City of Miami Beach - City Commission Meeting
Commission Chambers, 3rd Floor, City Hall
1700 Convention Center Drive
May 26, 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

R2 - Competitive Bid Reports

R2A Request For Approval To Appropriate Funds From The Fleet Management Vehicle Reserve Fund, And Award A Contract To DaimlerChrysler Commercial Buses, NC LLC, Pursuant To Invitation To Bid No. 21-03/04 For The Purchase Of Six 30 Foot, Low Floor Transit Buses In The Amount Of $1,615,665. (Page 139)
(Public Works)

R2B Request For Approval To Award Job Order Contracts To The Following Contractors Pursuant To Invitation For Bids ("Bid") No. 12-03/04 For Public Works Projects; Bid No. 13-03/04 For Citywide Construction Projects; And Bid No. 14-03/04 For Capital Improvements Projects: 1) Alpine Construction, Inc.; 2) Carivon Construction, Inc.; 3) CW Construction, Inc.; 4) F & L Construction, Inc.; 5) F.H. Paschen SN Nielsen; 6) H.A. Contracting, Inc.; 7) Pass International, Inc. At An Estimated Annual Amount Of $2 Million Per Contract For Public Works And Citywide Construction Projects, And $5 Million Per Contract For Capital Improvement Projects; And Further Authorizing The Mayor And City Clerk To Execute All Contractual Agreements Thereto. (Page 148)
(Capital Improvement Projects & Procurement Department)

R5 - Ordinances

R5A An Ordinance Amending The City's Art In Public Places Legislation, As Codified In Chapter 82, Article VII, Divisions 1 Through 4, Sections 82-501 Through 82-612, Of The Code Of The City Miami Beach, Florida; Providing For Codification; Repealer; Severability; And An Effective Date.
10:15 a.m. Second Reading, Public Hearing (Page 162)
(Tourism & Cultural Development)
(First Reading on May 5, 2004

R5B An Ordinance Amending Miami Beach City Code Section 2-487 Entitled "Prohibited Campaign Contributions By Vendors," Subsection A(3) Thereof By Defining The Term "Disqualified"; Providing For Repealer, Severability, Codification And An Effective Date. **11:30 a.m. Second Reading, Public Hearing** (Page 177)
(Requested by Commissioner Jose Smith)
(First Reading on May 5, 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. **5:30 p.m. Second Reading, Public Hearing** (Page 181)
(Planning Department)
(First Reading, Public Hearing on April 14, 2004)

R5D Neighborhood Conservation District Enabling Ordinance
An Ordinance Amending The Land Development Regulations Of The Code Of The City Of Miami Beach, Florida, By Amending Chapter 118, "Administration And Review Procedures," By Adopting Article XI, "Neighborhood Conservation Districts," Establish Procedures And Criteria For The Creation Of Neighborhood Conservation Districts; Providing For An Intent Statement, Qualification Criteria, And Procedures For Creating And Modifying Such Districts; Providing For Codification; Repealer; Severability; And An Effective Date. **First Reading** (Page 188)
(Planning Department)

R5 - Ordinances (Continued)

R5E An Ordinance Amending Chapter 2 Of The Code Of The City Of Miami Beach, Entitled "Administration"; By Amending Article VI Thereof, Entitled "Procurement"; By Amending Division 3, Entitled "Contract Procedures"; By Amending Section 2-369, Entitled "Award Of Contract"; Said Amendments Respectively: 1) Providing The City Manager With The Authority To Approve Purchases Of Commodities, Materials, Supplies Or Other Items On A Continuing Basis From Contracts Awarded By The U.S. Communities Government Purchasing Alliance; And 2) Providing That Prior To Approval Of Said Purchases For Commodities, Materials, Supplies Or Other Items On A Continuing Basis From The Entities, As Set Forth In Section 2-369, The City Manager Shall Prepare, Or Cause To Be Prepared, A Written Analysis Which Shall Include A Statement As To Why It Is In The City's Best Interest To Procure Commodities, Materials, Supplies, Or Other Items On A Continuing Basis Utilizing The Contracts From The Entities Set Forth In Section 2-369; Also Providing For Repealer, Severability, And An Effective Date. **First Reading** (Page 205)
(Procurement Department & City Attorney's Office)

R6 - Commission Committee Reports

R6A Verbal Report Of The Finance And Citywide Projects Committee Meeting Of May 19, 2004: **1)** Discussion Regarding The Sale Of Waterfront Property Located At 2620 Biarritz Drive, Miami Beach, Florida; **2)** A Resolution Authorizing The Mayor And City Clerk To Approve New Rental Rates As Proposed For The Miami Beach Convention Center, Effective October 1, 2004 For New Business And To Be Implemented As Negotiated With Existing Clients; **3)** Discussion Regarding The Development And Use Of The Parking Lot And Associated Landscaping Improvements Adjacent To The Shane Watersports Center As It Relates To That Certain Second Amended And Related/Consolidated Lease Agreement With Miami Beach Watersports Center, Inc. As Lessee, For The City-Owned Property Located At 6500 Indian Creek Drive, Miami Beach, Florida; **4)** Discussion Regarding The March 9, 2004 Voter Approved Charter Amendment Requiring That The City Commission Consider The Long Term Economic Impact (At Least Five Years) Of Legislative Acts. (Page 217)

R7 - Resolutions

R7A A Resolution Approving The Transfer Of Funds In The Amount Of $200,000 From The Approved Miami-Dade County Safe Neighborhood Parks Bond Fund Program, Series 99 North Shore Open Space Park Project To The Series 99 Beaches And Boardwalk, North Beach Recreational Corridor Project; While Leveraging Previously Appropriated City Funds As Needed; Further Appropriating All Necessary Funds And Authorizing The Execution Of All The Necessary Documents. **10:30 a.m. Public Hearing** (Page 220)
(Grants Management)

R7 - Resolutions (Continued)

R7B 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 229)
(City Manager's Office)
(Continued from May 5, 2004)

R7C A Resolution Authorizing The Administration To Negotiate And Engage A Consultant From The City's Rotating List Of A/E Consultants For An Amount Not To Exceed $25,000, And If Unsuccessful Authorizing The Issuance Of An RFP To Select A Consultant, To Prepare An Environmental Assessment (EA) Report As Required By The Federal Trade Administration For A Proposed Joint Development 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. (Page 236)
(City Manager's Office)

R7D A Resolution Following A Duly Noticed Public Hearing, Creating Restricted Residential Parking Permit Zone 13/Lower West Avenue, With Boundaries As Follows: On The South, The Centerline Of 5th Street; On The North, The Centerline Of 13th Street; On The East, By Alton Court; And On The West, The Westerly Line Of West Avenue. **5:01 p.m. Public Hearing** (Page 251)
(Parking Department)

R7E A Resolution Approving The Purchase Of Flood Insurance, All Risk Property Insurance (Including Windstorm) And Boiler/Machinery Insurance For City Buildings And Contents (Including New Construction), For A Combined Estimated Annual Premium Of $1,703,813 (Net Of Broker Commissions), For A One-Year Period As Proposed By Arthur J. Gallagher & Co., The City's Broker Of Record. (Page 260)
(Risk Management)

R7 - Resolutions (Continued)

R7F A Resolution Referring To The Planning Board And Design Review Board For Review And Recommendation The Concept Plan Contemplated In The Term Sheet Approved By The City Commission On February 25, 2004 With The Portofino And Related Entities For The Parcels Known As The Alaska Parcel, Goodman Terrace, The Hinson Parcel, Blocks 51 And 52 And Block 1, And Authorizing The Administration's Execution Of Owner Affidavits For Applications Including Public Property Filed By The Portofino And Related Entities To Amend The Land Development Regulations And Comprehensive Plan, Consistent With The Term Sheet. (Page 275)
(City Manager's Office)

R7G 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 282)
(Public Works)
(Deferred from May 5, 2004)

R7H A Resolution Authorizing The Mayor And City Clerk To Approve New Rental Rates For The Miami Beach Convention Center, Effective October 1, 2004 For New Business, And To Be Implemented As Negotiated With Existing Users. (Page 297)
(Convention Center)

R7I A Resolution Waiving, By 5/7ths Vote, Formal Competitive Bidding, Finding Such Waiver To Be In The Best Interest Of The City, Authorizing The Mayor And City Clerk To Renew The City's Policy With Jefferson Pilot Financial, For A One Year Period Effective June 1, 2004, At No Increase In The Premium Of $0.440 Per $100 Of Covered Payroll, To Provide Long Term Disability Coverage For Those Employees Covered Under The City's 401(A) Defined Contribution Retirement Plan. (Page 312)
(Human Resources)

R7J A Resolution Appropriating Funds, In The Amount Of $363,440, From Parking Revenue Fund 481, To Provide Painting And Striping Needed At The 17th Street Parking Garage. (Page 317)
(Capital Improvement Projects)

