery Network "Watch With the World" Events

- Dan Barnett: Event Development/Production
    - Twenty years of Experience
    - Considered one of this country's leading executive producers of live entertainment events
    - Produced over 2500 events
    - In-depth knowledge of South Florida event logistics/relationships with local vendors
    - Recruited nationally to produce blockbuster events such as the Super Bowl Half-time Show

Additional Personnel

- Alex Tachmes, P.A.: General Counsel

In addition to our core team, Sports & Sponsorships provides a support staff dedicated to the necessary administration and implementation required.

Working Relationship Between the Team Members

Sports & Sponsorship's core team has known and worked together for almost a decade on various successful projects. Each member of our team lives and works in South Florida.

Our long-standing working relationship stems from the fact that there are few professionals in our industry that live in South Florida yet have disciplines and expertise that are competitive nationally.

Yet experience and past success is only part of the equation. In establishing our team, we value character, work ethic, honesty and integrity, and will deliver on these values throughout the relationship with the City.

Shared Work Experience
Collaboration between members of our team has been ongoing since 1995.

Below summarizes select examples of our collective work, projects we highlight given their applicability to this assignment:

Strategic Planning/Research

- Pro Player Stadium Naming Rights Research Study – Scott/Laurie
    - While Laurie was spearheading the naming rights sales efforts for Pro Player Stadium, Scott and Laurie worked in tandem to develop a customized research study examining the impact and awareness of naming rights. This study was utilized to help identify a target list and helped validate the opportunity. Importantly, a dollar value was placed on all aspects of visibility a naming rights sponsor would receive at this venue.
- Sprint PCS Super Bowl XXXIII Promotion – Scott/Laurie
    - To leverage Sprint's league-wide sponsorship of the NFL, Scott and Laurie teamed up to create a promotional platform centering on Miami Dolphins former kicker, Garo Yepremian. Called "Where's Garo," the promotion was the most heralded of the cluttered Super Bowl marketplace and resulted in dramatic revenue gains for Sprint. As Sprint's consultant, Scott contacted Laurie to help package Miami Dolphins assets as part of the overall campaign.

Sponsorship Sales

- Sprint sponsorship with the Miami Dolphins/Pro Player Stadium – Scott/Laurie
  - Developed and negotiated a three year relationship with the team and stadium including permanent signage, promotional rights and hospitality
- United States Bobsled & Skeleton Federation Sponsorships – Scott/Laurie
  - Collectively market the official national governing body for Bobsled and Skeleton resulting in a title sponsorship with Verizon. This sponsorship contract was the largest of any U.S. Olympic Team negotiated the year prior to the Olympic Winter Games.

- United Airlines Sponsorship with the Miami Dolphins/Pro Player Stadium/Florida Panthers/ Sportschannel – Irving/Laurie
  - Aligning with Wayne Huizenga's sports properties positioned United as a dominant player in the market. Our unique understanding of United Airlines' goals and objectives aided in our ability to finalize the largest travel industry sponsor ever with the organization totaling over $3 million.
- Ericsson/Pro Player Stadium Sponsorship – Irving/Laurie
  - While Media Director at Young & Rubicam, Irving directed Ericsson's media strategy for Latin America and South Florida. Laurie and Irving worked together to creatively package a sponsorship platform for Ericsson to utilize in conjunction with the Miami Dolphins.

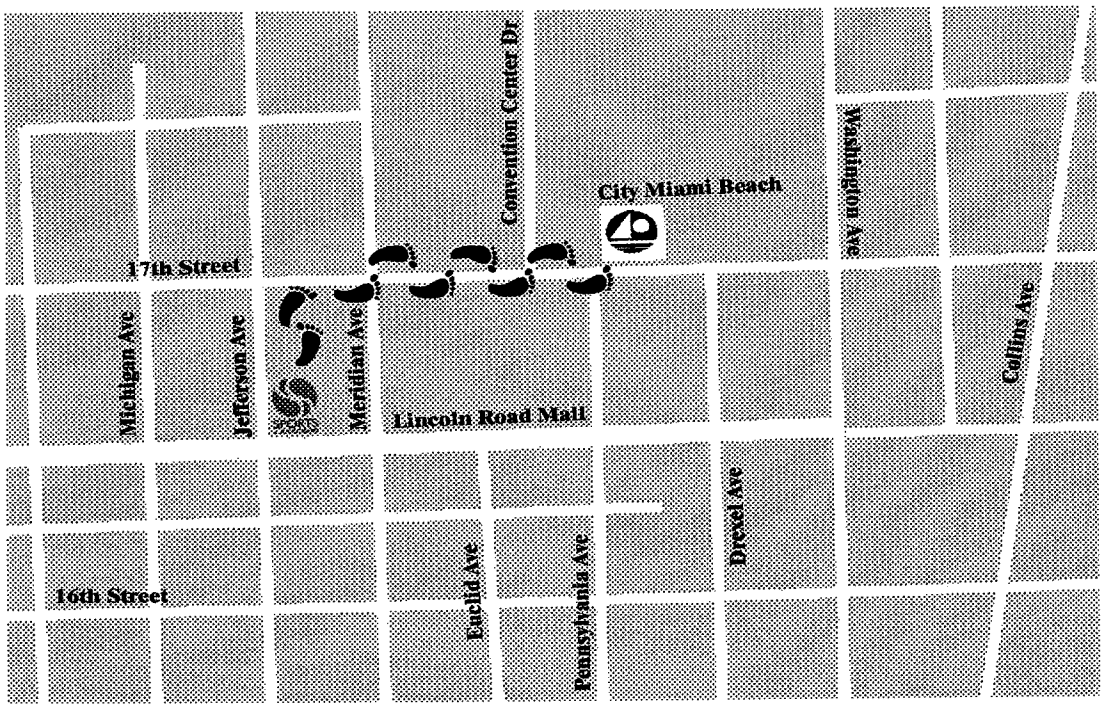
Licensing/ Merchandising

- Barry Bonds/Emmitt Smith Sponsorship & Licensing Programs – Eric/Scott/Jeff

  The term "Milestone Marketing" was coined by Eric Levin with some assistance from Sports & Sponsorships led to the biggest personality-based licensing success in sports history. Last year, Emmitt Smith broke Walter Payton's all-time rushing record. The year prior, Barry Bonds broke Mark McGwire's single season home run total. Both initiatives were handled by Eric and Jeff. Scott assisted by delivering a partnership with MasterCard for Barry Bonds, featuring Barry as the spokesman of the biggest promotion in MasterCard's history – its presentation of the Greatest players in MLB History fan balloting.

<u>Office Location of Team Members</u>

Every member of our team resides in South Florida. Headquarters for this assignment is located at 846 Lincoln Road, Miami Beach FL 33139, three blocks from City Hall. Scott Becher, Laurie Landgrebe, Eric Levin, Jeff Bernstein and six support personnel are based there. Irving Plonskier and Cathy Pratt are situated on Brickell Avenue and Dan Barnett is based in Ft. Lauderdale.

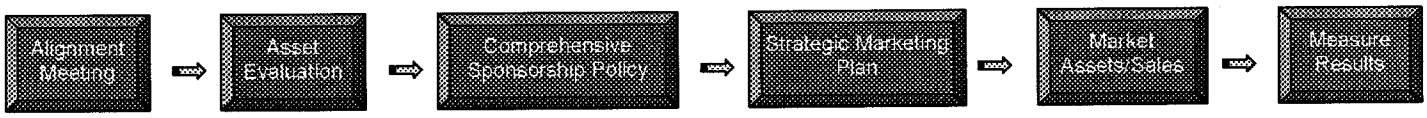


List of Deliverables and Methodology/Approach

The deliverables anticipated for the development and implementation of the city's corporate marketing and sponsorship initiative would be produced in phases. Much of our success will be based on our thorough integration with the city and our daily presence in Miami Beach.

We anticipate and appreciate the importance of flexibility when working on a project of this kind. And we pride ourselves on working fast...and smart. But there needs to be a process in place that all stakeholders embrace. Our starting point looks something like this:

Approach Flowchart



Alignment Meeting
Upon award of the project, Sports & Sponsorships will meet with the City Manager and key personnel to assess the following:

1. Review City's goals
2. Establish local business/City government program expectations
3. Competition (local & national)
4. Review sensitivities and relationships between entities within city and county
5. Policy issues
   I. Determine criteria to help ensure positive reaction of public/community.
6. Process for soliciting partnerships
   I. RFP vs. direct solicitation parameters
   II. Approval Process
   III. Formal Agreements
7. Administration
   I. Task Force – City contacts and responsibilities for project
   II. Meeting schedule
   III. Timing/Completion of Deliverables

Phase I - Asset Evaluation

The City of Miami Beach will receive a thorough examination and quantification of assets that currently exist, plus an ongoing recommendation that could be created to maximize city revenue and/or achieve brand building or revenue-based objectives.

Methodology and Approach

Our methodology consists of identifying all potential sponsorship and marketing assets which could be of value when packaged to the corporate marketplace. This will be presented to the city in the form of a spreadsheet. Each spreadsheet will highlight the tangible and intangible assets of each department, facility, etc. in addition to overall assets of Miami Beach.

Due to the comprehensive nature of this phase, understand that the City's assets will evolve over time. A complete profile of the City's priorities as they stand today will be delivered at the conclusion of Phase One, but then will be updated throughout the assignment. (For example, if the police department were in great need for new vehicles, we would prioritize the assets that accompany that initiative.)

The process for identifying assets and establishing priorities (identification & review) will rely heavily on communication between city officials and our team. Initially, it starts with:

1. Set meetings with relevant gatekeepers of potential assets for the program. Meetings will focus on educating each gatekeeper as to the goals of the program, and request of each to supply potential asset information for inclusion in the city's portfolio. Below please find a short sample list:
    a. City Officials
        i. City Manager
        ii. Parks & Recreation
        iii. Economic Development
        iv. Procurement
        v. Tourism & Cultural Development
    b. Miami Beach Subsidiaries
        i. Police Dept
        ii. Fire Dept
        iii. Superintendent of Schools/Board of Education
        iv. Hospital/Healthcare facilities
    c. Facility General Managers/Directors
        i. Convention Center
            1. SMG
        ii. Jackie Gleason Theater
        iii. Golf Course
    d. Concessionaires
        i. Boucher Brothers
    e. Event Producers (where necessary)
    f. Related entities
        i. Miami Convention & Visitors Bureau
            1. Bill Talbot/ David Whitaker (check spelling)
            2. IMG
        ii. Local merchants
        iii. Business leaders

2. Tour of City and on-site review of all potential areas, facilities, etc. to view first-hand such as:
    a. Jackie Gleason Theater
    b. Convention Center
    c. Recreation Centers
    d. Golf Course
    e. Parks

3. Apply comparative analysis of other markets' municipal offerings and assets
    a. We will look at proposals and assets other city's have or are utilizing for corporate participation

4. Develop a "Miami Beach Assets" (MBA) summary for each marketable opportunity. This MBA matrix will be venue-specific and will provide a snapshot of what we have to offer.

Just for illustrative purposes, below please find a sample spreadsheet with sponsorship assets listed on the horizontal axis and City assets listed on the vertical axis. Not all sponsorship assets will be applicable to all City assets, however this spreadsheet will reflect all appropriate deliverables.

CITY ASSETS	Rights	Exposure/ Advertising	Promotional Opportunites	Licensing/ Merchandising	Hospitality/ Entertainment	Event Marketing	Community Relations	Branding
Parks & Recreation								
Beachfront								
Golf Courses								
Parks								
Public Safety								
Police Department								
Beach Patrol								
Fire Department								
Tourism and Cultural Development								
Jackie Gleason Theater								
Bass Museum of Art								
Miami Beach Convention Center								
Lincoln Road Theater								
Botanical Garden								

Assets (Partial List)
Assets may be packaged to include some or all of the following benefits:

Rights
- Designation/Official Status/Use of Proprietary Marks
- Category Exclusivity

Exposure/Advertising
- Signage
  - City controlled venues
  - Landscape
- City Web Site and related sites with links
- Press Conferences and Releases
- Special Access TV
- Media Spots in programming created through proprietary events (regional/national/international)
- Naming Rights for Venues/regions of the City

Promotional Opportunities
- Sampling
- Contests/Sweepstakes

Licensing/Merchandising
- Exclusive merchandise opportunities (i.e. Miami Beach branded sunglasses)
- Retail Sales through MB owned outlets

Hospitality/Entertainment
- Tickets to MB Events
- Travel Packages

Event Marketing
- Development of proprietary event(s)

Community Relations
- Charitable platform
- Scholarships

Branding
- Cache of Miami Beach (Hip, Now, International, Fashionable, Fun, Hot, Trend setting)

Business Opportunities/Sales
- Vending Contracts
- Merchandise Sales

Additional Incentives
- Corporate Relocation Incentives

Phase II: Comprehensive Sponsorship Policy
Upon determining the essential assets the City can make available for corporate marketing purposes, we will need to develop our initial Sponsorship Policy & Procedure Guidelines.

Methodology and Approach
Once we have assessed the parameters to initiate this process, we recommend establishing the basic Policy and Procedure Guidelines to be followed throughout the assignment. It will look like this:
- Purpose – Essential to state why we are engaging in this initiative and what we expect to result from our efforts
- Departments engaged – Since this will be a citywide initiative, it is expected that multiple city departments will be involved in the project. We must anticipate how these departments may be affected by our efforts and illustrate their roles and responsibilities
- Policy – We must declare our policies clearly and secure consensus. Continuity is critical as we share and refine policy throughout the process
- Definitions – Articulate clear definitions for all terms
- Responsibilities – Clarify each departments role within the process
- Procedures – The procedures for implementation throughout this engagement will include:
  - Citywide communication procedures
  - Corporate solicitation procedures
- Criteria – We will clearly state the criteria for entering into corporate agreements with the city, and will need to be mindful of following all existing criteria for citywide corporate initiatives

The success of our efforts will be measured against the initial policies stated in this document. Policies and procedures will be reviewed on a regular basis to take into consideration market changes, new city objectives and dynamic opportunities.

Phase III: Develop Strategic Marketing Plan

This phase will be instrumental in setting the stage to go to market. It includes our strategy development, sales plan development, and creative process to help brand and position Miami Beach to the corporate marketplace.

The deliverables to expect throughout this phase include: extensive research, prioritized target lists for sponsorship and licensing purposes, packaged asset recommendations, pricing analysis, event conceptualizations, and creative recommendations for logos and sales presentations.

Methodology and approach

Research
Sports & Sponsorships will rely on existing City research and, where appropriate, recommend third party research be conducted to help characterize the City's current perceived brand in the marketplace.

Research can include some or all of the following:
- Attitude & Awareness Study pre & post for Miami Beach
  - To identify what the current perception is of the City and where marketing opportunities may reside

- Evaluate current city marketing relationships and research other municipal sponsorship initiatives and pending partnerships by category.
    - Los Angeles Vending Proposal
    - San Diego...
    - New York
    - Kingston, CA
    - Boston
    - Des Moines
    - Portland
    - Las Vegas

- Companies based in South Florida or doing business in Florida/Miami Beach
- Media Spending in South Florida

Develop Target List by Category
Our approach will be focused on targeting those companies or partners most likely to do business with the City. Several criteria assist with this process. For example:

- Presence in Miami Beach/South Florida
- Sponsorship spending within category
- Branding initiative - Relevance to Miami Beach branding
- Fit with Miami Beach objectives
- Current business represented in South Florida
- Growth potential in South Florida

In addition to the high-profile partnership categories such as beverage, credit card and automotive, we may want to prioritize *Industrial Products* due to the circumstance that Miami Beach plans to undertake increased capital improvements and/or new construction of facilities. Companies such as Siemens can make large marketing commitments in exchange for credit for supplying infrastructure, not to mention the potential additional business resulting in an overall relationship.

Package and Price Assets

Once we have selected and prioritized our target market, we will prepare customized presentations/packages.

<u>Packaging</u>
Packaging of assets will require our in-depth understanding of the corporate marketplace to identify which assets are attractive to certain industries/clients. Based on many years of experience and our relationships within the corporate community, we continuously monitor what clients are looking for within a relationship of this nature.

These assets will be packaged to take into account:
1. Potential target companies objectives
2. Miami Beach priorities
3. Market conditions

<u>Pricing</u>

The process for pricing each package will also take into consideration a number of variables. We insert these variables into a valuation formula, which will weight each variable in order for us to determine a fair market value for each offering.

The key factors in developing a pricing model include:
- Competitive nature of Category
- Needs of Miami Beach
- Category spending
- Market value - comparative deals in other markets
- Business implications

- Exposure value
- Branding impact

Proprietary Event Development/Strategy

Upon assessing the current assets of the city, we intend to increase the asset deliverables by developing a separate event portfolio controlled by the city. We recommend a thorough audit of Miami Beach events and current event partners. Where possible, we would participate with the permitting process requiring some cooperation by event promoters to understand our intentions for exclusivities. Eventually, we will look to negotiate with independent promoters to ensure protection for our sponsors.

Understanding the desire to increase tourism and opportunities during the off-season, we can look to develop corporate platforms through events during the slower months. Creating an event portfolio will help to increase the value of our deliverables and accomplish increased branding for our city.

Creative Development

Miami Beach branding will be integral to the overall corporate marketing agenda. When a visitor returns home from a visit to Miami Beach, they should be carrying a reminder of their "experience," and developing themed merchandise represents a meaningful branding and revenue opportunity.

We advocate developing an extensive merchandise program that reinforces a city-approved "look" and a proprietary logo for Miami Beach. If the City needs assistance in developing this branding initiative, we can assist in recommending partners for that exercise.

Once determined (it may already be in place), this identity will permeate all our marketing materials and presentations, licensing style guides, and will appear in all collateral and internal material produced by the city.

Presentations for target companies will consist of a sales video and full interactive multi-media presentation. Through this creative, we will illustrate the dynamic image and vitality inherent to an association with Miami Beach. The creative will bring to life the assets of the city with a full capability of adjusting the specifics of our presentations to fit the issues and objectives of each particular client.

We will then create a branding strategy for MB Licensing

- What are the qualities of MB that are not only merchandisable, but will also contribute to the branding of Miami Beach
- Identify target consumer group(s)
- Identify product categories

<u>Phase IV: Market Assets/Sales</u>

Once the groundwork has been established throughout the first three (3) phases, we will be ready to approach the market. The deliverables for the city resulting from this phase are market activity and meetings, activity reports and updated database, and the realization of goals including increased revenue resulting from the closing of contracts.

<u>Methodology and Approach</u>

<u>Sponsorship Sales</u>

We will reach out to the marketplace in a very disciplined way. This can include spearheading the RFP process for major initiatives such as official soft drink/vending partners, affinity credit card programs and other initiatives resulting from our alignment meeting and priority analysis.

Interacting with top marketing executives and presenting to viable partnership candidates is integral to this effort. Meetings will provide necessary information and will enable us to realize and overcome objections and potential issues.

There is no better backdrop to showcase our offering than right here. Therefore, where possible, we will encourage the key marketing executives at each company to travel to Miami Beach for presentations.

Sponsorship Sales Steps

- Draft all necessary RFP documents
- Contact and present to all potential sponsorship partners in each category focusing on our priorities and leverage all relationships for face to face interaction.
- Coincide media PR campaign around sales launch
- Follow up, addressing issues and concerns, providing additional information when requested
- Spearhead negotiations
- Contract development

Licensing Sales

Once we have developed the branding strategy, our licensing initiatives will coincide with that strategy. Developing a successful licensing program will require the following:

Licensee Sales

- Contact and present to all potential licensing partners in each category
- Trade Publicity and Ad campaigns to coincide with sales launch
- Select one licensee per category and negotiate terms for year one.
  - *We would not recommend granting exclusives, but it is important not to over license categories in a program that is just starting out. What we would recommend is giving the companies the work with the chance to earn an exclusive or at least primary relationship in their category through performance in year 1.*

Licensee Maintenance

- Oversee product development
- Oversee approvals
- Oversee product sample archives
- Oversee royalty reporting and payments

Licensee – Retail Relations

- Interface with key retailers on behalf of (or in conjunction with) MB licensees to create
  - MB Promotions
  - MB Concept shops
  - MB merchandising
- MB Local retail programs
- MB Trade Show programming
- Create and implement a national retail promotion (i.e. the Mr. and Mrs. MB search)
- Create and implement promotions(s) targeted at competitive destination locales (i.e. run a promo in the middle of winter in Colorado retailers to win a trip to MB)

Community Impact

- Create a community component in each license
  - Local youth charities like MB Boys and Girls clubs and MB PAL
- Build into contracts and oversee delivery of VIK from each licensee
  - Christmas presents for children, etc.
- Work with licensees to create special pricing & purchase incentives for MB local retailers to buy MB licensed products

Sponsorship and Licensee database

The corporate database will be continuously updated to report activity, monitor progress and highlight all relevant interaction. We will be providing the City with regular documentation and reports.

Phase V: Measuring the Results

The City of Miami Beach will receive our assistance in quantifying the results of our efforts. Since we will clearly state our objectives and expectations at the onset of this process, results will be assessed based on reaching these goals. Our initial research will enable us to establish a baseline for comparables.

The deliverables within this phase include a post analysis report, which will be presented to the City on an annual basis.

Methodology and Approach

The results will be measured based upon achieving objectives and specific improvements within each area such as:

- Improvement of Brand
- Increased Awareness and preference for Miami Beach
- Incremental Revenue
  - Isolating key areas of growth
- Increase Tourism
  - "Heads in beds"
  - Concentrate on summer months
- Impact on Economic Development
  - Corporate relocation
  - Business spending
- Community Satisfaction
  - Increased quality of life
  - Corporate contribution in community programs

Municipal and/or Destination Marketing Experience

Our experience within the sponsorship and licensing arenas includes successful programs developed for municipalities as well as within the resort industry.

Below are five examples of this experience. Note each carries some aspect of groundbreaking work on the part of our team. This is especially relevant as our prospective work for the City will likely require similar "out-of-the-box" thinking.

- Cancun, Mexico – Retained by Cancun Tourism Trust to develop proprietary events in order to increase awareness and drive tourism to this resort destination. Result included staging of ABC's The Jeep Superstars programming from Cancun, providing unparalleled prime-time U.S. visibility during peak winter travel months
    - Evidence included: Internal agency communication commending team on outstanding success
    - Values/terms of contracts: Jeep Superstars agreement was for 3 years, valued at more than $1 Million; agency contract was multi-year
    - Key "groundbreaking" deliverable: Negotiated first-ever international broadcast for Superstars, which was considered the top event priority by Cancun. Resulted in four hours of network exposure each year.

- U.S. Olympic Lottery program – Retained by the United States Olympic Committee to create and manage a lottery scratch-and-win program to benefit U.S. Olympic hopefuls
    - Evidence included: Sample pages from marketing plan
    - Values/terms of contracts: Term was two years for this assignment. Revenue generated for the USOC was believed to exceed $1 Million
    - Key "groundbreaking" deliverable: First-ever tie between USOC and local state government controlled lottery programs. This was a monumental step forward in the evolution of themed lottery games

- Beijing, China – Partnership agency spearheading assessment of Citywide assets and feasibility study for partnership marketing and infrastructure improvement to be made prior to Beijing Olympic Games in 2008.
    - Evidence included: partner agreement
    - Values/terms of contracts: annual renewable partnership; terms are commission-based
    - Key "groundbreaking" deliverable: Radical "Western" marketing approach is being embraced by the World's most populated country via our team's core capabilities

- State of Louisiana – Retained to assess and quantify deliverables pertaining to the naming rights initiative for the Louisiana Superdome, a State owned facility.
    - Evidence included: Sample sponsorship proposal
    - Values/terms of contracts: Retained for 6 months
    - Key "groundbreaking" deliverable: first-ever use of state assets packaged with naming rights offering

Experience with City of Miami Beach Target Sponsorship Market

As sponsorship industry specialists, our respective careers have brought us face to face with Corporate America's top influencers and decision makers.

Each member of our team has been recognized as a leader in his or her field and over many years has extensive relationships within many target industries. By virtue of our structure, we offer the City of Miami Beach the most senior personnel with no inherent conflicts of interest.

Our experience with developing nationally impactful programs and representation of local properties gives us a unique perspective and understanding of corporate decision making for this region.

The corporate decision making process with potential Miami Beach partners will affect various levels of decision-makers. Many multi-nationals divide sponsorship decision-making responsibilities between the national headquarters and their regional or local offices. Often times, it requires the recommendation of the regional business leader or marketing head in order for a proposition to be considered by corporate.

After many years of conducting business in this market with the most high profile properties, our relationships with both the national and regional officers accountable for South Florida will prove to be an advantage and will help to fast-track the sales process.

Below, please find a list of target categories which is not meant to be comprehensive, however is intended to show the City the extent of our experience with categories that may be relevant for this project.

Category	Experience	Brands(Sample)	Specifics Sponsorship or Licensing Programs-Spearheaded by team members
Apparel	Sponsorship consulting, Licensing and endorsement relationships amongst top apparel brands	Reebok, Nike, Vans, Jantzen, Speedo	Speedo with National Figure Skating Championships; Naming rights sponsorship with Pro Player (div. Of Fruit of the Loom)/Eric Clapton endorsement with Versace; Russel Athletics with Barry sanders (OSU Throwback) and Barry Bonds (Giants), Consulting assignments for Starter Elite line including talent aquisition; Fila, Majestic and headmasters with Barry Bonds; American Needle with Wayne Gretsky (802)
Automotive	This category has experience with municipalities, primarily with providing automobiles for various departments (police/beach patrol, etc.).	General Motors, Dodge, Land Rover, Ford	General Motors Title Sponsorship to World Cup of Fishing; Mazda with Health Club Television; Created Land Rover's G4 Challenge;Dodge sponsorship with Volleypalooza; Cadillac with Barry Sanders and Emmitt Smith for Super Bowl XXXVII
Beverages	We have dealt with all major beverage companies and have long-standing relationships with top marketing executives at their corporate offices. Additionally, we have local relationships with bottlers.	Pepsi, Coca-Cola, Snapple, Budweiser	Executed Pepsi/ Michael Jackson Sponsorship; Pepsi - Top Gun video release; Relationship/Nestea with USA Volleyball; Snapple endorsement of Jennifer Capriati; Coca-Cola sponsorship of Pro Player Stadium and Miami Dolphins, Alisport sponsorship with Major League Soccer; Emmitt Smith endorsement with Gatorade - HS Academic Award, Developped Cooors Comedy at Noon Series; Heineken title sponsorship of Coachella Music Festival; Budweiser title sponsorship of World Beach Volleyball; Barry Sanders with Coors; Budweiser sponsorship with Major League Soccer and Roy Jones, Jr.
Computer Manufacturers		HP, Dell, Apple, IBM	Barry Sanders endorsment of IBM's Digital On-Demand
Computer Software		Microsoft, Palm, Citrix	Citrix relationship with Pro Player Stadium, EDS sponsorship with Major League Soccer
Consumer Products	We have particularly strong experience withinin this area: Scott Becher is retained by CP companies for consultative services, Jeff was a Brand Manager with Proctor & Gamble	Gillette, LVMH, Unilever, Purina	Gillette National Sponsorship of Live Concert Network and the Rollong Stones Steel Wheels Tour; Eveready Battery sponsorship of summer concert series and battery sampling at amphitheatres; Banana Boat Official Sponsorship of USA Volleyball and World Beach Volleyball; Nikki Taylor endorsement of Pearl Drops and Cover Girl; Audemars Piguet relationship with Aspen and Aspen World Cup Skiing; Wheaties relationship with Barry Sanders, Barry Bonds and Emmitt Smith, Spearheaded product launches with Proctor & Gamble's Simply Jif, Ultra Downey and developed Tide's NASCAR program, Sea & Ski US Olympic Swimwear ad, Hawaiian Tropics Model Search in Miami
Cosmetics	Based on Miami Beach's modeling industry, the cosmetic category will be relevant for this initiative. Our dealings within the industry include both sponsorand licensing initiatives. Laurie regularly attends the FIFI awards, the frangrance industry annual black tie.	Revlon, L'Oreal, Cover Girl	Cover Girl endorsement with Nikki Taylor; Almay and Revlon product Sampling and sponsorship of Radio City Music Hall; Spearheaded Avon's Pod Pens program and helped develop the CFDA (Cosmetic, Fragrance Development Associaion) "Look Good, Feel Better" program.
Credit Card	We have been successful in developing some of this category's premier relationships.	American Express, Visa, Master Card, Discover, MBNA	American Express sponsorship with Pro Player Stadium and National Figure Skating Championships; Visa sponsorship with Universal Studios; Discover Card Stars on Ice, Emmitt Smith with Visa Commercial "Its on Us" and "Verified by Visa", Barry Bonds "Memorable Moments" with Master Card; Master Card sponsorship of MLS
Fast Food		McDonalds, Burger King, Blimpies, Subway, Pizza Hut	Executed McDonalds Upper Deck NBA and NHL Promotion; Developed Dave and Buster's Emmitt Smith Prize Machine; Dontrelle Willis relationship with Miami Subs; Dominos Pizza Sponsorship of Pro Player Stadium
Fitness		Lifecycle. Crunch	LifeFitness with Health Club Television
Food	Scott has been a consultant with Hershey for over 5 years.	Hersheys, Ben & Jerry's, Conagra, Hebrew National	Hebrew National sponsorship with Pro Player Stadium; Snickers with MLS
Games & Toys	Conducted numerous licensing programs within the toy industry. Annually attend the Toy Show in New York City. JB was raised within the industry as his father was President of Hasbro.	Hasbro, EA, LEGO, Toys-R-Us, Upper Deck	EA Sports video game with Barry Sandersand Barry Bonds;Toys-R-Us MLS promotion with Bandai; JB worked as head of vusiness Development for Upper Deck from 1990-1994, Imagination Entertainment NFL DVD License, McFarlane license with Barry Bonds, Willie Mayes, Hank Aaron, Emmitt Smith, Barry Sanders; Toopps, Fleer and Playoff/Donruss with barry Sanders, Barry Boods and Curtis martin
Hardware	Laurie participated with the naming rights relationship between Home Depot and the National Training Facility ibn Carson, CA	Ace, True Value, Home Depot	Home Depot Naming Rights with National Training Center, Los Angeles
Health Care		Baptist, HIP, Healthsouth	Healthsouth sponsorship of Miami Dolphins
Industrial Products	This category has recently increased spending in sponsorship and will be integral in offsetting capital expendatures. Our relationships are extensive, particularly with major sponsorships.	ADT, Caterpillar, PPG, Siemens, DeWalt	ADT primary title sponsorship with Pro Player Stadium and Miami Dolphins; DeWalt Sponsorship of Internationall Speedway Corporation
Insurance	Laurie has sold numerous contracts with some of the key playes within the industryy and works closely with AFLAC	Aflac, AIG, Prudential, State Farm	AIG endorsement deal with Aranxa Sanchez Vicario; Prudential "No Passing Zone" Program with Miami Dolphins
Internet	Irving ran the largest Spanish Language Internet ISP, Teera and has extensive relationships throughout the industry.	AOL, Yahoo, Net Zero	Barry Sanders with AOL ("Now you see him..."), Yahoo sponsorship with MLS, ESPN with Emmitt Smith's "Run with History"
Photo	Laurie was category manager for photography and has served as a member of the PMA (Photographic Marketing Association).	Kodak, Olympus, Polaroid	Olympus Sponsor of Playboy ; Fuji License with Major League Soccer
Snack Foods		Frito Lay	Frito lay Half-time show during Super Bowl
Sporting Goods	Extensive relationship throughout the indusrty through many licensing and sponsorship initiatives. JB communicated with this category on a daily basis having executed hundreds of liceses throughout his career.	Wilson, Titleist	Wilson deal with Barry Bonds (Bats, Glove) and Emmitt Smith, Taylor Made with Emmitt Smith, The Sports Authority with Dontrelle Willis, Chms creation of MLS 1st kick promotion; Franklin and Under Armour with Barry Bonds,
Telecommunications	Scott is a catory specialist often called on to consult with some of the largest clients. Scott is retained by Sprint to .....Laurie has sold numerous sponsorships within the category and Irving ran AT&T's business for 4 years while at Y&R New York.	AT&T, Sprint, Verizon, T-mobile, SBC/BellSouth, Ericsson	Sponsorship consultant for Sprint and Sprint PCS for the past 10 years; Verizon sponsorship with Miami Dolphins and United States Bobsled Federation; SBC sponsorship of Pro Player Stadium/Miami Dolphins; Bellsouth offer for naming rights of Louisiana Superdome; Ericsson sponsorship with Pro Player Stadium, Emmitt Smith and Hulk Hogan advertisement for 10-10-220, Motorola endorsemt with Emmitt Smith's "Run with History"
Travel/Airline	As Managing Director at Y&R, Irving spearheaded Unted business and has thorough understanding of the category and particular knowledge of business	United Airlines, Delta Airlines, American Airlines, AAA	United Airlines sponsorship with Miami Dolphins, Pro Player Stadium, Panthers and Sportschannel ($3.5 million); Delta Airlines sponsorship with New Orleans Saints, Emmitt Smith with American Airlines

RESOLUTION TO BE SUBMITTED

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CITY OF MIAMI BEACH
COMMISSION ITEM SUMMARY

Condensed Title:

A Resolution That Accepts the Manager's Recommendation Pertaining to the Ranking of Firms; Authorizes the Administration to Enter into Negotiations; and Authorizes the Mayor and City Clerk to Execute an Agreement for the Purchase and Implementation of an Enterprise Financial and Administrative System, in the Not to Exceed Amount of $1,800,874.

Issue:

Shall the Commission Adopt the Resolution?

Item Summary/Recommendation:

Request for Proposals (RFP) No. 16-03/04 was issued in order to purchase and implement an Enterprise Financial and Administrative System to include numerous functional system programs/modules (i.e., general ledger, accounts payable, purchasing, budget preparation, inventory, project accounting, contract management, bid management, payroll, position control human resources, applicant tracking business licenses, special improvements/assessments, parcel management, e-government, and construction permits, building/property inspections, code enforcement, utility billing, and citizen/service requests).

The City Manager appointed a "User Committee" made up of stakeholders in the various programs/modules listed above. The User Committee ranked Eden Systems the number one firm due to an overall consensus of being more user friendly than MUNIS, with more drill down capabilities from within each screen, and state of the art architecture.

The feedback provided by the User Committee was a key consideration in the Evaluation Committee's recommendation and scoring process. During the discussions, the Committees articulated that either firm's proposed system would be a significant improvement over those currently in place with the City, and either would be a viable choice. Both systems are capable of attaching any type of electronic documents and providing electronic notifications to users. MUNIS has a comprehensive disaster recovery plan in place, while Eden will implement one in the future. Eden was ranked higher for ease of use, a more defined central cashiering module, better reporting, more user defined fields and more efficient web based access.

ADOPT THE RESOLUTION.

Advisory Board Recommendation:

The Finance and Citywide Projects Committee at its December 22, 2003 meeting recommended that the Administration go forward with an RFP to acquire an Enterprise Financial and Administrative System.

Financial Information:

Source of Funds:

Finance Dept.

	Amount	Account	Approved
1	$1,800,874	550.0630.000674	
2			
3			
4			
Total			

City Clerk's Office Legislative Tracking:

Gus Lopez, ext. 6641

Sign-Offs:

Department Director	Assistant City Manager/CFO	City Manager
GE	PDW	JMG

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AGENDA ITEM R7I

DATE 4-14-04

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: April 14, 2004

From: Jorge M. Gonzalez
City Manager

Subject: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ACCEPTING THE RECOMMENDATION OF THE CITY MANAGER PERTAINING TO THE RANKING OF PROPOSALS PURSUANT TO REQUEST FOR PROPOSALS (RFP) NO. 16-03/04, FOR THE PURCHASE AND IMPLEMENTATION OF AN ENTERPRISE FINANCIAL AND ADMINISTRATIVE SYSTEM; AUTHORIZING THE ADMINISTRATION TO ENTER INTO NEGOTIATIONS WITH THE TOP-RANKED FIRM OF EDEN SYSTEMS; AND SHOULD THE ADMINISTRATION NOT BE ABLE TO NEGOTIATE AN AGREEMENT WITH THE TOP-RANKED FIRM, AUTHORIZING THE ADMINISTRATION TO NEGOTIATE WITH THE SECOND-RANKED FIRM OF MUNIS; AND FURTHER AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN AGREEMENT UPON THE COMPLETION OF SUCCESSFUL NEGOTIATIONS BY THE ADMINISTRATION IN THE NOT TO EXCEED AMOUNT OF $1,800,874.**

ADMINISTRATIVE RECOMMENDATION

Adopt the Resolution.

AMOUNT AND FUNDING

$1,800,874 Account Number 550.0630.000674

ANALYSIS

The computer system hardware (HP3000) upon which our existing finance system, FMSII, operates is no longer supported by the manufacturer, necessitating a replacement of the financial hardware and software system. Additionally, the City has been notified that the current payroll system from Cyborg will be discontinued at the end of the 2004 calendar year, necessitating a move to another payroll system from Cyborg or another vendor.

The current FMSII System has been in use since the 1980's and it provides major financial functions, which include general ledger, accounts payable, accounts receivable, purchasing, budget, fixed assets and other general accounting functions.

However, it doesn't interface with the other financial systems in use and provides limited high level financial management information, making it very difficult to use and extremely labor intensive. Additionally, the system architecture does not lend itself to today's security requirements or the need for business continuity in the event of a physical disaster.

The obsolescence of the hardware supporting the FMSII system necessitates that it be replaced within the next year. This replacement will also require a replacement, upgrade or conversion of the current software system to a different version or platform.

The Finance and Information Technology Departments have determined that the current systems are archaic and unable to produce the comprehensive integrated information needed to manage the City's financial and administrative records efficiently. After reviewing the costs associated with the required replacement of these systems, the Administration believes that this is the appropriate time to consider alternatives for improving the City's financial systems.

The City Manager appointed an Evaluation Committee which met on December 19, 2003, to review the matter. The Evaluation Committee recommended to the Finance Committee at their December 22, 2003 meeting, that the City go forward with an RFP to acquire an enterprise financial and administration system as soon as possible.

On January 14, 2004, the City Commission adopted Resolution No. 2004-25456, which authorized the issuance of a Request for Proposals (RFP) to solicit proposals to provide an Enterprise Financial and Administrative System for the City of Miami Beach.

Enterprise System Scope of Services

Hardware
The RFP included required hardware based upon the anticipated demands to be placed on the application systems by the City of Miami Beach. The RFP specifications included memory, disk, data communications, processing speed, redundancy considerations, and allowed for growth of 5% annually in data volumes to be processed and assume 10 years of historical data will be required to be online at all times.