R7K A Resolution Appropriating Funds, In The Amount Of $391,725, From Parking Revenue Fund 481, To Complete Additional Structural Repairs Needed At The 17th Street Parking Garage. (Page 322)
(Capital Improvement Projects)

R9 - New Business and Commission Requests

R9A Board and Committee Appointments. (Page 328)
(City Clerk's Office)

R9A1 Appointment Of Two (2) Citizens At-Large To The Board Of Adjustment. (Page 334)
(City Clerk's Office)
(Deferred from May 5, 2004)

R9A2 Nominate Carl Linder To The Board Of Adjustment. (Page 336)
(Requested by Commissioner Luis R. Garcia, Jr.)
(Deferred from May 5, 2004)

R9A3 Nominate Abraham Galbut To The Health Advisory Board. (Page 338)
(Requested by Commissioner Simon Cruz)

R9B Discussion Regarding Negotiating A Contract For Public Relations Services. (Page 340)
(Requested by Vice-Mayor Saul Gross)
(Deferred from May 5, 2004)

R9C Report On Memorial Day Weekend 2004 (Thursday, May 27, 2004 - Monday, May 31, 2004). (Page 354)
(City Manager's Office)

R9D Discussion Regarding The Traffic Analysis Report On Indian Creek Drive At 63rd And 65th Street Intersections, Prepared By The HNTB Corporation. (Page 359)
(Public Works)

R9E Discussion Regarding The 42nd Street Project. (Page 379)
(Requested by Commissioner Luis R. Garcia, Jr.)

R9F Discussion Regarding Status Of The Examination Of Concurrency Policies In The City Of Miami Beach. (Page 385)
(Requested by Commissioner Richard Steinberg)

R9G Discussion Regarding Swimming Skills In The Fire Department. (Page 389)
(Requested by Commissioner Luis R. Garcia, Jr.)

R9 - New Business and Commission Requests (Continued)

R9H Discussion Regarding The Following Sister Cities Resolutions: (Page 393)

1. A Resolution Extending An Invitation To The City Of Nahariya, Israel, To Become A Sister City Of Miami Beach, Florida, Designating Mayor David Dermer As The City's Representative And Transmitting This Resolution To The Officials Of Nahariya, Israel.

2. A Resolution Extending An Invitation To The City Of Fortaleza, Brazil, To Become A Sister City Of Miami Beach, Florida, Designating Mayor David Dermer As The City's Representative And Transmitting This Resolution To The Officials Of Fortaleza, Brazil.

3. A Resolution Relating To Ramat Gan, Israel, Established As A Sister City On July 21, 1971 By Resolution No. 13322; Determining That The Purposes Of Said Resolution No Longer Exist; Terminating Said Relationship And Repealing Resolution No. 13322.
(Requested by Mayor David Dermer)

Reports and Informational Items

A Parking Status Report. (Page 402)
(Parking Department)

B Presentation Regarding Funding Status For Projects Managed By The Capital Improvement Projects Office. (Page 440)
(Capital Improvement Projects)

C Non-City Entities Represented By City Commission:

1. Minutes From The Performing Arts Center Trust Board Meeting Of March 9, 2004 And Agenda For the May 18, 2004 Meeting. (Page 442)

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)

R2
Competitive Bid
Reports

CITY OF MIAMI BEACH
COMMISSION ITEM SUMMARY

Condensed Title:

Request for Approval to Appropriate Funds from the Fleet Management Vehicle Reserve Fund, and Award a Contract to DaimlerChrysler Commercial Buses NC LLC, Pursuant to Bid No. 21-03/04, for the Purchase of Six 30 Foot, Low Floor Transit Buses in the Amount of $1,615,665.00.

Issue:

Shall the City Commission award a contract to DaimlerChrysler Commercial Buses, NC, LLC?

Item Summary/Recommendation:

The specification for the Bid calls for furnishing up to six (6) 30 foot, low floor transit diesel buses to the City of Miami Beach (the "City") and the Miami Beach Transportation Management Association ("MBTMA"), utilizing Federal Transit Administration ("FTA") funds. Available FTA Section 5309 funds available for the purchase under this Bid are not to exceed $1,629.444.00.

The specification requires the bus to complete the FTA required Altoona test schedule for certification as a 12-year, 500,000 mile bus. The Altoona testing is performed by The Pennsylvania Transportation Institute, at Pennsylvania State University, in the Bus Testing and Research Center located in Altoona, PA.

The lowest bid was received from BlueBird Coachworks ("BlueBird"). However, BlueBird's bus demonstrated several instances that required unscheduled maintenance during FTA required Altoona testing, which took a year to complete. There were 72 reported failures in the Reliability section of the Structural Durability Testing.

The second lowest and the best bid was received from DaimlerChrysler Commercial Buses, NC LLC. Altoona testing results were deemed relatively clean and the test was completed in six months. There were 29 reported failures in the Reliability section of the Structural Durability Testing, which is considered minimal in the transit industry.

Based on the analysis of the bids received, it is recommended that the City award the contract for the base bid for six buses to the best bidder, **DaimlerChrysler Commercial Buses, NC LLC.** As the buses will be in warranty, the Administration recommends foregoing the purchase of spare parts at this time so as to fully utilize the available FTA funding for the bus purchase.

APPROPRIATE FUNDS AND APPROVE THE AWARD.

Advisory Board Recommendation:

Financial Information:

Source of Funds:

	Amount	Account	Approved
1	$1,615,665.00	Fleet Management Vehicle Reserve Fund	
2			
3			
4			
Total			

Finance Dept.

City Clerk's Office Legislative Tracking:

Gus Lopez, ext 6641

Sign-Offs:

Department Director	Assistant City Manager	City Manager
FB FKA	RCM	JMG

T:\AGENDA\2004\May2604\REGULAR\21-03-04BusSummary

AGENDA ITEM R2A

DATE 5-26-04

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: May 26, 2004

From: Jorge M. Gonzalez
City Manager

Subject: **REQUEST FOR APPROVAL TO APPROPRIATE FUNDS FROM THE FLEET MANAGEMENT VEHICLE RESERVE FUND, AND AWARD A CONTRACT TO DAIMLERCHRYSLER COMMERCIAL BUSES, NC LLC, PURSUANT TO INVITATION TO BID NO. 21-03/04 FOR THE PURCHASE OF SIX 30 FOOT, LOW FLOOR TRANSIT BUSES IN THE AMOUNT OF $1,615,665.00.**

ADMINISTRATION RECOMMENDATION

Approve the Award.

BID AMOUNT AND FUNDING

$1,615,665.00. Funds to be appropriated from Fleet Management Vehicle Reserve Fund, which will be reimbursed by the Federal Transit Administration.

ANALYSIS

Invitation to Bid No. 21-03/04 for the purchase of Low Floor Transit Buses (the "Bid") was issued on February 13, 2004. The Bid was issued via BidNet, which in turn contacted 10 prospective bus vendors. The Procurement Division also sent the Bid via e-mail to an additional nine vendors. The notices resulted in the receipt of five bids.

The specification for the Bid calls for furnishing up to six (6) 30 foot, low floor transit diesel buses to the City of Miami Beach (the "City") and the Miami Beach Transportation Management Association ("MBTMA"), utilizing Federal Transit Administration ("FTA") funds. Available FTA Section 5309 funds available for the purchase under this Bid are not to exceed $1,629,444.00. The difference between the cost of the buses and the available FTA funding, $13,779.00, may be used for additional training or the purchase of key component spare parts.

The City and MBTMA also reserve the option to purchase an additional quantity of buses, up to ten (10), above the base quantity, for a period of five years from award of contract. The buses purchased as a result of this Bid would eventually phase out the existing fleet of Electrowave battery operated shuttles currently servicing the City. The specification also requires the buses be equipped with Clever Devices brand Automatic Passenger Counting (APC) and annunciation systems.

The specification calls for the bus to complete the FTA required Altoona test schedule for certification as a 12-year, 500,000 mile bus. The Altoona testing is performed by The Pennsylvania Transportation Institute, at Pennsylvania State University, in the Bus Testing and Research Center located in Altoona, PA. Buses are tested for the Surface Transportation and Uniform Relocation Assistance Act ("STURAA"), of which a primary part of the test is the Structural Durability Test. As expected, all bids submitted did indicate some failures during testing at Altoona.

A technical team consisting of the following individuals convened and reviewed the bids with emphasis on determining compliance with the technical aspects of the specification:

Enrique Agras – Electric Transit Vehicle Institute (ETVI), Miami Beach
Kenneth Cox – Advanced Transportation Technology Institute (ATTI), Tennessee
Judy Evans – Miami Beach Transportation Management Association (MBTMA)
Andrew Terpak – Director, Fleet Management, Miami Beach
Guido Valdes – Superintendent, Bus Maintenance, Miami-Dade Transit

The lowest bid was received from BlueBird Coachworks ("BlueBird"). However, BlueBird's bus demonstrated several instances that required unscheduled maintenance during the Altoona testing. There were 72 reported failures in the Reliability section of the Structural Durability Testing. The testing indicated numerous failures in shocks, the suspension, engine/transmission, doors, and bolts. Of key concern to the technical team was the minimal mention of these failures being addressed, or a remedy recommended, by the BlueBird engineering team. Due to the lack of demonstrated corrective action, it was deemed the potential for downtime would result in a higher cost of operation, equating to a financial impact to the City. The impact would be from buses not being operational as well as the cost of the maintenance and additional spare parts required to rectify the downtime.