Mandatory Requirements
The following RFQ requirements were deemed mandatory:

- The proposed system must operate on Microsoft Windows-2000 Server with active directory.
- The proposed system must use the SQL 2000 database architecture and be operational at current governmental customer sites.
- The proposed system must support Windows XP client workstations.
- The proposed financial system must be a true fund and encumbrance accounting package designed for governmental use.
- The proposed financial system must be GASB 34 compliant.
- All Financial, Human Resources and Administrative software applications/ modules must be fully integrated from a single vendor.

- The entire proposed system must be fully 32 bit compliant, capable of using 3 tier client-server architecture using one of the following:
    - Visual Basic (Microsoft)
    - PowerBuilder (Sybase)
    - Delphi (Borland)

The following functional system programs/modules were required by the RFP:

- General Ledger
- Accounts Payable
- Purchasing
- Accounts Receivable
- Budget Preparation
- Inventory
- Fixed Assets
- Project Accounting
- Contract management
- Bid Management
- Payroll
- Position Control
- Human Resources-Personnel
- Applicant Tracking
- Cashiering
- Business Licenses
- Special Improvements/Assessments
- Parcel management
- Ad-Hoc Reporting
- E-government

The RFP informed all proposers that the City of Miami Beach is interested in continuing to expand its web presence and E-government applications. Proposers were asked to offer this capability, within their proposal, for all customer related functions performed by the City.

The RFP required system components to be integrated by design, without requiring custom programming to effect the integration. Additionally, the system components were required to interface with our Laser Printing capability for checks, Applicant Test Scoring system, Microsoft Outlook, and the E.S.R.I. GIS system, via ACH format to our Financial Institution, our Pension system provider, and has other interfaces from existing Utility Billing and Permitting systems. These interfaces were required to be included in the proposals.

Source Code Provision
The City of Miami Beach intends to enter into a maintenance agreement with the selected vendor for the ongoing maintenance, update and correction of the application software. The City of Miami Beach will require that all application source codes be stored at our facility in a secure format for escrow purposes. The City will guarantee the security of the

source codes and will not modify the production systems without the expressed written consent of the vendor, unless the vendor ceases to provide service for any reason other than non-payment of maintenance fees.

Optional Components/Functionality
In addition to the functional system programs/modules, the following optional components will be provided:

- Construction Permits
- Building/Property Inspections
- Code Enforcement
- Utility Billing
- Citizen/Service Requests

All of the optional system components will be integrated by design, without requiring custom programming to effect the integration.

The optional system components will include the following interfaces:

Permits/Inspections	must interface with	Intervoice IVR System
Inspections/Code Enforcement	must interface with	Acer Tablet PCs
Utility Billing	must interface with	Itron Handhelds
		Laser Printer/Forms

RFP PROCESS

On January 16, 2004, RFP 16-03/04 was issued via BidNet, which in turn contacted 102 vendors, resulting in 30 of those contacted to download the RFP package. This RFP was also sent via e-mail to an additional 18 vendors that were either recommended from the project technical lead, or the vendor qualifications matched a search conducted by Procurement on the Government Financial Officers Association (GFOA) website.

On or before the specified due date of February 19, 2004, Procurement received five responses to this RFP. Two proposals were deemed non-responsive as the firms did not meet the mandatory requirement that all Financial, Human Resources and Administrative software applications/modules must be fully integrated by a single vendor. The non-responsive firms were: Cogsdale Corporation and Siemens Business Services.

The three firms that submitted qualifying proposals were:

Eden Systems;
New World Systems; and
MUNIS

Shortly after issuing the RFP, the City was made aware that Eden Systems had been purchased by Tyler Technologies, who also owns MUNIS. MUNIS and Eden Systems are considered separate entities.

On February 23, 2004, the City Manager via Letter to Commission (LTC) No. 047-2004 appointed an Evaluation Committee ("the Committee") consisting of the following individuals:

1) Jeryl (Deede) Weithorn, Budget Advisory Committee, Independent CPA
2) Larry Herrup, Resident, former BAC Chairperson, and Independent CPA
3) Alex Mendez, CFO, Mount Sinai Hospital
4) Grace Cespedes, CPA, Deputy Finance Director Miami-Dade County
5) Georgina Echert, Assistant Director of Finance, CMB
6) Kay Randall, Director of Information Technology, CMB
7) Jim Sutter, CPA, Director of Internal Auditing, CMB
8) Martha Dempsey, Special Assistant to the City Manager
9) Jill Weiss, F.I.U. School of Computer Science Instructor
10) Tim Hemstreet, Director of Capital Improvement Projects, CMB

Georgina Echert was appointed Chairperson of the Evaluation Committee.

The Evaluation Committee convened on March 12, 2004 and was provided information relative to the City's Cone of Silence Ordinance, the Government in the Sunshine Law and an overview of the project from Larry Kientz, Technical Support for the project. Committee Member Jill Weiss was unable to attend. During this first Evaluation Committee meeting, the Committee reviewed references secured by Procurement and Larry Kientz. They discussed the proposers' responses to the General Questionnaire, the Functional Questionnaire, and the Unique Payroll System Requirements Questionnaire. As a result of these review discussions, it was determined that New World Systems lacked some key functionality requirements that were included in the proposals from Eden Systems and MUNIS. A motion was made to eliminate NewWorld Systems from further consideration, which had a second, and the Committee unanimously supported the decision.

The primary reason New World Systems was eliminated from competition was their specific lack of functionality in the following areas:

- General Ledger;
- Accounts Payable;
- Printer Interface;
- QBE - Query By Example;
- Leave Plans;
- Bid Management; and
- Contract Management.

Consensus at the end of the meeting was to have Procurement invite the two remaining firms, Eden Systems and MUNIS, to demonstrate their product and application modules to the User Evaluation Committee. Each firm would have one full day to present to the User Committee. In turn, the User Committee would provide scoring and feedback from the demonstrations to the Evaluation Committee. The Evaluation Committee requested representation from the User Committee as well as presentations from the two firms at the next Evaluation Committee meeting.

The Evaluation Committee requested Procurement obtain clarification from an officer of Tyler Technologies as to how the recent acquisition of Eden Systems might impact the future of both MUNIS and Eden. The key concern being if the City's choice of one of the two proposed systems were to be discontinued, the City would expect to be transitioned to the remaining system at no charge. Such clarification was obtained from the Chief Operating Officer of Tyler, indicating that, while there is no intention to discontinue either system, if one were to be discontinued in a future generation of the product line, the City would be transitioned at no fee for a period of five years.

The Evaluation Committee also unanimously motioned to remove Jill Weiss from the Committee. Due to the level of detail discussed, the Committee members in attendance felt that an individual could not fairly evaluate and vote on the proposals without the benefit of attending the initial meeting.

On February 23, 2004, the City Manager via Inter-Office Memo, selected a User Evaluation Committee (the "User Committee") consisting of the following individuals:

1) Jose Cruz, Budget
2) Nilda Garcia, Building
3) Kristin McKew, CIP
4) Robert Anderson, Finance Resort Tax and License
5) Denise Bynum, Finance General Ledger and Reporting
6) Emma Covington, Finance Payroll
7) Ramon Duenas, Finance Payables, Treasury and Debt
8) Georgina Echert, Finance Committee Chairperson
9) Manny Marquez, Finance Capital, Grants, RDA
10) Raul Soria, Finance UTB
11) Edward Del Favero, Fire
12) Eric Yuhr, Fire
13) Drew Terpak, Fleet
14) Paulette Rolle, Human Resources Payroll
15) Larry Kientz, Information Technology
16) Vivian Guzman, Neighborhood Services
17) James Stamos, Parking
18) Carlos DaCruz, Parks and Recreation
19) Julio Magrisso, Parks and Recreation
20) Steve Greene, Planning
21) Ingrid Carries, Police Budget
22) Michelle Patrick, Police Payroll
23) Gus Lopez, Procurement
24) Tamika Clear, Public Works
25) Leo Francis, Public Works
26) Robin Garber, Public Works
27) Bob Halfhill, Public Works

Georgina Echert was appointed Chairperson of the User Evaluation Committee. Marta Fernandez, Procurement Coordinator, replaced Gus Lopez, Procurement Director on the

User Committee in order to allow for the Procurement Director to oversee the process and provide guidance and/or direction to the User and Evaluation Committees. Additionally, Hamid Dolikhani replaced Nilda Garcia from the Building Department, on the User Committee.

The purpose of the User Committee was to participate in functional product demonstrations from the proposer(s) that were recommended as a result of the initial Evaluation Committee meeting. The User Committee was comprised of end users and stakeholders in various core functions of the solutions being proposed.

This Committee would score the presentations based on their functional responsibilities within the City.

On March 25 and 26, 2004, the User Committee convened to participate in demonstrations and interactive discussions from MUNIS and Eden Systems, respectively. The User Committee members were required to score only the modules that pertained to the Users' specific job functions.

The User Committee again convened on March 29, 2004 to meet with Georgina Echert, Chairperson of both the User Committee and the Evaluation Committee. The User Committee discussed the scoring of the functional modules demonstrated by MUNIS and Eden Systems.

The User Committee articulated positive feedback on both MUNIS and Eden Systems and indicated as a whole, either system would be a tremendous improvement over the current systems in place. They ranked Eden Systems the number one firm due to an overall consensus of being more user friendly than MUNIS, with more drill down capabilities from within each screen, and state of the art architecture. The specific modules demonstrated also were scored higher for Eden Systems based on functionality, with the exception of the Bid Management module from MUNIS. Eden Systems does not yet have a Bid Management module released and was unable to demonstrate this functionality.

The Evaluation Committee convened on March 30, 2004 to solicit feedback from the User Committee, listen to overviews with question and answers from Eden Systems and MUNIS, and to score and rank the two firms. Committee members Alex Mendez and Tim Hemstreet were unable to attend this meeting and therefore did not participate in the scoring.

The Evaluation Committee scored the two firms based on the following criteria, as outlined in the RFP, for a maximum possible total of 1400 points:

A. Experience in the successful implementation on an enterprise financial, human resources and administrative support system for other governmental agencies – 100 points;
B. Quality of Installed Base and references – 100 points;
C. Client References -100 points;
D. Cost -100 points;

E. Proposed System Features – 200 points
F. Application Functionality – 400 points
G. System Integration – 200 points
H. E-government Integration – 200 points

The seven members present for the meeting scored the firms as follows:

COMMITTEE MEMBER	EDEN SYSTEMS SCORE	EDEN SYSTEMS RANKING	MUNIS SCORE	MUNIS RANKING
GRACE CESPEDES	1278	1st	1009	2nd
MARTHA DEMPSEY	1241	1st	1193	2nd
GEORGINA ECHERT	1277	1st	1146	2nd
LARRY HERRUP	1297	1st	1191	2nd
KAY RANDALL	1301	1st	1241	2nd
JIM SUTTER	1301	1st	1230	2nd
DEEDE WEITHORN	1261	1st	1179	2nd

The feedback provided by the User Committee was a key consideration in the Evaluation Committee's recommendation and scoring process. During the discussions, the Committees articulated that either firm's proposed system would be a significant improvement over those currently in place with the City, and either would be a viable choice. Both systems are capable of attaching any type of electronic documents and providing electronic notifications to users. MUNIS has a comprehensive disaster recovery plan in place, while Eden will implement one in the future. Eden was ranked higher for ease of use, a more defined central cashiering module, better reporting, more user defined fields and more efficient web based access. Eden demonstrated an understanding of the City's budgeting process, leave plans, grant processing and unique payroll functions. From a technical standpoint, Eden utilizes industry standard Windows based technology and MUNIS utilizes 4GL, while acceptable, is not deemed industry standard.

CONCLUSION

The Administration recommends that the Mayor and City Commission approve the attached resolution, which recommends the acceptance of the ranking of firms, and authorizes the Administration to enter into negotiations with the top-ranked firm of Eden Systems; and should the Administration not be able to negotiate an agreement with the top-ranked firm, authorize the Administration to negotiate with the second-ranked firm of MUNIS; and further authorizes the Mayor and City Clerk to execute an agreement upon the completion of successful negotiations by the Administration in the not to exceed amount of $1,800,874.

JMG/PDW/GE/GL
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VENDOR: **Eden Systems**

Price Matrix - By Application

Required Applications	License Fees	Implement Fees	Training Fees	Train Days	Travel Expenses	Maint (1 Year)	Other Fees	Total
General Ledger	66,600	18,000	20,400	17	8,750	19,980		133,730
Accounts Payable	incl	0	0	0	0			0
Purchasing	incl	0	0	0	0			0
Accounts Receivable	12,600	7,200	7,200	6	3,300	3,780		34,080
Budget Preparation	19,800	1,200	2,400	2	1,400	5,940		30,740
Inventory	20,700	15,600	9,600	8	3,800	6,210		55,910
Fixed Assets	15,750	6,600	7,200	6	3,300	4,725		37,575
Project Accounting	24,750	15,600	9,600	8	3,800	7,425		61,175
Contract management	15,750	1,800	3,600	3	1,650	4,725		27,525
Bid Management	15,750	1,800	3,600	3	1,650	4,725		27,525
Payroll	49,500	16,800	28,200	24	12,175	14,850		121,525
Position Control	14,850	1,200	1,200	1	250	4,455		21,955
Human Resources-Personnel	45,450	9,600	14,400	12	6,600	13,635		89,685
Applicant Tracking	17,100	1,200	4,800	4	1,900	5,130		30,130
Cashiering	45,000	1,200	9,600	8	4,700	8,100		68,600
Business Licenses	28,350	10,800	9,600	8	4,700	8,505		61,955
Special Assessments	17,100	7,200	7,200	6	3,300	5,130		39,930
Parcel management	8,700	9,600	4,800	4	1,900	2,610		27,610
Ad-Hoc Reporting (10)	6,000	2,400	9,600	8	4,300	0		22,300
Other-Admin/Web Setup	0	6,600	3,600	3	1,650	0		11,850
Extended Web e-Gov								
Accts Payable	5,400	600	2,400	2	1,400	1,620		11,420
Purchasing/BidsContracts	18,000	600	3,600	3	1,650	5,400		29,250
Accts Receivable	18,000	600	3,600	3	1,650	5,400		29,250
Applicant Tracking	6,000	600	3,600	3	1,650	1,800		13,650
Human Resources	14,400	600	3,600	3	1,650	4,320		24,570
Employee Training	6,000	600	3,600	3	1,650	1,800		13,650
Special Assessments	6,000	600	3,600	3	1,650	1,800		13,650
Licensing	9,000	600	3,600	3	1,650	2,700		17,550
Other								
Data Dictionary	1,800	0	0	0	0	324		2,124
Florida State Package	3,000	0	0	0	0	900		3,900
Map Objects Runtime (ESRI)	8,450	0	0	0	0	0		8,450
Cashiering Hardware	12,625	0	0	0	0	0		12,625
Standard Forms Creation	0	0	0	0	0	0	10,200	10,200
On-Sight Project Mgmnt	0	120,000	0	0	43,000	0		163,000
End User Training	0	0	19,200	16	7,600	0		26,800
Total Required Modules	532,425	259,200	203,400	170	132,675	145,989	10,200	1,283,889

Optional Applications								
Construction Permits	54,750	22,800	19,200	16	8,500	16,425		121,675
Building/Property Inspections	incl							0
Code Enforcement	incl							0
Utility Billing	67,500	24,000	20,400	17	8,750	20,250		140,900
Citizen/Service Requests	31,500	3,600	14,400	12	5,700	9,450		64,650
UB Handheld Interface	6,000	600	0	0	0	1,800		8,400
Web Extensions								
Permits/Inspections Web	14,400	600	3,600	3	1,650	4,320		24,570
Utility Billing Web	18,000	600	3,600	3	1,650	5,400		29,250
Customer Requests Web	14,400	600	3,600	3	1,650	4,320		24,570
Web-based Cashiering	19,900	600	3,600	3	1,650	4,320		30,070
Unique Payroll Modifications							67,500	67,500
Standard Forms Creation	0	0	0	0	0	0	5,400	5,400
Total Optional Modules	226,450	53,400	68,400	57	29,550	26,285	72,900	516,985
Total	738,975	312,000	268,200	224	160,575	207,954	83,100	1,800,874

tyler *works.*

Tyler Technologies, Inc. MUNIS Division 370 U.S. Route One, Falmouth, Maine 04105 207/781-2260 www.munis.com

Courts and Justice | Financial and City Solutions | Property Appraisal and Tax | Document Management

March 15, 2004

Mr. Gus Lopez, CPPB, CPPO
Procurement Director
City of Miami Beach
1700 Convention Center Drive
Miami Beach, Florida 33139

Dear Mr. Lopez:

On behalf of Tyler Technologies I want to express our appreciation to the City of Miami Beach for considering MUNIS and Eden Systems as part of your on-going decision process. Tyler is the largest company committed to providing software and related services exclusively to local government. In our view MUNIS and Eden provide industry-leading solutions and would be excellent fits to the Cities needs.

MUNIS and Eden have both been successful based on very strong products, technically and functionally. Tyler is committed to supporting and extending both solutions as long as they can be competitive and we would expect that to be a considerable period of time. Certainly, at some point, as with any product a time will come when the development and introduction of a next generation product will make sense. At that point we believe the resources of Tyler coupled with the skills and experience at our operating divisions will position us very well to introduce another generation of industry leading solutions.

Should Miami Beach select either Tyler product, we will commit that our next generation product will be made available to the City regardless of where the product is developed. Should that product be released in the next five years, there will be no license fee to the City. Beyond five years, it is a challenge to predict the practices of the industry, however, we will commit that we will provide the next generation product at the most favorable rates offered, again, regardless of which division the City has its relationship with.

In summary, we are convinced that Tyler has excellent solutions for the City's consideration today and we are committed to providing industry leading, competitive solutions going forward. We will contractually commit that your investment in either Tyler solution is protected as next generation products are released.

Sincerely,

John S. Marr Jr.
Tyler, Chief Operating Officer

Leja, Pamela

From: Kyle Johnson [kjohnson@edeninc.com]
Sent: Monday, March 15, 2004 11:54 AM
To: Leja, Pamela; Lopez, Gus
Cc: Gene Jackson; Jeff Green
Subject: RE: RFP 16-03/04

Pamela,

Good morning, we received your email and are available for the March 26th presentation. We look forward to any additional information you are planning to supply.

Mr. Jackson is currently out of the office and asked me to respond to the question from Mr. Lopez and the City's Evaluation Committee regarding the Tyler Technologies acquisition and our software upgrade policy.

It has always been one of our main goals to keep existing clients in the Eden Systems family. We have had our "license free" upgrade policy for over twenty years and continue to offer clients this policy today.

The following is a statement that can be included in the City of Miami Beach's contract outlining this policy.

6.1 In the event that the support for the Licensed Program is discontinued by either Licensor, a successor firm, or other assignee to this Agreement (collectively referred to as "Licensor"), Licensor will provide access to any enterprise software solution made generally commercially available by the Licensor that is designed to run comparable business functions to what was run by the Licensed Program. Such new software solution will be provided at no additional cost, assuming Licensee is receiving uninterrupted software support. Additionally, if such discontinuation of the Licensed Program occurs within 5 years after the execution date of this agreement, Licensor will also provide, at no cost, any consulting services necessary to migrate from the Licensed Program to the new software solution.

Please let me know if you require any additional information regarding this policy.

We look forward to having an opportunity to present our InForum Gold software solutions to the City on March 26th. If I can supply any additional information, please feel free to contact me.

Respectfully,

Kyle M. Johnson
Account Manager/ Eden Systems, Inc.
toll free (800) 328-0310
fax (425) 254-1402

1100 Oakesdale Avenue, Southwest
Renton, WA - 98055

-----Original Message-----
From: Leja, Pamela [mailto:PamelaLeja@miamibeachfl.gov]
Sent: Friday, March 12, 2004 2:28 PM
To: Gene Jackson; Kyle Johnson
Subject: RFP 16-03/04

Hello Mr. Jackson:
Please review the enclosed document from Gus Lopez, Procurement Director, City of Miami Beach, and respond at your earliest convenience.

The Evaluation Committee would like Eden Systems to present a demonstration of the modules outlined in subject RFP to the City of Miami Beach User Committee. We request that March 26 be set aside for the demonstration and presentations. More details will follow early next week.

Regards,
Pamela Leja
City of Miami Beach
Procurement Division

(305) 673-7497

PamelaLeja@miamibeachfl.gov

RESOLUTION TO BE SUBMITTED

R9
New Business
And
Commission Requests

CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH FLORIDA 33139

OFFICE OF THE CITY CLERK

CITY HALL
1700 CONVENTION CENTER DRIVE
TELEPHONE: 673-7411

COMMISSION MEMORANDUM

To: Mayor David Dermer and Members of the City Commission

Date: April 14, 2004

From: Jorge M. Gonzalez
City Manager

Subject: **BOARD AND COMMITTEES**

BACKGROUND:

Attached are the applicants that have filed with the City Clerk's Office for Board and Committee appointments.

ADMINISTRATION RECOMMENDATION:

That appointments be made as indicated.

VACANCIES

BOARD OR COMMITTEE:	TOTAL MBRS.	APPOINTED BY:	TOTAL VAC.	PAGE
Art in Public Places	7	City Commission	2	Page 1
Beautification Committee	8	Commissioner Luis R. Garcia, Jr.	1	Page 5
Board of Adjustment	7	City Commission	2	Page 6
Community Development Advisory Committee	14	Commissioner Luis R. Garcia, Jr.	1	Page 10
		Commissioner Simon Cruz	2	
		Mayor David Dermer	2	
Convention Center Advisory Board	7	Mayor David Dermer	1	Page 14

AGENDA ITEM R9A
DATE 4-14-04

VACANCIES

BOARD OR COMMITTEE:	TOTAL MBRS.	APPOINTED BY:	TOTAL VAC.	PAGE
Convention Center Capital Projects Oversight Com.	7	Mayor David Dermer	1	Page 15
Debarment Committee	7	Commissioner Simon Cruz	1	Page 16
Fine Arts Board	14	Commissioner Jose Smith	1	Page 18
		Commissioner Luis R. Garcia, Jr.	1	
		Commissioner Matti H. Bower	1	
		Mayor David Dermer	2	
Health Advisory Committee	11	City Commission	1	Page 20
Hispanic Affairs Committee	7	Mayor David Dermer	1	Page 23
Loan Review Committee	7	Commissioner Simon Cruz	1	Page 26
Marine Authority	7	Commissioner Luis R. Garcia, Jr.	1	Page 27
		Commissioner Simon Cruz	1	
		Mayor David Dermer	1	
Miami Beach Commission on Status of Women	21	Commissioner Jose Smith	1	Page 28
		Commissioner Saul Gross	1	
Miami Beach Florida Sister Cities	22	Mayor David Dermer	5	Page 31
Personnel Board	10	City Commission	1	Page 36
Public Safety Advisory Committee	7	Commissioner Luis R. Garcia, Jr.	1	Page 41
		Mayor David Dermer	1	

AGENDA ITEM _____

DATE _____

VACANCIES

BOARD OR COMMITTEE:	TOTAL MBRS.	APPOINTED BY:	TOTAL VAC.	PAGE
Safety Committee	14	Commissioner Matti H. Bower	1	Page 42
		Commissioner Saul Gross	1	
		Commissioner Simon Cruz	1	
		Mayor David Dermer	1	
Transportation and Parking Committee	19	Commissioner Luis R. Garcia, Jr.	1	Page 43
Visitor and Convention Authority	7	City Commission	1	Page 45
Youth Center Advisory Board	10	Commissioner Luis R. Garcia, Jr.	1	Page 46
		Commissioner Simon Cruz	1	

Attached is breakdown by Commissioner or City Commission:

REP

JMG:REP/lg

City Commission Committees

Committee	Position	First Name	Appointed by	Appointed
Finance & Citywide Projects Committee				
	Liaison	Patricia Walker	Mayor Dermer	11/25/03
	Alternate	Commissioner Simon Cruz	Mayor Dermer	11/25/03
	Vice-Chair	Commissioner Richard L. Steinberg	Mayor Dermer	11/25/03
	Chairperson	Commissioner Jose Smith	Mayor Dermer	11/25/03
	Member	Commissioner Matti Herrera Bower	Mayor Dermer	11/25/03
Land Use & Development Committee				
	Liaison	Jorge Gomez	Mayor Dermer	11/25/03
	Alternate	Commissioner Jose Smith	Mayor Dermer	11/25/03
	Member	Commissioner Saul Gross	Mayor Dermer	11/25/03
	Chairperson	Commissioner Luis R. Garcia	Mayor Dermer	11/25/03
	Member	Commissioner Matti Herrera Bower	Mayor Dermer	11/25/03
Neighborhood/Community Affairs Committee				
	Liaison	Vivian Guzman	Mayor Dermer	11/25/03
	Alternate	Commissioner Luis R. Garcia	Mayor Dermer	11/25/03
	Member	Commissioner Richard L. Steinberg	Mayor Dermer	11/25/03
	Chairperson	Commissioner Matti Herrera Bower	Mayor Dermer	11/25/03
	Member	Commissioner Saul Gross	Mayor Dermer	11/25/03

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 Jose Smith

- **Metropolitan Planning Organization**

Commissioner Richard L. Steinberg

- **Miami-Dade County Homeless Trust Board - Appointed by Miami-Dade League of Cities**
- **Miami-Dade League of Cities**

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c: CMC
LC

CITY OF MIAMI BEACH
OFFICE OF THE MAYOR & COMMISSION
MEMORANDUM

TO:	JORGE GONZALEZ CITY MANAGER
CC:	MAYOR & COMMISSIONERS
FROM:	RICHARD STEINBERG RLS/DM COMMISSIONER
DATE:	April 5, 2004
RE:	Agenda Item- Arts in Public Places

Please place on the April 14th Commission agenda an item nominating Ms. Maria Bonta de la Pezuela to Arts in Public Places. Her application and resume are attached for reference.

If you have any questions or comments, please feel free to contact my Aide, Ms. Dolores Mejia at ext. 6834.

RLS/dm

04 APR -5 PM 12:06

Agenda Item R9A1
Date 4-14-04

CITY OF MIAMI BEACH BOARDS AND COMMITTEE APPLICATION FORM

Pursuant to City Code section 2-22(4) a and b: Members of agencies, boards, and committees shall be affiliated with the city; this requirement shall be fulfilled in the following ways: a) an individual shall have been a resident of the city for a minimum of six months; or b) an individual shall demonstrate ownership/interest for a minimum of six months in a business established in the city.

Resident of Miami Beach for a minimum of six (6) months: Yes [x] or No [ ]
Demonstrate an ownership/interest in a business in Miami Beach for a minimum of six (6) months: Yes [ ] or No [x]
I am applying for a Board appointment because I have special abilities, knowledge, experience: Yes [x]
My special abilities, knowledge, or experience is: 15 years experience in Art Market, VP Sotheby's
Are you a registered voter in Miami Beach: Yes [x] or No [ ]

NAME: Bonta de la Pezuela, La Maria _____
Last Name First Name Middle Initial

Home Address: 1900 Sunset Harbour Dr., #2407 Miami Beach FL 33139
No. Street City State Zip Code

Phone: (305)534-1699 (305)448-7882 (305)448-7168 maria.bonta@sothebys.com
Home Work Fax Email address

I am now a resident of: North Beach [ ] South Beach [ ] Middle Beach [x]

Business Name: Sotheby's Applicant's Position: Vice President

Address: 800 Douglas Rd., Ste. 125 Coral Gables FL 33134
No. Street City State Zip Code

[ ] Owner [ ] Stockholder/Shareholder [x] Corporate Officer [ ] Other Explain: _____

Professional License (describe): _____ Expires: _____
Attach a copy of the license listed above.

1. Have you ever been convicted of a felony: Yes [ ] or No [x] If yes, please explain in detail: _____

2. Do you currently have a violation(s) of City of Miami Beach codes: Yes [ ] or No [x]. If yes, please explain in detail: _____

3. Do you currently owe the City of Miami Beach any money: Yes [ ] or No [x]
If yes, explain in detail: _____

4. Are you currently serving on any City Boards or Committees: Yes [ ] or No [x]
If yes; which board? _____

What organizations in the City of Miami Beach do you currently hold membership in?

Name: none Title: _____

Name: _____ Title: _____

List all properties owned or have an interest in, which are located within the City of Miami Beach:

1900 Sunset Harbour Drive, #2407, Miami Beach, FL 33139

I am now employed by the City of Miami Beach: Yes [ ] or No [x]. If yes, which department. _____

Pursuant to City Code Section 2-25 (b): Do you have a parent [ ], spouse [ ], child [ ], brother [ ], or sister [ ] who is employed by the City of Miami Beach? Check all that apply. Identify the department(s): no

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Sotheby's EST. 1744
DOUGLAS ENTRANCE 800 DOUGLAS ROAD SUITE 125 CORAL GABLES FL 33134
305 448.7882 F 305 448.7168 WWW.SOTHEBYS.COM

March 28, 2004

Mayor Dermer and City Commissioners
City of Miami Beach
1700 Convention Center Drive
Miami Beach, Florida 33139

Dear Mayor Dermer and City Commissioners,

With this letter I respectfully request appointment to the Art in Public Places Committee of the City of Miami Beach. Enclosed please find an Application Form and resume for your review.

As you will notice, I am highly qualified to serve on the board and assist the City with its Art in Public Places program.

- I have 15 years' experience in the art market. I have been involved with the sale of several record-setting works of art, many above $1 million.
- As Vice President of Sotheby's in Miami, I am responsible for the company's presence and business development in South Florida, Georgia, Tennessee, and Alabama.
- I serve as Chair of the Board of Directors of Miami Light Project, the leading presenter of contemporary performance in South Florida and have served on the Executive Committee of the Patrons at the Museum of Contemporary Art in North Miami.
- I am a member of the Junior Host Committee for Art Basel Miami Beach.
- I have lived on Miami Beach since my husband and I moved here in 1997.
- I am originally from Argentina, and have lived in England, France, and Mexico, as well as the Midwest, Southwest and East Coast of the United States.

I look forward to discussing this further with you and serving my community through the Art in Public Places Committee. I can be reached either by phone at (305)448-7882 or email at maria.bonta@sothebys.com.

Sincerely,

Maria Bonta de la Pezuela
Vice President

CC: Christina M. Cuervo, Assistant City Manager
Max Sklar, Assistant Director, Tourism and Cultural Development
Dennis Leyva, Staff Liaison Art in Public Places

MARIA BONTA DE LA PEZUELA

EXPERIENCE

Sotheby's Coral Gables, Florida — August 1997 - present

Vice President

Directly responsible for business development in South Florida, Georgia, Tennessee and Alabama for international auction house headquartered in New York, working closely with VIP collectors, lawyers, bankers and professional sources of business.

Represent Sotheby's throughout the community, lecturing widely on the criteria of collecting and other art-related subjects, involved in the community with special attention to area museums and art collecting bases.

Oversee operations of regional office, including consignment and bidding activity, appraisals, press relations, support staff of one administrator and three interns, expert visits to the area.

Involved in the record-setting sales of several important Latin American paintings, including Claudio Bravo's *Blue Package*, 1968 (the first painting to break the million-dollar record for the artist) as well as Mario Carreño's *Guitar Player*, 1944.

Assistant Vice President

Oversaw the launching of Sothebys.com in Florida and headed the expansion of Sotheby's online ventures throughout Latin America, managing relationships with Sotheby's Internet Associates and dealer training.

Responsibilities detailed below as Senior Manager continued.

Senior Manager

Managed daily operations including consignment, bidding, shipping procedures, staffing and intern development.

Liaised closely with expert departments in New York headquarters in obtaining consignments and appraisals

Planned and executed local events such as auction highlights exhibitions, lectures and receptions.

Recipient of Silver Gavel award, 1999.

Leslie Levy Fine Art Scottsdale, Arizona — October 1991 - April 1993

Assistant Director

Accomplished 40% of total realized sales.

Responsible for daily operation of retail art gallery.

Promoted over 20 artists through press releases, advertising, targeted mailings and gallery openings.

Maintained correspondence with client base as well as gallery artists.

Cooperated in installations of changing exhibitions and selection of new artists.

C.G. Sloan & Company, Inc. North Bethesda, Maryland — August 1988 - August 1991

Manager of Business Office

Oversaw all aspects of auction records department including consignor accounts, bidder registration, cataloguing procedures, and mailing and subscription lists.

Directed production of catalogue including editing, formatting, and final proofing of entire sale.

Managed administrative procedures during the auction: telephone/absentee bidding and auction results.

Administered training program for company staff on system software and managed all computer related activities and business office functions.

Established new inventory control system following an item consigned from the moment of consignment to the moment of sale.

Developed automated mailing procedures which provided a means for tracking all outgoing mail.

Responsible for recruitment of new staff and supervised office staff of nine.

EDUCATION

Universidad Nacional Autónoma de México Mexico City — Master of Arts, Art History, December 1997

Thesis: Chinese Export Porcelain for the Mexican Colonial Market.

Concentration in Colonial Decorative Arts.

University of Maryland College Park, Maryland — Bachelor of Arts, Studio Art, May 1988

Dean's List, Semester Academic Honors.

Extensive coursework in American, European, Pre-Columbian and Japanese Art History.

Ecole Regionale des Beaux-Arts Tours, France — October - December 1986

Institut d'Etudes Francaises de Touraine Tours, France — October - December 1986

La Sorbonne, Université de Paris Paris, France — September 1986

COMMUNITY INVOLVEMENT

Miami Light Project Miami, Florida — 2000 – present

Chair, Board of Directors

Museum of Contemporary Art North Miami, Florida — 2000–2003

Member, Patrons' Executive Committee

Bi-lingual: English and Spanish, proficient in French

1900 Sunset Harbour Drive, #2407 Miami Beach, Florida 33139 (305)534-1699

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 4-14-04

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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: April 14, 2004

From: Jorge M. Gonzalez
City Manager

Subject: **DISCUSSION REGARDING THE TRAFFIC ANALYSIS REPORT ON INDIAN CREEK DRIVE AT 63RD AND 65TH STREET INTERSECTIONS, PREPARED BY THE HNTB CORPORATION.**

Since the Florida Department of Transportation (FDOT) proposed to replace the 63rd Street Flyover with an at-grade intersection, three (3) independent traffic analysis of the area have been conducted to ascertain whether or not FDOT had made the correct traffic assumptions and had thoroughly examined all the options available for the intersection. These traffic analyses were conducted respectively by:

1. The Corradino Group that was hired by the City in 2000.

2. Marlin Engineering that was hired by Craig Robbins in 2000, on behalf of the adjacent neighborhood associations.

Pursuant to the results of the above-mentioned studies, the Transportation and Parking Committee (T&PC) recommended the at-grade solution that was ultimately endorsed on June 7, 2000 by Commission Resolution No. 2000-23965; and

3. Pursuant to a June 2003 Commission direction, HNTB Corporation was hired to revisit the issue a third time, utilizing 2003 traffic counts.

These three independent traffic analyses, performed by local traffic engineering consulting firms, have confirmed that FDOT's at-grade solution is the best available alternative for the intersection.

At the Administration's request, Mr. Girish Kumar of HNTB will make a presentation of the latter study at this meeting. A copy of the presentation is attached to this item for your review. The last page of the presentation (Traffic Analysis Summary) indicates that, utilizing 2003 traffic data collection and projected 2021 traffic conditions, the study conclusions are as follows:

- At-Grade option operates better than No-Build.
- In the AM peak hour, critical southbound right-turn movement operates at same Level of Service (LOS) with all three alternatives.
- In the PM peak hour, critical eastbound left-turn movement operates as follows:
  - At-Grade - LOS 'D'
  - New Flyover – LOS 'F'
  - No-Build - LOS 'F'

Agenda Item R9C
Date 4-14-04

The HNTB Traffic Analysis Report has been disseminated since its completion in November 2003 as follows:

- It was submitted for City Commission review via LTC No. 303-2003, dated December 19, 2003;
- It was mailed to both the Transportation and Parking Committee (T&PC) and the North Beach Development Corporation (NBDC) Executive Board members in preparation for a joint meeting;
- It was presented at the February 24, 2004 T&PC meeting with NBDC Executive Board invited to attend. Mr. Kumar presented the report and answered questions;
- It was discussed again at a meeting with two members of the NBDC Executive Board, held on April 1, 2004 at City Hall.
- Copies were made available at the City Clerk's Office.

The T&PC had previously recommended the at-grade solution that was ultimately endorsed by Commission Resolution No. 2000-23965, dated June 7, 2000. At the February 24, 2004 meeting, eleven of the eighteen T&PC members present at the end of the HNTB presentation and subsequent discussions decided to take no action regarding the report.

It is important to note that the 63rd Street Flyover Project is categorized as a safety project by the State. As such, a project will be constructed by the State and our extensive review has been aimed at finding the best available option. From those options available and feasible, the at-grade solution has consistently been shown to be the most advantageous method to correct the intersection safety issues.

A companion item on this Commission Agenda, submits the FDOT request for a 1578 sq.ft. perpetual easement on a strip of land out of Brittany Bay Park. Such easement is required in order to widen the intersection and incorporate a landscaped median, finalize the plans, and construct the at-grade project. The Administration recommends that the supplemental analysis phase be closed and all City efforts be focused on the project implementation details, instead.