The second lowest and the best bid was received from DaimlerChrysler Commercial Buses, NC LLC ("DCCBNC") for their SLF 229 Thomas Built model. Altoona testing results were deemed relatively clean and raised minimal concerns from the technical team. There were 29 reported failures in the Reliability section of the Structural Durability Testing. This equates to 60% less than the number of the reported failures the BlueBird bus exhibited. These affirmative test results equate to a more reliable vehicle with limited downtime, and therefore a more efficient cost of operation. All other aspects of the bid were deemed to be responsive and responsible, to include meeting the requirements to utilize FTA funding.

Pursuant to Section 2-369 of the City Code, the determination of award is based on lowest and best bidder. In determining the lowest and best bidder, in addition to price, there shall be considered the following:

a) The ability, capacity and skill of the bidder to perform the Contract.
b) Whether the bidder can perform the Contract within the time specified, without delay or interference.
c) The character, integrity, reputation, judgment, experience and efficiency of the bidder.
d) The quality of performance of previous contracts.

e) The previous and existing compliance by the bidder with laws and ordinances relating to the contract.

DaimlerChrysler is the largest commercial vehicle maker in the world. The buses on this bid will be manufactured in the plant in North Carolina, which recently received the 9001 ISO: 2001 certification for quality. There are over 7000 buses of the SLF229 design proposed in the bid running throughout the world.

Favorable references were received regarding DCCBNC from:

- Corridor Transportation, Maryland – "The overall performance of the vehicles has been better than expected."; "...customers are pleased with the easy access and comfortable ride."; "They are professionals and easy to work with!."

- Grand Valley Transit, Colorado – "Our relationship has been good and they have responded to our concerns. Our project manager always looked after our interests as did the sales rep and the area sales rep."

- Montgomery Area Transit, Alabama - "...highly pleased with the quality of the buses..."; "...also very satisfied with their reliability and cost of operation."

- Space Coast Area Transit, Cocoa, FL – "Very happy with product. Our customers are happy, too. We would purchase the SLF's again."; "Our local distributor has been responsive, cooperative and always available."

RECOMMENDATION

Based on the analysis of the bids received, it is recommended that the City award the contract for the base bid for six buses to the best bidder, **DaimlerChrysler Commercial Buses, NC LLC.** As the buses will be in warranty, the Administration recommends foregoing the purchase of spare parts at this time so as to fully utilize the funding for the bus purchase.

BID TABULATION

VENDOR NAME	Lead Time ARO	Base cost Per Bus	Base cost for 6 Buses	APC SW Training, Updates, Base Station	Extended Total	Key Component Spare Parts
BlueBird * Coachworks	180 days	$219,700.00	$1,318,200.00	$121,873.00	$1,440.073.00	$84,884.39
DaimlerChrysler Commercial Buses NA	**180 days**	**$249,975.00**	**$1,499,850.00**	**$115,815.00**	**$1,615,665.00**	**$61,301.00**
Optima **	180 days	$274,924.00	$1,649,544.00	$8800.00+ Base station, training,update not included	$1,658,344.00	$96,344.00
Eldorado Nat'l	210 days	$261,051.00	$1,566,306.00	$107,795.00	$1,674,101.00	$72,498.00
Gillig	365 days	$253,384.00	$1,520,304.00	$248,976.00	$1,769,280.00	$104,211.00

* BlueBird was lowest bid, not the best bid.
** Optima did not include the base station, SW training and updates in their bid package.

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Anchorage, Alaska

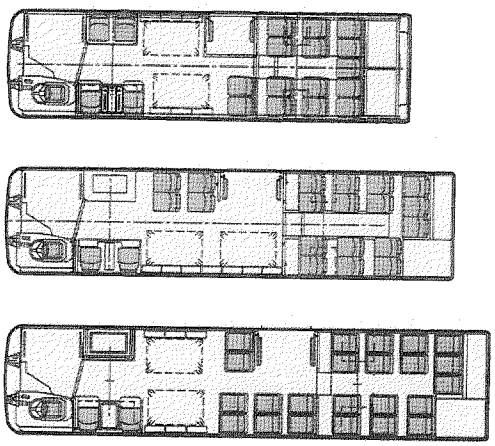
SLF Series from DaimlerChrysler

Super Low Floor Bus

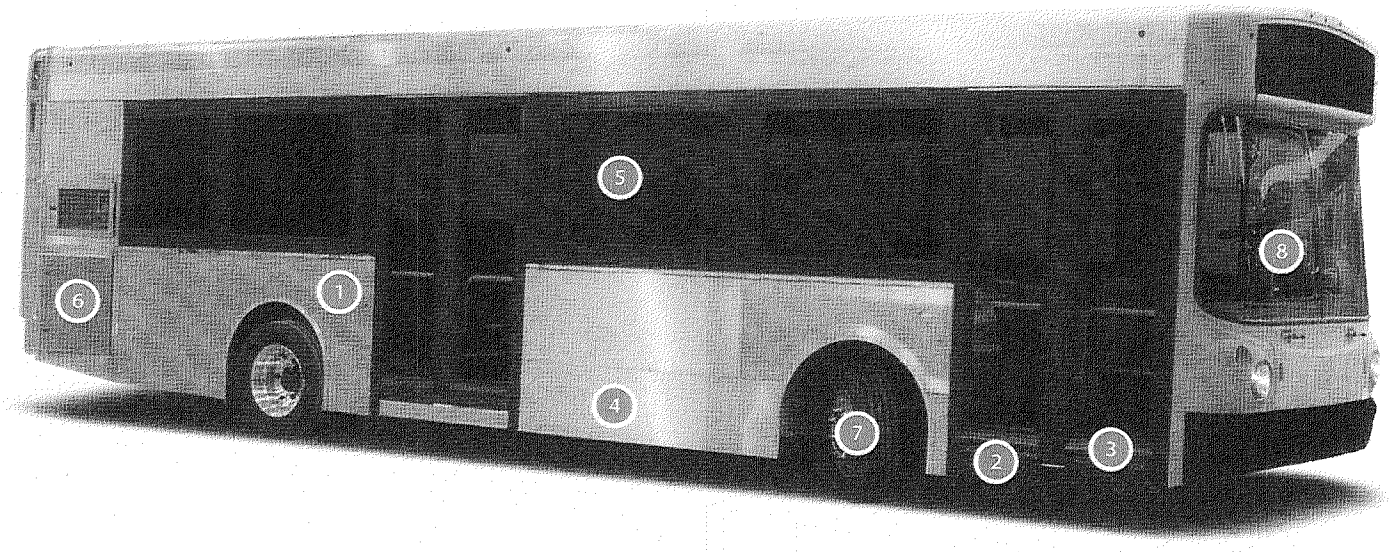
The SLF Series from DaimlerChrysler easily meets the demands of low floor bus applications. Its all-aluminum body construction and powerful Mercedes-Benz engine deliver greater performance, increased power and longer range with less fuel consumption.

The technologically advanced multiplexed electrical network and on-board diagnostics integrate all operating areas making maintenance, service and overall operation easier. It also delivers exceptional passenger and driver comfort, making it the perfect transit or shuttle bus.

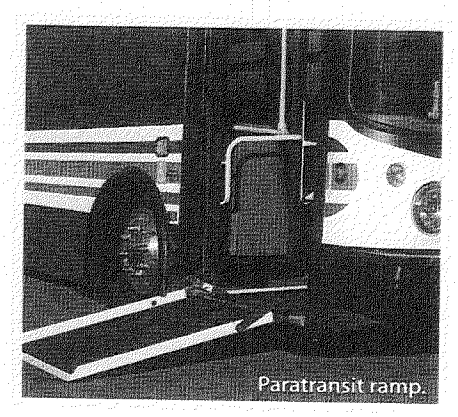
SLF Series buses are Altoona tested for 12 years/500,000 miles and manufactured in the United States using ISO 9001 certified processes. Quality is built into every bus.



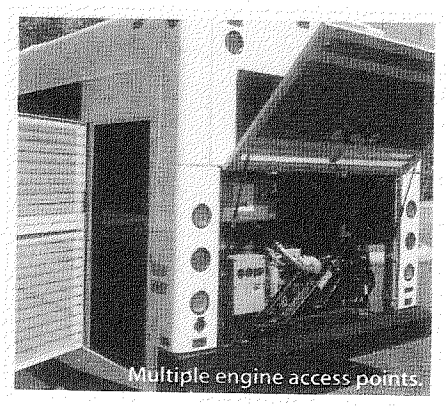
The SLF Series is available in 29-, 32- or 35-foot lengths with customized floor plans.