JMG\RCM\FHB\RH\aj

Attachment: Copy of HNTB Presentation

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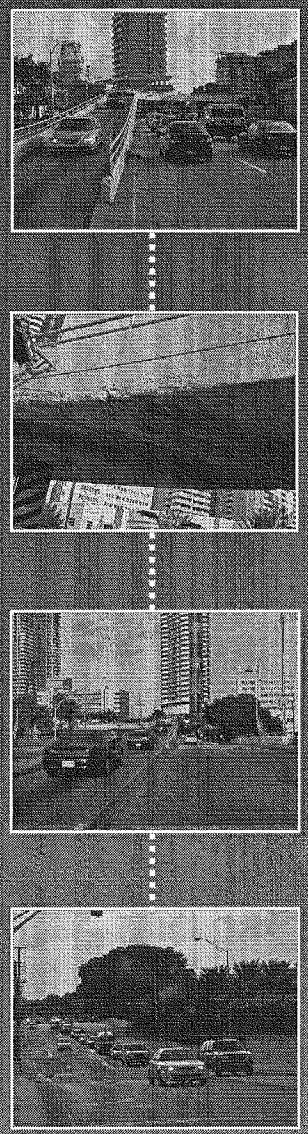
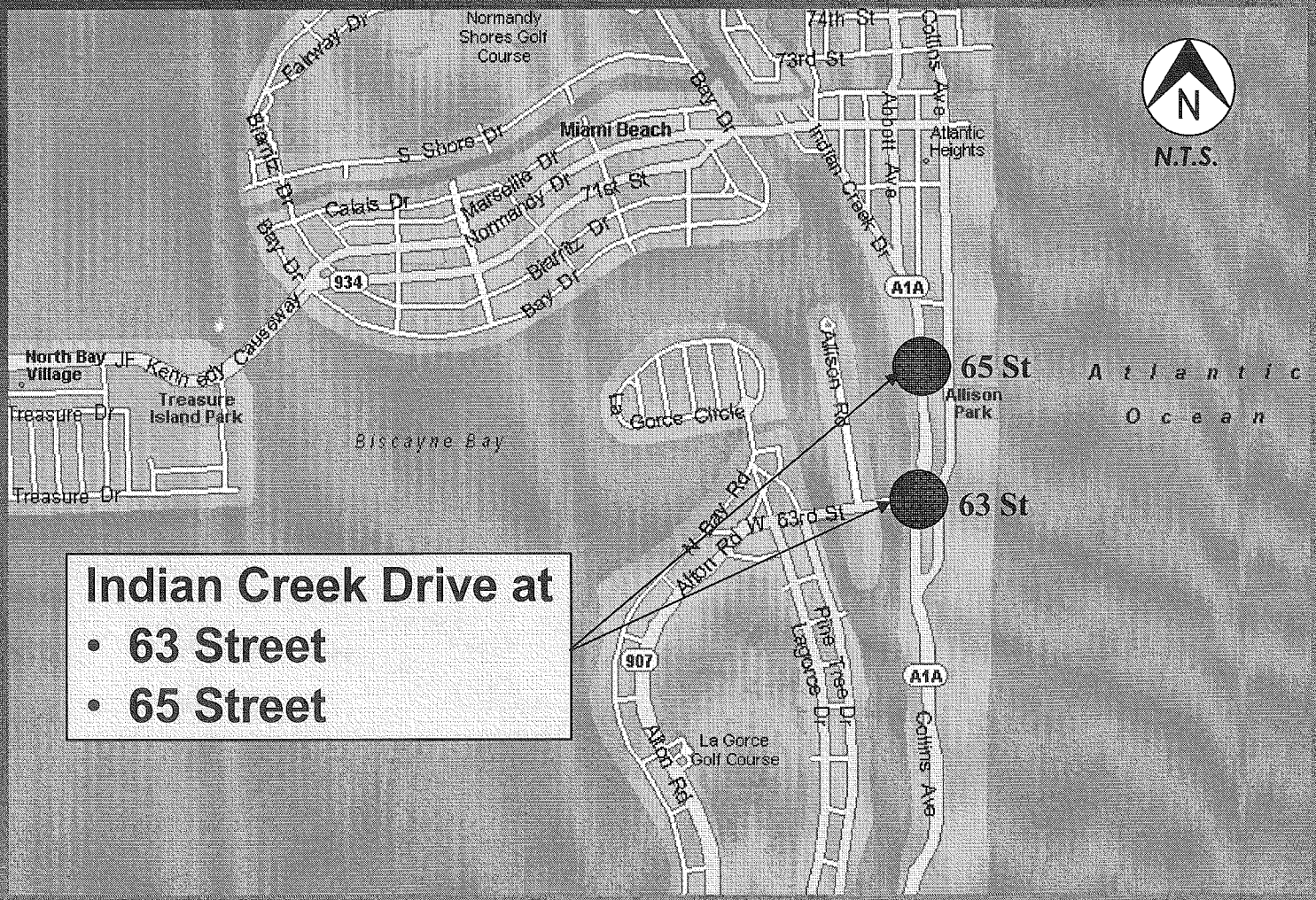


Indian Creek Drive at 63 Street Area Traffic Analysis

City of Miami Beach
City Commission Meeting
April 14, 2004

Study Intersections



Indian Creek Drive at
- **63 Street**
- **65 Street**

Background

- Traffic studies by FDOT - 1999
- Further evaluation by City's Consultant - 2000
- At-grade vs. New Flyover - primary alternatives
- FDOT plans to construct the at-grade solution

Consultant's Tasks

- Field Observations
- New Baseline (2003) Traffic Data
- Existing (2003) Traffic Analysis
- Future Traffic Projections
- Future (2021) Traffic Analysis
- Comparison based on new 2003 data

Study Alternatives

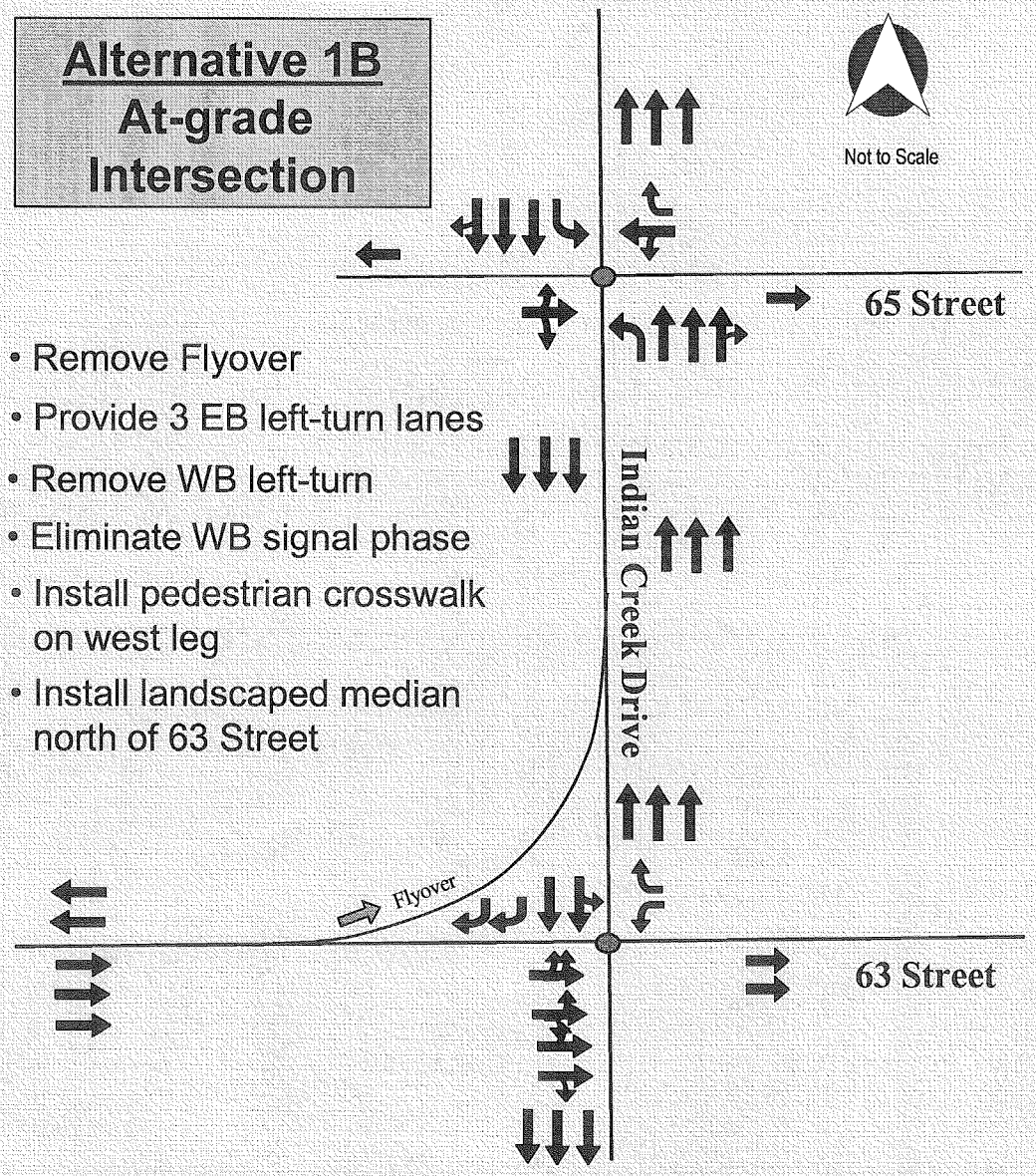
- No-Build Alternative – Existing Geometry
- FDOT Alternative 1B – At-grade
- FDOT Alternative 2 – New Fly-over

HNTB

Indian Creek Drive at 63 Street Area Traffic Analysis

Alternative 1B
At-grade Intersection

- Remove Flyover
- Provide 3 EB left-turn lanes
- Remove WB left-turn
- Eliminate WB signal phase
- Install pedestrian crosswalk on west leg
- Install landscaped median north of 63 Street

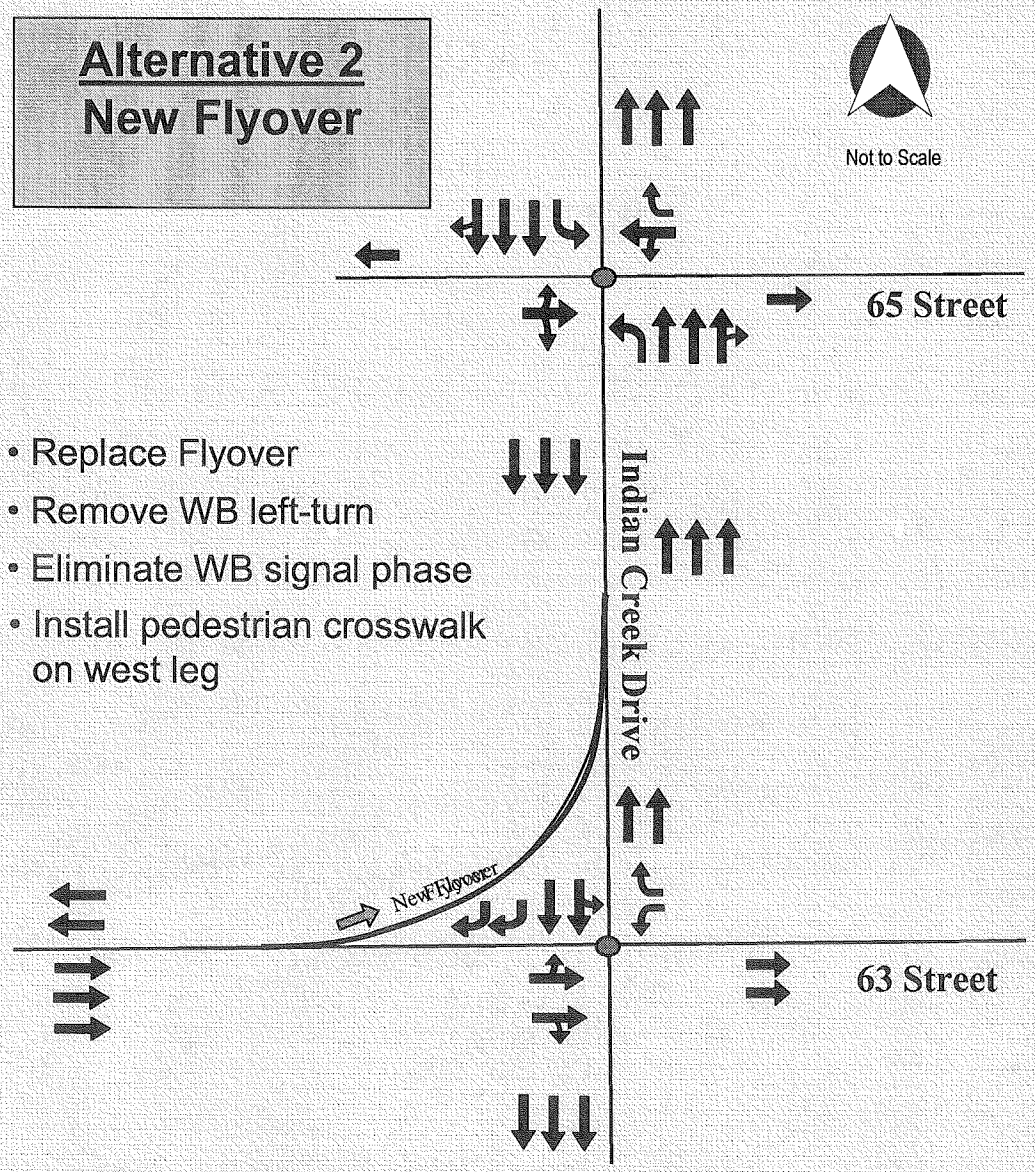


Legend
- Study intersection
- Lane assignment
- Free-flow movement

HNTB

Indian Creek Drive at 63 Street Area Traffic Analysis

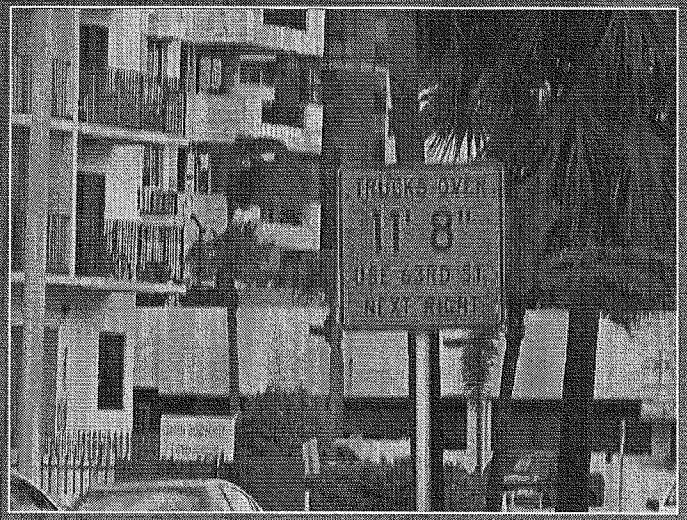
Alternative 2
New Flyover

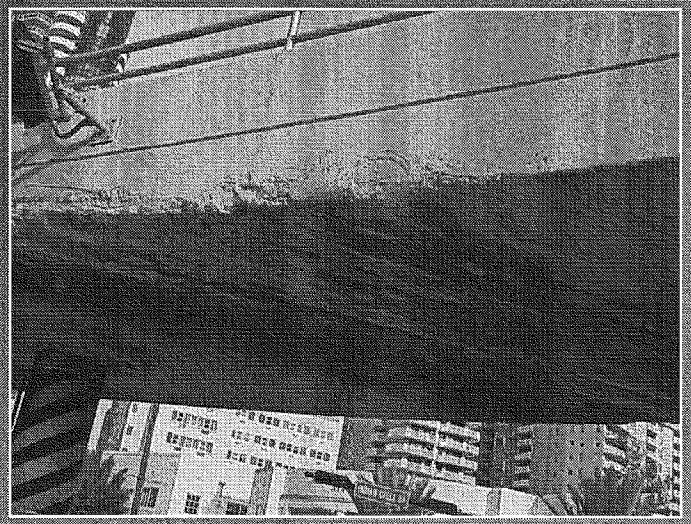


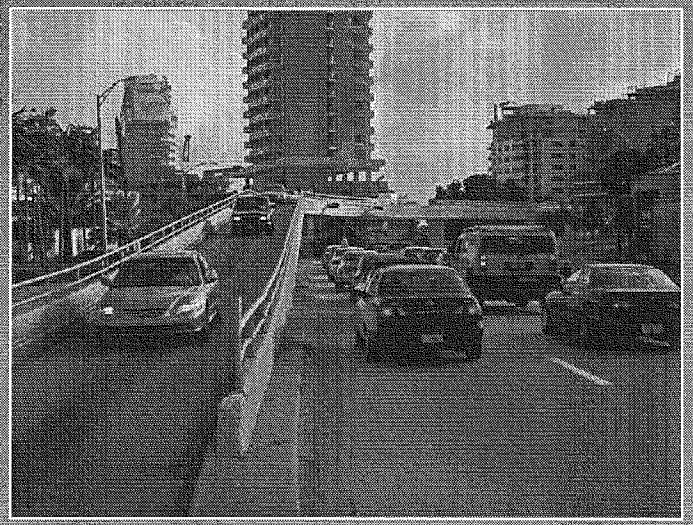
- Replace Flyover
- Remove WB left-turn
- Eliminate WB signal phase
- Install pedestrian crosswalk on west leg

Legend
- Study intersection
- Lane assignment
- Free-flow movement

Field Observations







Year 2021 Traffic Data Highlights

Indian Creek Drive/63 Street – Critical Movements

- 3,100 SB right-turns in AM peak hour
- 1,900 EB left-turns in Mid-day peak hour
- 2,300 EB left-turns in PM peak hour

AM Peak Hour
Indian Creek Drive/63 Street

	Performance Measure	Existing (2003)	Analysis Alternative (2021)		
			No-Build	At-grade	New Flyover
Overall	Delay (sec/veh)	30	61	60	42
	LOS	C	E+	E+	D+
SB Right	Delay (sec/veh)	41	73	73	73
	LOS	D+	E	E	E

Mid-day Peak Hour
Indian Creek Drive/63 Street

	Performance Measure	Existing (2003)	Analysis Alternative (2021)		
			No-Build	At-grade	New Flyover
Overall	Delay (sec/veh)	12	37	24	28
	LOS	B+	D+	C+	C
EB Left	Delay (sec/veh)	9	70	28	55
	LOS	A	E	C	D

PM Peak Hour
Indian Creek Drive/63 Street

	Performance Measure	Existing (2003)	Analysis Alternative (2021)		
			No-Build	At-grade	New Flyover
Overall	Delay (sec/veh)	51	61	42	45
	LOS	D	E+	D+	D+
EB Left	Delay (sec/veh)	85	114	50	96
	LOS	F	F	D	F

Analysis Summary

- At-grade alternative operates better than No-Build
- AM peak hour, critical SB right-turn movement operates at:
  - Same LOS with all 3 alternatives
- Mid-day peak hour, critical EB left-turn movement operates at:
  - At-grade - LOS 'C'
  - New Flyover – LOS 'D'
  - No-Build – LOS 'E'
- PM peak hour, critical EB left-turn movement operates at:
  - At-grade - LOS 'D'
  - New Flyover – LOS 'F'
  - No-Build – LOS 'F'

?

CITY OF MIAMI BEACH
Office of the City Manager
Letter to Commission No. 308-2003

To: Mayor David Dermer and Members of the City Commission

Date: December 19, 2003

From: Jorge M. Gonzalez
City Manager

Subject: **TRAFFIC ANALYSIS REPORT ON THE 63RD STREET FLYOVER**

I am forwarding you the salient portions of the Traffic Analysis Report for the Intersections of Indian Creek Drive at 63rd Street and 65th Streets, prepared by HNTB, Inc., as requested by Commission Action of September 10, 2003. Full copies (including Raw Data) are available at your request. The study performed additional analysis of the AM peak hour, midday peak hour, and PM peak hour under existing (year 2003) and future (year 2021) conditions, and measured the future conditions against three alternatives considered by the Florida Department of Transportation (FDOT) for the 63rd Street at Indian Creek Intersection, being:

- Alternative 1B: Demolish the flyover and build an at-grade intersection
- Alternative 2: Demolish the flyover and build a new flyover; and
- Alternative 3: No build.

The HNTB Study concluded that, "under year 2021 conditions, the overall measures of performance of the study intersections are found to be similar under FDOT Alternatives 1B and 2. Both build alternatives are expected to operate better than the No-Build Alternative. The noteworthy differences between Alternatives 1B and 2 are that:

- The eastbound left-turn movement in the critical PM peak hour is expected to operate at or near capacity under Alternative 1B, at-grade intersection;
- The eastbound flyover is expected to be over-capacity under Alternative 2; and
- Although two exclusive left-turn lanes and one shared thru/left-turn lane exist for the eastbound left-turn under Alternative 1B, this shared lane is likely to operate as a "defacto" left-turn lane due to the future left-turn demand, thereby potentially achieving a higher efficiency than the single-lane flyover.

These results cannot be directly compared to those of the previously reported analyses by others (FDOT, Corradino, and Miller Consulting) because the baseline traffic data has been updated to year 2003 conditions. However, in relative terms, the operational analysis in this study suggests similar trends as in the previous studies."

The Administration will transmit a copy of the report and schedule a joint meeting of the Transportation & Parking Committee (TPC) and the North Beach Development Corporation (NBDC) to present the results of the Traffic Analysis. Also invited to attend will be the Allison Island, LaGorce/Pine Tree Drive, and Alton Road Homeowners Associations. The joint meeting will be held in late January/early February 2004.

Please contact me if you have any concerns or questions.

JMG/RM/FB/AJ

Attachment: Copy of Traffic Analysis Report

c: Robert Middaugh, Assistant City Manager
Fred H. Beckmann, Director of Public Works
Saul Frances, Director of Parking
Vivian Guzman, Director of Neighborhood Services
Amelia Johnson, Transportation Coordinator

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R9 - New Business and Commission Requests

R9D Presentation By Don Peebles, Chairman Of The Greater Miami Convention And Visitors Bureau.

(City Manager's Office)

AGENDA ITEM R9D
DATE 4-14-09

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CITY OF MIAMI BEACH
OFFICE OF THE MAYOR & COMMISSION
MEMORANDUM

TO: JORGE M. GONZALEZ
CITY MANAGER

FROM: DAVID DERMER
MAYOR

DATE: APRIL 5, 2004

RE: AGENDA ITEM

Please place on the April 14, 2004 Commission agenda a resolution urging the Miami-Dade County Mayor and Commission not to disband the Transit Tax Citizen Oversight Board.

04 APR -5 PM 4:17

Agenda Item R9E
Date 4-14-04

RESOLUTION NO._____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AFFIRMING ITS CONTINUED SUPPORT FOR THE CITIZEN'S INDEPENDENT TRANSPORTATION TRUST (CITT), AS ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS ON JULY 9, 2002, PURSUANT TO ORDINANCE NO. 02-117; FURTHER URGING THE BOARD OF COUNTY COMMISSIONERS NOT TO DISBAND THE CITT, OR OTHERWISE TAKE ANY ACTION WHICH WOULD HAVE THE EFFECT OF SUBSTANTIALLY ALTERING OR DILUTING THE POWERS AND AUTHORITY OF THE CITT, AS ORIGINALLY INTENDED AND ENVISIONED, FOLLOWING APPROVAL BY THE ELECTORATE OF MIAMI-DADE COUNTY, FLORIDA OF THE CHARTER COUNTY TRANSIT SYSTEM SURTAX.

WHEREAS, on July 9, 2002, the Miami-Dade County Board of County Commissioners adopted Ordinance No. 02-116 levying and imposing a one half of one percent Charter County Transit System Surtax (the Surtax) pursuant to the authority of Section 212.055(1) Florida Statutes; and

WHEREAS, on July 9, 2002, the Board of County Commissioners also adopted Ordinance No. 02-117, creating a Citizen's Independent Transportation Trust (CITT) with certain powers over the use and expenditure of proceeds of the Surtax (the CITT Ordinance); and

WHEREAS, on November 5, 2002, the Miami-Dade County voters approved the levying of the Surtax; and

WHEREAS, the CITT, among its powers and duties, is charged with the responsibility of monitoring, overseeing, reviewing, auditing, and investigating implementation of transportation transit projects, and all other projects, funded in whole or in part with Surtax proceeds; and

WHEREAS, one of the representatives on the CITT is to be appointed by the League of Cities, thereby ensuring that municipalities have representation on the CITT; and

WHEREAS, the City is concerned with recent developments involving a proposed measure to be brought before the Board of County Commissioners which would propose to disband the CITT, or otherwise substantially alter and/or dilute the CITT's powers and authority, as originally envisioned and intended in the County's enabling legislation creating the CITT; and

WHEREAS, the Mayor and City Commission would strongly urge the Board of County Commissioners to vote against any measure, whether such measure be in the form of an ordinance repealing the CITT Ordinance, or through a proposed amendment of the Ordinance, which would substantively dilute the powers and duties of the CITT, as originally envisioned; and

WHEREAS, the Mayor and City commission would urge, in the alternative, that the County Commissioners and Miami-Dade County administrative staff move forward with facilitating and allowing the CITT to fulfill its intended purpose, and allow it to carry out its powers and duties as originally intended, and as set forth in the CITT Ordinance.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Mayor and City Commission affirms its continued support for the Citizen's Independent Transportation Trust (CITT), as adopted by the Board of County Commissioners on July 9, 2002, pursuant to Ordinance No. 02-117; and further urge the Board of County Commissioners not to disband the CITT, or otherwise take any action which would have the effect of substantially altering or diluting the powers and authority of the CITT, as originally intended and envisioned, following approval by the electorate of Miami-Dade County, Florida of the Charter County Transit System Surtax.

PASSED and **ADOPTED** this _____ day of _____, 2004.

Attest:

CITY CLERK	MAYOR

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APPROVED AS TO FORM & LANGUAGE & FOR EXECUTION

City Attorney 4-8-04 Date

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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: April 14, 2004

From: Jorge M. Gonzalez
City Manager

Subject: **REPORT ON MEMORIAL DAY WEEKEND 2004 (THURSDAY, MAY 27, 2004 – MONDAY, MAY 31, 2004)**

Similar to the City's successful planning efforts for Memorial Day Weekend 2002 and 2003, the City has begun a comprehensive and coordinated planning effort to prepare for the upcoming Memorial Day 2004 Holiday Weekend (Thursday, May 27, 2004 – Monday, May 31, 2004). Our estimates from Memorial Day 2001, 2002 and 2003 weekends are that approximately 250,000 people visited Miami Beach over the course of each of the weekends causing the City's resources to be strained. Irrespective of any events and based upon early occupancy reports, it is anticipated that this year's holiday weekend will attract at least as many people.

During Memorial Day 2003 events, Luther Campbell, on behalf of UMOJA LLC, submitted a special events application for a nighttime beach concert on Saturday and Sunday and an art/culture park festival (Friday-Sunday) in Lummus Park for Memorial Day Weekend 2003. The concert was ultimately cancelled due to inclement weather and poor attendance.

For 2004, UMOJA LLC application only contemplates the art/culture park festival (Saturday-Monday). It is important to note that the 2004 application was not submitted until March 18, 2004, much later than the prior year. Additionally, the application was not compliant due to non-payment of outstanding fees for City services extended for the 2003 Festival. Those outstanding fees were paid on April 5, 2004. In addition, this year, UMOJA LLC has planned several events including block parties and concerts that will take place in Miami, Bayfront Park and the Miami Arena. The City of Miami Beach has been in contact with the City of Miami to assure enhanced communication.

As expressed in the past to event promoters, the City advised that its resources would be fully extended during the Memorial Day weekend (a major holiday weekend) and unavailable to support any events. However, in consideration for the Miami-Dade County In-Kind Services and their initial sponsorship and ongoing collaboration in the Art/Craft Festival, coordinating local minority vendors, and the limited scope of the festival, the City continues to work with the proposed UMOJA festival. Miami-Dade County was instrumental in the success of Memorial Day 2002 and 2003 and their continued support is an integral component of the Memorial Day 2004 planning efforts.

As part of the City of Miami Beach's Major Events Plan (MEP), in November, 2003, the City submitted a request for In-Kind Services assistance to Miami-Dade County to provide enhanced public safety resources, beach maintenance and the participation of members of the County's Goodwill Ambassador Team, to assist the City of Miami Beach throughout the 2004 Memorial Day holiday weekend.

Agenda Item R9F
Date 4-14-04

On March 11, 2004, City staff appeared before the Miami-Dade County Budget and Finance Committee and on April 13, 2004, it is anticipated that the Board of County Commissioners will approve a resolution for the County to provide in-kind services estimated at a cost of $409,323.00 for Memorial Day Weekend 2004.

As in the past year, the City will be eliminating off duty assignments and deploying public safety staff on an alpha bravo shift assignment. This will be supplemented by approximately 111 Miami–Dade County Police officers and additional assistance from Florida Highway Patrol.

As was done in 2003, a closure of Ocean Drive is not contemplated this year, but must be planned for in the event crowd control issues arise. Nonetheless, the Miami Beach Police Department will implement a similar transportation plan consistent with the prior 2 years, that will restrict vehicular traffic from the east-west cross streets from 6th Street to 16th Street from 7:00 p.m. until 7:00 a.m. daily, beginning Thursday, May 27 (if needed), and definitely Friday through Tuesday morning, June 1, to limit any traffic intrusion into the residential neighborhoods.

Event Overview

Since Ocean Drive is not planned for closure to vehicular access, the art/culture festival is proposed to take place within Lummus Park between 11th – 14th Street during the daytime, mid-morning – 6:00 p.m., featuring arts and limited food vendors beginning Saturday, May 29, 2004 through Monday, May 31, 2004. Unlike the 2002 event, this event is **not** being co-sponsored by the Miami-Dade County Office of Community Relations (OCR) however, OCR is assisting in coordinating the minority vendors that will participate in the festival. The permittee will pay for all City services in connection with the permitted events.

The art/culture festival will be reviewed by the Ocean Drive Association Special Event Committee including the North Ocean Drive Residents Association at their April monthly meeting. Last year, residents urged the City to decline the application for the events "on the grounds that the location is incompatible with the residential land uses in the immediate vicinity and is therefore totally inappropriate for the neighborhood", however through a coordinated planning process, potential impacts were mitigated and the 2003 festival, itself, did not adversely effect abutting residential areas.

Transportation Plan

As stated above, the Miami Beach Police Department has developed a transportation plan that will be implemented on Thursday, May 27, 2004 (if needed) beginning at 7:00 p.m. until Tuesday, June 1, 2004 at 7:00 a.m. This plan contemplates the closure of the 100 and 200 blocks between 6th Street to 15th Street throughout the weekend. Washington Avenue and Collins Avenue will remain with two-way traffic, however, vehicular traffic will be restricted from the cross streets from 6th Street to 16th Street from 7:00 p.m. until 7:00 a.m. daily, beginning Thursday, May 27 through Tuesday morning, June 1, to limit any traffic intrusion into the residential neighborhoods. If population expectations surpass or do not materialize, the transportation plan will be altered accordingly to ensure public safety.

Parking lanes on the east side of Washington Avenue and Collins Avenue will be barricaded to allow for pedestrian overflow on the sidewalks and to keep pedestrians out of the roadway. This will require the relocation of valet operations and taxi stands that are being coordinated with the respective associations.

Additionally, the Miami Beach Transportation Management Association will provide a shuttle bus service running throughout the weekend.

Other Initiatives

In accordance with the MEP, several other initiatives continue and are ongoing including:

- Monitoring Hotel Occupancy and collaborating with the Greater Miami Convention and Visitors Bureau (GMCVB), Hotel Association of Greater Miami and the Beaches, and South Beach Hotel and Restaurant Association.
- Nightlife Advisory Task Force (NITE) coordination/communication with City staff.
- Ongoing outreach, communications and meetings with hotels, nightclubs, entertainment establishments and merchants.
- Monitor and assisting with promoter licenses.
- A meeting to be coordinated with community leaders, area chambers of commerce, residents and neighborhood associations will be scheduled in mid-May.
- Department staffing plans, including enhanced levels of service and fiscal impact, are being developed.
- Miami Beach Police enhanced staffing plan on alpha/bravo and eliminating off-duty staffing during the weekend has been authorized.
- Pre-planned coordination with City, County and State law enforcement agencies to develop an effective resource deployment allocation including provision of off-duty police for area hotel and nightclubs has been ongoing.
- Internal staff meetings have been conducted and expanded to include County beach maintenance, public safety, code compliance and transportation system staff and community stakeholders.
- Goodwill Ambassadors will be utilized and a training session will be scheduled for April-May.
- Transportation plan(s) being developed and implemented based upon population expectations including provisions for shuttle transportation in the Entertainment District to alleviate congestion.
- The Miami Beach Community Relations Board (CRB), including the Miami-Dade County CRB representatives, have been actively participating with City Staff.
- Implementing traffic counting measures to monitor and estimate visitors to the area.
- Developing a community outreach and pre-publicity campaign with media partners.

Community Outreach

Additionally, the following meetings have been held, including:

- June 6, 2003 — After Action Report for Memorial Day 2003
- November 2003 — Submittal of In-kind Application to Miami-Dade County
- December 2, 2003 — Meeting with Luther Campbell
- February 24, 2004 — MEP Internal Meeting

- March 9, 2004 — UMOJA Internal Meeting
- March 11, 2004 — NITE Meeting
- March 11, 2004 — M-D County - Budget & Finance Committee Meeting
- March 19, 2004 — Meeting with Larry Capp, Miami-Dade County
- March 24, 2004 — M-Dade County CRB Meeting
- March 30, 2004 — UMOJA and County/City CRB Internal Meeting
- April 8, 2003 at 9:00 — Miami Beach Community Relations Board
- April 13, 2004 — M-D County - Board of County Commissioners
- April 13, 2004 at 4:00 — NITE Meeting
- April 14, 2004 — Report to Miami Beach Mayor and City Commission

Pending meetings or meetings to be scheduled:

- April 15, 2004 at 10:30 — MEP – March After Action and April Events and Memorial Day
- April 20, 2004 — Ocean Drive Association Meeting-Special Events
- May 5, 2004 — Final Report to Miami Beach Mayor and City Commission
- May 7, 2004 at 8:30 — Cultural Arts Council Meeting
- May 11, 2004 at 4:00 — NITE Meeting
- May 13, 2004 at 3:30 — Transportation and Parking Committee Meeting
- TBD — Meeting with Hotel General Managers & Security
- TBD — M-D County Community Relations Board
- TBD — Miami Beach Community Relations Board
- TBD — Miami Beach Chamber of Commerce-Board of Governors
- TBD — Ocean Drive Association Meeting
- TBD — Nightclub Meeting
- TBD — Visitor's and Convention Authority Meeting
- TBD — Goodwill Ambassador Training
- TBD — Town Hall/Community Meeting

To date, and based on early indications of full occupancy in the region's hotels, the City is continuing to conduct a broad and concerted outreach effort throughout the community, as delineated above. This outreach has been coordinated with the assistance of the Nightlife Advisory Task Force, the Greater Miami and the Beaches Hotel Association, GMCVB, South Beach Restaurant and Hotel Association, Miami-Dade County and other organizations such as the Department of Justice (Community Relations Services). Additionally, a significant outreach plan through our media partners is being developed and will be implemented during the months of April and May. In May, a Community/Public meeting will be held to properly brief community leaders, the citizens and residents of the City's planning efforts. Informational notices are being prepared to be disseminated during City Committee and Board meetings and ongoing dialogue with neighboring jurisdictions will continue as part of the pre-planning effort.

The City has been effectively communicating all action plans prior to the weekend's events. While we cannot assure any major impact weekend will go without cause, the City is effectively planning and preparing its resources to assure a safe clean and successful weekend.

JMG\CMC\rar
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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: April 14, 2004

From: Jorge M. Gonzalez
City Manager

Subject: **DISCUSSION AND REVIEW OF THE PROPOSED PURCHASE OF THE PROPERTY LOCATED AT 1833 BAY ROAD, MIAMI BEACH, FLORIDA**

On January 31, 2001, the Mayor and City Commission adopted Resolution No.2001-24250 approving a Lease Agreement between the City of Miami Beach (Tenant) and Gloria Miller-Rosenthal (Landlord) for continuing the use of the property located at 1833 Bay Road, Miami Beach, Florida (the Property). The leased Property, includes the first floor (approximately 3232 square feet) currently housing the City's Parking Department Sign Division, the second floor (approximately 3232 square feet) which have been used to accommodate certain Police Department operations, and the use of the rear yard (approximately 4,000± square feet). The lease had a term of three years, commencing on February 1, 2001, and expiring on January 31, 2004.

In accordance with the direction received at the Finance and Citywide Projects Committee meeting of November 20, 2003, Police Department operations housed at the Property shall be relocated to the first floor, north wing, of Historic City Hall. Improvements to the Historic City Hall site were estimated to be completed by April 2004, which would extend beyond the termination date of the Lease Agreement. As such, and in light of the fact that the ultimate location of the Parking Department Sign Division has yet to be determined, the Administration began negotiating a month-to-month extension with the Property owner so the respective operations could remain on site until their eventual relocation.

On February 4, 2004, the Mayor and City Commission, via Resolution No. 2004-25483, approved an amendment to the Lease Agreement, authorizing the City, effective February 1, 2004, to continue to lease the Property on a month-to-month basis on the following terms and conditions:

- The City and Landlord acknowledged that the Leased Premises (which includes two floors), encompasses 6,464 square feet divided equally between the first and second floors, together with the surrounding land and parking areas.

- The City agreed to pay the Landlord, as compensation for use of the Leased Premises, the sum of Ten Thousand ($10,000) Dollars per month, plus Five Hundred ($500) Dollars per month representing an increase in real property taxes and insurance (as reported by Landlord) for the years 2001 through 2003.

- The City and/or Landlord may, at their sole discretion, without cause, terminate or discontinue the use of the first floor space or the second floor space or may terminate the entire month-to-month tenancy upon giving the other party sixty (60) days prior written notice of its intentions.

Agenda Item R9G
Date 4-14-04

- In the event that either party chooses to terminate the use of one of the two floors of the Leased Premises, then, in that event, the monthly rental shall be reduced accordingly to Five Thousand ($5,000) Dollars per month, plus Two Hundred Fifty ($250) Dollars per month for real property taxes and insurance. In addition thereto, if only one floor is being leased, the City is entitled to use only one-half of the surrounding land and parking spaces.

Option to Purchase

Due to the following conditions, the Administration deemed that it may be in the City's best interest to further consider the possibility of purchasing the property, an option already included in the current lease agreement:

- The Property is located adjacent to two (2) City-owned municipal parking lots, and combined with same may provide the City with enhanced opportunity to develop the site, either on its own or via a public/private venture.

- In the past the City has invested approximately $75,000 in improvements and upgrades to the property and the City has the opportunity to continue to take advantage of the improvements previously made.

- There are certain accessibility upgrades that would be required if the City did purchase the building.

As such, the City also negotiated an extended and more specific option to purchase which includes:

- The City reserved the right to purchase the property, for $986,000; the amount equal to the average between the Landlord's asking price of $1,050,000 and the appraised value (see attached appraisal) of $922,000;

  - within the next six (6) months; or
  - until such time as the City notifies Landlord in writing of its intention not to purchase; or
  - until such time as the Landlord enters into a binding Purchase and Sale Contract for the sale of the Property with a pre-approved and qualified third party, with the City reserving the right to match the amount of said offer and purchase the Property, whichever occurs first.
  - in the event the Landlord enters into a binding Purchase and Sale Contract for the sale of the Property with a pre-approved and qualified third party, and the City does not exercise its right to purchase the Property at that time and the Purchase and Sale is not consummated with said third party, the City's rights to purchase the Property shall continue as provided above.

Except as herein delineated, all terms and conditions of the original Lease, dated January 31, 2001, remain in full force and effect.

On March 23, 2004, the City received the attached contract for purchase and sale of the Property for $1,185,000. On April 6, 2004, the Finance and Citywide Projects Committee reviewed this item and requested the Administration to provide a cost estimate for any

improvement(s) that may be required to bring the Property into compliance with any and all applicable codes, and further referred the item for full discussion by the Miami Beach City Commission. The Administration will provide the City Commission with a preliminary cost estimate at the April 14, 2004, City Commission Meeting.

In accordance with the specifics referenced in the paragraphs above, under the heading "Option to Purchase", and given the time frame (April 15, 2004) within which the City needs to notify the Landlord of the it's intent to exercise its Option, the Administration is seeking direction regarding the possible purchase of the Property, located at 1833 Bay Road, Miami Beach, Florida.

JMG:CMC:JD:rlr

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CITY OF MIAMI BEACH

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

OFFICE ASSET MANAGEMENT/BEACHFRONT CONCESSIONS

Facsimile 305-673-7772
Telephone 305-673-7193

March 26, 2004

Edward E. Levinson, Esquire
Edward E. Levinson, PA
400 Lincoln Road, PH Southeast
Miami Beach, FL 33139

ONE (1) PAGE
SENT VIA TELEFAX:
305-538-5504

Subject: Lease Agreement (as amended) by and between Gloria Miller Rosenthal and the City of Miami Beach (City) for the Property Located at 1833 Bay Road, Miami Beach, Florida, Dated February 4, 2004

Re: Offer to Purchase 1833 Bay Rd, Miami Beach, Florida by Tamron Properties, LLC

Dear Mr. Levinson:

I am in receipt of your March 23, 2004 letter, as hand delivered by Ms. Miller Rosenthal, and greatly appreciate your promptly forwarding the above referenced Offer for Purchase for our review.

However, the ten (10) day turn-around you seek to obtain the City's response is not viable, as City policy affecting this type of transaction requires certain approvals which cannot be obtained within the timeframe you suggest.

As previously planned, this matter is scheduled to be heard by the City's Finance and Citywide Projects Committee on April 6, 2004, at which time direction will be sought from the Committee. Based on the Committee's recommendations, the matter will be forwarded, along with the Administration's recommendation on April 14, 2004, to the Mayor and City Commission for their action.

A review of the provisions of the Lease Agreement, as amended, reveals that other than the sixty (60) day termination provisions, and the City's six (6) month option to purchase term, the Agreement is silent on the turnaround time related to the exercising of the City's option to purchase. As such, I respectfully request that you permit for the aforementioned public process, and allow until April 15, 2004, for the City to respond to the referenced offer.

I thank you in advance for your consideration in this regard. If you have any questions, please do not hesitate to call me at (305) 673-7000, ext 6727.

Sincerely,

Jose Damien
Asset Manager

JD:rd

C: Christina Cuervo, Assistant City Manager
Gloria Miller Rosenthal
Harold Rosen, Esquire, Rosen & Switkes

F:\DDHP\$ALL\ASSET\1833BAY\TamronOfferFor Purchase.doc

LAW OFFICES

EDWARD E. LEVINSON, P.A.
PENTHOUSE SOUTHEAST
407 LINCOLN ROAD
MIAMI BEACH, FLORIDA 33139-3020

TELEPHONE (305) 534-6171
TELEFAX (305) 538-5504
eelpa@earthlink.net

March 23, 2004

HAND DELIVERED
City of Miami Beach
1700 Convention Center Drive
Miami Beach, FL 33139

Attention: Jose Danien, Asset Manager

Re: Lease Agreement, by and between Gloria Miller Rosenthal ("Landlord"), and the City of Miami Beach ("Tenant"), dated January 31, 2001, together with the Amendment of Lease Agreement dated February 4, 2004, in connection with the property located at 1833 Bay Road, Miami Beach, Florida

Dear Mr. Danien:

These offices represent Gloria Miller Rosenthal, the Landlord under the aforesaid Lease Agreement, as amended.

In accordance with Article 6 of the Amendment to Lease Agreement, I am delivering to you on behalf of my client a Commercial Contract covering the above property, wherein Tamron Properties, LLC., a Florida limited liability company and my client have entered into a Contract of Sale and Purchase for the purchase price of $1,185,000.00. Attached to said contract is a letter from Colonial Bank, N.A., the Buyer's lending bank, dated March 19, 2004, which confirms that the Buyer is pre-approved and is a qualified third party.

Under the aforesaid Lease Agreement, as amended, the City of Miami Beach has the right of first refusal to match the terms and conditions of said contract. Please advise the undersigned within ten (10) days of the date hereof of the City's intention either to purchase the property on the same terms and conditions of the enclosed contract, or advise that the City has waived its right of first refusal to purchase the property.

Thank you for your cooperation and courtesy in this matter.

Sincerely

EDWARD E. LEVINSON

EEL/dlm
Enclosure
cc: Mrs. Gloria Miller Rosenthal
Gendocs\letters\mis.lts

Receipt is hereby acknowledged of this letter and the Commercial Contract enclosed therein this 23rd day of March, 2004

CITY OF MIAMI BEACH

By: _____
JOSE DAMIEN, Asset Manager

[redacted]mercial Contract
[redacted] ASSOCIATION OF REALTORS®

1. PURCHASE AND SALE: **Tamron Properties LLC** ("Buyer")

agrees to buy and **Gloria Rosenthal, TR** ("Seller")

agrees to sell the property described as: Street Address:

1833 Bay Rd. Miami Beach, Fl 33139

Legal Description:

Alton Beach Realty Co AMD PL PB9-146 Lot 10 Blk 13
Folio Number 02-3233-013-0110

and the following Personal Property:

Inventory to be attached

(all collectively referred to as the "Property") on the terms and conditions set forth below. **The "Effective Date" of this Contract is the date on which the last of the Parties signs the latest offer. Time is of the essence in this Contract.** Time periods of 5 days or less will be computed without including Saturday, Sunday, or national legal holidays and any time period ending on a Saturday, Sunday or national legal holiday will be extended until 5:00 p.m. of the next business day.

2. PURCHASE PRICE: $ **1,185,000.00**

(a) Deposit held in escrow by **Royal Palm Realty Escrow** $ **1,000.00**

(b) Additional deposit to be made within **5** days from Effective Date $ **49,000.00**

(c) Total mortgages (as referenced in Paragraph 3) $ **888,750.00**

(d) Other: _____ $ _____

(e) Balance to close, subject to adjustments and prorations, to be made with cash, locally drawn certified or cashier's check or wire transfer. $ **246,250.00**

3. THIRD PARTY FINANCING: Within **5** days from Effective Date ("Application Period"), **Buyer** will, at **Buyer's** expense, apply for third party financing in the amount of $_____ or **75** % of the purchase price to be amortized over a period of _____ years and due in no less than _____ years and with a fixed interest rate not to exceed ☐ _____% per year or variable interest rate not to exceed ☐ _____% at origination with a lifetime cap not to exceed _____% from initial rate, with additional terms as follows:

current rates

Buyer will pay for the mortgagee title insurance policy and for all loan expenses. **Buyer** will timely provide any and all credit, employment, financial and other information reasonably required by any lender. **Buyer** will notify **Seller** immediately upon obtaining financing or being rejected by a lender. If **Buyer**, after diligent effort, fails to obtain a written commitment within **30** days from Effective Date ("Financing Period"), **Buyer** may cancel the Contract by giving prompt notice to **Seller** and **Buyer's** deposit(s) will be returned to **Buyer** in accordance with Paragraph 9.

Buyer (HS) (____) and **Seller** (GR) (____) acknowledge receipt of a copy of this page, which is page 1 of 5 Pages.

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4. TITLE: **Seller** has the legal capacity to and will convey marketable title to the Property by ☑ statutory warranty deed ☐ other _____, free of liens, easements and encumbrances of record or known to **Seller**, but subject to property taxes for the year of closing; covenants, restrictions and public utility easements of record; and (list any other matters to which title will be subject)

_____;

provided there exists at closing no violation of the foregoing and none of them prevents **Buyer's** intended use of the Property as **Offices, retail**.

(a) Evidence of Title: **Seller** will, at (check one) ☑ **Seller's** ☐ **Buyer's** expense and within 5 days ☐ from Effective Date ☐ prior to Closing Date ☑ from date **Buyer** meets or waives financing contingency in Paragraph 3, deliver to **Buyer** (check one)

☐ a title insurance commitment by a Florida licensed title insurer and, upon **Buyer** recording the deed, an owner's policy in the amount of the purchase price for fee simple title subject only to exceptions stated above.

☑ an abstract of title, prepared or brought current by an existing abstract firm or certified as correct by an existing firm. However, if such an abstract is not available to **Seller**, then a prior owner's title policy acceptable to the proposed insurer as a base for reissuance of coverage. The prior policy will include copies of all policy exceptions and an update in a format acceptable to **Buyer** from the policy effective date and certified to **Buyer** or **Buyer's** closing agent together with copies of all documents recited in the prior policy and in the update.

(b) Title Examination: **Buyer** will, within 15 days from receipt of the evidence of title deliver written notice to **Seller** of title defects. Title will be deemed acceptable to **Buyer** if (1) **Buyer** fails to deliver proper notice of defects or (2) **Buyer** delivers proper written notice and **Seller** cures the defects within 5 days from receipt of the notice ("Curative Period"). If the defects are cured within the Curative Period, closing will occur within 10 days from receipt by **Buyer** of notice of such curing. **Seller** may elect not to cure defects if **Seller** reasonably believes any defect cannot be cured within the Curative Period. If the defects are not cured within the Curative Period, **Buyer** will have 10 days from receipt of notice of **Seller's** inability to cure the defects to elect whether to terminate this Contract or accept title subject to existing defects and close the transaction without reduction in purchase price. The party who pays for the evidence of title will also pay related title service fees including title and abstract charges and title examination.

(c) Survey: (check applicable provisions below)

☑ **Seller** will, within 10 days from Effective Date, deliver to **Buyer** copies of prior surveys, plans, specifications, and engineering documents, if any, and the following documents relevant to this transaction: **current lease(s)**

_____, prepared for **Seller** or in **Seller's** possession, which show all currently existing structures.

☑ **Buyer** will, at ☐ **Seller's** ☑ **Buyer's** expense and within the time period allowed to deliver and examine title evidence, obtain a current certified survey of the Property from a registered surveyor. If the survey reveals encroachments on the Property or that the improvements encroach on the lands of another, ☐ **Buyer** will accept the Property with existing encroachments ☑ such encroachments will constitute a title defect to be cured within the Curative Period.

(d) Ingress and Egress: **Seller** warrants that the Property presently has ingress and egress.

(e) Possession: **Seller** will deliver possession and keys for all locks and alarms to **Buyer** at closing.

5. CLOSING DATE AND PROCEDURE: This transaction will be closed in **Miami-Dade** County, Florida on or before the _____, _____ or within 90 days from Effective Date ("Closing Date"), unless otherwise extended herein. ☐ **Seller** ☑ **Buyer** will designate the closing agent. **Buyer** and **Seller** will, within 15 days from Effective Date, deliver to Escrow Agent signed instructions which provide for closing procedure. If an institutional lender is providing purchase funds, lender requirements as to place, time of day, and closing procedures will control over any contrary provisions in this Contract.

(a) Costs: **Buyer** will pay taxes and recording fees on notes, mortgages and financing statements and recording fees for the deed. **Seller** will pay taxes on the deed and recording fees for documents needed to cure title defects. If **Seller** is obligated to discharge any encumbrance at or prior to closing and fails to do so, **Buyer** may use purchase proceeds to satisfy the encumbrances.

(b) Documents: **Seller** will provide the deed, bill of sale, mechanic's lien affidavit, assignments of leases, updated rent roll, tenant and lender estoppel letters, assignments of permits and licenses, corrective instruments and letters notifying tenants of the change in ownership/rental agent. If any tenant refuses to execute an estoppel letter, **Seller** will certify that information regarding the tenant's lease is correct. If **Seller** is a corporation, **Seller** will deliver a resolution of its Board of Directors authorizing the sale and delivery of the deed and certification by the corporate Secretary certifying the resolution and setting forth facts showing the conveyance conforms with the requirements of local law. **Seller** will transfer security deposits to **Buyer**. **Buyer** will provide the closing statement, mortgages and notes, security agreements and financing statements.

(c) Taxes, Assessments, and Prorations: The following items will be made current and prorated ☑ as of Closing Date ☐ as of _____: real estate taxes, bond and assessment payments assumed by **Buyer**, interest, rents, association dues, insurance premiums acceptable to **Buyer**, operational expenses and _____. If the amount of taxes and assessments for the current year cannot be ascertained, rates for the previous year will be used with due allowance being made for improvements and exemptions. **Seller** is aware of the following assessments affecting or potentially affecting the Property: _____. **Buyer** will be responsible for all assessments of any kind which become due and owing on or after Effective Date, unless the improvement is substantially completed as of Closing Date, in which case **Seller** will be obligated to pay the entire assessment.

(d) FIRPTA Tax Withholding: The Foreign Investment in Real Property Act ("FIRPTA") requires **Buyer** to withhold at closing a portion of the purchase proceeds for remission to the Internal Revenue Service ("I.R.S.") if **Seller** is a "foreign person" as defined by the Internal Revenue Code. The parties agree to comply with the provisions of FIRPTA and to provide, at or prior to closing, appropriate documentation to establish any applicable exemption from the withholding requirement. If withholding is required and **Buyer** does not have cash sufficient at closing to meet the withholding requirement, **Seller** will provide the necessary funds and **Buyer** will provide proof to **Seller** that such funds were properly remitted to the I.R.S.

6. ESCROW: Buyer and Seller authorize **Royal Palm Realty Escrow**
Telephone: **(305) 674-0495** Facsimile: **(305) 534-5151** Address: **4600 Royal Palm Ave**
_____ to act as "Escrow Agent" to receive funds and other items and, subject to clearance, disburse them in accordance with the terms of this Contract. Escrow Agent will deposit all funds received in ☑ a non-interest bearing escrow account ☐ an interest bearing escrow account with interest accruing to _____ with interest disbursed (check one) ☐ at closing ☐ at _____ intervals. If Escrow Agent receives conflicting demands or has a good faith doubt as to Escrow Agent's duties or liabilities under this Contract, he/she may (a) hold the subject matter of the escrow until the parties mutually agree to its disbursement or until issuance of a court order or decision of arbitrator determining the parties' rights regarding the escrow or (b) deposit the subject matter of the escrow with the clerk of the circuit court having jurisdiction over the dispute. Upon notifying the parties of such action, Escrow Agent will be released from all liability except for the duty to account for items previously delivered out of escrow. If a licensed real estate broker, Escrow Agent will comply with applicable provisions of Chapter 475, Florida Statutes. In any suit or arbitration in which Escrow Agent is made a party because of acting as agent hereunder or interpleads the subject matter of the escrow, Escrow Agent will recover reasonable attorneys' fees and costs at all levels, with such fees and costs to be paid from the escrowed funds or equivalent and charged and awarded as court or other costs in favor of the prevailing party. The parties agree that Escrow Agent will not be liable to any person for misdelivery to **Buyer** or **Seller** of escrowed items, unless the misdelivery is due to Escrow Agent's willful breach of this Contract or gross negligence.

7. PROPERTY CONDITION: **Seller** will deliver the Property to **Buyer** at the time agreed in its present "as is" condition, ordinary wear and tear excepted, and will maintain the landscaping and grounds in a comparable condition. **Seller** makes no warranties other than marketability of title. By accepting the Property "as is," **Buyer** waives all claims against **Seller** for any defects in the property. (Check **(a)** or **(b)**)

☐ **(a) As Is:** **Buyer** has inspected the Property or waives any right to inspect and accepts the Property in its "as is" condition.

☑ **(b) Due Diligence Period:** **Buyer** will, at **Buyer's** expense and within **30** days from Effective Date ("Due Diligence Period"), determine whether the Property is suitable, in **Buyer's** sole and absolute discretion, for **Buyer's** intended use and development of the Property as specified in Paragraph 4. During the Due Diligence Period, **Buyer** may conduct any tests, analyses, surveys and investigations ("Inspections") which **Buyer** deems necessary to determine to **Buyer's** satisfaction the Property's engineering, architectural, environmental properties; zoning and zoning restrictions; flood zone designation and restrictions; subdivision regulations; soil and grade; availability of access to public roads, water, and other utilities; consistency with local, state and regional growth management and comprehensive land use plans; availability of permits, government approvals and licenses; compliance with American with Disabilities Act; absence of asbestos, soil and ground water contamination; and other inspections that **Buyer** deems appropriate to determine the suitability of the Property for **Buyer's** intended use and development. **Buyer** shall deliver written notice to **Seller** prior to the expiration of the Due Diligence Period of **Buyer's** determination of whether or not the Property is acceptable. **Buyer's** failure to comply with this notice requirement shall constitute acceptance of the Property in its present "as is" condition. **Seller** grants to **Buyer**, its agents, contractors and assigns, the right to enter the Property at any time during the Due Diligence Period for the purpose of conducting Inspections; provided, however, that **Buyer**, its agents, contractors and assigns enter the Property and conduct Inspections at their own risk. **Buyer** shall indemnify and hold **Seller** harmless from losses, damages, costs, claims and expenses of any nature, including attorneys' fees at all levels, and from liability to any person, arising from the conduct of any and all inspections or any work authorized by **Buyer**. **Buyer** will not engage in any activity that could result in a mechanic's lien being filed against the Property without **Seller's** prior written consent. In the event this transaction does not close, (1) **Buyer** shall repair all damages to the Property resulting from the Inspections and return the Property to the condition it was in prior to conduct of the Inspections, and (2) **Buyer** shall, at **Buyer's** expense, release to **Seller** all reports and other work generated as a result of the Inspections. Should **Buyer** deliver timely notice that the Property is not acceptable, **Seller** agrees that **Buyer's** deposit shall be immediately returned to **Buyer** and the Contract terminated.

(c) **Walk-through Inspection: Buyer** may, on the day prior to closing or any other time mutually agreeable to the parties, conduct a final "walk-through" inspection of the Property to determine compliance with this paragraph and to ensure that all Property is on the premises.

(d) **Disclosures:**

1. Radon Gas: Radon is a naturally occurring radioactive gas that, when it has 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.

2. Energy Efficiency: Buyer may have determined the energy efficiency rating of the building, if any is located on the Real Property.

8. OPERATION OF PROPERTY DURING CONTRACT PERIOD: Seller will continue to operate the Property and any business conducted on the Property in the manner operated prior to Contract and will take no action that would adversely impact the Property, tenants, lenders or business, if any. Any changes, such as renting vacant space, that materially affect the Property or **Buyer's** intended use of the Property will be permitted ☑ only with **Buyer's** consent ☐ without **Buyer's** consent.

9. RETURN OF DEPOSIT: Unless otherwise specified in the Contract, in the event any condition of this Contract is not met and **Buyer** has timely given any required notice regarding the condition having not been met, **Buyer's** deposit will be returned in accordance with applicable Florida laws and regulations.

10. DEFAULT:

(a) In the event the sale is not closed due to any default or failure on the part of **Seller** other than failure to make the title marketable after diligent effort, **Buyer** may either (1) receive a refund of **Buyer's** deposit(s) or (2) seek specific performance. If **Buyer** elects a deposit refund, **Seller** will be liable to Broker for the full amount of the brokerage fee.

(b) In the event the sale is not closed due to any default or failure on the part of **Buyer, Seller** may either (1) retain all deposit(s) paid or agreed to be paid by **Buyer** as agreed upon liquidated damages, consideration for the execution of this Contract, and in full settlement of any claims, upon which this Contract will terminate or (2) seek specific performance. If **Seller** retains the deposit, **Seller** will pay the Listing and Cooperating Brokers named in Paragraph 12 fifty percent of all forfeited deposits retained by **Seller** (to be split equally among the Brokers) up to the full amount of the brokerage fee.

11. ATTORNEY'S FEES AND COSTS: In any claim or controversy arising out of or relating to this Contract, the prevailing party, which for purposes of this provision will include **Buyer, Seller** and Broker, will be awarded reasonable attorneys' fees, costs and expenses.

12. BROKERS: Neither **Buyer** nor **Seller** has utilized the services of, or for any other reason owes compensation to, a licensed real estate Broker other than:

(a) **Listing Broker:** **Tony Ulloa**,
who is ☑ an agent of **Keyes Company** 2.757 ☑ a transaction broker ☐ a nonrepresentative
and who will be compensated by ☑ **Seller** ☐ **Buyer** ☐ both parties pursuant to ☑ a listing agreement ☐ other (specify)

(b) **Cooperating Broker:** **Tamra Sheffman**,
who is ☑ an agent of **Royal Palm Realty** 2.757 ☑ a transaction broker ☐ a nonrepresentative
and who will be compensated by ☐ **Buyer** ☑ **Seller** ☐ both parties pursuant to ☑ an MLS or other offer of compensation to a cooperating broker ☐ other (specify)

Buyer is a licensed Real Estate Broker in the State of Florida

(collectively referred to as "Broker") in connection with any act relating to the Property, including but not limited to inquiries, introductions, consultations and negotiations resulting in this transaction. **Seller** and **Buyer** agree to indemnify and hold Broker harmless from and against losses, damages, costs and expenses of any kind, including reasonable attorneys' fees at all levels, and from liability to any person, arising from (1) compensation claimed which is inconsistent with the representation in this Paragraph, (2) enforcement action to collect a brokerage fee pursuant to Paragraph 10, (3) any duty accepted by Broker at the request of **Buyer** or **Seller**, which duty is beyond the scope of services regulated by Chapter 475, F.S., as amended, or (4) recommendations of or services provided and expenses incurred by any third party whom Broker refers, recommends or retains for or on behalf of **Buyer** or **Seller**.

13. ASSIGNABILITY; PERSONS BOUND: This Contract may be assigned to a related entity, and otherwise ☐ is not assignable ☑ is assignable. The terms "**Buyer**," "**Seller**" and "Broker" may be singular or plural. This Contract is binding upon **Buyer, Seller** and their heirs, personal representatives, successors and assigns (if assignment is permitted).

14. OPTIONAL CLAUSES: (Check if any of the following clauses are applicable and are attached as an addendum to this Contract):

- ☐ Arbitration
- ☑ Section 1031 Exchange
- ☐ Property Inspection and Repair
- ☐ Seller Representations
- ☐ Seller Warranty
- ☐ Coastal Construction Control Line
- ☐ Flood Area Hazard Zone
- ☐ Seller Financing
- ☐ Existing Mortgage
- ☑ Other **Buyer licensed Real EstateBroke**
- ☑ Other **Subject to tenant right of refusal**
- ☑ Other **Subject to review of leases**

15. MISCELLANEOUS: The terms of this Contract constitute the entire agreement between **Buyer** and **Seller**. Modifications of this Contract will not be binding unless in writing, signed and delivered by the party to be bound. Signatures, initials, documents referenced in this Contract, counterparts and written modifications communicated electronically or on paper will be acceptable for all purposes, including delivery, and will be binding. Handwritten or typewritten terms inserted in or attached to this Contract prevail over preprinted terms. If any provision of this Contract is or becomes invalid or unenforceable, all remaining provisions will continue to be fully effective. This Contract will be construed under Florida law and will not be recorded in any public records. Delivery of any written notice to any party's agent will be deemed delivery to that party.

THIS IS INTENDED TO BE A LEGALLY BINDING CONTRACT. IF NOT FULLY UNDERSTOOD, SEEK THE ADVICE OF AN ATTORNEY PRIOR TO SIGNING. BROKER ADVISES BUYER AND SELLER TO VERIFY ALL FACTS AND REPRESENTATIONS THAT ARE IMPORTANT TO THEM AND TO CONSULT AN APPROPRIATE PROFESSIONAL FOR LEGAL ADVICE (FOR EXAMPLE, INTERPRETING CONTRACTS, DETERMINING THE EFFECT OF LAWS ON THE PROPERTY AND TRANSACTION, STATUS OF TITLE, FOREIGN INVESTOR REPORTING REQUIREMENTS, ETC.) AND FOR TAX, PROPERTY CONDITION, ENVIRONMENTAL AND OTHER SPECIALIZED ADVICE. BUYER ACKNOWLEDGES THAT BROKER DOES NOT OCCUPY THE PROPERTY AND THAT ALL REPRESENTATIONS (ORAL, WRITTEN OR OTHERWISE) BY BROKER ARE BASED ON SELLER REPRESENTATIONS OR PUBLIC RECORDS UNLESS BROKER INDICATES PERSONAL VERIFICATION OF THE REPRESENTATION. BUYER AGREES TO RELY SOLELY ON SELLER, PROFESSIONAL INSPECTORS AND GOVERNMENTAL AGENCIES FOR VERIFICATION OF THE PROPERTY CONDITION, SQUARE FOOTAGE AND FACTS THAT MATERIALLY AFFECT PROPERTY VALUE.

DEPOSIT RECEIPT: Deposit of $ **1.000.00** by ☑ _____ check ☐ other _____ received on _____, _____ by _____

Signature of Escrow Agent

OFFER: **Buyer** offers to purchase the Property on the above terms and conditions. Unless acceptance is signed by **Seller** and a signed copy delivered to **Buyer** or **Buyer's** agent no later than _____ ☐ a.m. ☐ p.m. on _____, _____, **Buyer** may revoke this offer and receive a refund of all deposits.

Date: 3/22/04 **BUYER:** _____ Tax ID No: **650-94-5192**

Title: **for Tamron Properties** Telephone: **(305) 674-0495** Facsimile: _____

Address: _____

Date: _____ **BUYER:** _____ Tax ID No: _____

Title: _____ Telephone: _____ Facsimile: _____

Address: _____

ACCEPTANCE: **Seller** accepts **Buyer's** offer and agrees to sell the Property on the above terms and conditions (☐ subject to the attached counter offer).

Date: 3/22/04 **SELLER:** Gloria Rosenthal Tax ID No: _____

Title: GLORIA ROSENTHAL Telephone: 561 368 7148 Facsimile: _____

Address: _____

Date: _____ **SELLER:** _____ Tax ID No: _____

Title: _____ Telephone: _____ Facsimile: _____

Address: _____

Buyer (GR) (____) and **Seller** (GR) (____) acknowledge receipt of a copy of this page, which is page 5 of 5 Pages.

The Florida Association of REALTORS makes no representation as to the legal validity or adequacy of any provision of this form in any specific transaction. This standardized form should not be used in complex transactions or with extensive riders or additions. This form is available for use by the entire real estate industry and is not intended to identify the user as a REALTOR. REALTOR is a registered collective membership mark which may be used only by real estate licensees who are members of the NATIONAL ASSOCIATION OF REALTORS and who subscribe to its Code of Ethics.
The copyright laws of the United States (17 U.S. Code) forbid the unauthorized reproduction of this form by any means including facsimile or computerized forms.

COLONIAL BANK, N.A.

Member FDIC

Via Fax (305) 534-5151

March 19, 2004

Ms. Tamra Sheffman
Tamron Properties, LLC
4600 Royal Palm Ave
Miami Beach, Fl 33140

Re: 1833 Bay Road
Miami Beach, Florida 33139

Dear Tamra:

This letter constitutes a preliminary letter of commitment by Colonial Bank ("bank") to extend a loan to you and your group (hereafter referred to as "borrower"). A formal commitment will be prepared upon acceptance by your Group of the following terms and conditions:

The general terms and conditions of the loan would be as follows:

Purpose:	Purchase captioned property
Loan amount:	$948,000
Interest Rate:	1 to 5Yr SWAP Rate (rate adjusted at closing)
Term:	10 years (adjusting according to the selected SWAP Rate)
Commitment fee:	½%
Personal Guarantors:	Tamra Sheffman
Collateral:	1833 Bay Road, Miami Beach, Florida 33139

Additional Requirement: Operating account to be maintained at Colonial Bank.

This letter is subject to the following:

1. Receipt and satisfactory review of documentation required by bank or its counsel for closing of loan.
2. Final approval by Colonial Bank's loan committee
3. Execution of loan commitment, which will contain other requirements.
4. Normal and customary closing conditions including, but not limited to, payment by borrowers of all legal fees and costs for preparation and legal review of the closing documents and administration of the loan closing.

An Affiliate of The Colonial BancGroup, Inc.
P.O. Box 310367, Miami, Florida 33231-0367
www.colonialbank.com

This preliminary commitment letter is presented for discussion purposes to express our sincere interest in providing this financing and to detail our mutual understanding. If the above terms are acceptable please acknowledge by signing below and forwarding with your check in the amount of **$1,000** representing the application fee. This fee will be credited towards your closing costs.

Since your loan requires an urgent closing, the file needs to be assigned to an attorney for loan documentation immediately.

Sincerely,

Lina Macki
Sr. Vice President
Commercial Lending Department

/ra

2001-25483

AMENDMENT TO LEASE AGREEMENT

This Amendment to the Lease Agreement, dated January 31, 2001, for the use of the property located at 1833 Bay Road, Miami Beach, Florida (Property) by and between the City of Miami Beach (Tenant) and Gloria Miller-Rosenthal (Landlord) is entered into this 4th day of February, 2004.

WITNESSETH

WHEREAS, on January 31, 2001, Gloria Miller-Rosenthal (Landlord) and the City of Miami Beach (Tenant) entered into a Lease Agreement for the use of the property located at 1833 Bay Road, Miami Beach, Florida (the Property) to house certain City of Miami Beach Police Department Operations and the Parking Department Sign Division; and

WHEREAS, the Lease Agreement has a term of three years, commencing on February 1, 2001, and expiring at midnight on January 31, 2004; and

WHEREAS, the City as Tenant is desirous of remaining on the Property, on a month-to-month basis, until such time as improvements to alternate City-owned facilities are completed to relocate its respective operations; and

WHEREAS, it is estimated that said improvements and relocation schedule extend beyond the termination date of the Lease Agreement; and

WHEREAS, in light of the foregoing, the Landlord and Tenant have mutually agreed to extend the term of the lease on a month-to-month basis to allow for the aforementioned improvements to be completed and allow adequate time for Tenant to relocate its respective operations, in accordance with the terms and conditions outlined herein.

NOW, THEREFORE, the Lease Agreement is hereby amended as follows:

The Tenant agrees that it will continue its lease effective February 1, 2004, on a month-to-month basis subject to the following terms and conditions:

1) The Tenant and Landlord acknowledge that the Leased Premises, which contains two floors, contains 6,464 square feet divided equally between the first and second floors, together with the surrounding land and parking areas.

2) The Tenant agrees to pay the Landlord, as compensation for use of the Leased Premises, the sum of Ten Thousand ($10,000) Dollars per month, plus Five Hundred ($500) Dollars per month which represents the increase in real property taxes and insurance (as reported by Landlord) for the years 2001 through 2003.

3) The Tenant and/or Landlord may, at their sole discretion, without cause, terminate or discontinue the use of the first floor space or the second floor space or may terminate the entire month-to-month tenancy upon giving the other party sixty (60) days prior written notice of its intentions.

4) In the event that either party chooses to terminate one of the two floors of the Leased Premises, then, in that event, the monthly rental shall be reduced

accordingly to Five Thousand ($5,000) Dollars per month, plus Two Hundred Fifty ($250) Dollars per month for real property taxes and insurance. In addition thereto, if only one floor is being leased, the Tenant shall be entitled to use only one-half of the surrounding land and parking spaces.

5) Subject to the provisions of Paragraph 6, the Tenant is granted the right to purchase the Property, for $986,000, 1) within the next six (6) months; or 2) until such time as the Tenant notifies Landlord in writing of its intention not to purchase, whichever occurs first.

6) In the event the Landlord enters into a binding Purchase and Sale Contract for the sale of the Property with a pre-approved and qualified third party within the above option period, the Tenant is granted the right to match the amount proposed in such binding Contract and terms and conditions thereof and purchase the Property for such price and under such terms and conditions. If the Tenant does not exercise its right to purchase the Property at that time and the Purchase and Sale is not consummated with said third party, the Tenant's rights to purchase the Property shall continue as provided in 5.1 and 5.2 above.

7) Upon the Tenant's vacation of the Property, whether it vacates one floor at a time or both simultaneously, each floor will be redelivered to Landlord in the same condition same were leased, ordinary wear and tear excepted.

8) Unless specifically amended herein, all other terms and conditions of the Lease Agreement, dated January 31, 2001, between the Landlord and Tenant shall remain in full force and effect. In the event there is a conflict between the provisions provided herein and the Lease Agreement, the provisions of this Amendment to the Lease Agreement shall govern.

IN WITNESS WHEREOF, the parties hereto have caused this First Amendment to the Lease Agreement to be executed by their duly authorized officials on the day first above indicated.

ATTEST:

CITY CLERK

CITY OF MIAMI BEACH, FLORIDA
(TENANT)

MAYOR

GLORIA MILLER-ROSENTHAL
(LANDLORD)

WITNESS

JMG:CMC:JD:rd

T:\AGENDA\2004\Feb0404\Consent\1833BAYAMDAGR.Revised.doc

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

City Attorney 2-4-03
Date

C: CMC
J Gomez
Lilia

CITY OF MIAMI BEACH
OFFICE OF THE MAYOR & COMMISSION
MEMORANDUM

TO: JORGE M. GONZALEZ
CITY MANAGER

FROM: SIMON CRUZ
COMMISSIONER

DATE: APRIL 8, 2004

RE: AGENDA ITEM

I am concerned with the pace of redevelopment in the area of 17th Street to 12th Street and Alton Road to Bay Drive. I would like a commission discussion to take place with the Planning Department to determine the proper zoning for the area.

SC/ml

Agenda Item R9H
Date 4-14-04

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RECEIVED
04 APR -8 PM 5:01
CITY MANAGER'S OFFICE

CITY OF MIAMI BEACH
OFFICE OF THE MAYOR & COMMISSION
MEMORANDUM

TO: JORGE M. GONZALEZ
CITY MANAGER

FROM: LUIS R. GARCIA JR.
COMMISSIONER

DATE: APRIL 8, 2004

RE: AGENDA ITEM

Please place on the April 14, 2004 agenda a resolution supporting Representative Robaina's Condominium Bill of Rights currently in Tallahassee.

The City's Legal department is currently working on the body of the legislation.

Thank you.

Agenda Item R9I
Date 4-14-04

RESOLUTION TO BE SUBMITTED

JGG
CMC

CITY OF MIAMI BEACH
OFFICE OF THE MAYOR & COMMISSION
MEMORANDUM

04 APR -9 AM 11:30

TO: Jorge M. Gonzalez
City Manager

FROM: Saul Gross
Commissioner

Saul

DATE: April 9, 2004

RE: Agenda Item – Controlling Major Projects

Please place on the April 14th Commission Agenda a discussion regarding the attached memo titled Controlling Major Projects.

SG/ma

Agenda Item R9J
Date 4-14-04

CITY OF MIAMI BEACH
OFFICE OF THE MAYOR & COMMISSION
MEMORANDUM

TO: **Jorge M. Gonzalez**
City Manager

FROM: **Saul Gross**
Commissioner

DATE: **April 9, 2004**

RE: **Controlling Major Projects**

We are now in the process of reviewing our City's Comprehensive Plan. Therefore, I believe that now is the appropriate time to come to grips with the inadequate way that our Concurrency ordinance deals with Major Projects. All of our residents are acutely aware of the fact that the Major Projects built over the last five years have overburdened our City's infrastructure. Yet, Major Projects are allowed to proceed by paying a relatively small concurrency fee. The entire process must be changed.

The Planning Board met on September 30, 2003 to begin to look at possible modifications to the Concurrency ordinance. They directed the Planning Department to look at how other municipalities handle Major Projects and to report back. It has been over six months since that meeting and there has been no report sent back to the Planning Board or to the Commission.

The Concurrency Task Force made a series of recommendations over three months ago and the administration has not forwarded those recommendations to the Planning Board or to the Commission.

We can no longer continue to put this issue on the back burner. We need to deal with it now.

I would like the Commission to take action to prevent Major Projects from moving forward when concurrency cannot be met.

The Planning Department, the Planning Board and the Concurrency Task Force all need to be involved and the discussion should proceed in parallel with the modification of the Comprehensive Plan.

SG/ma

Reports
And
Informational Items

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: April 14, 2004

From: Jorge M. Gonzalez
City Manager

Subject: **PARKING STATUS REPORT**

I. BOAT SHOW 2004 REPORT

The Parking Department attended parking lots, park and ride locations, and garages earned total gross revenues of $202,860.00 for the Boat Show this year. Gross revenues from Convention Center area parking was $147,559.00 and the attended park and ride lots was $55,301.00. Exhibit space and meter rentals for both the NMMA Boat Show and the Brokerage Yacht Show was $97,050.00. Total gross revenues amounted to $299,910.00 and when sales tax is netted out this figure becomes $280,289.00; an increase of $23,522.00 from last year.

Expenses for operations (parking attended labor and security personnel), shuttle bus rental, printed maps and media and additional lot and facility housekeeping totaled $92,771.00, resulting in net income of $187,518.00, an increase of $9,108.00 from last year.

II. PARKING DEPARTMENT FINANCIAL REPORTS - FEBRUARY 2004

EXECUTIVE SUMMARY

The following comments serve to preface attended parking facilities (garages and lots) performance for the month of February 2004. In February 2004, gross revenues at attended facilities (garage and lots) increased by 31.40% as compared to the prior year's period. A major contributing factor to this increase is the addition of the Anchor Garage. Had this facility not been included, gross revenues would have increased 5.93% or $42,840.24.

During the month of February 2004, the Parking Department's attended locations earned a net profit of $682,572.22. This is an increase in net profit of $174,897.93 or 34.45% as compared to the same period in the prior year.

Agenda Item A
Date 4-14-04

A) 17th Street Municipal Parking Garage: February 2004

During the month of February 2004, the 17th Street Garage had net revenues of $270,117.03. Net revenues are total revenues collected, minus sales tax, and are comprised of facility-specific access-card revenues of $53,760.00, transient parking revenues of $210,057.03, and valet rental fees of $6,300.00. Net revenues increased from $263,681.53 in 2003, to $270,117.03 in 2004; a 2.44% increase in net revenues.

After subtracting operating expenses of $84,946.21 the facility had a net profit for the month in the amount of $185,170.82. This represents a decrease in net profit for the facility in the amount of $916.67 or .49% when compared to the same period in the previous year.

B) 7th Street Municipal Parking Garage: February 2004

During the month of February 2004, the 7th Street Municipal Parking Garage had net revenues of $178,671.96. Net revenues are total revenues collected, minus sales tax, and are comprised of facility-specific access-card revenues of $13,800.00 and transient parking revenues of $164,871.96. When compared to the same month in the prior year (February 2003), net revenues increased from $166,983.76 in 2003, to $178,671.96 in 2004; a 7.00% increase in net revenues. After subtracting operating expenses of $50,496.66 and debt service of $59,500.00 the facility had a net profit for the month in the amount of $68,675.30. This is an increase in net profit of $10,141.29 or 17.33% as compared to the same period in the previous year, 2003. This increase is primarily attributable to an increase in transient parking revenues of $11,013.20.