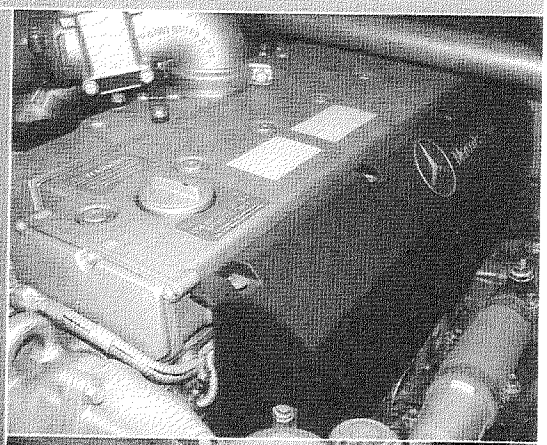
Greater accessibility.



Paratransit ramp.



Multiple engine access points.



1 **Aluminum Construction.** Premium lightweight materials reduce overall mass and reserve weight for passenger capacity. Aluminum adds strength, safety, corrosion resistance and durability – it also looks great longer.

2 **Passenger-Friendly Design.** With the lowest kneeling height in its class – just 9 inches – the SLF Series provides safer and faster boarding with a low-floor platform, extra-wide aisles and large 42-inch entry doors.

Class 1 Multiplex Electrical Network. This user-friendly system has less wiring and faster diagnostics that can reduce downtime and operational costs. The state-of-the-art system also offers optional data logging to analyze route service and operation, and remote diagnostic capabilities.

Interior Headroom. The 96-inch height offers plenty of headroom for standing passengers.

3 **Extra-Wide Ramp.** Fully ADA compliant, the SLF Series offers a variety of telescopic and fold-over ramps making it the perfect paratransit bus.

Four-point Wheelchair Placements. Fold-up seating reveals ADA-compliant, forward-facing wheelchair placements.

4 **Replaceable Lower Side Skirts.** Buses look great with minimal maintenance and without major bodywork.

5 **Oversized Windows.** Large, tinted windows add to the spacious feel of the SLF.

6 **Multiple Engine Access Points.** The engine and radiator are easily accessible from both the exterior and interior of the bus.

Customized Floor Plans. Designs to suit transit or shuttle uses with forward-facing and perimeter seating arrangements. The SLF Series has a seating capacity up to 37 passengers.

Three Lengths. Available in 29-, 32- or 35-foot lengths with customized floor plans.

7 **Superior Maneuverability.** With a 53-degree wheel cut, the SLF Series' tight turning radius allows it to skillfully maneuver through heavy traffic and narrow streets.

Durable Luggage Racks. Overhead and stackable luggage compartments available in numerous configurations.

8 **Ergonomic Cockpit.** Drivers will enjoy the wraparound console with easy to reach instruments and easy to read LED backlit switches.

Tilt/Telescopic Steering Wheel. An air-adjustable wheel delivers a comfortable drive for the full range of drivers.

Automatic Transmission. A high performance transmission is available with retarder options.

Powerful Engines. Select a variety of high performance Mercedes-Benz or Cummins engines.

Fuel Options. In addition to diesel, the SLF Series is available with CNG and propane alternative fuel configurations.

Communications Station. The SLF Series features an optional 12-volt accessory port and is pre-wired for two-way radio communications.

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CITY OF MIAMI BEACH
COMMISSION ITEM SUMMARY

Condensed Title:

Request for Award of Job Order Contracts (JOC) to seven (7) Contractors for Public Works, City Wide, and Capital Improvements Projects.

Issue:

Shall the City Commission Award Contracts to Contractors for Public Works, Citywide, and Capital Improvement Projects?

Item Summary/Recommendation:

JOC has delivered a fast, cost-effective procurement system that gives each department an option in the procurement of construction services. In the first 12 months of the JOC program, job orders were issued on 58 projects totaling $10,523,581.69.

The number of construction projects initiated and awarded via JOC in one year (58), is greater than the total number of construction projects awarded via traditional bidding (53) in the past three years!

The average time from the Joint Scope meeting (initial meeting of the City and Contractor to discuss scope of work) to a Notice to Proceed (document directing contractor to commence work) has averaged 26.3 days. With traditional bidding, the time it has taken to issue a Notice to Proceed to a contractor following the execution of the contract books has averaged in excess of 180 days. Thus a timesaving of at least 154 days on average.

Based on the results of the City's JOC program coupled with the high volume of construction-related projects, the city issued three separate bid solicitations in order to increase the pool of responsive and responsible contractors that would be ready, willing and able to accomplish timely and cost effective construction work.

Based on the analysis of the adjustment factors bid and the volume of construction projects the Administration is recommending the following awards:

Public Works:	City Wide:	CIP:
CW Construction, Inc.	Alpine Construction, Inc.	F.H. Paschen SN Nielsen
		H.A. Contracting, Inc.
		Carivon Construction, Inc.
		F & L Construction, Inc.
		Pass International, Inc.

APPROVE THE CONTRACT AWARDS.

Advisory Board Recommendation:

Financial Information: Funds are available from the capital improvements budget accounts allocated to City Departments and/or Divisions, subject to Office of Management and Budget review. Each contract has a maximum estimated annual value of $2 Million dollars for the Public Works and City-Wide and $5 Million for CIP projects.

Source of Funds:

Finance Dept.

	Amount	Account	Approved
1	N/A	N/A	
2			
3			
4			
Total			

City Clerk's Office Legislative Tracking:

Gus Lopez, ext. 6641

Sign-Offs:

Department Director	Assistant City Manager	City Manager
GL_____ TM_____ FB____	RCM____	JMG_____

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AGENDA ITEM R2B

DATE 5-26-04

CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139
http:\\miamibeachfl.gov

COMMISSION MEMORANDUM

TO: **Mayor David Dermer and Members of the City Commission**

DATE: May 26, 2004

FROM: **Jorge M. Gonzalez City Manager**

SUBJECT: **REQUEST FOR APPROVAL TO AWARD JOB ORDER CONTRACTS TO THE FOLLOWING CONTRACTORS PURSUANT TO INVITATION FOR BIDS ("BID") NO. 12-03/04 FOR PUBLIC WORKS PROJECTS; BID NO. 13-03/04 FOR CITYWIDE CONSTRUCTION PROJECTS; AND BID NO. 14-03/04 FOR CAPITAL IMPROVEMENTS PROJECTS: 1) ALPINE CONSTRUCTION, INC.; 2) CARIVON CONSTRUCTION, INC.; 3) CW CONSTRUCTION, INC.; 4) F & L CONSTRUCTION, INC.; 5) F.H. PASCHEN SN NIELSEN; 6) H.A. CONTRACTING, INC.; 7) PASS INTERNATIONAL, INC. AT AN ESTIMATED ANNUAL AMOUNT OF $2 MILLION PER CONTRACT FOR PUBLIC WORKS AND CITYWIDE CONSTRUCTION PROJECTS, AND $5 MILLION PER CONTRACT FOR CAPITAL IMPROVEMENT PROJECTS; AND FURTHER AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE ALL CONTRACTUAL AGREEMENTS THERETO.**

ADMINISTRATION RECOMMENDATION

Approve the Award of Contracts and authorize the Mayor and City Clerk to execute all contractual agreements thereto.

FUNDING AND AMOUNT

Funds are available from the capital improvements budget accounts allocated to City Departments and/or Divisions, subject to Office of Management and Budget review. The following are the maximum value of each contract:

12-03/04 - Public Works....$2 million annually, maximum value $10 million in five years.
13-03/04 - City Wide.....$2 million annually, maximum value $10 million in five years.
14-03/04 – CIP..... $5 million annually, maximum value $25 million in five years.

TERM OF CONTRACTS

The initial term of each contract is 12 months and may be renewed for four (4) additional one-year periods at the City's sole discretion. The renewal options may be exercised when the annual maximum value is reached ($2 million for Public Works and Citywide, and $5 million for CIP projects), or when the one-year has expired, whichever occurs first. For example, should a Public Works contractor reach $2 million in construction work within the first six (6) months of their contract, the City at its sole discretion, may renew the contract, and the contractor will be in year two of their contract.

ANALYSIS

The City fully implemented a Job Order Contracting (JOC) program on May 2, 2003. The City's JOC program was implemented after thorough research and presentations that included the following:

- The Mayor and City Commission at its December 20, 2000 meeting, referred to the Finance and Citywide Projects Committee for discussion, the JOC program.

- The Finance and Citywide Projects Committee at its February 12, 2001 meeting, listened to a presentation from the Procurement Director relative to the JOC system and its benefits, and recommended that the Administration pursue the implementation of the JOC program for timely completion of construction projects.

- On February 21, 2001, Commissioner Simon Cruz provided the City Commission with a verbal report relative to the Finance and Citywide Projects Committee's recommendation as stated above.