The 7th Street Garage served a total of 38,186 parkers in the month of February, 2004.

C) 5-A Municipal Surface Parking Lots (Washington Avenue to Pennsylvania and 17th Street): February 2004

During the month of February 2004, the 5-A Surface Lots had net revenues of $173,491.80. Net revenues are comprised of facility-specific access-card revenues of $15,660.00 and transient parking revenues of $157,831.80. When compared to the same period in the prior year (February 2003), net revenues increased from $156,292.51 in 2003, to $173,491.80 in 2004; representing an 11.00% increase in net revenues. After subtracting operating expenses of $27,609.19, the facility had a net profit for the month in the amount of $145,882.61. This is an increase in net profit of $16,109.30 or 12.41% from February 2003. This increase is primarily attributable to an increase in transient parking revenues of $18,039.29. The 5-A Municipal Surface Parking Lot served a total of 40,416 parkers in the month of February, 2004.

D) 12th Street Municipal Parking Garage: February 2004

During the month of February 2004, the 12th Street Garage had net revenues of $34,168.03. Net revenues are comprised of facility-specific monthly parking revenues of

$4,740.00 and transient parking revenues of $29,428.03. When compared to the same month in the prior year (February 2003), net revenues increased from $33,007.39 in 2003, to $34,168.03 in 2004; a 3.52% increase in net revenues. After subtracting operating expenses of $19,248.96 the facility had a net profit for the month in the amount of $14,919.07. This is a decrease in net profit of $1,184.88 or 7.36%. This decrease is primarily attributable to an increase in security personnel expense of $2,139.88 that was partially offset by an increase in transient parking revenues of $1,340.64. The 12th Street Garage served a total of 4,904 parkers in the month of February 2004.

E) <u>13th Street Municipal Parking Garage: February 2004</u>

During the month of February 2004, the 13th Street Garage had net revenues of $62,372.55. Net revenues are comprised of facility-specific monthly parking permit revenues of $8,580.00 and transient parking revenues of $53,792.55. Compared to the same month in the prior year (2003), net revenues increased from $60,822.14 in 2003, to $62,372.55 in 2004; representing a 2.55% increase in net revenues. After subtracting operating expenses of $29,794.51, the facility had a net profit for the month in the amount of $32,578.04. This is an increase in net profit of $679.28 or 2.13% from February 2003. The 13th Street Garage served a total of 9,950 parkers in the month of February 2004.

F) <u>16th Street-Anchor Parking Garage : February 2004</u>

July 2003 was the first full month of operation of this facility by the City of Miami Beach Parking Department. During the month of February, 2004, the 16th Street Garage had net revenues of $183,845.52. Net revenues are comprised of facility-specific monthly parking revenues of $28,100.00, transient parking revenues of $118,038.51, and valet rental fees of $37,707.01. After subtracting operating expenses of $35,953.04 the facility had a net profit for the month in the amount of $147,892.48. The 16th Street Garage served a total of 26,919 parkers in the month of February, 2004.

G) <u>42nd Street Municipal Parking Garage: February 2004</u>

During the month of February, 2004, the 42nd Street Garage had net revenues of $46,006.37. Net revenues are comprised of facility-specific monthly parking revenues of $35,040.00 and transient parking revenues of $10,966.37. Compared to the same month in the prior year, 2003, net revenues increased from $41,200.17 in 2003, to $46,006.37 in 2004; representing an 11.67% increase in net revenues. After subtracting operating expenses of $18,052.47 the facility had a net profit for the month in the amount of $27,953.90. The 42nd Street Garage served a total of 16,019 parkers in the month of February, 2004.

H) <u>Electronic Parking Meter Revenue Comparison: February 2004</u>

This statement compares parking meter revenue collected in February 2004, with revenue collected in February 2003. When comparing revenues for February 2004 in the amount of $771,581.26 to revenues for February 2003 in the amount of $803,448.01, the report

reflects a decrease of $31,866.75 or 3.97% 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 February 2004 decal and permit revenue increased by $2,483.84 and meter rental revenue (valet, construction, and special events) increased $8,589.16. The combined total revenue produced at meters for the month of February 2004 was $782,654.26. This reflects a decrease from the previous year in the amount of $20,793.75 or 2.59%.

I) Parking and Transportation Smart Card Sales: February 2004

In the month of February 2004, the Parking Department sold 3,619 Parking Meter Cards to merchants, vendors, hoteliers, and the public, for revenues in the amount of $87,077.50.

J) Hotel Hangtag Sales: February 2004

In the month of February 2004, the Parking Department sold 2,700 hotel hangtags to hoteliers in the amount of $16,200.00.

K) Multi-Space Parking Meter Pilot Program: February 2004

Schlumberger-Sema, at no cost to the City, has provided six (6) multi-space parking meters on an experimental basis for an on-street (Ocean Drive) and off-street (777-17th Street Lot) application. Both applications are configured in a "pay-and-display" mode. Upon receipt of payment, the multi-space meter issues a receipt that is displayed on the vehicles' dashboard. The multi-space meters were installed in February 2003. The following is the average dollar amount collected per meter per day of operation:

Ocean Drive
(47 spaces)

February 2003	February 2004	Increase (Decrease)	Year to Date 2002/2003	Year to Date 2003/2004	Increase (Decrease)
$10.26	$9.92	(3.31%)	$8.31	$10.51	26.47%

777 17th Street
(27 spaces)

February 2003	February 2004	Increase (Decrease)	Year to Date 2002/2003	Year to Date 2003/2004	Increase (Decrease)
$4.24	$3.91	(7.78%)	$2.85	$3.17	11.23%

Method of Payment Distribution Year to Date for All Collections

Currency	**67.38%**
Coin	**22.06%**
Credit Card	**10.56%**
Total	**100.00%**

JMG/CMC/SF

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City of Miami Beach
Parking Department
2004 Boat Show

	2004 Feb 12-17	2003 Feb 13-18	Increase (Decrease)
REVENUE			
Attended Locations			
Convention Center Area Facilities	147,559	129,460	18,099
Park and Ride Area Facilities	55,301	50,971	4,330
Sub-Total	**$202,860**	**$180,431**	**$22,429**
Meter/Space Rentals			
NMMA - Boat Show	77,898	75,920	1,978
Yacht Brokerage	19,152	18,390	762
Sub-Total	**$97,050**	**$94,310**	**$2,740**
Total Revenue	**$299,910**	**$274,741**	**$25,169**
Revenue Net of Sales tax	**$280,289**	**$256,767**	**$23,522**
EXPENSES			
Off-Street Division			
CMB Supervision	3,364	2,758	606
Attendant Labor	44,512	39,194	5,318
Janitorial Service	1,634	1,345	289
Security	1,887	2,346	(459)
Boat Show Flyer	2,600	2,600	0
Shuttle Bus Rental	20,370	20,370	0
Sub-Total	**$74,367**	**$68,613**	**5,754**
On-Street Division			
Enforcement Labor - Overtime	12,086	9,744	2,342
Maintenance Labor - Overtime	6,318	0	6,318
Sub-Total	**$18,404**	**$9,744**	**$8,660**
Total Expenses	**$92,771**	**$78,357**	**$14,414**
Net Income	**$187,518**	**$178,410**	**$9,108**

City of Miami Beach
Parking Department
2004 Boat Show
Revenue Comparison by Location

	2004 Feb 12-17	2003 Feb 13-18	Increase (Decrease)
ATTENDED LOCATIONS			
Convention Center Area Facilities			
2G - 17th St. Garage	$83,151	$73,875	$9,276
5AE - 17th St. Lot	30,642	26,347	4,295
5AW - 17th St. Lot	32,476	27,178	5,298
5F - 18th St. & Meridian Ave.	1,290	2,060	(770)
Sub-Total	**$147,559**	**$129,460**	**$18,099**
Attended Park & Ride Faciliites			
9B-72nd St. & Collins Ave	2,358	4,053	(1,695)
26A-80th St. & Collins Ave	170	44	126
8A - 42nd St. Garage	6,823	4,024	2,799
6B - 21st St. & Collins Ave. Lot	6,011	3,010	3,001
16D - 34th St. & Collins Ave. Lot	1,200	1,610	(410)
16E - 35th St. & Collins Ave. Lot	1,410	1,445	(35)
19X - 46th St. & Collins Ave. Lot	22,610	22,480	130
19B - 53rd St. & Collins Ave. Lot	8,808	8,240	568
18A - 64th St. & Collins Ave. Lot	2,095	1,710	385
5M-777 17th Street	1,350	1,910	(560)
20X-27th St. & Collins Avel Lot	2,466	2,445	21
Sub-Total	**$55,301**	**$50,971**	**$4,330**
TOTAL	**$202,860**	**$180,431**	**$22,429**

City of Miami Beach
Parking Department
2004 Boat Show
Shuttle Ridership

2004	2003	Variance	Percentage
8,043	4,416	3,627	82.13%

CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH FLORIDA 33139

OFFICE OF THE CITY MANAGER

TELEPHONE: (305) 673-7010
FAX: (305) 673-7782

To: All Hoteliers and Guests

Date: February 1, 2004

From: Jorge M. Gonzalez
City Manager

Subject: FREE CONTINUOUS SHUTTLE SERVICE TO THE MIAMI BEACH CONVENTION CENTER, MIAMI INTERNATIONAL BOAT SHOW AND YACHT & BROKERAGE SHOW

To provide a safe and pleasant visit to the City of Miami Beach, we encourage you to the use the **free** continuous shuttle service that is available to all hotel guests and remote parkers. The Boat Show's Shuttle service will be available for all Boat Show days: Thursday, February 12th through Tuesday, February 17th.

There are **16 (sixteen) convenient stops** along Collins Avenue providing continuous shuttle service to both the Miami International Boat Show at the Miami Beach Convention Center, and the Yacht & Brokerage Show along the Indian Creek/Collins Avenue waterway. Please refer to the map on the reverse side for shuttle stops.

The shuttle will operate one hour prior and one hour after Boat Show hours for that day. The Boat Show and Shuttle hours and dates are as follows:

Dates	Boat Show Hours	Shuttle Hours
February 12	10:00 AM to 6:00 PM	9:00 AM to 7:00 PM
February 13-16	10:00 AM to 8:00 PM	9:00 AM to 9:00 PM
February 17	10:00 AM to 6:00 PM	9:00 AM to 7:00 PM

Additional shuttle service will be available for the duration of the show, please refer to the map (on the reverse side) for all City of Miami Beach Park & Ride locations:

NMMA Boat Show will operate a continuous shuttle among all three (3) show locations, the Miami Beach Convention Center, Sealine Marina and Yachting Center (Omni Parking Garage) and Miamarina at Bayside.

The Yacht & Brokerage Show will operate shuttles from Municipal Parking Lots located on Collins Avenue at 64th Street, 72nd Street, 79th Street, 83rd Street, and 84th Streets, to the Yacht & Brokerage Show on Collins Avenue, continuing to the NMMA Boat Show at the Convention Center (through Monday, February 16, 2004).

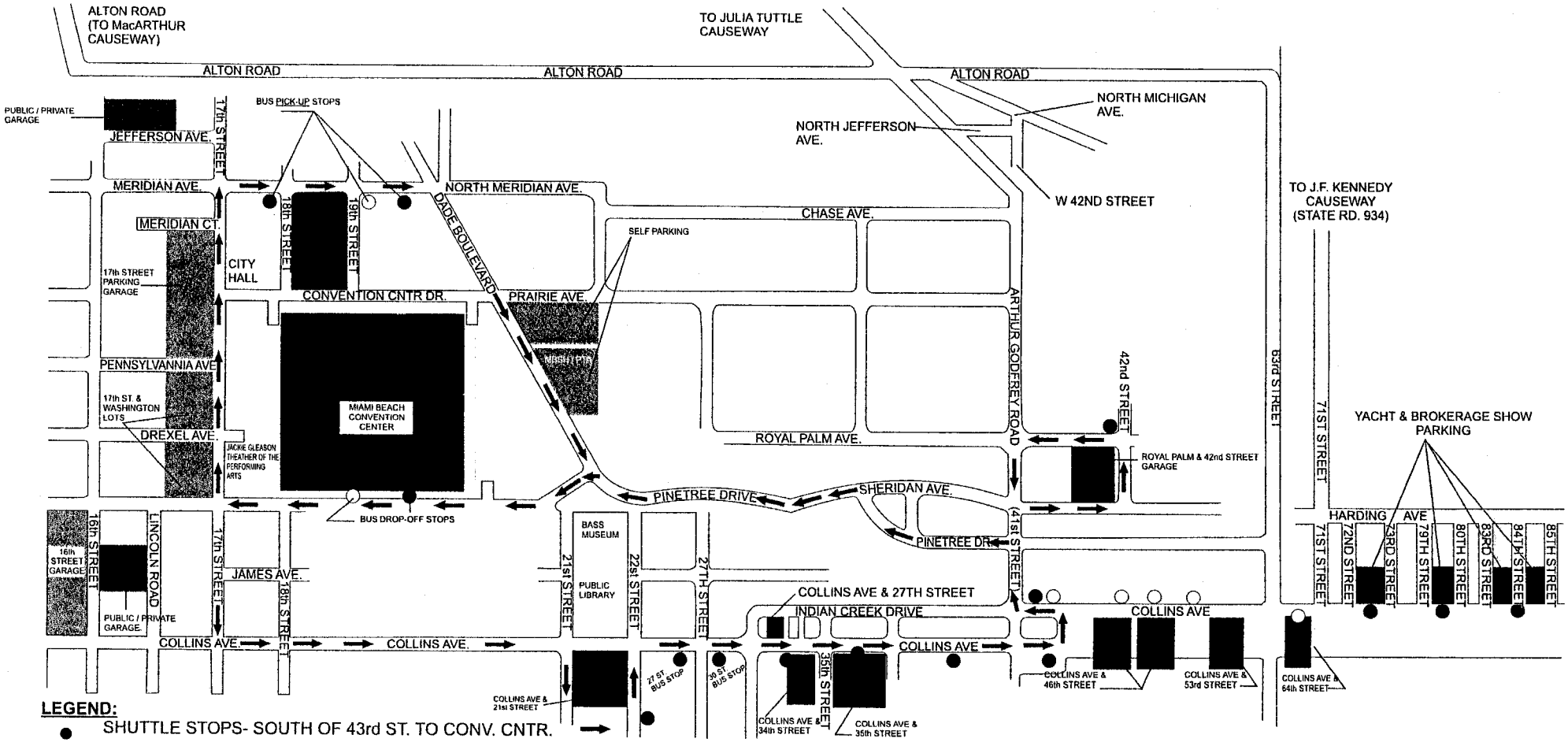
The newly renovated City of Miami Beach 42nd Street Garage, (see map), will be available for parking and shuttle service to the Convention Center, February 14-16, 2004.

We hope that your stay in Miami Beach is enjoyable, and the transportation alternative is convenient for you. If you should have any problems, please call the ***Miami Beach Tourist Hotline at 673-7400.***

F:\PING\$ALL\SAUL\EVENTS\BSHOW03.MEM

BOAT SHOW PARKING AND "PARK & RIDE" SYSTEM

FREE SHUTTLE SERVICE RUNS CONTINUOUSLY
ONE (1) HOUR BEFORE SHOW AND STOPPING ONE (1) HOUR AFTER SHOW



LEGEND:

- SHUTTLE STOPS- SOUTH OF 43rd ST. TO CONV. CNTR.
- SHUTTLE STOPS- NORTH OF 43rd ST. TO CONV. CNTR.
- SHUTTLE STOPS- YACHT & BROKERAGE SHOW EXPRESSLINE
- GARAGES AND LOTS
- PARK & RIDE LOTS

21 ST. & COLLINS AVE.
27 ST. & COLLINS AVE.
34 ST. & COLLINS AVE.
35 ST. & COLLINS AVE.
46 ST. & COLLINS AVE.
53 ST. & COLLINS AVE.
64 ST. & COLLINS AVE.
ROYAL PALM & 42ND STREET (GARAGE)*OPEN FEBRUARY 14 - 16, 2004

ADDITIONAL PARKING
7 ST. & COLLINS AVE.
12 ST. & WASHINGTON AVE.
13 ST. & COLLINS AVE.
16 ST. & COLLINS AVE.

PUBLIC / PRIVATE PARKING GARAGES
10 ST. & COLLINS AVE.
16 ST. & COLLINS AVE.
17 ST. & JEFFERSON

BUS STOPS ONLY
30 ST. & COLLINS AVE.
38 ST. & COLLINS AVE.
43 ST. & COLLINS AVE.
42 ST. & INDIAN CREEK

2004 MIAMI INTERNATIONAL BOAT SHOW
YACHT & BROKERAGE SHOW
PARKING AND PARK & RIDE SHUTTLES

CITY OF MIAMI BEACH
PARKING SYSTEM

NOTE: MAP NOT TO SCALE

CITY OF MIAMI BEACH
PARKING DEPARTMENT
FINANCIAL REPORT SUMMARY

LOCATION	Revenue 2003 February	Revenue 2004 February	Revenue Increase/ (Decrease)	Revenue Percent of Increase/ (Decrease)	Expenses 2003 February	Expenses 2004 February	Expenses Increase/ (Decrease)	Expenses Percent of Increase/ (Decrease)	Profit/(Loss) 2003 February	Profit/(Loss) 2004 February	Profit/(Loss) Increase/ (Decrease)	Profit/(Loss) Percent of Increase/ (Decrease)
17 St. Garage	263,681.53	270,117.03	**6,435.50**	**2.44%**	77,594.04	84,946.21	**7,352.17**	**9.48%**	186,087.49	185,170.82	**(916.67)**	**-0.49%**
7th St. Garage	166,983.76	178,671.96	**11,688.20**	**7.00%**	48,949.75	50,496.66	**1,546.91**	**3.16%**	118,034.01	128,175.30	**10,141.29**	**8.59%**
17th St. Lots	156,292.51	173,491.80	**17,199.29**	**11.00%**	26,519.20	27,609.19	**1,089.99**	**4.11%**	129,773.31	145,882.61	**16,109.30**	**12.41%**
12th St. Garage	33,007.39	34,168.03	**1,160.64**	**3.52%**	16,903.44	19,248.96	**2,345.52**	**13.88%**	16,103.95	14,919.07	**(1,184.88)**	**-7.36%**
13th St. Garage	60,822.14	62,372.55	**1,550.41**	**2.55%**	28,923.38	29,794.51	**871.13**	**3.01%**	31,898.76	32,578.04	**679.28**	**2.13%**
42nd St. Garage	41,200.17	46,006.37	**4,806.20**	**11.67%**	15,423.40	18,052.47	**2,629.07**	**17.05%**	25,776.77	27,953.90	**2,177.13**	**8.45%**
16th St. - Anchor	0.00	183,845.52	**183,845.52**	**#DIV/0!**	0.00	35,953.04	**35,953.04**	**#DIV/0!**	0.00	147,892.48	**147,892.48**	**#DIV/0!**
Totals	**721,987.50**	**948,673.26**	**226,685.76**	**31.40%**	**214,313.21**	**266,101.04**	**51,787.83**	**24.16%**	**507,674.29**	**682,572.22**	**174,897.93**	**34.45%**

	Revenue Per Space	Expenses Per Space	Profit/Loss Per Space	
17 St. Garage	185.01	58.18	126.83	The 17th Street Garage has 1460 spaces.
7th St. Garage	276.58	78.17	198.41	The 7th Street Garage has 646 spaces.
17th St. Lots	342.87	54.56	288.31	The 17th Street Lots have 506 spaces.
12th St. Garage	254.99	143.65	111.34	The 12th Street Garage has 134 spaces.
13th St. Garage	218.09	104.18	113.91	The 13th Street Garage has 286 spaces.
42nd St. Garage	74.20	29.12	45.09	The 42nd Street Garage has 620 spaces.
16th St. - Anchor	228.95	44.77	184.17	The 16th Street Anchor Garage has 803 spaces.

CITY OF MIAMI BEACH
PARKING DEPARTMENT
FINANCIAL REPORT SUMMARY - YTD

LOCATION	Revenue 2003 February YTD	Revenue 2004 February YTD	Revenue Increase/ (Decrease)	Revenue Percent of Increase/ (Decrease)	Expenses 2003 February YTD	Expenses 2004 February YTD	Expenses Increase/ (Decrease)	Expenses Percent of Increase/ (Decrease)	Profit/(Loss) 2003 February YTD	Profit/(Loss) 2004 February YTD	Profit/(Loss) Increase/ (Decrease)	Profit/(Loss) Percent of Increase/ (Decrease)
17 St. Garage	1,081,991.92	1,102,680.44	**20,688.52**	**1.91%**	360,212.31	375,336.59	**15,124.28**	**4.20%**	721,779.61	727,343.85	**5,564.24**	**0.77%**
7th St. Garage	781,600.35	808,576.76	**26,976.41**	**3.45%**	257,850.84	258,465.77	**614.93**	**0.24%**	523,749.51	550,110.99	**26,361.48**	**5.03%**
17th St. Lots	708,302.63	795,183.81	**86,881.18**	**12.27%**	133,581.65	127,571.04	**(6,010.61)**	**-4.50%**	574,720.98	667,612.77	**92,891.79**	**16.16%**
12th St. Garage	158,920.44	159,888.55	**968.11**	**0.61%**	91,236.85	89,647.42	**(1,589.43)**	**-1.74%**	67,683.59	70,241.13	**2,557.54**	**3.78%**
13th St. Garage	279,420.24	280,681.71	**1,261.47**	**0.45%**	155,360.07	148,642.83	**(6,717.24)**	**-4.32%**	124,060.17	132,038.88	**7,978.71**	**6.43%**
42nd St. Garage	191,582.35	198,518.33	**6,935.98**	**3.62%**	75,306.13	81,863.26	**6,557.13**	**8.71%**	116,276.22	116,655.07	**378.85**	**0.33%**
16th St. - Anchor	0.00	709,545.69	**709,545.69**	**#DIV/0!**	0.00	187,975.41	**187,975.41**	**#DIV/0!**	0.00	521,570.28	**521,570.28**	**#DIV/0!**
Totals	**3,201,817.93**	**4,055,075.29**	**853,257.36**	**26.65%**	**1,073,547.85**	**1,269,502.32**	**195,954.47**	**18.25%**	**2,128,270.08**	**2,785,572.97**	**657,302.89**	**30.88%**

	Revenue Per Space	Expenses Per Space	Profit/Loss Per Space	
17 St. Garage	755.26	257.08	498.18	The 17th Street Garage has 1460 spaces.
7th St. Garage	1,251.67	400.10	851.57	The 7th Street Garage has 646 spaces.
17th St. Lots	1,571.51	252.12	1,319.39	The 17th Street Lots have 506 spaces.
12th St. Garage	1,193.20	669.01	524.19	The 12th Street Garage has 134 spaces.
13th St. Garage	981.40	519.73	461.67	The 13th Street Garage has 286 spaces.
42nd St. Garage	320.19	132.04	188.15	The 42nd Street Garage has 620 spaces.
16th St. - Anchor	883.62	234.09	649.53	The 16th Street Anchor Garage has 803 spaces.

CITY OF MIAMI BEACH
PARKING DEPARTMENT
17th St. Garage
PROFIT AND LOSS STATEMENT

LOCATION	ACCOUNTING CODE	2003 February	2004 February	Increase/ Decrease	Percent of Increase/ Decrease	Revenue/ Expense Per Space
17th St. Garage-2G						
Revenue-Ticket	480-8000-344583	199,421.53	210,057.03	10,635.50		
Revenue - Valet	480-8000-344583	6,300.00	6,300.00	0.00		
Revenue-Monthly Permits	480-8000-344514	57,960.00	53,760.00	-4,200.00		
	17th St. Garage REVENUE (Sales Tax Excluded)	263,681.53	270,117.03	**6,435.50**	**2.44%**	**$185.01**
Expenses						
Security Personnel		17,432.22	17,601.32	169.10		
Attendant/Cashier Labor		48,329.64	52,732.42	4,402.78		
FP&L		5,635.00	6,473.39	838.39		
Revenue Control Equipment Maintenance		1,666.67	1,666.67	0.00		
Armed Guard Revenue Pickup		517.18	420.00	-97.18		
Elevator Maintenance		613.00	613.00	0.00		
Landscape Maintenance		108.33	108.33	0.00		
Garage Cleaning/Maintenance		3,292.00	5,331.08	2,039.08		
	17th St. Garage EXPENSES	77,594.04	84,946.21	**7,352.17**	**9.48%**	**$58.18**
	17th St. Garage PROFIT/(LOSS)	186,087.49	185,170.82	**-916.67**	**-0.49%**	**$126.83**
					Number of Spaces	**1460**

Note:
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/New World Symphony.

Excel (Fdrive/Ping/$Pers/P&L/2004/November/17thgar.xls)LN

City of Miami Beach
Parking Department
17th Street Garage - 2G

February-04

Date	Day	Total Vehicle Entries	Peak Period	Peak Vehicle Count	Daily Ticket Revenue
1	Sunday	2859	14:00 - 14:59	601	$8,061.68
2	Monday	2701	19:00 - 19:59	450	$4,195.33
3	Tuesday	2540	17:00 - 17:59	416	$3,574.77
4	Wednesday	2520	17:00 - 17:59	372	$2,947.66
5	Thursday	2230	13:00 - 13:59	385	$4,613.08
6	Friday	4944	19:00 - 19:59	622	$7,509.35
7	Saturday	3603	19:00 - 19:59	621	$10,499.07
8	Sunday	3413	13:00 - 13:59	752	$9,329.91
9	Monday	2853	17:00 - 17:59	542	$3,936.45
10	Tuesday	2790	18:00 - 18:59	425	$3,886.92
11	Wednesday	2886	17:00 - 17:59	462	$5,618.69
12	Thursday	2362	18:00 - 18:59	466	$8,569.16
13	Friday	3102	20:00 - 20:59	547	$10,899.07
14	Saturday	3883	20:00 - 20:59	606	$18,970.09
15	Sunday	2989	18:00 - 18:59	480	$16,881.31
16	Monday	3218	10:00 - 10:59	559	$14,968.22
17	Tuesday	3018	17:00 - 17:59	654	$7,413.08
18	Wednesday	2978	17:00 - 17:59	472	$4,103.74
19	Thursday	3165	17:00 -17:59	438	$4,644.86
20	Friday	3438	17:00 - 17:59	466	$5,745.79
21	Saturday	3077	22:00 - 22:59	609	$7,714.02
22	Sunday	3237	16:00 - 16:59	661	$7,062.62
23	Monday	2038	17:00 - 17:59	337	$2,346.73
24	Tuesday	2309	19:00 - 19:59	351	$3,338.32
25	Wednesday	2059	17:00 - 17:59	327	$2,492.52
26	Thursday	2456	17:00 - 17:59	390	$3,460.75
27	Friday	3085	19:00 - 19:59	443	$5,717.76
28	Saturday	3952	19:00 - 19:59	748	$11,786.92
29	Sunday	3669	14:00 - 14:59	623	$9,769.16
	TOTAL	**87,374**			**$210,057.03**

MONTHLY PERMIT REVENUE	**$53,760.00**
VALET REVENUE	**$6,300.00**
TOTAL NET REVENUE	**$270,117.03**

Excel (Fdrive/Ping/$Pers/P&L/2003/January/17thstrev.xls)OL/LN

CITY OF MIAMI BEACH
PARKING DEPARTMENT
7th St. Garage
PROFIT AND LOSS STATEMENT

LOCATION	ACCOUNTING CODE	2003 February	2004 February	Increase/ (Decrease)	Percent of Increase/ (Decrease)	Revenue/ Expense Per Space
7th St. Garage-1G						
Revenue-Ticket	142-8000-344404	153,858.76	164,871.96	11,013.20		
Revenue-Monthly Permits	142-8000-344404	13,125.00	13,800.00	675.00		
	7th St. REVENUE (Sales Tax Excluded)	166,983.76	178,671.96	**11,688.20**	**7.00%**	**$276.58**
Expenses						
Security Personnel		21,150.87	20,960.22	-190.65		
Attendant/Cashier Labor		16,664.70	17,642.05	977.35		
Landscape Maintenance		984.00	848.00	-136.00		
FP&L		2,647.00	3,067.37	420.37		
Revenue Control Equipment Maintenance		700.00	700.00	0.00		
Garage Cleaning/Maintenance		4,864.00	4,864.00	0.00		
Armed Guard Revenue Pickup		517.18	420.00	-97.18		
Elevator Maintenance		985.00	1,460.42	475.42		
Surveillance System Maintenance		437.00	534.60	97.60		
	7th St. EXPENSES	48,949.75	50,496.66	**1,546.91**	**3.16%**	**$78.17**
	7th St. Estimated Debt Service	59,500.00	59,500.00	**0.00**	**0.00%**	**$92.11**
	7th St. PROFIT/(LOSS)	58,534.01	68,675.30	**10,141.29**	**17.33%**	**$106.31**
					Number of Spaces	**646**

Note:
Generators for this garage are local workers, restaurants, hotels, construction, visitors to SOBE, local beach goers, restaurant patrons and nightclub patrons.

Excel (Fdrive/Ping/$Pers/P&L/2004/November/7thstga.xls)LN

City of Miami Beach
Parking Department
7th Street Garage-1G

February-04

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	Sunday	1349	00:00 - 00:59	262	$400.86	$80.25	$4,543.00
2	Monday	684	13:00 - 13:59	130	$400.86	$80.25	$2,120.00
3	Tuesday	715	13:00 - 13:59	134	$400.86	$80.25	$2,108.00
4	Wednesday	717	14:00 - 14:59	136	$400.86	$80.25	$2,097.00
5	Thursday	952	16:00 - 16:59	158	$400.86	$80.25	$3,084.00
6	Friday	1594	23:00 - 23:59	308	$400.86	$80.25	$10,977.00
7	Saturday	2294	23:00 - 23:59	362	$400.86	$80.25	$13,359.00
8	Sunday	1820	16:00 - 16:59	298	$400.86	$80.25	$6,577.00
9	Monday	725	13:00 - 13:59	126	$400.86	$80.25	$2,453.00
10	Tuesday	736	14:00 - 14:59	136	$400.86	$80.25	$2,246.00
11	Wednesday	853	13:00 - 13:59	164	$400.86	$80.25	$2,776.00
12	Thursday	1092	13:00 - 13:59	205	$400.86	$80.25	$3,572.00
13	Friday	1753	23:00 - 23:59	278	$400.86	$80.25	$11,697.00
14	Saturday	2315	23:00 - 23:59	310	$400.86	$80.25	$13,840.00
15	Sunday	1602	18:00 - 18:59	254	$400.86	$80.25	$7,232.00
16	Monday	1343	16:00 - 16:59	260	$400.86	$80.25	$4,682.00
17	Tuesday	755	13:00 - 13:59	152	$400.86	$80.25	$2,659.00
18	Wednesday	801	15:00 - 15:59	149	$400.86	$80.25	$2,423.00
19	Thursday	1051	14:00 -14:59	184	$400.86	$80.25	$3,325.00
20	Friday	1622	23:00 - 23:59	293	$400.86	$80.25	$10,608.00
21	Saturday	2300	18:00 - 18:59	332	$400.86	$80.25	$13,506.00
22	Sunday	1941	17:00 - 17:59	328	$400.86	$80.25	$8,145.00
23	Monday	965	15:00 - 15:59	183	$400.86	$80.25	$3,203.00
24	Tuesday	927	16:00 - 16:59	145	$400.86	$80.25	$3,044.00
25	Wednesday	603	13:00 - 13:59	120	$400.86	$80.25	$1,876.00
26	Thursday	961	15:00 - 15:59	166	$400.86	$80.25	$3,266.00
27	Friday	1528	23:00 - 23:59	309	$400.86	$80.25	$9,958.00
28	Saturday	2241	23:00 - 23:59	311	$400.86	$80.25	$13,385.00
29	Sunday	1947	16:00 - 16:59	320	$400.86	$80.25	$7,652.00
	TOTAL	**38,186**			**$11,625.00**	**$2,327.25**	**$176,413.00**

TOTAL GROSS REVENUE	**$11,625.00**	**$2,327.25**	**$176,413.00**
SALES TAX	**$0.00**	**$152.25**	**$11,541.04**
TOTAL NET REVENUE	**$11,625.00**	**$2,175.00**	**$164,871.96**

Monthly Budgeted Revenue Needed to Break Even - FY 03/04 (Includes Debt Service)			**$138,601.25**
Less Current Month Net Revenue			**$178,671.96**
Over/(Short)			**$40,070.71**
Monthly Space Rental			
Goldman Properties - 155	**$11,625.00**	**No tax included**	
Other - 29	**$2,327.25**	**With Tax**	

Excel (F drive/Ping/$Pers/P&L/2004/October/7thstrev.xls)OL/LN

CITY OF MIAMI BEACH
PARKING DEPARTMENT
5A Surface Lots East and West
PROFIT AND LOSS STATEMENT

LOCATION	ACCOUNTING CODE	2003 February	2004 February	Increase/ (Decrease)	Percent of Increase/ (Decrease)
17th St. Parking Lots - 5A					
Revenue-Ticket	480-8000-344515	139,792.51	157,831.80	18,039.29	
Revenue-Monthly Permits	480-8000-344596	16,500.00	15,660.00	-840.00	
	17th St. Lots REVENUE (Sales Tax Excluded)	156,292.51	173,491.80	**17,199.29**	**11.00%**
Expenses					
Security Personnel		1,591.97	1,319.03	-272.94	
Attendant/Cashier Labor		22,409.89	23,729.34	1,319.45	
Revenue Control Equipment Maintenance		1,666.67	1,666.67	0.00	
Landscape Maintenance		502.67	502.67	0.00	
FP&L		348.00	391.48	43.48	
	17th St. Lots EXPENSES	26,519.20	27,609.19	**1,089.99**	**4.11%**
	17th St. Lots PROFIT/(LOSS)	129,773.31	145,882.61	**16,109.30**	**12.41%**

Excel (Fdrive/Ping/$Pers/P&L/2004/November/5alots.xls)LN

City of Miami Beach
Parking Department **February-04**
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	Sunday	667	$2,254.21	798	$3,017.76	$5,271.97
2	Monday	707	$1,617.76	771	$2,855.14	$4,472.90
3	Tuesday	793	$1,798.13	733	$2,276.64	$4,074.77
4	Wednesday	875	$2,041.12	450	$1,029.91	$3,071.03
5	Thursday	1018	$3,242.99	0	$0.00	$3,242.99
6	Friday	733	$3,775.70	139	$649.53	$4,425.23
7	Saturday	1236	$4,092.52	273	$1,275.70	$5,368.22
8	Sunday	1240	$2,743.93	217	$1,014.02	$3,757.95
9	Monday	398	$1,625.23	0	$0.00	$1,625.23
10	Tuesday	799	$1,788.79	0	$0.00	$1,788.79
11	Wednesday	964	$1,933.64	0	$0.00	$1,933.64
12	Thursday	703	$3,898.13	670	$4,049.53	$7,947.66
13	Friday	814	$6,379.44	701	$7,016.82	$13,396.26
14	Saturday	534	$7,489.72	2621	$9,773.83	$17,263.55
15	Sunday	1490	$5,096.26	824	$5,622.43	$10,718.69
16	Monday	386	$3,152.34	501	$3,834.58	$6,986.92
17	Tuesday	700	$2,584.11	0	$46.73	$2,630.84
18	Wednesday	934	$1,886.92	0	$0.00	$1,886.92
19	Thursday	1,001	$3,096.26	0	$0.00	$3,096.26
20	Friday	1098	$3,939.25	325	$1,656.07	$5,595.32
21	Saturday	1120	$4,314.02	1077	$4,521.50	$8,835.52
22	Sunday	962	$2,262.62	1101	$2,474.77	$4,737.39
23	Monday	851	$1,779.44	554	$1,128.04	$2,907.48
24	Tuesday	525	$2,453.27	624	$1,884.11	$4,337.38
25	Wednesday	1096	$1,999.07	464	$1,182.24	$3,181.31
26	Thursday	867	$2,717.76	687	$2,120.56	$4,838.32
27	Friday	952	$3,592.52	827	$2,985.05	$6,577.57
28	Saturday	569	$4,495.33	753	$4,140.19	$8,635.52
29	Sunday	657	$3,064.49	617	$2,161.68	$5,226.17
		24,689	**91,114.97**	**15,727**	**$66,716.83**	**$157,831.80**
			MONTHLY PERMIT REVENUE			**$15,660.00**
			TOTAL NET REVENUE			**$173,491.80**

Excel (Fdrive/Ping/$Pers/P&L/2003/January/5alotsrev.xls)OL/LN

CITY OF MIAMI BEACH
PARKING DEPARTMENT
12th St. Garage
PROFIT AND LOSS STATEMENT

LOCATION	ACCOUNTING CODE	2003 February	2004 February	Increase/ Decrease	Percent of Increase/ Decrease	Revenue/ Expense Per Space
12th St. Garage - 2A						
Revenue-Ticket	480-8000-344504	28,087.39	29,428.03	1,340.64		
Revenue-Monthly Permits	480-8000-344593	4,920.00	4,740.00	-180.00		
	12th St. REVENUE (Sales Tax Excluded)	33,007.39	34,168.03	**1,160.64**	**3.52%**	**$254.99**
Expenses						
Security Personnel		8,166.92	10,306.80	2,139.88		
Attendant/Cashier Labor		6,912.77	7,184.37	271.60		
FP&L		93.00	108.54	15.54		
Elevator Maintenance		125.00	125.00	0.00		
Garage Cleaning/Maintenance		1,605.75	1,524.25	-81.50		
	12th St. EXPENSES	16,903.44	19,248.96	**2,345.52**	**13.88%**	**$143.65**
	12th St. PROFIT/(LOSS)	16,103.95	14,919.07	**-1,184.88**	**-7.36%**	**$111.34**
					Number of Spaces	**134**

Note:
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.