- On July 18, 2001, the Mayor and City Commission adopted Resolution No. 2001-24524, which authorized the issuance of a Request for Proposals (RFP) for the establishment of JOC program.

- On April 10, 2002, the Mayor and City Commission adopted Resolution No. 2002-24818, which authorized the administration to enter into negotiations with The Gordian Group.

- On July 10, 2002, the Mayor and City Commission adopted Resolution No. 2002-24914, which authorized the Mayor and City Clerk to execute an agreement with The Gordian Group for the establishment of the JOC program.

- On March 19, 2003, the Mayor and City Commission adopted Resolution No. 2003-25157, which awarded contracts to the following contractors: 1) HA Contracting; 2) F & I Construction; 3) Carivon Construction; 4) TRAN Construction; 5) Grace & Naeem Uddin, Inc.; and 6) TROPEX Construction.

The first year results of the City's JOC program are as follows:

- JOC has delivered a fast, cost-effective procurement system that gives each department an option in the procurement of construction services. In the first 12 months of the JOC program, job orders were issued on 58 projects totaling $10,523,581.69.

- The number of construction projects initiated and awarded via JOC in one year (58), is greater than the total number of construction projects awarded via traditional bidding (53) in the past three years!

- The average time from the Joint Scope meeting (initial meeting of the City and Contractor to discuss scope of work) to a Notice to Proceed (document directing contractor to commence work) has averaged 26.3 days. With traditional bidding, the time it has taken to issue a Notice to Proceed to a contractor following the execution of the contract books has averaged in excess of 180 days. Thus a timesaving of at least 154 days on average.

- There have been no contractor-initiated change orders on any project. Under JOC the contractor jointly scopes the work with the City and any misunderstanding or confusion is openly discussed and resolved. If a question arises during the proposal development the contractor is free to contact the City's representative and get the appropriate answers. This non-adversarial relationship eliminates the underlying cause of most claims and changes.

- There has been no claim or any litigation relative to any JOC project.

Based on the results of the City's JOC program coupled with the high volume of construction-related projects, the city issued three separate bid solicitations in order to increase the pool of responsive and responsible contractors that would be ready, willing and able to accomplish timely and cost effective construction work.

BID PROCESS

A mandatory pre-bid conference was held on April 8, 2004. The pre-bid conference was held for the purpose of discussing the JOC concept and the contract documents, the City's construction program, and bid considerations. Bidders had to be represented by a person that would be directly involved in preparing the JOC bid and responsible for executing the construction work. A total of 21 bidders attended the pre-bid conference.

Prospective bidders were required to submit a "bid" on all work contained in the unit price book by quoting a single adjustment factor that would be applied for work accomplished during normal working hours and a single adjustment factor for work to be accomplished during other than normal working hours. These two adjustment factors represent the contractor's only adjustment to the prices published in the unit price book and must include all indirect cost such as overhead, profit, bonds, insurance, design and contingency costs.

For example, an adjustment factor of 15% would be bid as 1.15. During the execution of the contract the unit price of a specific construction task is multiplied by the appropriate adjustment factor to obtain the final price to be paid for a specific construction task. JOC represents a competitively bid, firm fixed price contract since all the prices and the adjustment factors are established before the contract is awarded.

All interested bidders were provided a copy of the Project Manual and provided with a Compact Disk containing the following:

- The Unit Price Book containing over 140,000 construction tasks. Each task contains a task description, unit of measurement, and a unit price. Each unit

price contains locally developed direct costs for material, equipment, and labor. The construction tasks encompass all aspects of construction work.

- A set of detailed technical specifications for each of the 140,000 construction tasks. The specification set incorporates the City's own specifications.

- The legal terms and conditions that contain the specific contract language concerning the execution of the contract, which is standard with all our construction contract awards.

BID RESULTS/DETERMINATION OF AWARD

On April 20, 2004, the City received five (5) bids for the Public Works Contract (#12-03/04). And on April 21 2004, the City received six (6) bids for City Wide Contract (#13-03/04), and on April 22, 2004, the City received seven (7) bids for the CIP JOC Contract (#14-03/04). The tabulated results are attached.

The recommended contractors were selected based on the following evaluation criteria which was incorporated into all three invitation for bids:

a. Factor Weights for Determining the Low Bid Only:

   -Type of Work Non Davis Bacon -- 90%
   -Type of Work Davis Bacon -- 10%
   -Normal Working Hours – 90%
   -Other Than Normal Hours – 10%
   -Architectural and Engineering Services -- 30%

b. The ability, capacity and skill of the bidder to perform the contract.

c. Whether the bidder performed satisfactory on contracts within the time specified, without delay or interference.

d. The character, integrity, reputation, judgment, experience and efficiency of the bidder.

e. The quality of performance of previous contracts.

f. The previous and existing compliance by the bidder with laws and ordinances relating to the contract.

g. The Management Plan submitted and experience of the contractor as listed in the questionnaire.

Included within the Project Manual was the City's position in awarding projects under this contract. All contractors were instructed that it was the City's intention to award at least one (1) Job Order Contract for each contract number on the basis of the lowest and best bid. However, the City of Miami Beach reserves the right to award multiple contracts, if determined to be in the City's best interest. The City will award only one JOC contract to a single Contractor under this advertisement (i.e., no Contractor will be awarded more than one (1) JOC contract).

In determining a bidder's responsibility and ability to perform the contract, the City investigated and requested information concerning the financial condition, experience record, personnel, equipment, facilities, principal business location and organization of the bidder, the bidder's record with environmental regulations, and the claims/litigation history of the bidder.

The following are references secured by the procurement staff in references to past project experience:

Alpine Construction, Inc.

Daniel Perez
Perez and Perez Architects
"I have personally known Mr. Alfred Quero for over 20 years, and during this time I have known him to be a dedicated construction professional always striving for excellence in his field. Without reservation I recommend him and his company."

Joe Herrera
SMG/Miami Beach Convention Center
"Very reliable contractor, friendly and on-time."

Carivon Construction, Inc.

Roy Martinez
Miami International Airport
"Carivon construction has provided construction services for Miami International Airport for the last 2 years. Value and quality are of the up most importance to Carivon Construction. They are a great asset for any organization that may need their services"

Steve Clark
SMG/Miami Beach Convention Center
"Carivon is a great contractor, reliable and always ready to provide the services needed on time and budget."

CW Construction, Inc.

John Harrison
Harrison Construction Company
"Contractor is very conscientious, high integrity. Would be happy to work with CW again. Excellent performance.""

Buddy Meazaros
Miami-Dade College
"Very good service and workmanship. Responds well to owners requests and demands. Would not hesitate to use them again."

F & L Construction, Inc.

Nury Menicucci
City of Miami Beach/CIP
"F&L has a pro-active approach in management and takes pride in their work (performing good quality work)."

Bruce Lamberto
City of Miami Beach/Property Management
"F & L has been very responsive to the four projects that I requested they quote on for us. The immediately came out and met with me to go over proposed work and they did provide timely estimates when we needed it."

F .H. Paschen SN Nielsen

Eric Mitchell
San Diego Department of General Services
"F.H. Paschen has provided excellent work products on over 6 million dollars of new and old construction projects."

Jack Farnan
Metropolitan Water Reclamation District
"F.H. Paschen has worked on the District's JOC program for several years. Their prices are competitive and their work is done well."

H.A. Contracting, Inc.

H.A. Contracting, Inc. is an existing JOC contractor with the City. The Procurement staff has contacted CIP, Public Works, Property Management and the Convention Center for references. All departments have commented that H.A. Contracting is a good contractor that has performed well under the existing JOC contract for the City.

Pass International, Inc.

Roberto Smith
Koger Equities
"Pass International has been our preferred general contractor for over 10 years and will continue to do work for us. Their professionalism and dedication to the job at hand is unsurpassed. I wholeheartedly endorse Pass International as a quality general contractor."

Ronald Langlois
Franklin Templeton Companies. LLC
"I have used Pass Construction for over nine years and I am very pleased with the quality of their work. Pass construction has gone out of their way to provide the lowest cost to us without sacrificing quality. They have worked closely with our architect over the past nine years and have identified a number of design problems that would have delayed the project. I have been impressed with the honesty of their ownership. It is nice to do business with an organization that you can trust."

Scope of Work:
Individual Job Orders issued will determine the scope of work under for each project. Upon receipt of a notice to proceed, the contractors will furnish all architectural and engineering services (less than $25K) to support individual job orders, shop drawings, samples, management, documentation, materials, supplies, parts (to included system components), transportation, plant, supervision, labor and equipment needed to perform the work at designated City properties.

The contracts will include but not be limited to the following construction repair, renovation, or new construction projects: Public Works, Capital Improvements Projects, Facilities and Parks, Parking, the Miami Beach Convention Center, and the Jackie Gleason Theater of the Performing Arts.

The Public Works Department and the Capital Improvements Program (CIP) office will administer the contracts.

Evaluation:
The contractor will be evaluated on each Job Order. Results of the evaluation will impact the issuance of future job orders.