Excel (F drive/Ping/$Pers/P&L/2004/November/12thstga.xls)LN

City of Miami Beach
Parking Department
12th Street Garage - 2A Garage **February-04**

Date	Day	CMB	ARMOR	P.O	EMPLOYEE	COURT	BEST	HAND.	OTHERS	DAILY TICKETS	TOTAL ENTRIES	Daily Ticket Revenue
1	Sunday	0	3	0	0	0	0	1	0	71	75	$583.18
2	Monday	1	2	0	0	4	0	5	3	124	139	$508.41
3	Tuesday	0	1	0	0	1	0	0	22	94	118	$418.69
4	Wednesday	0	2	1	0	2	0	1	9	98	113	$525.23
5	Thursday	1	1	2	0	1	0	0	9	145	159	$687.85
6	Friday	1	1	3	0	2	0	0	8	207	222	$1,370.09
7	Saturday	2	0	0	0	1	0	2	13	217	235	$1,697.20
8	Sunday	0	0	0	0	0	0	0	0	109	109	$910.28
9	Monday	0	1	0	0	3	0	4	1	126	135	$540.19
10	Tuesday	1	1	15	0	3	0	1	24	99	144	$714.02
11	Wednesday	0	1	0	0	0	0	0	16	136	153	$693.46
12	Thursday	1	1	1	0	0	0	4	10	162	179	$910.28
13	Friday	0	3	0	0	0	0	2	2	228	235	$1,600.00
14	Saturday	1	0	1	0	0	0	3	0	233	238	$1,803.74
15	Sunday	0	0	0	0	0	0	1	0	155	156	$1,300.93
16	Monday	1	0	0	0	0	0	1	4	147	153	$1,200.00
17	Tuesday	1	3	0	0	1	0	1	14	136	156	$656.07
18	Wednesday	0	4	0	0	3	0	1	11	129	148	$648.60
19	Thursday	0	0	1	0	1	0	2	2	109	115	$841.12
20	Friday	0	0	1	0	0	0	2	1	209	213	$1,403.74
21	Saturday	0	1	0	0	0	0	5	0	249	255	$1,895.33
22	Sunday	0	1	0	0	0	0	2	1	183	187	$1,469.16
23	Monday	2	3	4	0	7	0	1	0	154	171	$785.05
24	Tuesday	3	1	3	0	4	0	1	18	167	197	$792.52
25	Wednesday	1	3	3	0	0	0	1	9	87	104	$400.00
26	Thursday	1	3	1	1	1	0	0	5	169	181	$813.08
27	Friday	2	1	1	0	9	0	5	1	212	231	$1,461.68
28	Saturday	0	6	0	0	0	0	5	0	227	238	$1,697.20
29	Sunday	1	2	0	0	0	0	0	1	141	145	$1,100.93
	TOTAL	**20**	**45**	**37**	**1**	**43**	**0**	**51**	**184**	**4523**	**4904**	**$29,428.03**
									MONTHLY PERMIT REVENUE			**$4,740.00**
									TOTAL NET REVENUE			**$34,168.03**

Excel (Fdrive/Ping/$Pers/P&L/2003/January/12thstrev.xls)OL/LN

CITY OF MIAMI BEACH
PARKING DEPARTMENT
13th St. Garage
PROFIT AND LOSS STATEMENT

LOCATION	ACCOUNTING CODE	2003 February	2004 February	Increase/ Decrease	Percent of Increase/ Decrease	Revenue/ Expense Per Space
13th St. Garage-17A						
Revenue-Ticket	480-8000-344566	53,442.14	53,792.55	350.41		
Revenue-Monthly Permits	480-8000-344527	7,380.00	8,580.00	1,200.00		
	13th St. REVENUE (Sales Tax Excluded)	60,822.14	62,372.55	**1,550.41**	**2.55%**	**$218.09**
Expenses						
Security Personnel		10,514.70	9,770.00	-744.70		
Attendant/Cashier Labor		14,675.83	15,470.86	795.03		
Landscape Maintenance		216.67	216.67	0.00		
FP&L		1,212.00	1,404.98	192.98		
Revenue Control Equipment Maintenance		0.00	750.00	750.00		
Elevator Maintenance		304.00	312.00	8.00		
Armed Guard Revenue Pickup		517.18	420.00	-97.18		
Garage Cleaning/Maintenance		1,483.00	1,450.00	-33.00		
	13th St. EXPENSES	28,923.38	29,794.51	**871.13**	**3.01%**	**$104.18**
	13th St. PROFIT/(LOSS)	31,898.76	32,578.04	**679.28**	**2.13%**	**$113.91**
					Number of Spaces	**286**

Note:
The 13th Street Garage achieves 15% of its revenue from permits, the balance is transient revenue. The generators are residents, local workers, construction, visitors to SOBE, beachgoers and restaurant patrons.

Excel (Fdrive/ping/$pers/P&L/2004/November/13thstga.xls)LN

City of Miami Beach
Parking Department
13th Street Garage - 17A

February-04

Date	Day	(Art Deco) Residential Decals	Monthly Permits	Handicap	City Wide Decals	Standard Attendants	Armor Security	Best Maintenance Travel	Daily Tickets	Total Entries	Daily Ticket Revenue
1	Sunday	16	1	3	1	9	4	0	319	353	$1,857.01
2	Monday	23	1	1	1	7	3	0	220	256	$1,318.69
3	Tuesday	16	1	3	1	6	2	0	216	245	$1,318.69
4	Wednesday	19	0	2	1	7	3	0	236	268	$1,405.61
5	Thursday	18	0	2	1	8	3	0	249	281	$1,366.36
6	Friday	21	0	2	2	11	1	0	332	369	$1,894.39
7	Saturday	14	0	2	1	7	4	0	413	441	$2,335.51
8	Sunday	16	0	3	2	8	4	0	380	413	$2,360.75
9	Monday	19	0	1	1	6	3	0	225	255	$1,203.74
10	Tuesday	18	0	2	0	5	2	0	247	274	$1,579.44
11	Wednesday	20	1	2	1	7	2	0	250	283	$1,276.64
12	Thursday	19	0	2	0	7	2	0	296	326	$1,881.31
13	Friday	22	0	1	0	10	2	0	277	312	$1,831.78
14	Saturday	15	1	2	0	7	3	0	320	348	$2,247.66
15	Sunday	15	1	3	0	6	3	0	349	377	$2,467.29
16	Monday	18	3	2	0	7	3	0	347	380	$2,091.59
17	Tuesday	26	1	3	0	5	3	0	258	296	$1,758.88
18	Wednesday	16	1	4	0	3	2	0	284	310	$1,695.33
19	Thursday	16	1	1	0	10	2	0	300	330	$1,533.64
20	Friday	18	0	2	1	12	2	0	372	407	$2,340.19
21	Saturday	16	0	4	1	9	4	0	472	506	$2,946.73
22	Sunday	15	0	5	1	8	4	0	424	457	$2,350.47
23	Monday	20	0	1	1	6	2	0	265	295	$1,420.56
24	Tuesday	14	0	3	0	7	0	0	292	316	$1,509.35
25	Wednesday	15	0	1	0	7	2	0	208	233	$1,240.19
26	Thursday	12	0	2	0	9	3	17	267	310	$1,507.48
27	Friday	18	0	3	1	10	2	0	363	397	$2,105.61
28	Saturday	14	0	4	1	10	4	0	435	468	$2,653.27
29	Sunday	14	0	3	0	6	4	0	417	444	$2,294.39
	TOTAL	**503**	**12**	**69**	**18**	**220**	**78**	**0** **17**	**9033**	**9950**	**$53,792.55**
								MONTHLY PERMIT REVENUE			**$8,580.00**
								TOTAL NET REVENUE			**$62,372.55**

Excel (Fdrive/Ping/$Pers/P&L/2003/January/13thstrev.xls)OL/LN

CITY OF MIAMI BEACH
PARKING DEPARTMENT
16th St. - Anchor Garage
PROFIT AND LOSS STATEMENT

LOCATION	ACCOUNTING CODE	February 2003 Actual	February 2004 Actual	2003 Actual Over (Under) 2002 Actual	Actual Percent Over (Under)	Rev/Exp Per Space
16th St. - Anchor Garage						
Revenue-Ticket	463-8000-344911		118,038.51	118,038.51		
Revenue -Valet-Loew's	463-8000-344587		37,064.48	37,064.48		
Revenue-Valet-Royal Palm	463-8000-344587		642.53	642.53		
Revenue-Monthly Permits	463-8000-344903		28,100.00	28,100.00		
	16th St. Garage REVENUE (Sales Tax Excluded)	0.00	183,845.52	183,845.52	#DIV/0!	$228.95
Expenses						
Security Personnel			9,837.47	9,837.47		
Attendant/Cashier Labor			16,584.62	16,584.62		
FP&L			3,800.00	3,800.00		
Revenue Control Equipment Maintenance			775.00	775.00		
Armed Guard Revenue Pickup			420.00	420.00		
Elevator Maintenance			1,015.32	1,015.32		
Landscape Maintenance			164.67	164.67		
Garage Cleaning/Maintenance			2,924.00	2,924.00		
Sanitation (Waste Removal)			181.96	181.96		
Fire Alarm Service			250.00	250.00		
	16th St. Garage EXPENSES	0.00	35,953.04	35,953.04	#DIV/0!	$44.77
	16th St. Garage PROFIT/(LOSS)	0.00	147,892.48	147,892.48	#DIV/0!	$184.17
					Number of Spaces	803

Excel (Fdrive/Ping/$Pers/P&L/2004/December/16thgar - Anchor.xls)LN

City of Miami Beach
Parking Department
16th Street Garage (Anchor) **February-04**

Date	Day	Total Vehicle Entries	Peak Period	Peak Vehicle Count	Daily Ticket Revenue
1	Sunday	544	15:00 - 15:59	82	$2,449.53
2	Monday	529	14:00 - 14:59	78	$1,414.95
3	Tuesday	504	13:00 - 13:59	77	$1,285.05
4	Wednesday	649	17:00 - 17:59	92	$1,721.50
5	Thursday	737	16:00 - 16:59	108	$2,112.15
6	Friday	1056	23:00 - 23:59	135	$4,936.45
7	Saturday	1155	23:00 - 23:59	169	$6,425.23
8	Sunday	789	00:00 - 00:59	177	$3,589.72
9	Monday	507	15:00 - 15:59	88	$1,452.34
10	Tuesday	547	18:00 - 18:59	92	$1,381.98
11	Wednesday	888	18:00 - 18:59	160	$2,335.98
12	Thursday	1441	18:00 - 18:59	226	$5,869.16
13	Friday	1301	18:00 - 18:59	180	$6,652.34
14	Saturday	1261	19:0 0 -19:59	182	$7,862.62
15	Sunday	1152	13:00 - 13:59	177	$7,356.07
16	Monday	1141	16:00 - 16:59	219	$5,885.98
17	Tuesday	1079	13:00 - 13:59	211	$4,732.71
18	Wednesday	754	15:00 - 15:59	118	$2,549.53
19	Thursday	1012	19:00 - 19:59	146	$4,078.50
20	Friday	1033	18:00 - 18:59	140	$5,185.98
21	Saturday	1398	14:00 - 14:59	196	$8,171.96
22	Sunday	1177	13:00 - 13:59	196	$5,809.35
23	Monday	680	18:00 - 18:59	123	$2,423.36
24	Tuesday	642	14:00 - 14:59	97	$1,843.93
25	Wednesday	710	18:00 - 18:59	110	$1,313.08
26	Thursday	841	18:00 - 18:59	119	$2,738.32
27	Friday	1099	18:00 - 18:59	143	$4,400.93
28	Saturday	1318	23:00 - 23:59	181	$7,303.74
29	Sunday	975	00:00 - 00:59	163	$4,756.07
	TOTAL	**26,919**			**$118,038.51**
	MONTHLY PERMIT REVENUE				**$28,100.00**
	VALET REVENUE				**$37,707.01**
	TOTAL NET REVENUE				**$183,845.52**

Note: Garage contract awarded effective June 9, 2003.

Excel (Fdrive/Ping/$Pers/P&L/2003/June/16thstrevJune2003.xls)OL/LN

CITY OF MIAMI BEACH
PARKING DEPARTMENT
42nd St. Garage
PROFIT AND LOSS STATEMENT

LOCATION	ACCOUNTING CODE	2003 February	2004 February	Increase/ Decrease	Percent of Increase/ Decrease	Revenue/ Expense Per Space
42nd St. Garage - 8A						
Revenue-Ticket	480-8000-344531	6,040.17	10,966.37	4,926.20		
Revenue-Monthly Permits	480-8000-344595	35,160.00	35,040.00	-120.00		
	42nd St. REVENUE (Sales Tax Excluded)	41,200.17	46,006.37	**4,806.20**	**11.67%**	**$74.20**
Expenses						
Security Personnel		8,690.43	9,214.77	524.34		
Attendant/Cashier Labor		3,984.97	4,731.24	746.27		
FP&L		1,463.00	1,806.96	343.96		
Revenue Control Equipment Maintenance		0.00	0.00	0.00		
Elevator Maintenance		0.00	536.00	536.00		
Landscape Maintenance		0.00	0.00	0.00		
Garage Cleaning/Maintenance		1,285.00	1,763.50	478.50		
	42nd St. EXPENSES	15,423.40	18,052.47	**2,629.07**	**17.05%**	**$29.12**
	42nd St. PROFIT/(LOSS)	25,776.77	27,953.90	**2,177.13**	**8.45%**	**$45.09**
					Number of Spaces	**620**

Note:
The primary users of this facility are monthly parkers engaged in local business.

Excel (Fdrive/Ping/$Pers/P&L/2004/November/8agar.xls)LN

CITY OF MIAMI BEACH
PARKING DEPARTMENT
ELECTRONIC METER REVENUE COMPARISON

LOCATION	ACCOUNTING CODE	Feb. 2004 # of Meters	2003 February	2004 February	Increase/ (Decrease)	Percent of Increase/ (Decrease)
1X - (Washington - 4th & Lincoln) - On Street	480-8000-344501	291	50,002.88	47,761.80	(2,241.08)	-4.48%
1A - (1st Street & Ocean Dr.) - Off Street	480-8000-344502	57	6,987.12	7,700.70		
1A - (1st Street & Ocean Dr.) - Attended	480-8000-344502	0	0.00	0.00		
Total		57	6,987.12	7,700.70	713.58	10.21%
2X - (Washington - 5th & Lincoln) - On Street	480-8000-344503	370	52,008.79	45,217.25	(6,791.54)	-13.06%
2B - (6/7 & Meridian) - Off Street	480-8000-344505	22	277.40	173.86	(103.54)	-37.33%
3X - (Collins & Euclid Ave.) On Street	480-8000-344507	68	6,318.25	6,271.38	(46.87)	-0.74%
4X - (Alton 7th St.- Dade Blvd.) - On Street	480-8000-344509	491	66,567.64	69,755.69	3,188.05	4.79%
4B - (Alton & 20th St.-Purdy-Dade Blvd.) - On Street	480-8000-344511	213	12,456.17	13,510.17	1,054.00	8.46%
4C - (West Ave & 17th St.) - Off Street	480-8000-344512	66	13,888.85	9,422.16	(4,466.69)	-32.16%
4D - (West Ave & Lincoln Rd.) - Off Street	480-8000-344513	30	3,561.91	2,759.68	(802.23)	-22.52%
5C - (Convention Ctr. Dr. & 17th Street) - Off Street	480-8000-344517	85	700.34	896.68		
5C - (Convention Ctr. Dr. & 17th Street) - Attended	480-8000-344517	0	855.15	0.00		
Total		85	1,555.49	896.68	(658.81)	-42.35%
5F - (Meridian Ave & 18th Street) - Off Street	480-8000-344519	97	541.42	452.47		
5F - (Meridian Ave & 18th Street) - Attended	480-8000-344519	0	1,925.23	1,205.60		
Total		97	2,466.65	1,658.07	(808.58)	-32.78%
5H - (19th Street & Meridian Ave) - Off Street	480-8000-344521	27	96.50	0.00	(96.50)	-100.00%
5M - (17th & Meridian Ave) - Off Street	480-8000-344506	27	3,320.45	3,061.86	(258.59)	-7.79%
6X - (Collins - 20th to 24th St) - On Street	480-8000-344522	236	21,310.60	22,690.07	1,379.47	6.47%
6A - (22nd Street & Park)- Off Street	480-8000-344523	14	467.56	594.77	127.21	27.21%
6B - (Collins Ave & 21st Street) - Off Street	480-8000-344524	190	11,266.90	13,321.64		
6B - (Collins Ave & 21st Street) - Attended	480-8000-344524	0	2,813.08	5,796.82		
Total		190	14,079.98	19,118.46	5,038.48	35.78%
7X - (Ocean - Biscayne - 15th St) - On Street	480-8000-344525	442	63,800.94	68,916.47	5,115.53	8.02%
7A - (Collins Ave, 4th to 15th St) - On Street	480-8000-344526	591	132,637.41	114,696.01	(17,941.40)	-13.53%
7C - (Collins Ave & 6th St) - Off Street	480-8000-344528	14	946.04	621.51		
7C - (Collins Ave & 6th St) - Attended	480-8000-344528	0	0.00	403.74		
		14	946.04	1,025.25	79.21	8.37%
8X - (Pinetree-Alton - 40th to 42nd St) - On Street	480-8000-344530	386	19,147.71	17,524.63	(1,623.08)	-8.48%
8A - (42nd Street Garage) - Off Street Meters	480-8000-344531	11	380.59	213.33	(167.26)	-43.95%
8B - (42nd Street & Royal Palm) - Off Street	480-8000-344532	173	3,642.49	493.00		
8B - (42nd Street & Royal Palm) - Attended	480-8000-344532	0	0.00	0.00		
		173	3,642.49	493.00	(3,149.49)	-86.47%
8C - (40/41 Street & Chase) - Off Street	480-8000-344533	88	540.55	1,672.72	1,132.17	209.45%
8D - (47th Street & Pinetree) - Off Street	480-8000-344534	16	103.07	37.69	(65.38)	-63.43%
8E - (41st Street & Alton) - Off Street	480-8000-344535	40	1,768.94	1,713.79	(55.15)	-3.12%
8F - (41st Street & Jefferson) - Off Street	480-8000-344536	30	263.93	442.31	178.38	67.59%
9X - (Collins - 64th to 79th St) - On Street	480-8000-344537	527	27,927.50	26,199.44	(1,728.06)	-6.19%
9A - (Harding & 71st St) - Off Street	480-8000-344538	48	535.33	787.21	251.88	47.05%
9B - (72nd St. & Collins) - Off Street - Attended	480-8000-344539	0	7,065.34	9,851.40	2,786.06	39.43%
9C (Carlyle & 71st St) - Off Street	480-8000-344540	14	95.58	55.64	(39.94)	-41.79%
9D - (Collins & 76th St) - Off Street	480-8000-344541	33	1,425.12	776.33	(648.79)	-45.53%

CITY OF MIAMI BEACH
PARKING DEPARTMENT
ELECTRONIC METER REVENUE COMPARISON

LOCATION	ACCOUNTING CODE	Feb. 2004 # of Meters	2003 February	2004 February	Increase/ (Decrease)	Percent of Increase/ (Decrease)
9E - (71st St. & Harding) - Off Street	480-8000-344542	31	82.94	412.45	329.51	397.29%
9F - (75th & Collins) - Off Street	480-8000-344543	106	2,660.32	2,455.69	(204.63)	-7.69%
10A - (Lincoln Lane & Lenox) - Off Street	480-8000-344544	70	12,691.71	10,923.78	(1,767.93)	-13.93%
10B - (Lincoln Lane & Michigan) - Lease	480-8000-344545	0	14,583.33	14,583.33		
10B - (Lincoln Lane & Michigan) - Attended	480-8000-344545	0	0.00	0.00		
Total		0	14,583.33	14,583.33	0.00	0.00%
10C - (Lincoln Lane & Meridian) - Off Street	480-8000-344546	141	30,062.77	29,455.28	(607.49)	-2.02%
10D - (Lincoln Lane & Jefferson - W) - Off Street	480-8000-344547	62	10,934.19	10,752.04	(182.15)	-1.67%
10E - (Lincoln Lane & Jefferson - E) - Off Street	480-8000-344548	19	2,955.82	3,063.30	107.48	3.64%
10F - (Lincoln Lane & Euclid) - Off Street	480-8000-344549	36	7,210.89	6,152.90	(1,057.99)	-14.67%
10G - (Lincoln Lane & Michigan) - Off Street	480-8000-344550	21	2,836.47	2,740.25	(96.22)	-3.39%
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	#DIV/0!
12X - (Washington & 9th Street) - Off Street	480-8000-344552	23	4,253.42	3,596.66		
12X - (Washington & 9th Street) - Attended	480-8000-344552	0	0.00	750.00		
Total		23	4,253.42	4,346.66	93.24	2.19%
13X - (Washington & 10th Street) - Off Street	480-8000-344553	33	6,408.50	5,858.74		
13X - (Washington & 10th Street) - Attended	480-8000-344553	0	0.00	0.00		
Total		33	6,408.50	5,858.74	(549.76)	-8.58%
15X - (16th to 18th East of Collins) - On Street	480-8000-344556	43	8,450.24	9,878.73	1,428.49	16.90%
15A - (Washington, 17th to 20th) - On Street	480-8000-344557	91	11,938.59	8,878.53	(3,060.06)	-25.63%
15B - (Convention Center Drive) - On Street	480-8000-344558	46	1,318.07	885.79	(432.28)	-32.80%
16X - (25th to 32nd, E of Collins) - On Street	480-8000-344559	78	6,056.21	4,070.23	(1,985.98)	-32.79%
16A - (35th to 43rd, E of Collins) - On Street	480-8000-344560	117	7,377.89	10,142.17	2,764.28	37.47%
16B - (Indian Crk Dr, 27th to 32nd) - On Street	480-8000-344561	219	5,544.18	4,462.15	(1,082.03)	-19.52%
16C - (Indian Crk - 33rd to 43rd) - On Street	480-8000-344562	230	9,713.25	10,388.85	675.60	6.96%
16D - (Collins Ave & 34th St) - Off Street	480-8000-344563	64	774.68	583.80		
16D - (Collins Ave & 34th St) - Attended	480-8000-344563	0	1,504.67	1,121.50		
Total		64	2,279.35	1,705.30	(574.05)	-25.18%
16E - (Collins Ave & 35th St) - Off Street	480-8000-344564	72	1,171.44	1,326.98		
16E - (Collins Ave & 35th St) - Attended	480-8000-344564	0	1,350.47	1,317.75		
Total		72	2,521.91	2,644.73	122.82	4.87%
17X - (Collins & 13th Street) - Off Street	480-8000-344565	54	5,689.42	4,902.49		
17X - (Collins & 13th Street) - Attended	480-8000-344565	0	9,076.63	8,934.57		
Total		54	14,766.05	13,837.06	(928.99)	-6.29%
18X - (Indian Crk & 65th St) - Off Street	480-8000-344567	53	79.41	70.52	(8.89)	-11.20%
18A - (Collins & 64th St) - Off Street	480-8000-344568	67	2,614.61	888.74		
18A - (Collins & 64th St) - Attended	480-8000-344568	0	1,598.13	1,962.62		
Total		67	4,212.74	2,851.36	(1,361.38)	-32.32%
19X - (Collins & 46th Street) - Off Street	480-8000-344569	449	15,683.80	17,231.68		
19X - (Collins & 46th Street) - Attended	480-8000-344569	0	21,009.34	21,130.85		
Total		449	36,693.14	38,362.53	1,669.39	4.55%
19A - (Collins & 46th Street) - On Street	480-8000-344570	19	1,612.18	647.22	(964.96)	-59.85%
19B - (Collins & 53rd Street) - Off Street	480-8000-344571	158	3,623.01	1,400.45		
19B - (Collins & 53rd Street) - Attended	480-8000-344571	0	7,684.94	8,224.30		
Total		158	11,307.95	9,624.75	(1,683.20)	-14.89%

CITY OF MIAMI BEACH
PARKING DEPARTMENT
ELECTRONIC METER REVENUE COMPARISON

LOCATION	ACCOUNTING CODE	Feb. 2004 # of Meters	2003 February	2004 February	Increase/ (Decrease)	Percent of Increase/ (Decrease)
20X - (Collins Ave & 27th St) - Off Street	480-8000-344572	121	1,908.91	2,125.69		
20X - (Collins Ave & 27th St) - Attended	480-8000-344572	0	2,285.05	2,303.74		
	Total	121	4,193.96	4,429.43	235.47	5.61%
22X - (Carlyle & 72nd St) - Off Street	480-8000-344574	45	0.00	0.00	0.00	#DIV/0!
23X - (83rd & Abbott) - Off Street	480-8000-344575	25	17.32	0.91	(16.41)	-94.75%
24X - (Normandy Isle & Bay Dr) - On Street	480-8000-344576	102	3,492.13	3,534.58	42.45	1.22%
24A - (Normandy Isle & Bay Dr) - Off Street	480-8000-344577	26	603.77	232.52	(371.25)	-61.49%
24B - (Normandy Isle & Vendome) - Off Street	480-8000-344578	22	365.24	22.73	(342.51)	-93.78%
24C - (Normandy Isle & Bay Rd S/S) - Off Street	480-8000-344579	33	517.18	500.30	(16.88)	-3.26%
25X - (Bonita Drive & 71st St) - Off Street	480-8000-344580	15	282.49	139.54	(142.95)	-50.60%
26X - (Collins, 79th to 87th Terr) - On Street	480-8000-344581	283	2,092.56	2,163.80	71.24	3.40%
10X - (Lincoln Lane & Lenox - Off Street)	480-8000-344582	99	18,250.25	16,515.59		
10X - (Lincoln Lane & Lenox - Attended	480-8000-344582	0	0.00	0.00		
Total		99	18,250.25	16,515.59	(1,734.66)	-9.50%
26A - (Collins & 80th Street) - Off Street	480-8000-344584	62	376.60	333.06	(43.54)	-11.56%
26B - (Collins & 84th Street) - Off Street	480-8000-344585	62	157.51	192.52	35.01	22.23%
4E (Purdy & 18th Street) - Off Street	480-8000-344586	39	3,883.07	3,574.77		
4E (Purdy & 18th Street) - Attended	480-8000-344586	0	0.00	3,494.02		
		39	3,883.07	7,068.79	3,185.72	82.04%
8G - (40th Street & Royal Palm) - Off Street	480-8000-344592	43	2,193.03	2,041.84	(151.19)	-6.89%
8H - (40th Street & Prairie) - Off Street	480-8000-344594	71	3,305.38	2,987.33	(318.05)	-9.62%
26C - (Collins & 79th Street) - Off Street	480-8000-344600	34	81.80	77.07	(4.73)	-5.78%
26D - (Collins & 83rd Street) - Off Street	480-8000-344601	95	74.94	11.38	(63.56)	-84.81%
SLSP00 - (Southpoint Lot) - Off Street	480-8000-344602	108	10,006.03	6,376.13		
SLSP00 - (Southpoint Lot) - Attended	480-8000-344602	0	0.00	1,169.16		
		108	10,006.03	7,545.29	(2,460.74)	-24.59%
4th & Alton Lot - Off Street	480-8000-344604	21	1,273.12	1,509.09	235.97	18.53%
4A - 1833 Bay Road	480-8000-344608	0	0.00	0.00	0.00	#DIV/0!
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	#DIV/0!
14A - 16th Street & Washington (Lease)	480-8000-344555	0	14,583.33	14,583.33	0.00	0.00%
TOTAL		**8,305**	**803,448.01**	**771,581.26**	**(31,866.75)**	**-3.97%**

CITY OF MIAMI BEACH
PARKING DEPARTMENT
DEBIT CARD REVENUE: FEBRUARY 2004

VENDOR	$10	$25	$25 CARDS W/10% DISCOUNT $22.50	MACHINE SALES $ AMT	REFUNDS	COLLECTOR CARDS $20	COLL. CARDS W/10% DISCOUNT $18	TOTALS
BAY SUPERMARKET	0	0	0			0	0	$0.00
BRIGHAM GARDENS	0	0	0			0	0	$0.00
D'VINE CYBER LOUNGE	0	0	0			0	0	$0.00
COMPASS MARKET	0	0	0			0	0	$0.00
CHAMBER OF COMMERCE	0	0	0			0	0	$0.00
CLEAN MACHINE	0	0	0			0	0	$0.00
FINANCE DEPARTMENT	0	68	56			0	0	$2,960.00
KOSHER WORLD	0	0	0			0	0	$0.00
LEE ANN DRUGS	0	0	75			0	0	$1,687.50
NEWS CAFE	0	0	40			0	0	$900.00
PARKING DEPARTMENT	0	295	111		$0.00	0	0	$9,872.50
PARKING DEP.(GARAGES)	0	9	0			0	0	$225.00
PUBLIX SUPERMARKET	0	0	2940			0	0	$66,150.00
BEACH BANK	0	0	0			0	0	$0.00
PRKG MACHINE - CASH	0	0	0	$2,075		0	0	$2,075.00
PRKG MACHINE - CREDIT	0	0	0	$2,645		0	0	$2,645.00
ZELICK'S TOBACCO	0	0	0			0	0	$0.00
WOLFSONIAN	0	0	25			0	0	$562.50
SHEMTOV'S	0	0	0			0	0	$0.00
TOTAL # OF CARDS	**0**	**372**	**3,247**	**N/A**	**N/A**	**0**	**0**	**3,619.00**
TOTAL $ AMOUNT	**$0.00**	**$9,300.00**	**$73,057.50**	**$4,720.00**	**$0.00**	**$0.00**	**$0.00**	**$87,077.50**

Excel (Fdrive/Ping/$Pers/P&L/2004/January/Debitcrd.xls)

CITY OF MIAMI BEACH
PARKING DEPARTMENT
DEBIT CARD REVENUE: OCTOBER 2003 - FEBRUARY 2004

VENDOR	$10	$25	$25 CARDS W/10% DISCOUNT $22.50	MACHINE SALES $ AMT	REFUNDS	COLLECTOR CARDS $20	COLL. CARDS W/10% DISCOUNT $18	TOTALS
BAY SUPERMARKET	0	0	40			0	0	$900.00
BRIGHAM GARDENS	0	0	0			0	0	$0.00
D'VINE CYBER LOUNGE	0	0	10			0	0	$225.00
COMPASS MARKET	0	0	0			0	0	$0.00
CHAMBER OF COMMERCE	0	0	40			0	0	$900.00
CLEAN MACHINE	0	0	0			0	0	$0.00
FINANCE DEPARTMENT	0	346	310			0	0	$15,625.00
KOSHER WORLD	0	0	0			0	0	$0.00
LEE ANN DRUGS	0	0	215			0	0	$4,837.50
NEWS CAFE	0	0	60			0	0	$1,350.00
PARKING DEPARTMENT	0	1318	611		$0.00	0	0	$46,697.50
PARKING DEP.(GARAGES)	0	23	0			0	0	$575.00
PUBLIX SUPERMARKET	0	0	12080			0	0	$271,800.00
BEACH BANK	0	0	50			0	0	$1,125.00
PRKG MACHINE - CASH	0	0	0	$11,095		0	0	$11,095.00
PRKG MACHINE - CREDIT	0	0	0	$9,365		0	0	$9,365.00
ZELICK'S TOBACCO	0	0	42			0	0	$945.00
WOLFSONIAN	0	0	50			0	0	$1,125.00
SHEMTOV'S	0	0	0			0	0	$0.00
TOTAL # OF CARDS	0	1,687	13,508	N/A	N/A	0	0	15,195.00
TOTAL $ AMOUNT	$0.00	$42,175.00	$303,930.00	$20,460.00	$0.00	$0.00	$0.00	$366,565.00

Excel (Fdrive/Ping/$Pers/P&L/2004/November/Debitytd.xls)

CITY OF MIAMI BEACH
PARKING DEPARTMENT
17th St. Garage
PROFIT & LOSS STATEMENT

LOCATION	ACCOUNTING CODE	2003 October	2003 November	2003 December	2004 January	2004 February	2004 March	2004 April	2004 May	2004 June	2004 July	2004 August	2004 September	FY 2003/2004 Total
17th St. Garage-2G														
Revenue-Ticket	480-8000-344583	126,299.54	162,005.37	140,671.96	158,906.54	210,057.03	0.00	0.00	0.00	0.00	0.00	0.00	0.00	797,940.44
Revenue - Space Rental	480-8000-344583	6,300.00	6,300.00	6,300.00	6,300.00	6,300.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	31,500.00
Revenue-Monthly Permits	480-8000-344514	53,760.00	56,760.00	54,960.00	54,000.00	53,760.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	273,240.00
	17th St. REVENUE (Sales Tax Excluded)	186,359.54	225,065.37	201,931.96	219,206.54	270,117.03	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1,102,680.44
Expenses														
Security Personnel		15,896.40	16,574.30	16,802.34	15,494.05	17,601.32	0.00	0.00	0.00	0.00	0.00	0.00	0.00	82,368.41
Attendant/Cashier Labor		41,511.91	48,342.11	40,772.36	36,234.53	52,732.42	0.00	0.00	0.00	0.00	0.00	0.00	0.00	219,593.33
FP&L		6,473.39	6,473.39	6,473.39	6,473.39	6,473.39	0.00	0.00	0.00	0.00	0.00	0.00	0.00	32,366.95
Revenue Control Equipment Maintanance		1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	0.00	0.00	0.00	0.00	0.00	0.00	0.00	8,333.35
Armed Guard Revenue Pickup		420.00	420.00	420.00	420.00	420.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	2,100.00
Elevator Maintenance		738.00	613.00	613.00	800.50	613.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	3,377.50
Landscape and Lot Maintenance		108.33	108.33	108.33	108.33	108.33	0.00	0.00	0.00	0.00	0.00	0.00	0.00	541.65
Garage Cleaning/Maintenance		5,331.08	5,331.08	5,331.08	5,331.08	5,331.08	0.00	0.00	0.00	0.00	0.00	0.00	0.00	26,655.40
	17th St. EXPENSES	72,145.78	79,528.88	72,187.17	66,528.55	84,946.21	0.00	0.00	0.00	0.00	0.00	0.00	0.00	375,336.59
	17th St. PROFIT/(LOSS)	114,213.76	145,536.49	129,744.79	152,677.99	185,170.82	0.00	0.00	0.00	0.00	0.00	0.00	0.00	727,343.85

(Fdrive/Ping/$Pers/P&L/2004/17thstga.xls)

LOCATION	ACCOUNTING CODE	2002 October	2002 November	2002 December	2003 January	2003 February	2003 March	2003 April	2003 May	2003 June	2003 July	2003 August	2003 September	FY 2002/2003 Total
17th St. Garage-2G														
Revenue-Ticket	480-8000-344583	105,641.20	159,877.65	136,339.53	153,112.01	199,421.53	147,306.63	99,839.26	135,459.72	92,178.14	102,296.41	106,516.89	91,325.39	1,529,314.36
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	60,000.00	61,560.00	59,820.00	56,760.00	57,960.00	58,740.00	58,680.00	53,460.00	54,300.00	55,920.00	53,160.00	53,220.00	683,580.00
	17th St. REVENUE (Sales Tax Excluded)	171,941.20	227,737.65	202,459.53	216,172.01	263,681.53	212,346.63	164,819.26	195,219.72	152,778.14	164,516.41	165,976.89	150,845.39	2,288,494.36
Expenses														
Security Personnel		16,561.95	16,616.47	16,549.18	20,680.62	17,432.22	16,471.66	20,612.78	16,448.34	20,600.10	16,480.25	20,599.69	16,233.62	215,286.88
Attendant/Cashier Labor		33,192.78	56,286.32	36,137.49	39,265.13	48,329.64	37,381.35	32,521.25	34,321.57	59,870.88	35,809.78	34,812.81	42,009.65	489,938.65
FP&L		5,352.35	5,507.51	6,007.59	5,672.16	9,827.33	6,473.39	6,473.39	6,473.39	6,473.39	6,473.39	6,473.39	6,473.39	77,680.67
Revenue Control Equipment Maintanance		1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,860.67	1,666.67	1,666.67	1,851.67	1,666.67	20,379.04
Armed Guard Revenue Pickup		517.18	517.18	517.18	517.18	517.18	517.18	517.18	517.18	517.18	455.00	525.00	420.00	6,054.62
Elevator Maintenance		613.00	613.00	613.00	613.00	613.00	613.00	613.00	613.00	613.00	613.00	613.00	6,376.75	13,119.75
Landscape and Lot Maintenance		108.33	108.33	108.33	108.33	108.33	108.33	108.33	108.33	108.33	108.33	108.33	108.33	1,299.96
Garage Cleaning/Maintenance		3,292.00	3,292.00	3,292.00	3,292.00	3,292.00	3,292.00	5,331.08	5,331.08	5,578.58	5,331.08	5,331.08	5,331.08	51,985.98
	17th St. EXPENSES	61,304.26	84,607.48	64,891.44	71,815.09	81,786.37	66,523.58	67,843.68	65,673.56	95,428.13	66,937.50	70,314.97	78,619.49	875,745.55
	17th St. PROFIT/(LOSS)	110,636.94	143,130.17	137,568.09	144,356.92	181,895.16	145,823.05	96,975.58	129,546.16	57,350.01	97,578.91	95,661.92	72,225.90	1,412,748.81

CITY OF MIAMI BEACH
PARKING DEPARTMENT
17th St. Garage
PROFIT & LOSS STATEMENT

LOCATION	ACCOUNTING CODE	2002 October	2002 November	2002 December	2003 January	2003 February	2003 March	2003 April	2003 May	2003 June	2003 July	2003 August	2003 September	FY 2002/2003 Total
17th St. Garage-2G														
Revenue-Ticket	480-8000-344583	105,641.20	159,877.65	136,339.53	153,112.01	199,421.53	147,306.63	99,839.26	135,459.72	92,178.14	102,296.41	106,516.89	91,325.39	1,529,314.36
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	60,000.00	61,560.00	59,820.00	56,760.00	57,960.00	58,740.00	58,680.00	53,460.00	54,300.00	55,920.00	53,160.00	53,220.00	683,580.00
	17th St. REVENUE (Sales Tax Excluded)	171,941.20	227,737.65	202,459.53	216,172.01	263,681.53	212,346.63	164,819.26	195,219.72	152,778.14	164,516.41	165,976.89	150,845.39	2,288,494.36
Expenses														
Security Personnel		16,561.95	16,616.47	16,549.18	20,680.62	17,432.22	16,471.66	20,612.78	16,448.34	20,600.10	16,480.25	20,599.69	16,233.62	215,286.88
Attendant/Cashier Labor		33,192.78	56,286.32	36,137.49	39,265.13	48,329.64	37,381.35	32,521.25	34,321.57	59,870.88	35,809.78	34,812.81	42,009.65	489,938.65
FP&L		5,352.35	5,507.51	6,007.59	5,672.16	9,827.33	6,473.39	6,473.39	6,473.39	6,473.39	6,473.39	6,473.39	6,473.39	77,680.67
Revenue Control Equipment Maintanance		1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,860.67	1,666.67	1,666.67	1,851.67	1,666.67	20,379.04
Armed Guard Revenue Pickup		517.18	517.18	517.18	517.18	517.18	517.18	517.18	517.18	517.18	455.00	525.00	420.00	6,054.62
Elevator Maintenance		613.00	613.00	613.00	613.00	613.00	613.00	613.00	613.00	613.00	613.00	613.00	6,376.75	13,119.75
Landscape and Lot Maintenance		108.33	108.33	108.33	108.33	108.33	108.33	108.33	108.33	108.33	108.33	108.33	108.33	1,299.96
Garage Cleaning/Maintenance		3,292.00	3,292.00	3,292.00	3,292.00	3,292.00	3,292.00	5,331.08	5,331.08	5,578.58	5,331.08	5,331.08	5,331.08	51,985.98
	17th St. EXPENSES	61,304.26	84,607.48	64,891.44	71,815.09	81,786.37	66,523.58	67,843.68	65,673.56	95,428.13	66,937.50	70,314.97	78,619.49	875,745.55
	17th St. PROFIT/(LOSS)	110,636.94	143,130.17	137,568.09	144,356.92	181,895.16	145,823.05	96,975.58	129,546.16	57,350.01	97,578.91	95,661.92	72,225.90	1,412,748.81

(Fdrive/Ping/$Pers/P&L/2003/17thstga.xls)

LOCATION	ACCOUNTING CODE	2001 October	2001 November	2001 December	2002 January	2002 February	2002 March	2002 April	2002 May	2002 June	2002 July	2002 August	2002 September	FY 2001/2002 Total
17th St. Garage-2G														
Revenue-Ticket	480-8000-344583	95,980.84	88,650.62	117,454.92	129,924.57	193,183.71	173,980.26	137,297.11	123,415.47	109,810.52	97,670.31	100,261.80	101,232.96	1,468,863.09
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	46,380.00	49,200.00	50,040.00	48,780.00	49,200.00	50,940.00	58,260.00	54,360.00	54,000.00	59,760.00	59,880.00	60,180.00	640,980.00
	17th St. REVENUE (Sales Tax Excluded)	148,660.84	144,150.62	173,794.92	185,004.57	248,683.71	231,220.26	201,857.11	184,075.47	170,110.52	163,730.31	166,441.80	167,712.96	2,185,443.09
Expenses														
Security Personnel		12,311.04	12,073.41	11,853.44	12,243.49	12,971.98	11,674.27	12,081.92	11,200.98	13,739.92	16,653.15	19,575.84	17,759.89	164,139.33
Attendant/Cashier Labor		36,820.66	30,740.16	30,863.50	35,009.60	44,561.13	32,597.89	38,714.70	38,742.83	35,232.98	31,239.96	32,357.63	34,965.22	421,846.26
FP&L		5,519.53	5,106.15	5,446.66	5,793.30	5,678.30	5,251.72	5,381.93	5,279.30	5,704.54	5,485.43	5,460.87	6,099.82	66,207.55
Revenue Control Equipment Maintanance		1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	20,000.04
Armed Guard Revenue Pickup		517.18	517.18	517.18	517.18	517.18	517.18	517.18	517.18	517.18	517.18	517.18	517.18	6,206.16
Elevator Maintenance		613.00	613.00	613.00	613.00	613.00	613.00	613.00	613.00	613.00	613.00	613.00	613.00	7,356.00
Landscape and Lot Maintenance		108.33	108.33	108.33	108.33	108.33	108.33	108.33	108.33	108.33	108.33	108.33	108.33	1,299.96
Garage Cleaning/Maintenance		3,292.00	3,292.00	3,292.00	3,292.00	3,292.00	3,292.00	3,292.00	3,292.00	3,292.00	3,292.00	3,292.00	3,292.00	39,504.00
	17th St. EXPENSES	60,848.41	54,116.90	54,360.78	59,243.57	69,408.59	55,721.06	62,375.73	61,420.29	60,874.62	59,575.72	63,591.52	65,022.11	726,559.30
	17th St. PROFIT/(LOSS)	87,812.43	90,033.72	119,434.14	125,761.00	179,275.12	175,499.20	139,481.38	122,655.18	109,235.90	104,154.59	102,850.28	102,690.85	1,458,883.79

CITY OF MIAMI BEACH
PARKING DEPARTMENT
7th St. Garage
PROFIT AND LOSS STATEMENT

LOCATION	ACCOUNTING CODE	2003 October	2003 November	2003 December	2004 January	2004 February	2004 March	2004 April	2004 May	2004 June	2004 July	2004 August	2004 September	FY 2003/2004 Total
7th St. Garage-1G														
Revenue-Ticket	142-8000-344404	139,529.56	139,842.06	130,241.12	167,042.06	164,871.96	0.00	0.00	0.00	0.00	0.00	0.00	0.00	741,526.76
Revenue-Monthly Permits	142-8000-344404	13,050.00	13,237.50	13,462.50	13,500.00	13,800.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	67,050.00
	7th St. REVENUE (Sales Tax Excluded)	152,579.56	153,079.56	143,703.62	180,542.06	178,671.96	0.00	0.00	0.00	0.00	0.00	0.00	0.00	808,576.76
Expenses														
Security		21,049.40	21,816.06	24,181.09	21,727.10	20,960.22	0.00	0.00	0.00	0.00	0.00	0.00	0.00	109,733.87
Attendant/Cashier Labor		17,797.52	17,668.48	17,422.60	17,959.47	17,642.05	0.00	0.00	0.00	0.00	0.00	0.00	0.00	88,490.12
Landscape Maintenance		918.67	1,114.00	918.67	918.67	848.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	4,718.01
FP&L		3,067.37	3,067.37	3,067.37	3,067.37	3,067.37	0.00	0.00	0.00	0.00	0.00	0.00	0.00	15,336.85
Revenue Control Equipment Maintenance		700.00	700.00	700.00	700.00	700.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	3,500.00
Garage Cleaning/Maintenance		4,864.00	4,699.00	4,765.00	4,864.00	4,864.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	24,056.00
Armed Guard Revenue Pickup		420.00	420.00	420.00	420.00	420.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	2,100.00
Elevator Maintenance		1,729.00	1,202.00	2,271.50	985.00	1,460.42	0.00	0.00	0.00	0.00	0.00	0.00	0.00	7,647.92
Surveillance System Maintenance		534.60	534.60	744.60	534.60	534.60	0.00	0.00	0.00	0.00	0.00	0.00	0.00	2,883.00
	7th St. EXPENSES	51,080.56	51,221.51	54,490.83	51,176.21	50,496.66	0.00	0.00	0.00	0.00	0.00	0.00	0.00	258,465.77
	7th Street Estimated Debt Service	59,500.00	59,500.00	59,500.00	59,500.00	59,500.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	297,500.00
	7th St. PROFIT/(LOSS)	41,999.00	42,358.05	29,712.79	69,865.85	68,675.30	0.00	0.00	0.00	0.00	0.00	0.00	0.00	252,610.99

(Fdrive/Ping/$Pers/P&L/2004/7thst.xls)

LOCATION	ACCOUNTING CODE	2002 October	2002 November	2002 December	2003 January	2003 February	2003 March	2003 April	2003 May	2003 June	2003 July	2003 August	2003 September	FY 2002/2003 Total
7th St. Garage-1G														
Revenue-Ticket	142-8000-344404	136,186.19	137,501.35	140,246.61	148,182.44	153,858.76	221,547.82	161,549.46	174,847.57	133,750.47	164,101.85	178,871.59	120,362.30	1,871,006.41
Revenue-Monthly Permits	142-8000-344404	13,125.00	13,125.00	13,125.00	13,125.00	13,125.00	13,050.00	13,050.00	13,050.00	12,975.00	13,050.00	13,200.00	13,200.00	157,200.00
	7th St. REVENUE (Sales Tax Excluded)	149,311.19	150,626.35	153,371.61	161,307.44	166,983.76	234,597.82	174,599.46	187,897.57	146,725.47	177,151.85	192,071.59	133,562.30	2,028,206.41
Expenses														
Security		21,087.06	20,743.70	20,245.12	26,257.88	21,150.87	21,933.85	26,125.51	22,612.39	25,778.86	21,024.44	27,128.97	21,014.42	275,103.07
Attendant/Cashier Labor		16,755.52	25,273.02	16,806.12	17,276.43	16,664.70	17,694.64	16,755.04	16,893.83	25,407.34	16,835.01	17,385.71	17,618.06	221,365.42
Landscape Maintenance		984.00	984.00	984.00	984.00	984.00	984.00	918.67	1,067.67	918.67	10,438.67	7,363.67	918.67	27,530.02
FP&L		2,667.70	2,747.44	2,709.51	2,462.61	4,749.59	3,067.37	3,067.37	3,067.37	3,067.37	3,067.37	3,067.37	3,067.37	36,808.44
Revenue Control Equipment Maintenance		700.00	700.00	700.00	700.00	700.00	700.00	700.00	700.00	700.00	700.00	700.00	700.00	8,400.00
Garage Cleaning/Maintenance		4,864.00	4,864.00	4,864.00	4,864.00	4,864.00	4,864.00	4,864.00	4,864.00	5,111.50	4,864.00	4,864.00	4,864.00	58,615.50
Armed Guard Revenue Pickup		517.18	517.18	517.18	517.18	517.18	517.18	517.18	517.18	517.18	455.00	525.00	420.00	6,054.62
Elevator Maintenance		985.00	985.00	985.00	985.00	985.00	985.00	1,180.88	1,264.84	1,936.44	1,180.88	1,180.88	1,295.00	13,948.92
Surveillance System Maintenance		437.00	437.00	437.00	437.00	437.00	437.00	495.00	495.00	495.00	1,855.00	580.00	2,810.60	9,352.60
	7th St. EXPENSES	48,997.46	57,251.34	48,247.93	54,484.10	51,052.34	51,183.04	54,623.65	51,482.28	63,932.36	60,420.37	62,795.60	52,708.12	657,178.59
	7th Street 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. PROFIT/(LOSS)	40,813.73	33,875.01	45,623.68	47,323.34	56,431.42	123,914.78	60,475.81	76,915.29	23,293.11	57,231.48	69,775.99	21,354.18	657,027.82

CITY OF MIAMI BEACH
PARKING DEPARTMENT
7th St. Garage
PROFIT AND LOSS STATEMENT

LOCATION	ACCOUNTING CODE	2002 October	2002 November	2002 December	2003 January	2003 February	2003 March	2003 April	2003 May	2003 June	2003 July	2003 August	2003 September	FY 2002/2003 Total
7th St. Garage-1G														
Revenue-Ticket	142-8000-344404	136,186.19	137,501.35	140,246.61	148,182.44	153,858.76	221,547.82	161,549.46	174,847.57	133,750.47	164,101.85	178,871.59	120,362.30	1,871,006.41
Revenue-Monthly Permits	142-8000-344404	13,125.00	13,125.00	13,125.00	13,125.00	13,125.00	13,050.00	13,050.00	13,050.00	12,975.00	13,050.00	13,200.00	13,200.00	157,200.00
	7th St. REVENUE (Sales Tax Excluded)	149,311.19	150,626.35	153,371.61	161,307.44	166,983.76	234,597.82	174,599.46	187,897.57	146,725.47	177,151.85	192,071.59	133,562.30	2,028,206.41
Expenses														
Security		21,087.06	20,743.70	20,245.12	26,257.88	21,150.87	21,933.85	26,125.51	22,612.39	25,778.86	21,024.44	27,128.97	21,014.42	275,103.07
Attendant/Cashier Labor		16,755.52	25,273.02	16,806.12	17,276.43	16,664.70	17,694.64	16,755.04	16,893.83	25,407.34	16,835.01	17,385.71	17,618.06	221,365.42
Landscape Maintenance		984.00	984.00	984.00	984.00	984.00	984.00	918.67	1,067.67	918.67	10,438.67	7,363.67	918.67	27,530.02
FP&L		2,667.70	2,747.44	2,709.51	2,462.61	4,749.59	3,067.37	3,067.37	3,067.37	3,067.37	3,067.37	3,067.37	3,067.37	36,808.44
Revenue Control Equipment Maintenance		700.00	700.00	700.00	700.00	700.00	700.00	700.00	700.00	700.00	700.00	700.00	700.00	8,400.00
Garage Cleaning/Maintenance		4,864.00	4,864.00	4,864.00	4,864.00	4,864.00	4,864.00	4,864.00	4,864.00	5,111.50	4,864.00	4,864.00	4,864.00	58,615.50
Armed Guard Revenue Pickup		517.18	517.18	517.18	517.18	517.18	517.18	517.18	517.18	517.18	455.00	525.00	420.00	6,054.62
Elevator Maintenance		985.00	985.00	985.00	985.00	985.00	985.00	1,180.88	1,264.84	1,936.44	1,180.88	1,180.88	1,295.00	13,948.92
Surveillance System Maintenance		437.00	437.00	437.00	437.00	437.00	437.00	495.00	495.00	495.00	1,855.00	580.00	2,810.60	9,352.60
	7th St. EXPENSES	48,997.46	57,251.34	48,247.93	54,484.10	51,052.34	51,183.04	54,623.65	51,482.28	63,932.36	60,420.37	62,795.60	52,708.12	657,178.59
	7th Street 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. PROFIT/(LOSS)	40,813.73	33,875.01	45,623.68	47,323.34	56,431.42	123,914.78	60,475.81	76,915.29	23,293.11	57,231.48	69,775.99	21,354.18	657,027.82

(Fdrive/Ping/$Pers/P&L/2003/7thst.xls)

LOCATION	ACCOUNTING CODE	2001 October	2001 November	2001 December	2002 January	2002 February	2002 March	2002 April	2002 May	2002 June	2002 July	2002 August	2002 September	FY 2001/2002 Total
7th St. Garage-1G														
Revenue-Ticket	142-8000-344404	98,891.68	105,333.01	144,735.13	153,866.18	138,843.74	240,191.44	171,039.15	163,294.17	139,551.83	163,218.25	175,770.79	135,339.42	1,830,074.79
Revenue-Monthly Permits	142-8000-344404	15,975.00	16,350.00	15,825.00	16,800.00	14,550.00	14,700.00	14,700.00	14,550.00	14,550.00	13,800.00	13,725.00	13,800.00	179,325.00
	7th St. REVENUE (Sales Tax Excluded)	114,866.68	121,683.01	160,560.13	170,666.18	153,393.74	254,891.44	185,739.15	177,844.17	154,101.83	177,018.25	189,495.79	149,139.42	2,009,399.79
Expenses														
Security		15,394.28	15,695.07	14,460.29	15,772.87	15,146.88	17,041.38	15,881.17	15,768.28	17,513.64	22,057.41	25,611.88	22,611.97	212,955.12
Attendant/Cashier Labor		15,209.20	15,854.69	16,107.91	16,346.08	16,018.67	15,976.15	16,429.77	16,357.45	15,943.55	15,952.92	16,684.59	17,149.19	194,030.17
Landscape Maintenance		984.00	984.00	984.00	984.00	984.00	984.00	984.00	984.00	984.00	984.00	984.00	984.00	11,808.00
FP&L		3,153.54	2,599.76	2,754.67	2,964.55	2,773.25	2,567.84	2,733.33	2,574.07	2,891.16	2,700.17	2,849.96	3,069.84	33,632.14
Revenue Control Equipment Maintenance		700.00	700.00	700.00	700.00	700.00	700.00	700.00	700.00	700.00	700.00	700.00	700.00	8,400.00
Garage Cleaning/Maintenance		4,864.00	4,864.00	4,864.00	4,864.00	4,864.00	4,864.00	4,864.00	4,864.00	4,864.00	4,864.00	4,864.00	4,864.00	58,368.00
Armed Guard Revenue Pickup		517.18	517.18	517.18	517.18	517.18	517.18	517.18	517.18	517.18	517.18	517.18	517.18	6,206.16
Elevator Maintenance		985.00	985.00	985.00	985.00	985.00	985.00	985.00	985.00	985.00	985.00	985.00	985.00	11,820.00
Surveillance System Maintenance		437.00	437.00	437.00	437.00	437.00	437.00	437.00	437.00	437.00	437.00	437.00	437.00	5,244.00
	7th St. EXPENSES	42,244.20	42,636.70	41,810.05	43,570.68	42,425.98	44,072.55	43,531.45	43,186.98	44,835.53	49,197.68	53,633.61	51,318.18	542,463.59
	7th Street 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. PROFIT/(LOSS)	13,122.48	19,546.31	59,250.08	67,595.50	51,467.76	151,318.89	82,707.70	75,157.19	49,766.30	68,320.57	76,362.18	38,321.24	752,936.20

CITY OF MIAMI BEACH
PARKING DEPARTMENT
5A Surface Lots East and West
PROFIT & LOSS STATEMENT

LOCATION	ACCOUNTING CODE	2003 October	2003 November	2003 December	2004 January	2004 February	2004 March	2004 April	2004 May	2004 June	2004 July	2004 August	2004 September	FY 2003/2004 Total
17th St. Parking Lots - 5A														
Revenue-Ticket	480-8000-344515	123,301.93	135,390.66	142,474.77	153,204.65	157,831.80	0.00	0.00	0.00	0.00	0.00	0.00	0.00	712,203.81
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	16,800.00	18,360.00	15,960.00	16,200.00	15,660.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	82,980.00
	17th St. REVENUE (Sales Tax Excluded)	140,101.93	153,750.66	158,434.77	169,404.65	173,491.80	0.00	0.00	0.00	0.00	0.00	0.00	0.00	795,183.81
Expenses														
Security Personnel		1,404.71	738.66	880.37	662.58	1,319.03	0.00	0.00	0.00	0.00	0.00	0.00	0.00	5,005.35
Attendant/Cashier Labor		20,826.85	24,230.94	20,510.75	20,463.71	23,729.34	0.00	0.00	0.00	0.00	0.00	0.00	0.00	109,761.59
Revenue Control Equipment Maintenance		1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	0.00	0.00	0.00	0.00	0.00	0.00	0.00	8,333.35
Landscape and Lot Maintenance		502.67	502.67	502.67	502.67	502.67	0.00	0.00	0.00	0.00	0.00	0.00	0.00	2,513.35
FP&L		391.48	391.48	391.48	391.48	391.48	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1,957.40
	17th St. EXPENSES	24,792.38	27,530.42	23,951.94	23,687.11	27,609.19	0.00	0.00	0.00	0.00	0.00	0.00	0.00	127,571.04
	17th St. PROFIT/(LOSS)	115,309.55	126,220.24	134,482.83	145,717.54	145,882.61	0.00	0.00	0.00	0.00	0.00	0.00	0.00	667,612.77

(Fdrive/Ping/$Pers/P&L/2004/5alots.xls)

LOCATION	ACCOUNTING CODE	2002 October	2002 November	2002 December	2003 January	2003 February	2003 March	2003 April	2003 May	2003 June	2003 July	2003 August	2003 September	FY 2002/2003 Total
17th St. Parking Lots - 5A														
Revenue-Ticket	480-8000-344515	105,889.88	120,891.93	120,890.56	132,337.75	139,792.51	139,949.44	111,002.09	127,300.47	107,680.68	111,796.59	110,433.27	99,008.57	1,426,973.74
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	17,820.00	18,120.00	17,700.00	18,360.00	16,500.00	17,700.00	16,560.00	18,840.00	15,720.00	15,900.00	16,560.00	16,980.00	206,760.00
	17th St. REVENUE (Sales Tax Excluded)	123,709.88	139,011.93	138,590.56	150,697.75	156,292.51	157,649.44	127,562.09	146,140.47	123,400.68	127,696.59	126,993.27	115,988.57	1,633,733.74
Expenses														
Security Personnel		1,883.74	1,884.70	1,797.93	2,334.72	1,591.97	1,750.52	2,157.89	1,786.10	2,172.81	1,743.98	1,863.20	1,687.74	22,655.30
Attendant/Cashier Labor		17,939.85	30,340.05	19,183.60	21,628.82	22,409.89	20,603.96	18,238.36	18,745.80	30,790.29	17,290.61	17,265.92	20,813.79	255,250.94
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	1,860.67	1,666.67	1,831.67	1,666.67	1,666.67	20,359.04
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		386.87	350.40	332.23	322.18	565.72	391.48	391.48	391.48	391.48	391.48	391.48	391.48	4,697.76
	17th St. EXPENSES	22,379.80	34,744.49	23,483.10	26,455.06	26,736.92	24,915.30	22,957.07	23,286.72	35,523.92	21,760.41	21,689.94	25,062.35	308,995.08
	17th St. PROFIT/(LOSS)	101,330.08	104,267.44	115,107.46	124,242.69	129,555.59	132,734.14	104,605.02	122,853.75	87,876.76	105,936.18	105,303.33	90,926.22	1,324,738.66

CITY OF MIAMI BEACH
PARKING DEPARTMENT
5A Surface Lots East and West
PROFIT & LOSS STATEMENT

LOCATION	ACCOUNTING CODE	2002 October	2002 November	2002 December	2003 January	2003 February	2003 March	2003 April	2003 May	2003 June	2003 July	2003 August	2003 September	FY 2002/2003 Total
17th St. Parking Lots - 5A														
Revenue-Ticket	480-8000-344515	105,889.88	120,891.93	120,890.56	132,337.75	139,792.51	139,949.44	111,002.09	127,300.47	107,680.68	111,796.59	110,433.27	99,008.57	1,426,973.74
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	17,820.00	18,120.00	17,700.00	18,360.00	16,500.00	17,700.00	16,560.00	18,840.00	15,720.00	15,900.00	16,560.00	16,980.00	206,760.00
	17th St. REVENUE (Sales Tax Excluded)	123,709.88	139,011.93	138,590.56	150,697.75	156,292.51	157,649.44	127,562.09	146,140.47	123,400.68	127,696.59	126,993.27	115,988.57	1,633,733.74
Expenses														
Security Personnel		1,883.74	1,884.70	1,797.93	2,334.72	1,591.97	1,750.52	2,157.89	1,786.10	2,172.81	1,743.98	1,863.20	1,687.74	22,655.30
Attendant/Cashier Labor		17,939.85	30,340.05	19,183.60	21,628.82	22,409.89	20,603.96	18,238.36	18,745.80	30,790.29	17,290.62	17,265.92	20,813.79	255,250.95
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	1,860.67	1,666.67	1,831.67	1,666.67	1,666.67	20,359.04
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		386.87	350.40	332.23	322.18	565.72	391.48	391.48	391.48	391.48	391.48	391.48	391.48	4,697.76
	17th St. EXPENSES	22,379.80	34,744.49	23,483.10	26,455.06	26,736.92	24,915.30	22,957.07	23,286.72	35,523.92	21,760.42	21,689.94	25,062.35	308,995.09
	17th St. PROFIT/(LOSS)	101,330.08	104,267.44	115,107.46	124,242.69	129,555.59	132,734.14	104,605.02	122,853.75	87,876.76	105,936.17	105,303.33	90,926.22	1,324,738.65

(Fdrive/Ping/$Pers/P&L/2003/5alots.xls)

LOCATION	ACCOUNTING CODE	2001 October	2001 November	2001 December	2002 January	2002 February	2002 March	2002 April	2002 May	2002 June	2002 July	2002 August	2002 September	FY 2001/2002 Total
17th St. Parking Lots - 5A														
Revenue-Ticket	480-8000-344515	84,476.22	86,054.63	129,752.12	132,730.72	133,767.55	155,170.88	123,970.06	119,955.85	116,868.05	108,329.32	115,012.11	102,521.07	1,408,608.58
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	17,760.00	16,080.00	16,140.00	14,940.00	15,780.00	17,460.00	17,040.00	16,680.00	16,800.00	16,080.00	17,760.00	17,760.00	200,280.00
	17th St. REVENUE (Sales Tax Excluded)	102,236.22	102,134.63	145,892.12	147,670.72	149,547.55	172,630.88	141,010.06	136,635.85	133,668.05	124,409.32	132,772.11	120,281.07	1,608,888.58
Expenses														
Security Personnel		857.65	726.48	726.48	728.00	489.20	964.75	955.32	1,327.81	1,471.71	1,554.13	1,691.61	1,559.16	13,052.30
Attendant/Cashier Labor		17,436.09	16,120.74	17,827.14	18,512.07	19,388.97	20,846.52	21,119.07	19,675.74	17,955.12	17,566.44	19,212.48	20,566.65	226,227.03
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	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	20,000.04
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		457.83	601.13	483.88	354.56	335.36	324.34	348.11	343.62	362.67	362.54	417.81	404.38	4,796.23
	17th St. EXPENSES	20,920.91	19,617.69	21,206.84	21,763.97	22,382.87	24,304.95	24,591.84	23,516.51	21,958.84	21,652.45	23,491.24	24,699.53	270,107.64
	17th St. PROFIT/(LOSS)	81,315.31	82,516.94	124,685.28	125,906.75	127,164.68	148,325.93	116,418.22	113,119.34	111,709.21	102,756.87	109,280.87	95,581.54	1,338,780.94

CITY OF MIAMI BEACH
PARKING DEPARTMENT
12th St. Garage
PROFIT & LOSS STATEMENT

LOCATION	ACCOUNTING CODE	2003 October	2003 November	2003 December	2004 January	2004 February	2004 March	2004 April	2004 May	2004 June	2004 July	2004 August	2004 September	FY 2003/2004 Total
12th St. Garage-2A														
Revenue-Ticket	480-8000-344504	26,360.74	25,345.79	24,450.45	29,463.54	29,428.03	0.00	0.00	0.00	0.00	0.00	0.00	0.00	135,048.55
Revenue-Monthly Permits	480-8000-344593	5,220.00	5,100.00	5,040.00	4,740.00	4,740.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	24,840.00
	12th St. REVENUE (Sales Tax Excluded)	31,580.74	30,445.79	29,490.45	34,203.54	34,168.03	0.00	0.00	0.00	0.00	0.00	0.00	0.00	159,888.55
Expenses														
Security Personnel		8,219.46	8,844.80	9,107.41	8,233.17	10,306.80	0.00	0.00	0.00	0.00	0.00	0.00	0.00	44,711.64
Attendant/Cashier Labor		7,247.08	7,241.85	7,200.05	7,215.73	7,184.37	0.00	0.00	0.00	0.00	0.00	0.00	0.00	36,089.08
FP&L		108.54	108.54	108.54	108.54	108.54	0.00	0.00	0.00	0.00	0.00	0.00	0.00	542.70
Elevator Maintenance		125.00	125.00	125.00	125.00	125.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	625.00
Garage Cleaning/Maintenance		1,540.75	1,532.50	1,540.75	1,540.75	1,524.25	0.00	0.00	0.00	0.00	0.00	0.00	0.00	7,679.00
	12th St. EXPENSES	17,240.83	17,852.69	18,081.75	17,223.19	19,248.96	0.00	0.00	0.00	0.00	0.00	0.00	0.00	89,647.42
	12th St. PROFIT/(LOSS)	14,339.91	12,593.10	11,408.70	16,980.35	14,919.07	0.00	0.00	0.00	0.00	0.00	0.00	0.00	70,241.13

(Fdrive/Ping/$Pers/P&L/2004/12thga.xls)

LOCATION	ACCOUNTING CODE	2002 October	2002 November	2002 December	2003 January	2003 February	2003 March	2003 April	2003 May	2003 June	2003 July	2003 August	2003 September	FY 2002/2003 Total
12th St. Garage-2A														
Revenue-Ticket	480-8000-344504	23,808.81	26,646.02	27,241.35	27,276.87	28,087.39	39,739.49	29,315.86	33,756.05	22,192.23	30,702.84	31,246.72	22,452.33	342,465.96
Revenue-Monthly Permits	480-8000-344593	5,340.00	5,520.00	5,220.00	4,860.00	4,920.00	5,100.00	5,040.00	4,920.00	4,860.00	5,220.00	5,400.00	5,400.00	61,800.00
	12th St. REVENUE (Sales Tax Excluded)	29,148.81	32,166.02	32,461.35	32,136.87	33,007.39	44,839.49	34,355.86	38,676.05	27,052.23	35,922.84	36,646.72	27,852.33	404,265.96
Expenses														
Security Personnel		8,245.44	8,232.15	8,235.63	10,779.20	8,166.92	8,233.17	10,238.91	8,237.06	10,302.50	8,241.55	10,299.64	8,252.59	107,464.76
Attendant/Cashier Labor		7,054.55	10,280.84	6,892.87	7,315.74	6,912.77	7,052.06	6,810.78	6,945.10	10,775.85	7,497.33	7,173.01	7,672.92	92,383.82
FP&L		102.79	81.67	98.93	90.60	168.69	108.54	108.54	108.54	108.54	108.54	108.54	108.54	1,302.46
Elevator Maintenance		125.00	125.00	125.00	125.00	125.00	125.00	0.00	0.00	0.00	0.00	166.67	125.00	1,041.67
Garage Cleaning/Maintenance		1,605.75	1,605.75	1,605.75	1,605.75	1,605.75	1,605.75	1,557.25	1,532.50	1,763.50	1,540.75	1,540.75	1,532.50	19,101.75
	12th St. EXPENSES	17,133.53	20,325.41	16,958.18	19,916.29	16,979.13	17,124.52	18,715.48	16,823.20	22,950.39	17,388.17	19,288.61	17,691.55	221,294.46
	12th St. PROFIT/(LOSS)	12,015.28	11,840.61	15,503.17	12,220.58	16,028.26	27,714.97	15,640.38	21,852.85	4,101.84	18,534.67	17,358.11	10,160.78	182,971.50

CITY OF MIAMI BEACH
PARKING DEPARTMENT
12th St. Garage
PROFIT & LOSS STATEMENT

LOCATION	ACCOUNTING CODE	2002 October	2002 November	2002 December	2003 January	2003 February	2003 March	2003 April	2003 May	2003 June	2003 July	2003 August	2003 September	FY 2002/2003 Total
12th St. Garage-2A														
Revenue-Ticket	480-8000-344504	23,808.81	26,646.02	27,241.35	27,276.87	28,087.39	39,739.49	29,315.86	33,756.05	22,192.23	30,702.84	31,246.72	22,452.33	342,465.96
Revenue-Monthly Permits	480-8000-344593	5,340.00	5,520.00	5,220.00	4,860.00	4,920.00	5,100.00	5,040.00	4,920.00	4,860.00	5,220.00	5,400.00	5,400.00	61,800.00
	12th St. REVENUE (Sales Tax Excluded)	29,148.81	32,166.02	32,461.35	32,136.87	33,007.39	44,839.49	34,355.86	38,676.05	27,052.23	35,922.84	36,646.72	27,852.33	404,265.96
Expenses														
Security Personnel		8,245.44	8,232.15	8,235.63	10,779.20	8,166.92	8,233.17	10,238.91	8,237.06	10,302.50	8,241.55	10,299.64	8,252.59	107,464.76
Attendant/Cashier Labor		7,054.55	10,280.84	6,892.87	7,315.74	6,912.77	7,052.06	6,810.78	6,945.10	10,775.85	7,497.33	7,173.01	7,672.92	92,383.82
FP&L		102.79	81.67	98.93	90.60	168.69	108.54	108.54	108.54	108.54	108.54	108.54	108.54	1,302.46
Elevator Maintenance		125.00	125.00	125.00	125.00	125.00	125.00	0.00	0.00	0.00	0.00	166.67	125.00	1,041.67
Garage Cleaning/Maintenance		1,605.75	1,605.75	1,605.75	1,605.75	1,605.75	1,605.75	1,557.25	1,532.50	1,763.50	1,540.75	1,540.75	1,532.50	19,101.75
	12th St. EXPENSES	17,133.53	20,325.41	16,958.18	19,916.29	16,979.13	17,124.52	18,715.48	16,823.20	22,950.39	17,388.17	19,288.61	17,691.55	221,294.46
	12th St. PROFIT/(LOSS)	12,015.28	11,840.61	15,503.17	12,220.58	16,028.26	27,714.97	15,640.38	21,852.85	4,101.84	18,534.67	17,358.11	10,160.78	182,971.50

(Fdrive/Ping/$Pers/P&L/2003/12thga.xls)

LOCATION	ACCOUNTING CODE	2001 October	2001 November	2001 December	2002 January	2002 February	2002 March	2002 April	2002 May	2002 June	2002 July	2002 August	2002 September	FY 2001/2002 Total
12th St. Garage-2A														
Revenue-Ticket	480-8000-344504	19,351.18	20,201.87	24,554.47	26,555.85	27,769.02	43,802.33	28,116.91	29,947.18	25,610.78	29,315.51	29,535.22	20,867.59	325,627.91
Revenue-Monthly Permits	480-8000-344593	8,040.00	6,960.00	8,160.00	8,160.00	5,100.00	5,280.00	5,280.00	5,280.00	5,280.00	5,340.00	5,160.00	4,320.00	72,360.00
	12th St. REVENUE (Sales Tax Excluded)	27,391.18	27,161.87	32,714.47	34,715.85	32,869.02	49,082.33	33,396.91	35,227.18	30,890.78	34,655.51	34,695.22	25,187.59	397,987.91
Expenses														
Security Personnel		5,626.00	5,647.95	4,077.36	6,053.88	5,471.53	5,445.92	5,466.54	6,157.30	6,871.50	8,471.54	9,914.88	8,846.72	78,051.12
Attendant/Cashier Labor		6,349.23	6,522.24	7,031.79	7,057.86	6,517.50	6,538.83	6,640.74	7,730.94	6,538.83	7,145.55	6,960.04	6,960.03	82,013.58
FP&L		73.28	88.02	82.31	85.34	77.11	68.73	64.09	56.51	60.30	60.94	49.38	105.95	871.96
Elevator Maintenance		125.00	125.00	125.00	125.00	125.00	125.00	125.00	125.00	125.00	125.00	125.00	125.00	1,500.00
Garage Cleaning/Maintenance		1,605.75	1,605.75	1,605.75	1,605.75	1,605.75	1,605.75	1,605.75	1,605.75	1,605.75	1,605.75	1,605.75	1,605.75	19,269.00
	12th St. EXPENSES	13,779.26	13,988.96	12,922.21	14,927.83	13,796.89	13,784.23	13,902.12	15,675.50	15,201.38	17,408.78	18,675.05	17,643.45	181,705.66
	12th St. PROFIT/(LOSS)	13,611.92	13,172.91	19,792.26	19,788.02	19,072.13	35,298.10	19,494.79	19,551.68	15,689.40	17,246.73	16,020.17	7,544.14	216,282.25

CITY OF MIAMI BEACH
PARKING DEPARTMENT
13th St. Garage
PROFIT & LOSS STATEMENT

LOCATION	ACCOUNTING CODE	2003 October	2003 November	2003 December	2004 January	2004 February	2004 March	2004 April	2004 May	2004 June	2004 July	2004 August	2004 September	FY 2003/2004 Total
13th St. Garage-17A														
Revenue-Ticket	480-8000-344566	48,388.34	47,130.86	40,100.44	50,649.52	53,792.55	0.00	0.00	0.00	0.00	0.00	0.00	0.00	240,061.71
Revenue-Monthly Permits	480-8000-344527	7,740.00	7,680.00	8,520.00	8,100.00	8,580.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	40,620.00
	13th St. REVENUE (Sales Tax Excluded)	56,128.34	54,810.86	48,620.44	58,749.52	62,372.55	0.00	0.00	0.00	0.00	0.00	0.00	0.00	280,681.71
Expenses														
Security Personnel		9,865.08	10,533.80	10,736.25	8,648.94	9,770.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	49,554.07
Attendant/Cashier Labor		15,303.89	15,397.71	15,269.80	15,170.25	15,470.86	0.00	0.00	0.00	0.00	0.00	0.00	0.00	76,612.51
Landscape Maintenance		216.67	216.67	216.67	216.67	216.67	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1,083.35
FP&L		1,404.98	1,404.98	1,404.98	1,404.98	1,404.98	0.00	0.00	0.00	0.00	0.00	0.00	0.00	7,024.90
Revenue Control Equipment Maintenance		0.00	750.00	750.00	750.00	750.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	3,000.00
Elevator Maintenance		737.00	312.00	312.00	312.00	312.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1,985.00
Armed Guard Revenue Pickup		420.00	420.00	420.00	420.00	420.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	2,100.00
Garage Cleaning/Maintenance		1,450.00	1,450.00	1,483.00	1,450.00	1,450.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	7,283.00
	13th St. EXPENSES	29,397.62	30,485.16	30,592.70	28,372.84	29,794.51	0.00	0.00	0.00	0.00	0.00	0.00	0.00	148,642.83
	13th St. PROFIT/(LOSS)	26,730.72	24,325.70	18,027.74	30,376.68	32,578.04	0.00	0.00	0.00	0.00	0.00	0.00	0.00	132,038.88

(Fdrive/Ping/$Pers/P&L/2004/13thstga.xls)

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LOCATION	ACCOUNTING CODE	2002 October	2002 November	2002 December	2003 January	2003 February	2003 March	2003 April	2003 May	2003 June	2003 July	2003 August	2003 September	FY 2002/2003 Total
13th St. Garage-17A														
Revenue-Ticket	480-8000-344566	44,400.00	45,402.69	45,391.52	51,063.89	53,442.14	67,925.37	52,972.45	49,388.78	43,317.00	47,741.10	52,219.62	39,794.83	593,059.39
Revenue-Monthly Permits	480-8000-344527	8,280.00	8,640.00	8,100.00	7,320.00	7,380.00	7,620.00	7,860.00	8,520.00	8,580.00	8,280.00	7,800.00	7,800.00	96,180.00
	13th St. REVENUE (Sales Tax Excluded)	52,680.00	54,042.69	53,491.52	58,383.89	60,822.14	75,545.37	60,832.45	57,908.78	51,897.00	56,021.10	60,019.62	47,594.83	689,239.39
Expenses														
Security Personnel		10,242.93	10,602.13	10,541.72	13,658.91	10,514.70	10,220.71	12,820.10	10,737.48	12,861.21	10,423.37	13,306.82	10,177.97	136,108.05
Attendant/Cashier Labor		14,601.28	21,909.69	14,624.04	15,326.91	14,675.83	14,744.77	14,598.18	14,460.50	21,779.99	14,556.50	14,996.27	15,185.54	191,459.50
Landscape Maintenance		216.67	216.67	216.67	216.67	216.67	216.67	216.67	216.67	216.67	216.67	216.67	216.67	2,600.04
FP&L		1,150.96	1,172.72	1,276.13	1,245.87	2,179.24	1,404.98	1,404.98	1,404.98	1,404.98	1,404.98	1,404.98	1,404.98	16,859.78
Revenue Control Equipment Maintenance		0.00	0.00	0.00	0.00	0.00	0.00	0.00	239.00	0.00	30.00	0.00	0.00	269.00
Elevator Maintenance		304.00	304.00	304.00	304.00	304.00	304.00	0.00	0.00	0.00	312.00	624.00	3,139.50	5,899.50
Armed Guard Revenue Pickup		517.18	517.18	517.18	517.18	517.18	517.18	517.18	517.18	517.18	455.00	525.00	420.00	6,054.62
Garage Cleaning/Maintenance		1,483.00	1,483.00	1,483.00	1,483.00	1,483.00	1,483.00	1,483.00	1,450.00	1,598.50	1,450.00	1,450.00	1,483.00	17,812.50
	13th St. EXPENSES	28,516.02	36,205.39	28,962.74	32,752.54	29,890.62	28,891.31	31,040.11	29,025.81	38,378.53	28,848.52	32,523.74	32,027.66	377,062.99
	13th St. PROFIT/(LOSS)	24,163.98	17,837.30	24,528.78	25,631.35	30,931.52	46,654.06	29,792.34	28,882.97	13,518.47	27,172.58	27,495.88	15,567.17	312,176.40