Contract Price:
The contract price is to include the furnishing of all labor, materials, equipment including tools, services, obtaining permits, applicable taxes, overhead, architectural and engineering services, overhead and profit for the completion of each Job Order. The cost of any item(s) of work not covered by a specific contract unit price shall be treated as a non pre-priced item.

Each contract will have an initial term of 12 months. Each contract will include an option for four (4) additional one-year renewals. Renewals shall be subject to prior approval of the City Manager. The Contract duration shall not exceed five (5) years. An option term may be exercised when the maximum value of $2 million on the Public Works and Citywide contracts, and $5 million on the CIP contracts is achieved or the expiration of the 12 month term, whichever is first.

Based on the analysis of the adjustment factors bid and the volume of construction projects the Administration is recommending the following awards:

Public Works:	City Wide:	CIP:
CW Construction, Inc.	Alpine Construction, Inc.	H.A. Contracting, Inc.
		Carivon Construction, Inc.
		F & L Construction, Inc.
		Pass International, Inc.
		F.H. Paschen SN Nielsen

CONCLUSION

In summary, the JOC system will enable the City to achieve its primary objective of being able to "more rapidly engage contractors" while lowering costs and strengthening internal controls. JOC does not replace any of the existing contracting systems including program management services. JOC is just an efficient and effective tool for the City to use in accomplishing its facilities maintenance and construction program. JOC has proven to be a system that can offer immediate as well as long-term benefits.

The Administration recommends that the Mayor and City Commission award contracts to the following contractors pursuant to Invitation for Bids No. 12-03/04, 13-03/04, and 14-03/04: 1) Alpine Construction, Inc.; 2) Carivon Construction, Inc.; 3) CW Construction, Inc.; 4) F & L Construction, Inc.; 5) F .H. Paschen SN Nielsen; 6) H.A. Contracting, Inc.; 7) Pass International, Inc., for capital improvements projects, public works projects, and other citywide projects whereby funds have been appropriated by the City Commission; and further authorizing the Mayor and City Clerk to execute all contractual agreements thereto.

JMG:RCM:FB:TM:GL

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Commission Memo
Bids No. 12-03/04, 13-03/04, and 14-03/04
May 26, 2004

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CITY OF MIAMI BEACH, FORIDA

Bid Results Summary

Job Order Contract #12-03/04 Public Works Department

Bid Openning Date: April 20, 2004 3:00 p.m.

	Order of Finish	Bidder/Contractor	Line 1 (.90x.80x.70) 0.5040 Adjustment Factor Normal	Line 3 (.90x.80x.30) 0.2160 Adjustment Factor Normal w/A&E	Line 5 (.90x.20x.70) 0.1260 Adjustment Factor Other Than Normal	Line 7 (.90x.20x.30) 0.0540 Adjustment Factor Other Than Normal W/A&E	Line 9 (.10x.80x.70) 0.0560 Adjustment Factor Normal using DB	Line 11 (.10x.80x.30) 0.0240 Adjustment Factor Normal using DB w/A&E	Line 13 (.10x.20x.70) 0.0140 Adjustment Factor Other Than Normal using DB	Line 15 (.10x.20x.30) 0.0060 Adjustment Factor Other Than Normal using DB w/A&E	Line 17 Combined Adjustment (A x .81 + B x .09 + C x .09 + D x .01) Award Criteria Figure	Award Criteria Figure Written On Bid Sheet
	1	CW Construction, Inc.	1.0747	1.1557	1.0747	1.1557	1.1947	1.2757	1.1957	1.2767	1.1109	1.1110
*	2	Alpine Construction Corp	1.0809	1.1609	1.0809	1.1609	1.2009	1.2809	1.2119	1.2809	1.1172	1.1171
*	3	Carivon Construction Company	1.1475	1.1645	1.1585	1.1840	1.1250	1.2010	1.2185	1.2590	1.1562	1.1559
**	4	F.H. Paschen, SNNeilsen	1.1730	1.1972	1.2222	1.2423	1.2703	1.3010	1.3200	1.3321	1.1997	1.1991
**	5	H.A. Contracting Corp.	1.1900	1.2900	1.2800	1.3800	1.2900	1.2900	1.3900	1.3900	1.2452	1.2448

* These contractors have been awarded a contract under Bid 14-03/04-CIP
** These contractors have been awarded a contract under Bid 13-03/04-City Wide

Commission Memo
Bids No. 12-03/04, 13-03/04, and 14-03/04
May 26, 2004

CITY OF MIAMI BEACH, FORIDA

Bid Results Summary

Job Order Contract #13-03/04 City Wide

Bid Openning Date: April 21, 2004 3:00 p.m.

	Order of Finish	Bidder/Contractor	Line 1 (.90x.80x.70) 0.5040 Adjustment Factor Normal	Line 3 (.90x.80x.30) 0.2160 Adjustment Factor Normal w/A&E	Line 5 (.90x.20x.70) 0.1260 Adjustment Factor Other Than Normal	Line 7 (.90x.20x.30) 0.0540 Adjustment Factor Other Than Normal W/A&E	Line 9 (.10x.80x.70) 0.0560 Adjustment Factor Normal using DB	Line 11 (.10x.80x.30) 0.0240 Adjustment Factor Normal using BD w/A&E	Line 13 (.10x.20x.70) 0.0140 Adjustment Factor Other Than Normal using DB	Line 15 (.10x.20x.30) 0.0060 Adjustment Factor Other Than Normal using DB w/A&E	Line 17 Combined Adjustment (A x .81 + B x .09 + C x .09 + D x .01) Award Criteria Figure	Award Criteria Figure Written On Bid Sheet
*	1	F.H. Paschen, SNNeilsen	1.0300	1.0500	1.0400	1.0700	1.0900	1.1200	1.1200	1.1300	1.0451	1.0447
**	2	F&L Construction. Inc.	1.0454	1.1108	1.0558	1.1148	1.0446	1.1300	1.1008	1.1298	1.0678	1.0679
*	3	Carivon Construction Company	1.1000	1.1200	1.0550	1.1100	1.0200	1.1430	1.1000	1.1000	1.0956	1.1012
*	4	H.A. Contracting Corp.	1.0400	1.1500	1.1500	1.2300	1.1300	1.1300	1.2300	1.2300	1.0989	1.0989
	5	Alpine Construction Corp	1.0700	1.1500	1.0700	1.1500	1.1900	1.2700	1.1900	1.2700	1.1060	1.1060
**	6	CW Construction, Inc.	1.1111	1.1511	1.1111	1.1511	1.1811	1.2611	1.1821	1.2611	1.1313	1.1313

* These contractors have been awarded a contract under Bid 14-03/04-CIP

** This contractor has been awarded a contract under Bid 12-03/04-Public Works

Commission Memo
Bids No. 12-03/04, 13-03/04, and 14-03/04
May 26, 2004

CITY OF MIAMI BEACH, FORIDA

Bid Results Summary

Job Order Contract #14-03/04 Capital Improvement Projects

Bid Openning Date: April 22, 2004 3:00 p.m.

Order of Finish	Bidder/Contractor	Line 1 (.90x.80x.70) 0.5040 Adjustment Factor Normal	Line 3 (.90x.80x.30) 0.2160 Adjustment Factor Normal w/A&E	Line 5 (.90x.20x.70) 0.1260 Adjustment Factor Other Than Normal	Line 7 (.90x.20x.30) 0.0540 Adjustment Factor Other Than Normal W/A&E	Line 9 (.10x.80x.70) 0.0560 Adjustment Factor Normal using DB	Line 11 (.10x.80x.30) 0.0240 Adjustment Factor Normal using DB w/A&E	Line 13 (.10x.20x.70) 0.0140 Adjustment Factor Other Than Normal using DB	Line 15 (.10x.20x.30) 0.0060 Adjustment Factor Other Than Normal using DB w/A&E	Line 17 Combined Adjustment (A x .81 + B x .09 + C x .09 + D x .01) Award Criteria Figure	Award Criteria Figure Written On Bid Sheet
1	F.H. Paschen, SNNeilsen	1.0251	1.0345	1.0300	1.0600	1.0900	1.1100	1.1100	1.1200	1.0370	1.0367
2	Pass International	1.0359	1.0699	1.0359	1.0699	1.0699	1.0899	1.0699	1.0899	1.0491	1.0491
3	Carivon Construction Company	1.0375	1.0900	1.0500	1.0600	1.0900	1.1100	1.0900	1.0900	1.0572	1.0571
4	Alpine Construction Corp.	1.0600	1.1000	1.0600	1.1000	1.1000	1.1200	1.1000	1.1200	1.0754	1.0754
5	F&L Construction, Inc.	1.0554	1.1209	1.0658	1.1248	1.0694	1.1300	1.0908	1.1308	1.0781	1.0781
6	H.A. Contracting Corp.	1.0400	1.1200	1.1200	1.1800	1.0950	1.1125	1.1400	1.1600	1.0819	1.0816
** 7	CW Construction, Inc.	1.1111	1.1511	1.1111	1.1511	1.1811	1.2611	1.1821	1.2611	1.1313	1.1313

* These contractors have been awarded a contract under Bid 13-03/04-City Wide

** This contractor has been awarded a contract under Bid 12-03/04-Public Works

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CITY OF MIAMI BEACH
COMMISSION ITEM SUMMARY

Condensed Title:

Amendment to the Art in Public Places Ordinance to clarify the definition of terms for eligible construction projects for funding and appropriations permitted use of fund monies, and procedures for selection of works of art.

Issue:

Shall City Commission amend the Art in Public Places Ordinance to clarify the definition of terms for eligible projects for funding as well as the policy and procedures for appropriations, transfers and expenditures?

Item Summary/Recommendation:

The Administration recommends opening and continuing the public hearing to complete the development of a maintenance schedule as requested on first reading. The Administration is also calculating and estimating contributions to the AiPP fund from new projects that otherwise would not have made a contribution to the fund.

Advisory Board Recommendation:

Approved by the Art in Public Places Committee on September 16, 2003 and April 20, 2004, and the Community Affairs Committee on April 29, 2004. Approved on First Reading by the City Commission on May 5, 2004

Financial Information:

Source of Funds:

Finance Dept.

	Amount	Account	Approved
1			
2			
3			
4			
Total			

City Clerk's Office Legislative Tracking:

Max A. Sklar

Sign-Offs:

Department Director	Assistant City Manager	City Manager
	CMC	

AGENDA ITEM R5A

DATE 5-26-04

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: May 26, 2004

From: Jorge M. Gonzalez
City Manager

OPEN AND CONTINUE

Subject: **AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE CITY'S ART IN PUBLIC PLACES LEGISLATION, AS CODIFIED IN CHAPTER 82, ARTICLE VII, DIVISIONS 1 THROUGH 4, SECTIONS 82-501 THROUGH 82-612, OF THE CODE OF THE CITY MIAMI BEACH, FLORIDA; PROVIDING FOR CODIFICATION; REPEALER; SEVERABILITY; AND AN EFFECTIVE DATE.**

ADMINISTRATION RECOMMENDATION

The Administration recommends opening and continuing the public hearing to complete the development of a maintenance schedule as requested on first reading. The Administration is also calculating and estimating contributions to the AiPP fund from new projects that otherwise would not have made a contribution to the fund.

BACKGROUND

The Community Affairs Committee met on three occasions since the fall of 2002, to discuss the Art in Public Places (AiPP) Ordinance and Masterplan. The Administration was asked to calculate the financial impact if the definition of "public facilities" was expanded to include facilities such as landscaping in parks, pool structures and golf courses. Similarly, the Administration was asked to provide a balance of the AiPP fund, expenses and projections to date. The reconciliation report and master plan were reviewed by the Art in Public Places Committee on September 16, 2003, by the Community Affairs Committee on December 16, 2003, and were approved by the City Commission on May 5, 2004

Generally, amendments to the AiPP Ordinance include the following:

- Expanding required appropriations to the AIPP fund to include city construction projects where the City is a party to a development agreement and/or a ground lease;
- Revise and clarify the respective definitions of "hard costs" and "city construction project" for purposes of applying required AIPP financial contributions;
- Exemptions of certain types of city construction projects from the AIPP Ordinance;
- Clarifying the powers and duties of the AIPP Committee, and making the Committee structure uniform with the City's agencies, boards, and committees legislation; and

- Providing that the acquisition, removal, and/or relocation of works of art be in accordance with the criteria set forth with the Art in Public Places Master Plan, as shall be adopted by resolution of the City Commission.

The new definition for City construction project includes any construction contract which the City is a party for the new construction of, renovations requiring compliance with the Florida Building Code fifty percent (50%) rule, or, renovation having a value equal to or greater than $500,000, or addition to any city-owned property. This also includes construction projects that are developed by persons or entities other than the city, but which include the participation of the city as a party to a development agreement or ground lease. The previous definition included any capital project for new city owned building construction or for additions to existing city owned building, paid for wholly or in part by the city. The intent is to prospectively apply this ordinance to all capital projects that meet this new definition.

Construction costs are defined as "hard costs" which consist of the cost of all labor and include the cost of equipment and materials to be used in a City construction project. Land acquisition costs, architect and engineering fees, other professional consultant fees, work, environmental remediation costs, and costs associated with subsequent changes in construction contracts are no longer included. Adjustments will be made to the original appropriation only for construction costs associated with city requested changes in scope requiring additional appropriations in excess of $200,000 in the aggregate.

In an effort to strengthen the Art in Public Places program and secure sufficient funding for a long-term Art in Public Places program, the Committee recommends expanding the definition of "public facilities" to include more projects to be eligible under the AiPP Ordinance. Examples of new projects that would fall under the revised definition, but are not currently considered under the existing definition are parks, pools, and recreational trails.

In lieu of clarification of eligibility per project, the Legal Department has recommended that the following City construction projects not be subject to the provisions of the Ordinance:

a. Water and sewer related facilities, including but not limited to pump stations, water mains, water lines, sewer lines, treatment facilities.

b. Storm drainage infrastructure.

c. Road construction or bridges.

d. Streetscape beautification projects, which include but are not limited to one or all of the following elements: resurfacing, new curbs, gutters, pavers, sidewalks, landscaping, lighting, bus shelters, bus benches, street furniture and signage.

e. City construction projects undertaken to replace, reconstruct, or repair an existing public building or facility damaged or destroyed by a sudden unexpected turn of events, such as an act of God, riot, fire, flood, accident, or other urgent circumstance.

f. The construction, remodeling, repair or improvement to a public electric or gas utility system.

g. When the City construction project is undertaken as repair or maintenance of an existing public facility and does not trigger the Florida Building Code fifty percent (50%) rule.

Amendments to the Ordinance also clarify the powers and duties of the AiPP Committee and make the Committee structure uniform with the City's agencies, boards and committee legislation. Under the proposed Ordinance the City Commission may also, by resolution, waive the required appropriation, reduce the appropriation amount, or determine a more appropriate site for works art, finding that such waiver is in the best interest of the City.

Finally, this proposed Ordinance provides for construction management to be handled by the City Manager's designee, which would likely be the CIP or Public Works departments. Appropriations for AiPP funds will continue to be awarded at the time of construction contract award for all applicable capital projects throughout the City.

In light of the emerging global image of Miami Beach as a tourism and cultural destination, and taking into consideration the overall cut backs in funding of the arts statewide, the Community Affairs Committee reviewed and approved the proposed Ordinance amendments which will serve to support the enhancement of the image of Miami Beach as a world class tourist destination that supports the arts.

On April 29, 2004, the proposed ordinance amendment will be reviewed at the Neighborhood/Community Affairs Committee and will report results verbally at the Commission meeting.

FISCAL IMPACT

The majority of amendments proposed seek to codify current practices, clarify definition and roles, and determine eligible construction projects. The 5 year incremental fiscal impact of the changes appear to be negligible at this time, since few new projects are currently in the City's Capital Improvements Projects that would otherwise not have made a contribution to the AiPP fund. New projects that otherwise would not have made a contribution to the AiPP fund are currently being reviewed to determine funding levels. Estimates of these new contributions will be provided at the Second Reading/Public Hearing.

CONCLUSION

The Administration recommends opening and continuing the public hearing to complete the development of a maintenance schedule as requested on first reading. The Administration is also calculating and estimating contributions to the AiPP fund from new projects that otherwise would not have made a contribution to the fund.

JMG/CMC/MAS

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ORDINANCE NO._____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE CITY'S ART IN PUBLIC PLACES LEGISLATION, AS CODIFIED IN CHAPTER 82, ARTICLE VII, DIVISIONS 1 THROUGH 4, SECTIONS 82-501 THROUGH 82-612, OF THE CODE OF THE CITY MIAMI BEACH, FLORIDA; PROVIDING FOR CODIFICATION; REPEALER; SEVERABILITY; AND AN EFFECTIVE DATE.

WHEREAS, following numerous discussions at the Community Affairs Committee, the Administration, in concert with the City's Art in Public Places Committee, has undertaken a comprehensive review of the City's Art in Public Places legislation, as codified in Chapter 82, Article VII, Divisions 1 through 4, Sections 82-501 through 82-612, of the Code of the City of Miami Beach, Florida (the AIPP Ordinance); and

WHEREAS, in the course of its review of the AIPP Ordinance, the Administration and the AIPP Committee have identified numerous proposed amendments, as set forth herein, which, in pertinent part, include the following:

- Expanding required appropriations to the AIPP Fund to include city construction projects where the City is a party to a development agreement and/or a ground lease; Revise and clarify the respective definitions of "hard costs" and "City construction project" for purposes of applying required AIPP financial contributions;
- Exemptions of certain types of City construction projects from the AIPP Ordinance;
- Clarifying the powers and duties of the AIPP Committee, and making the Committee structure uniform with the City's agencies, boards, and committees legislation;
- Providing that the acquisition, removal, and/or relocation of works of art be in accordance with the criteria set forth in the Art in Public Places Master Plan, as shall be adopted by resolution of the City Commission; and

WHEREAS, accordingly, the Administration and the Art in Public Places Committee would recommend approval of the foregoing amendments, as set forth herein, to the City's Art in Public Places Ordinance.