CITY OF MIAMI BEACH
PARKING DEPARTMENT
13th St. Garage
PROFIT & LOSS STATEMENT

LOCATION	ACCOUNTING CODE	2002 October	2002 November	2002 December	2003 January	2003 February	2003 March	2003 April	2003 May	2003 June	2003 July	2003 August	2003 September	FY 2002/2003 Total
13th St. Garage-17A														
Revenue-Ticket	480-8000-344566	44,400.00	45,402.69	45,391.52	51,063.89	53,442.14	67,925.37	52,972.45	49,388.78	43,317.00	47,741.10	52,219.62	39,794.83	593,059.39
Revenue-Monthly Permits	480-8000-344527	8,280.00	8,640.00	8,100.00	7,320.00	7,380.00	7,620.00	7,860.00	8,520.00	8,580.00	8,280.00	7,800.00	7,800.00	96,180.00
	13th St. REVENUE (Sales Tax Excluded)	52,680.00	54,042.69	53,491.52	58,383.89	60,822.14	75,545.37	60,832.45	57,908.78	51,897.00	56,021.10	60,019.62	47,594.83	689,239.39
Expenses														
Security Personnel		10,242.93	10,602.13	10,541.72	13,658.91	10,514.70	10,220.71	12,820.10	10,737.48	12,861.21	10,423.37	13,306.82	10,177.97	136,108.05
Attendant/Cashier Labor		14,601.28	21,909.69	14,624.04	15,326.91	14,675.83	14,744.77	14,598.18	14,460.50	21,779.99	14,556.50	14,996.27	15,185.54	191,459.50
Landscape Maintenance		216.67	216.67	216.67	216.67	216.67	216.67	216.67	216.67	216.67	216.67	216.67	216.67	2,600.04
FP&L		1,150.96	1,172.72	1,276.13	1,245.87	2,179.24	1,404.98	1,404.98	1,404.98	1,404.98	1,404.98	1,404.98	1,404.98	16,859.78
Revenue Control Equipment Maintenance		0.00	0.00	0.00	0.00	0.00	0.00	0.00	239.00	0.00	30.00	0.00	0.00	269.00
Elevator Maintenance		304.00	304.00	304.00	304.00	304.00	304.00	0.00	0.00	0.00	312.00	624.00	3,139.50	5,899.50
Armed Guard Revenue Pickup		517.18	517.18	517.18	517.18	517.18	517.18	517.18	517.18	517.18	455.00	525.00	420.00	6,054.62
Garage Cleaning/Maintenance		1,483.00	1,483.00	1,483.00	1,483.00	1,483.00	1,483.00	1,483.00	1,450.00	1,598.50	1,450.00	1,450.00	1,483.00	17,812.50
	13th St. EXPENSES	28,516.02	36,205.39	28,962.74	32,752.54	29,890.62	28,891.31	31,040.11	29,025.81	38,378.53	28,848.52	32,523.74	32,027.66	377,062.99
	13th St. PROFIT/(LOSS)	24,163.98	17,837.30	24,528.78	25,631.35	30,931.52	46,654.06	29,792.34	28,882.97	13,518.47	27,172.58	27,495.88	15,567.17	312,176.40

(Fdrive/Ping/$Pers/P&L/2003/13thstga.xls)

LOCATION	ACCOUNTING CODE	2001 October	2001 November	2001 December	2002 January	2002 February	2002 March	2002 April	2002 May	2002 June	2002 July	2002 August	2002 September	FY 2001/2002 Total
13th St. Garage-17A														
Revenue-Ticket	480-8000-344566	35,899.53	39,704.67	48,733.70	54,790.14	54,390.32	77,671.33	59,950.29	54,383.08	47,829.10	49,161.20	53,615.90	40,880.78	617,010.04
Revenue-Monthly Permits	480-8000-344527	9,180.00	8,940.00	8,760.00	8,820.00	8,220.00	7,980.00	7,620.00	7,320.00	8,340.00	7,260.00	7,980.00	8,220.00	98,640.00
	13th St. REVENUE (Sales Tax Excluded)	45,079.53	48,644.67	57,493.70	63,610.14	62,610.32	85,651.33	67,570.29	61,703.08	56,169.10	56,421.20	61,595.90	49,100.78	715,650.04
Expenses														
Security Personnel		7,142.75	7,108.79	7,166.41	7,119.48	6,997.61	7,147.96	7,195.87	8,245.09	8,637.02	10,823.70	12,883.59	11,049.26	101,517.53
Attendant/Cashier Labor		13,937.21	14,172.20	14,461.81	14,696.96	13,857.82	14,075.59	14,164.58	14,765.85	13,999.64	14,581.81	14,755.44	14,789.62	172,258.53
Landscape Maintenance		216.67	216.67	216.67	216.67	216.67	216.67	216.67	216.67	216.67	216.67	216.67	216.67	2,600.04
FP&L		1,280.63	921.48	1,494.51	1,596.48	1,530.93	1,387.84	1,244.67	1,138.47	1,255.03	1,171.78	1,162.33	1,327.70	15,511.85
Elevator Maintenance		304.00	304.00	304.00	304.00	304.00	304.00	304.00	304.00	304.00	304.00	304.00	304.00	3,648.00
Armed Guard Revenue Pickup		517.18	517.18	517.18	517.18	517.18	517.18	517.18	517.18	517.18	517.18	517.18	517.18	6,206.16
Garage Cleaning/Maintenance		1,483.00	1,483.00	1,483.00	1,483.00	1,483.00	1,483.00	1,483.00	1,483.00	1,483.00	1,483.00	1,483.00	1,483.00	17,796.00
	13th St. EXPENSES	24,881.44	24,723.32	25,643.58	25,933.77	24,907.21	25,132.24	25,125.97	26,670.26	26,412.54	29,098.14	31,322.21	29,687.43	319,538.11
	13th St. PROFIT/(LOSS)	20,198.09	23,921.35	31,850.12	37,676.37	37,703.11	60,519.09	42,444.32	35,032.82	29,756.56	27,323.06	30,273.69	19,413.35	396,111.93

CITY OF MIAMI BEACH
PARKING DEPARTMENT
16th St. - Anchor Garage
PROFIT & LOSS STATEMENT

LOCATION	ACCOUNTING CODE	2003 October	2003 November	2003 December	2004 January	2004 February	2004 March	2004 April	2004 May	2004 June	2004 July	2004 August	2004 September	FY 2003/2004 Total
16th St. - Anchor Garage														
Revenue-Ticket	463-8000-344911	76,425.24	85,206.68	86,298.69	94,582.18	118,038.51	0.00	0.00	0.00	0.00	0.00	0.00	0.00	460,551.30
Revenue - Valet	463-8000-344587	20,015.89	20,326.63	26,858.41	14,436.45	37,707.01	0.00	0.00	0.00	0.00	0.00	0.00	0.00	119,344.39
Revenue-Monthly Permits	463-8000-344903	26,750.00	28,200.00	23,050.00	23,550.00	28,100.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	129,650.00
	16th St. REVENUE (Sales Tax Excluded)	123,191.13	133,733.31	136,207.10	132,568.63	183,845.52	0.00	0.00	0.00	0.00	0.00	0.00	0.00	709,545.69
Expenses														
Security Personnel		12,428.89	10,171.83	13,395.77	13,665.72	9,837.47	0.00	0.00	0.00	0.00	0.00	0.00	0.00	59,499.68
Attendant/Cashier Labor		15,887.24	16,050.82	15,831.23	16,378.83	16,584.62	0.00	0.00	0.00	0.00	0.00	0.00	0.00	80,732.74
FP&L		3,800.00	3,800.00	3,800.00	3,800.00	3,800.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	19,000.00
Revenue Control Equipment Maintanance		775.00	775.00	775.00	775.00	775.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	3,875.00
Armed Guard Revenue Pickup		420.00	420.00	420.00	420.00	420.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	2,100.00
Elevator Maintenance		1,278.82	1,743.82	155.00	1,015.32	1,015.32	0.00	0.00	0.00	0.00	0.00	0.00	0.00	5,208.28
Landscape and Lot Maintenance		164.67	152.00	164.67	164.67	164.67	0.00	0.00	0.00	0.00	0.00	0.00	0.00	810.68
Garage Cleaning/Maintenance		2,924.40	2,924.00	2,924.00	2,924.00	2,924.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	14,620.40
Sanitation (Waste Removal)		171.64	171.64	171.43	181.96	181.96	0.00	0.00	0.00	0.00	0.00	0.00	0.00	878.63
Fire Alarm Service		250.00	250.00	250.00	250.00	250.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1,250.00
	16th St. EXPENSES	38,100.66	36,459.11	37,887.10	39,575.50	35,953.04	0.00	0.00	0.00	0.00	0.00	0.00	0.00	187,975.41
	16th St. PROFIT/(LOSS)	85,090.47	97,274.20	98,320.00	92,993.13	147,892.48	0.00	0.00	0.00	0.00	0.00	0.00	0.00	521,570.28

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LOCATION	ACCOUNTING CODE	2002 October	2002 November	2002 December	2003 January	2003 February	2003 March	2003 April	2003 May	2003 June	2003 July	2003 August	2003 September	FY 2002/2003 Total
16th St. - Anchor Garage														
Revenue-Ticket	463-8000-344911	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	41,602.27	78,888.26	78,940.89	60,237.40	259,668.82
Revenue - Valet	463-8000-344587	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	11,528.04	27,238.32	20,904.67	20,751.40	80,422.43
Revenue-Monthly Permits	463-8000-344903	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	100.00	25,400.00	26,250.00	26,300.00	78,050.00
	16th St. REVENUE (Sales Tax Excluded)	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	53,230.31	131,526.58	126,095.56	107,288.80	418,141.25
Expenses														
Security Personnel		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	9,645.65	13,912.95	16,779.23	13,115.19	53,453.02
Attendant/Cashier Labor		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	11,497.82	15,087.01	15,440.52	17,158.12	59,183.47
FP&L		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	2,850.00	3,800.00	3,800.00	3,800.00	14,250.00
Revenue Control Equipment Maintanance		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	775.00	775.00	775.00	975.00	3,300.00
Armed Guard Revenue Pickup		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	517.18	566.67	525.00	420.00	2,028.85
Elevator Maintenance		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1,561.00	1,542.74	3,103.74
Landscape and Lot Maintenance		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	450.00	164.67	164.67	164.67	944.01
Garage Cleaning/Maintenance		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1,657.16	2,924.40	3,024.40	2,924.40	10,530.36
Sanitation (Waste Removal)		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	131.25	175.00	168.27	168.71	643.23
Fire Alarm Service		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	180.00	430.00	250.00	250.00	1,110.00
	16th St. EXPENSES	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	27,704.06	37,835.70	42,488.09	40,518.83	148,546.68
	16th St. PROFIT/(LOSS)	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	25,526.25	93,690.88	83,607.47	66,769.97	269,594.57

CITY OF MIAMI BEACH
PARKING DEPARTMENT
42nd St. Garage
PROFIT & LOSS STATEMENT

LOCATION	ACCOUNTING CODE	2003 October	2003 November	2003 December	2004 January	2004 February	2004 March	2004 April	2004 May	2004 June	2004 July	2004 August	2004 September	FY 2003/2004 Total
42nd St. Garage-8A														
Revenue-Ticket	480-8000-344531	3,350.48	2,763.56	3,415.88	3,842.04	10,966.37	0.00	0.00	0.00	0.00	0.00	0.00	0.00	24,338.33
Revenue-Monthly Permits	480-8000-344595	34,620.00	34,980.00	35,760.00	33,780.00	35,040.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	174,180.00
	42nd St. REVENUE (Sales Tax Excluded)	37,970.48	37,743.56	39,175.88	37,622.04	46,006.37	0.00	0.00	0.00	0.00	0.00	0.00	0.00	198,518.33
Expenses														
Security Personnel		8,206.59	8,797.59	9,113.55	8,728.04	9,214.77	0.00	0.00	0.00	0.00	0.00	0.00	0.00	44,060.54
Attendant/Cashier Labor		3,255.18	3,257.79	3,077.53	2,837.18	4,731.24	0.00	0.00	0.00	0.00	0.00	0.00	0.00	17,158.92
FP&L		1,805.96	1,805.96	1,805.96	1,805.96	1,806.96	0.00	0.00	0.00	0.00	0.00	0.00	0.00	9,030.80
Revenue Control Equipment 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
Elevator Maintenance		536.00	536.00	536.00	536.00	536.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	2,680.00
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		1,796.50	1,780.00	1,796.50	1,796.50	1,763.50	0.00	0.00	0.00	0.00	0.00	0.00	0.00	8,933.00
	42nd St. EXPENSES	15,600.23	16,177.34	16,329.54	15,703.68	18,052.47	0.00	0.00	0.00	0.00	0.00	0.00	0.00	81,863.26
	42nd St. PROFIT/(LOSS)	22,370.25	21,566.22	22,846.34	21,918.36	27,953.90	0.00	0.00	0.00	0.00	0.00	0.00	0.00	116,655.07

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LOCATION	ACCOUNTING CODE	2002 October	2002 November	2002 December	2003 January	2003 February	2003 March	2003 April	2003 May	2003 June	2003 July	2003 August	2003 September	FY 2002/2003 Total
42nd St. Garage-8A														
Revenue-Ticket	480-8000-344531	2,068.55	1,661.97	1,616.89	2,474.77	6,040.17	2,375.90	2,602.80	3,376.65	2,976.64	2,871.04	2,828.05	2,622.43	33,515.86
Revenue-Monthly Permits	480-8000-344595	36,300.00	35,940.00	35,640.00	34,680.00	35,160.00	34,320.00	34,440.00	34,200.00	34,680.00	34,500.00	34,500.00	34,740.00	419,100.00
	42nd St. REVENUE (Sales Tax Excluded)	38,368.55	37,601.97	37,256.89	37,154.77	41,200.17	36,695.90	37,042.80	37,576.65	37,656.64	37,371.04	37,328.05	37,362.43	452,615.86
Expenses														
Security Personnel		10,877.14	8,244.21	8,143.74	10,305.98	8,690.43	8,230.10	10,989.83	8,988.60	11,395.97	9,140.34	11,484.72	8,883.48	115,374.54
Attendant/Cashier Labor		2,639.24	3,696.43	2,477.56	2,507.41	3,984.97	2,718.84	2,631.78	2,989.97	4,430.24	2,897.94	3,182.84	3,082.75	37,239.97
FP&L		1,539.31	1,459.55	1,341.18	1,510.98	3,178.78	1,805.96	1,805.96	1,805.96	1,805.96	1,805.96	1,805.96	1,805.96	21,671.52
Revenue Control Equipment Maintenance		0.00	0.00	0.00	0.00	0.00	0.00	217.50	-217.50	0.00	0.00	0.00	0.00	0.00
Elevator Maintenance		0.00	0.00	0.00	0.00	0.00	0.00	536.00	536.00	536.00	536.00	536.00	536.00	3,216.00
Landscape Maintenance		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	182.00	0.00	0.00	0.00	182.00
Garage Cleaning/Maintenance		1,285.00	1,285.00	1,285.00	1,285.00	1,285.00	1,285.00	1,285.00	1,285.00	1,285.00	1,796.50	1,796.50	1,780.00	16,938.00
	42nd St. EXPENSES	16,340.69	14,685.19	13,247.48	15,609.37	17,139.18	14,039.90	17,466.07	15,388.03	19,635.17	16,176.74	18,806.02	16,088.19	194,622.03
	42nd St. PROFIT/(LOSS)	22,027.86	22,916.78	24,009.41	21,545.40	24,060.99	22,656.00	19,576.73	22,188.62	18,021.47	21,194.30	18,522.03	21,274.24	257,993.83

CITY OF MIAMI BEACH
PARKING DEPARTMENT
42nd St. Garage
PROFIT & LOSS STATEMENT

LOCATION	ACCOUNTING CODE	2002 October	2002 November	2002 December	2003 January	2003 February	2003 March	2003 April	2003 May	2003 June	2003 July	2003 August	2003 September	FY 2002/2003 Total
42nd St. Garage-8A														
Revenue-Ticket	480-8000-344531	2,068.55	1,661.97	1,616.89	2,474.77	6,040.17	2,375.90	2,602.80	3,376.65	2,976.64	2,871.04	2,828.05	2,622.43	33,515.86
Revenue-Monthly Permits	480-8000-344595	36,300.00	35,940.00	35,640.00	34,680.00	35,160.00	34,320.00	34,440.00	34,200.00	34,680.00	34,500.00	34,500.00	34,740.00	419,100.00
	42nd St. REVENUE (Sales Tax Excluded)	38,368.55	37,601.97	37,256.89	37,154.77	41,200.17	36,695.90	37,042.80	37,576.65	37,656.64	37,371.04	37,328.05	37,362.43	452,615.86
Expenses														
Security Personnel		10,877.14	8,244.21	8,143.74	10,305.98	8,690.43	8,230.10	10,989.83	8,988.60	11,395.97	9,140.34	11,484.72	8,883.48	115,374.54
Attendant/Cashier Labor		2,639.24	3,696.43	2,477.56	2,507.41	3,984.97	2,718.84	2,631.78	2,989.97	4,430.24	2,897.94	3,182.84	3,082.75	37,239.97
FP&L		1,539.31	1,459.55	1,341.18	1,510.98	3,178.78	1,805.96	1,805.96	1,805.96	1,805.96	1,805.96	1,805.96	1,805.96	21,671.52
Revenue Control Equipment Maintenance		0.00	0.00	0.00	0.00	0.00	0.00	217.50	-217.50	0.00	0.00	0.00	0.00	0.00
Elevator Maintenance		0.00	0.00	0.00	0.00	0.00	0.00	536.00	536.00	536.00	536.00	536.00	536.00	3,216.00
Landscape Maintenance		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	182.00	0.00	0.00	0.00	182.00
Garage Cleaning/Maintenance		1,285.00	1,285.00	1,285.00	1,285.00	1,285.00	1,285.00	1,285.00	1,285.00	1,285.00	1,796.50	1,796.50	1,780.00	16,938.00
	42nd St. EXPENSES	16,340.69	14,685.19	13,247.48	15,609.37	17,139.18	14,039.90	17,466.07	15,388.03	19,635.17	16,176.74	18,806.02	16,088.19	194,622.03
	42nd St. PROFIT/(LOSS)	22,027.86	22,916.78	24,009.41	21,545.40	24,060.99	22,656.00	19,576.73	22,188.62	18,021.47	21,194.30	18,522.03	21,274.24	257,993.83

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LOCATION	ACCOUNTING CODE	2001 October	2001 November	2001 December	2002 January	2002 February	2002 March	2002 April	2002 May	2002 June	2002 July	2002 August	2002 September	FY 2001/2002 Total
42nd St. Garage-8A														
Revenue-Ticket	480-8000-344531	1,601.88	1,333.32	1,521.14	1,880.75	12,211.58	1,915.21	2,176.52	3,171.84	1,733.32	2,189.65	2,268.56	1,882.57	33,886.34
Revenue-Monthly Permits	480-8000-344595	21,540.00	19,200.00	19,500.00	18,060.00	16,380.00	17,040.00	18,120.00	17,760.00	18,660.00	18,300.00	36,360.00	35,700.00	256,620.00
	42nd St. REVENUE (Sales Tax Excluded)	23,141.88	20,533.32	21,021.14	19,940.75	28,591.58	18,955.21	20,296.52	20,931.84	20,393.32	20,489.65	38,628.56	37,582.57	290,506.34
Expenses														
Security Personnel		5,790.16	8,179.71	7,737.08	7,429.88	7,516.66	7,530.52	7,768.30	7,628.81	9,240.26	11,182.27	13,105.58	12,017.45	105,126.68
Attendant/Cashier Labor		3,050.19	2,474.28	2,320.23	2,242.02	4,680.24	2,737.35	2,471.91	2,628.33	2,479.02	2,381.85	2,526.02	2,522.32	32,513.76
FP&L		1,471.76	1,480.00	744.79	1,423.20	1,433.94	1,850.98	1,647.89	1,655.88	1,650.65	1,629.72	1,358.53	1,597.13	17,944.47
Garage Cleaning/Maintenance		1,285.00	1,285.00	1,285.00	1,285.00	1,285.00	1,285.00	1,285.00	1,285.00	1,285.00	1,285.00	1,285.00	1,285.00	15,420.00
	42nd St. EXPENSES	11,597.11	13,418.99	12,087.10	12,380.10	14,915.84	13,403.85	13,173.10	13,198.02	14,654.93	16,478.84	18,275.13	17,421.90	171,004.91
	42nd St. PROFIT/(LOSS)	11,544.77	7,114.33	8,934.04	7,560.65	13,675.74	5,551.36	7,123.42	7,733.82	5,738.39	4,010.81	20,353.43	20,160.67	119,501.43

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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: April 14, 2004

From: Jorge M. Gonzalez
City Manager

Subject: **STATUS REPORT ON THE REHABILITATION PROJECT OF THE EXISTING BUILDING AND THE ADDITION TO FIRE STATION NO. 2**

The improvements being made to Fire Station No. 2 include full historic renovation of the existing facility, and an additional facility that will include apparatus bays and living quarters. Early last year, it was determined that it was necessary to construct two new water tanks and demolish the existing water tank located within the Public Works Yard before the construction on the Fire Station could begin. As a result, the water tanks and related pump station were added to the Jasco Construction Company's (Jasco) Construction Manager at Risk Contract. STA Architectural Group (STA) is the architect/engineer (A/E) for the Fire Station components and Camp Dresser & McKee (CDM) is the A/E for the water tanks/pump station components.

Construction on the Water Tanks and Pump Station Project began on June 6, 2003. The completion of this portion of the Project is expected in the spring of 2004 and is within schedule. The water tanks have been completed. The contractor is completing the piping and working with FPL to energize the pumps so that the tanks can be filled. Once this is accomplished and the pumps and tanks are operational we will begin the process of achieving Substantial Completion and a Certificate of Completion so that the existing water tank can be demolished. At this time the City and the contractor expect to complete this process by the end of April which will allow mobilization on the Fire Station project in early May.

On December 10, 2003, the City Commission approved the Guaranteed Maximum Price, in the amount of $8,096,580, awarded the contract to Jasco, and appropriated the additional funding to complete the Project. The construction of the new Fire Station, etc. is to begin immediately after the completion of the Water Tanks and Pump Station Project in the Spring of 2004.

Currently there are some minor changes that are being worked out between the City Attorney's Office and the attorney for Jasco to finalize the Agreement. The substance of the Agreement is in place. The Agreement will be presented to the Mayor for execution once it is completed. The construction is to take place in two phases, Phase I is the construction of the new Fire Station building, and Phase II is the historic renovation of the existing structure.

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Agenda Item B
Date 4-14-04

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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: April 14, 2004

From: Jorge M. Gonzalez
City Manager

Subject: **STATUS REPORT ON FIRE STATION NO. 4 PROJECT**

Past Events

The City Commission, on July 2, 2003, issued a directive to the Administration to pursue the Certificate of Appropriateness for Demolition of the existing building. The Historic Preservation Board (HPB) approved a motion to recommend to the City Commission that the building be demolished. The HPB also approved a motion authorizing the revisions to the previously approved new building, and added some requirements with regard to landscaping, breeze block, monument, and curb/swale/sidewalk configuration. On October 15, 2003, the City Commission held a public hearing and voted to approve a Certificate of Appropriateness for the demolition of the fire station.

The Consultant has developed and submitted drawings for the full demolition of the existing fire station. Carivon Construction Inc. was selected through the Job Order Contracting (JOC) Program to demolish the existing building. The drawings for the demolition of the existing fire station have been approved. However, due to the ordinance requirements regarding demolition of structures within historic sites, a demolition permit cannot be issued, and the City cannot demolish the existing Fire Station building until a building permit on the new Fire Station is issued.

As soon as the plans for the new Fire Station are approved by the Building Department, estimated to be in late March 2004, Carivon has agreed to pull the permit on the new building and to demolish the existing building. Completion of the permit approval is dependent on the review by DERM which is still incomplete. The Planning Department has recently requested that the landscape design be changed from what was presented with the permit documents by the Consultant. Additional services have been authorized to MC Harry for the re-design and the new documents will be presented to the Planning Department and the Building Department as soon as they are ready. This means that demolition is now estimated to occur in early April 2004, but this date is dependent upon the Building Department review process noted above for the issuance of both the demolition and construction permits.

Agenda Item C
Date 4-14-04

Status Update

The construction drawings review for the new fire station by appropriate City departments has been completed. Comments have been incorporated by the consultant in order to create a conformed set once the permit review is completed.

The seawall restoration at the Fire Station No. 4 site is also being added to the project. The construction drawings for the seawall restoration are currently being reviewed by Miami-Dade Environmental Resource Management (DERM) and will likely also be permitted in the same time frame. The restoration will be added to the bid documents for construction under the same contract, which provides greater efficiency. This portion of the project is being funded by the Shoreline and Seawall Rehabilitation Program portion of the General Obligation Bond.

It is anticipated that the bid for construction of the new fire station and seawall will be issued in April 2004, with construction to start in early summer of 2004. In preparation for advertisement and bidding, a meeting was held with the City's Procurement Division on March 26, 2004.

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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: April 14, 2004

From: Jorge M. Gonzalez
City Manager

Subject: **INFORMATIONAL REPORT TO THE MAYOR AND CITY COMMISSION, ON FEDERAL, STATE, MIAMI-DADE COUNTY, 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 and Federal GSA contracts that are approved for utilization by the City Manager. Pursuant to information contained in Miami-Dade County, State of Florida 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.	Citywide Office Supply	Corporate Express	09/30/2004	NONE
2.	Medical Service for Fire Dept	Dr. Fred Keroff	09/30/2004	Renewal Every year Consecutively From Oct 1Thru Sept 30
3.	Electronic Parking Meters	POM	09/30/2004	None
4.	The Purchase of Air Conditioning and Refrigeration Parts and Supply	Various Vendors	09/30/2004	May be extended for two additional one (1) year period
5.	Provide Pest Control and Fertilization	Tower Pest Control Inc	09/30/2004	May be extended for two addition one (1) year period

AGENDA ITEM D

DATE 4-14-04

6.	Spanish Interpreter	Language Speak Inc	09/11/2004	May be extended for two addition one (2) year period
7.	Visitor Bureau	GMCVB	09/30/2004	NONE
8.	Concrete Curbing/Sidewalk Construction	F & L Construction and H& J Ashphalt	09/25/2004	May be extended for the last one (1) year period

JMG:PDW:GL

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CITY ATTORNEY'S
OFFICE

CITY OF MIAMI BEACH
OFFICE OF THE MAYOR & COMMISSION
MEMORANDUM

TO: MAYOR & COMMISSIONERS

CC: JORGE GONZALEZ
CITY MANAGER

MURRAY DUBBIN
CITY ATTORNEY

FROM: RICHARD STEINBERG RLS/sm
COMMISSIONER

DATE: March 25, 2004

RE: For Your Information- Miami Dade Homeless Trust Board
February 27, 2004 Meeting Minutes

Attached please find the minutes for the February 27, 2004 meeting of the Miami Dade Homeless Trust Board for your information and review.

RLS/dm

Agenda Item E1
Date 4-14-04

MIAMI-DADE COUNTY HOMELESS TRUST BOARD
MEETING MINUTES
FEBRUARY 27, 2004

The following members were in attendance:

Sergio González, Esq., Vice-Chair
Hilda Fernández for Mayor Alex Penelas, Chair
Ronald L. Book, Esq.
Ben Burton for Dr. Juanita de la Cruz
Rondy Johnson
Bradley Simon for Joe Arriola
Commissioner Richard Steinberg
Shelley Llorente
Gilda Ferradaz for Chuck Hood, III
Cleveland Bell, III
Alina Peréz for Judge Steven Leifman
James V. Parker for Merritt Stierheim
Robert V. Koch for Judge Jeffrey Rosinek
Kametra Driver
Elizabeth Von Werne for Marguerite Schantz
Paul Reyes-Fournier for Danny Alvarez
Councilwoman Daisy Black

The following persons were in attendance:

Javier Soto
Chuck Resnick
Jennifer Hill
Howard Rubin
Curtis Taylor
Pedro Martinez
Daniel Vincent
Chuck Salas
Lorenzo Rodriguez
Teresa Thompson
Maria P. Barcus
Allen Hart
Rowena Henry
Cristina Garcia-Menocal
Dr. Oren Wunderman
John Giampalo
Torquill Smith
Karen Mahar
Kimberley Green
Maggie Olano
Alicia Apfel, Esq.,
Cynthia Johnson-Stacks, Esq.
David Raymond
Julie Edwards
Cesar Deville
Terrell Thomas
Luis A. Pérez
Farren Oglesby
Barbara Golphin
Mike Pimentel

WELCOME AND INTRODUCTIONS

Ms. Hilda Fernández called the meeting to order at 10:39 a.m. Ms. Fernández stated, for the record, that there was a quorum. Self-introductions were made and Ms. Fernández then proceeded to consider the meeting agenda.

APPROVAL OF MINUTES

Ms. Fernández asked if there were any questions or comments concerning the January meeting minutes. Not being any, Mr. Jim Parker motion for the approval of the minutes. Mr. Robert Koch seconded the motion. All members present approved the motion set forth unanimously. *(Mr. Sergio González joined the meeting at 10:50 a.m. and assumed the chair duties).*

FAMILY RESOURCE CENTER
HOMELESS HOUSING ASSISTANCE GRANT REPAYMENT

David Raymond announced to members and guests that the Homeless Trust and Family Resource Center (FRC) have reached an accord and the settlement agreement will be executed this afternoon. Staff is in receipt of the first payment. It was agreed that the repayment plan would commence with monthly installments of $3,055 over a three (3) year period. Once FRC transfers the project to a successful bidder, the payments will be accelerated to $6,100 monthly, thereby fulfilling the obligation in a period of 18 months. David informed members that in the meeting package there is a copy of the final Trial Court Order ruling in favor of Family Resource Center ending the ending the property conveyance issue.

However, the City of Miami may still seek relief in the Federal Court System within the legally permitted timeframe, which is approximately March 18, 2004. At a recent meeting with Mayor Manny Diaz and City Manager Joe Arriola many concerns regarding this and other projects were discussed. There was an extensive discussion at the recent Board meeting concerning this matter inclining staff to hope that this matter will not be pursued any further.

After ongoing discussions with the Department of Children and Families, Tom Pierce of the State Office, and Bryan Finnie of Office of Community and Economic Development (OCED), it was determined that the Trust will accept the repayment proposal made by FRC with the following conditions:

- The $110,000 be restored to our grant agreement account
- The re-expense will be in accordance to the grant agreement
- The grant agreement will be amended to reflect the new sponsor

David explained the details of the accounting and paperwork process in complying with these conditions that is subject to the approval of legal counsel and Mr. Ron Book, the Trust Finance Chair. This will reflect on the 04-05 budget and will impact the Trust budget negatively. Also, since the contract with the agency has expired, there will be a need for a contractual extension or modification of the contract. There will be a need for State authority to remedy this problem. Ms. Johnson-Stacks stated that she has done some preliminary research and feels that the State does have legal authority to act, however, she is prepared to respond to any issues that may arise.

Although the project has lost the HUD funding, it will retain the $275,00 DCF Homeless Assistance Grant award of which $268,000 was awarded to FRC; and $314,000 CDBG funds will also be bid out to the new sponsor. David added that the Florida Housing Finance Corporation loan may be transferable to the new project sponsors as well. Ms. Fernández inquired as to the timeline concerning the Florida Home Financing Corporation, if this process will be complete by the deadline of April 2nd. David clarified that at the direction of the Board, staff has been authorized to expedite the Selection Committee recommendation, unless there is an objection or appeal by an applicant and will be ratified retroactively. David also informed members that the agency has the option of applying for new SHP funding if the project is converted to a permanent housing project and request operational dollars. Some questions and clarifications were made and David stated that this is an informational item and will keep members updated of any further developments.

COLD WEATHER REPORT

David Raymond referred members to a detailed spreadsheet, at the request of the Trust Finance Chair, Mr. Ron Book with the statistics of the effects of the cold weather on the continuum of care. David shared the statistics with members and guests. At the request of Mr. González, the present cold weather policy and procedure was briefly reviewed. David thanked Farren Oglesby, Homeless Trust Contract Monitor for her diligence in gathering and providing information during the winter months; notifications to the outreach teams, trust funded and non-trust funded providers, and bed availability reports. Cold weather also lends itself to engaging people who are service resistant. Cold weather cost assessment will be facilitated next year when the HMIS is in full service. Mr. Torquill Smith requested that cold weather placement criteria for Miami Beach be clarified. Commissioner Steinberg complied with Mr. Smith's request.

CPHI REPORT

Mr. Dan Vincent announced a 63% outplacement at the North HAC and 73% at the South HAC for the month of January, and a Life-to-Date outplacement of 59.9%. CPHI has crossed a threshold of 40,000 admissions since its inception. The job development specialist has had 211 successful job placements largely due to Our Lady Express and the Dole Warehouse. Also staff has come to an arrangement with Ms. Gail Thompson, Project Director of the Performing Arts Center in their hiring process that contractually requires them to hire people who live within the community; the meetings take place every Tuesday. They have hired 43 employees thus far. The dog kennel at the South HAC has six dogs. Veterinary Dr. Iglesias regularly examines the animals and has trained staff caring for the animals. The CPHI Third Annual Gala is scheduled for October 22, 2004. There have been 502 cold weather placements as of February 18, 2004. The cold weather consequently has caused additional expenses due to food, staff, and miscellaneous necessities.

APPLE TREE PERSPECTIVE REPORT

Alicia Apfel reviewed the highlights of the written report in the meeting package, specifically projects that are complete or at near completion and the ones that are having difficulties. The reasons for delays were outlined in detail. David stated that Thomas Jefferson apartments operated by Catholic Charities is looking for another site.

CARRFOUR SUPPORTIVE HOUSING PRESENTATION

By way of introduction, Ms. Maria P. Barcus, President and CEO of Carrfour Supportive Housing provided an overview of the corporation and their mission statement, followed by the purpose of the forthcoming presentation *(copies of PowerPoint presentation were handed out)*. Ms. Barcus explained what supportive housing is and it's role in preventing and ending homelessness; the successful projects Carrfour operates and maps of their current locations. Successful projects that are currently operational include:

- Del Prado Gardens
- South Dade Programs
- Wynwood
- Rivermont House
- Little Haiti Gateway

Ms. Barcus provided a brief overview of each project: its capacities, population, and residency requirements. Projects that are currently under development are:

- Little river Bend
- Sunsouth Place
- Villa Aurora
- Harding Village

Ms. Barcus provided a brief overview of each project, including the projected capacities, housing populations, and residency requirement. Further, the status of each projection and projected date of completion. Mr. Barcus then proceeded by presenting

- Statistical data on past and projected housing needs in Dade County
- Future Federal and State guidelines
    - Funding
    - Services

- ✧ Supportive Housing Funding Sources
- ✧ Supportive Housing Timelines for funding applications, acquisition, and construction
- ✧ Community goals in housing development
    - * Opportunity
    - * Process to attain proposed goals
- ✧ Leveraging County Resources

Mr. Barcus concluded her presentation and there was a question and answer session. Mr. Cleveland Bell added that he recommends that the Faith Based initiative move forward. David provided information on:

- Efforts being currently made by staff and the Continuum of Care
- Housing Committee Recommendations
- Involvement with OCED for input to Affordable Housing Advisory Board

ECONOMIC INDICATOR REPORT

Tax Collection Report for the Most Recent Collection Period: Mr. César Deville stated that there was a 9.88% increase in tax earnings for the month of January 2004 (as compared to the same period last year). Our current year-to-date actual collection stands at 11.03% greater than the previous fiscal year. The total revenue collection to date is $3,064,646.58.

Local, State, and National Unemployment Rates: National average has decreased slightly to 5.6% in January 2004. The State average remained the same at 4.7 % in January from December 2003. The Miami-Dade County, unemployment average has decreased to 6.1% in December 2003 from 6.6% in November 2003.

Utilization Analysis for Homeless Help Line: The Homeless Helpline received a total of 1,509 calls for November 2003, totaling 3,209minutes, with the average call being 2.13 minutes.

EXECUTIVE DIRECTOR'S REPORT

Deferred to next meeting.

OTHER ITEMS

Hotel Motel Funding: David stated that staff is moving forward with the agreements between the Trust and the Outreach Teams. There are some documents pending that were requested from providers. Authorized placements are to be made by DHS and the Outreach Teams. No placements are pending at this time and all outreach teams may place clients at this time.

Homeless Trust Operating Budget: There is a preliminary draft of the budget. There will be no projected cuts at this point due to increased food & beverage revenue.. The Finance Committee will be meeting soon to review, make any additional recommendation, and finalize the 03-04 budget for presentation and approval by the Commission.

Award Presentation: Mr. González introduced Mr. Javier Soto, Chief of Staff to Mayor Penelas for a special presentation to Ms. Hilda Fernández, in honor of her service to the Homeless Trust. Mr. Soto proceeded and read Mayor Penelas' Commendation for her distinguished achievements in County service and paid a brief homage of Ms. Fernández' tenure at the County, the Homeless Trust, the County Manager's special project, and in her role as a Senior Advisor in the Mayor's Office.

Mr. González then followed by presenting to Ms. Fernández on behalf of the Homeless Trust Board, Staff, and the citizens of Dade County an award for her dedication and commitment to this community and thanked her for making a difference in our community with her invaluable and outstanding work.

David Raymond stated that this community is blessed to have a person of irreproachable moral character and integrity such as Hilda Fernández dedicated to the service and betterment of its community.

Ms. Fernández expressed her gratitude and appreciation to Mayor Penelas, Mr. Soto and González, David, and the entire Trust Board and staff for this honor.

Ms. Fernández asked if there was any further business, questions, or comments. Not be any further business, the meeting was adjourned at 12 p.m.

Ms. Hilda Fernández for
Mayor Alex Penelas, Chairman

R9 - New Business and Commission Requests

F Presentation On The On-Line Permitting System.
(City Manager's Office)

AGENDA ITEM F
DATE 4-14-04

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