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

SECTION 1.

That Chapter 82, Article VII, Divisions 1 through 4, Sections 82-501 through 82-612, of this Code of the City of Miami Beach, Florida, is hereby amended as follows:

DIVISION 1. GENERALLY

Sec. 82-536. Intent of article.

It is the intent of this article to enhance the aesthetic environment of the city by including works of art on public property within the city and in city construction projects. The Bass Museum of Art shall be exempt from the provisions of this article.

(Ord. No. 95-2985, § 2(4A-1), 4-5-95)

Sec. 82-537. Definitions.

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:

Art in public places means works of art of exceptional quality executed on an appropriate scale and for general public access in public places, other than museums, which enrich and give diversion to the public environment.

Art in public places committee means the advisory committee appointed by the city commission to carry out the duties and functions set forth in this article.

City construction project means any construction contract to which the city is a party for the new construction of; renovations requiring compliance with Chapter 34 Section 3401.8 of the Florida Building Code fifty percent (50%) rule or, renovation having a value equal to or greater than $500,000, or addition to any city-owned building, facility, or other city-owned property, including but not limited to, parks, pools, recreation trails and golf courses. The definition of city construction project shall also be deemed to include construction projects that are developed by persons or entities other than the city, but which require the participation of the city as a party to a development agreement or ground lease.

Construction cost means "hard costs" associated with construction of a city construction project. ~~including architectural and engineering fees, and site work and contingency allowances~~. Land acquisition costs, architect and engineering fees, environmental remediation costs, and costs associated with subsequent changes in construction contracts, except as provided in the proceeding sentence, are not included. An adjustment will be made to an ~~the~~ original ~~allocation~~ art in public places appropriation only for construction costs associated with city requested changes in scope requiring additional appropriations in excess of $200,000 in the aggregate.

~~Construction project, city-owned construction project means any capital project for new city-owned building construction or for additions to existing city owned building, paid for wholly or in part by the city.~~

Professional advisory committee means a group of arts professionals selected by the arts in public places committee and confirmed by the city commission to recommend works of art or artists for one or more acquisitions. The committees ~~shall~~ may also contain up to two members of the design review board or historic preservation board, to be determined and selected by such boards, depending upon the location of the project for which the art is intended, and which board would have jurisdiction over the project.

Works of art means the application of skill and taste to production of tangible objects according to aesthetic principles, including but not limited to, paintings, sculptures, engravings, carvings, frescos, mobiles, murals, collages, mosaics, statues, bas-reliefs, tapestries, photographs and drawings, or combinations thereof, and artist-designed public facilities, buildings, and/or ~~public~~ spaces and functional elements, either as integral parts of a larger project or as a separate entity.

The provisions of this article shall not apply to the new construction of, renovations, or additions to the following city construction projects:

a. Water and sewer related facilities, such as pump stations, water mains, water lines, sewer lines, treatment facilities, etc.

b. Storm drainage infrastructure.

c. Road construction or bridges.

d. Streetscape beautification projects, which include but are not limited to, one or all of the following elements: resurfacing, new curbs, gutters, pavers, sidewalks, landscaping, lighting, bus shelters, bus benches, street furniture and signage.

e. City construction projects undertaken to replace, reconstruct, or repair an existing public building or facility damaged or destroyed by a sudden unexpected turn of events, such as an act of God, riot, fire, flood, accident, or other urgent circumstance.

f. The construction, remodeling, repair or improvement to a public electric or gas utility system.

g. Where the city construction project is undertaken as a repair or maintenance of an existing public facility.

(Ord. No. 95-2985, § 2(4A-2), 4-5-95; Ord. No. 2001-3333, § 1, 11-28-01)

Cross references: Definitions generally, § 1-2.

Secs. 82-538--82-560. Reserved.

DIVISION 2. ART IN PUBLIC PLACES COMMITTEE*

*Cross references: Boards, committees, commissions, § 2-61 et seq.

Sec. 82-561. Established.

(a) An art in public places committee is hereby established to carry out the ~~functions~~ powers and duties set forth in section 82-562. The committee shall be composed of seven members appointed by a majority vote of the entire city commission. The members shall possess a high degree of competence in the evaluation of art history, architectural history, art, architecture, sculpture, painting, artistic structural design and other appropriate media for display or integration of art in public places.

(b) The term of office for committee members shall be two years. Vacancies occurring before the expiration of a term shall be filled by the Mayor for the remainder of that term. ~~Members shall also be subject to automatic removal for excessive absence as provided by Resolution No. 92-20514~~.

~~(c) The committee shall follow the procedures set forth in Resolution No. 92-20514 for conduct~~

~~of committee meetings, election of officers and periodic reporting to the city commission~~.

(Ord. No. 95-2985, § 2(4A-6), 4-5-95; Ord. No. 96-3032, § 1(4A-6), 1-24-96)

Sec. 82-562. Powers and duties.

The art in public places committee shall have the following powers and duties:

(1) To recommend to the city commission whether a particular proposed city construction project is an appropriate site for works of art and whether all or a part of the appropriation required by section 82-587 should be ~~waived~~ utilized at the site or, reduced or waived in its entirety or, placed, whether in its entirety or a portion thereof, in the art in public places fund for other acceptable uses.

(2) ~~To screen submissions and~~ To ~~select~~ recommend to the city commission the selection of existing works of art or to determine whether to ~~commission~~ recommend the selection of new works of art, and screen submissions therefore, for the fulfillment of the requirements of this article. ~~for art in public places within the city.~~

(3) To conduct contests and competitions in order to select works of art to be recommended for a particular site.

(4) To recommend a professional advisory committee to advise the committee and city commission regarding selection of particular works of art for a ~~project or site~~city construction project.

~~(5) To be responsible for managing the reproduction rights to each acquisition subject to policies established by the city commission.~~

(~~6~~5) ~~To recommend and oversee the maintenance and insurance necessary to preserve and protect acquisitions.~~ To recommend to the city commission the maintenance and insurance necessary to preserve and protect works of art.

(~~7~~6) To make a recommendation to the city commission regarding proposed projects that include works of art and to participate in the planning of such projects.

(~~8~~7) To recommend legislation concerning public works of art in the city.

(~~9~~8) To make recommendations to the city commission regarding the placement of proposed donations of works of art for placement on public property in the city. ~~or located on public facilities within the city.~~

(~~10~~9) To perform all other duties and functions as requested by the city commission.

(Ord. No. 95-2985, § 2(4A-7), 4-5-95; Ord. No. 99-3162, § 1, 1-6-99)

Sec. 82-563. Legal counsel.

The city attorney's office shall provide legal services to the art in public places committee as may be necessary or as requested by the art in public places committee.

(Ord. No. 95-2985, § 2(4A-8), 4-5-95)

Sec. 82-564. Committee solely liable for obligations.

Unless and until the city commission approves by passage of an appropriate resolution or ordinance the acquisition of a work of art for this program, the cost of such acquisition and all costs associated with such acquisition shall not be an obligation, liability or debt of any kind or nature of the city. Exclusive of the costs approved by the city commission as set forth in this article for the acquisition of a work of art, no obligation, liability or debt of any kind or nature whatsoever incurred or asserted against the art in public places committee shall in any manner whatsoever be an obligation or liability of the city.

(Ord. No. 95-2985, § 2(4A-9), 4-5-95)

Secs. 82-565--82-585. Reserved.

DIVISION 3. FUND

Sec. 82-586. Art in public places fund established.

The city art in public places fund shall be established, to consist of the following:

(1) Moneys appropriated to the fund by the city commission in accordance with section 82-587.

(2) Moneys donated to the fund by private individuals and organizations.

(3) Moneys received by the city from award of grants for the acquisition or maintenance of works of art on public property or at public facilities in the city. Grant monies received by or on behalf of the Bass Museum of Art shall be exempt from placement in the art in public places fund.

(Ord. No. 95-2985, § 2(4A-3), 4-5-95)

Sec. 82-587. Appropriations by the city to the fund.

(a) All appropriations of city funding for ~~construction of~~ city~~-owned~~ construction projects~~, including construction of new buildings and/or public facilities or additions to existing structures,~~ shall include an appropriation of funds to the art in public places fund. ~~For new construction~~ T~~t~~he amount appropriated to the art in public places fund shall not be less than 1 1/2 percent (1 ½ %) of the construction cost of the ~~proposed~~ city construction project. T~~t~~he appropriation to the fund shall be made at the ~~same~~ time ~~as~~of the award ~~of funding for the construction project~~ of the construction contract for said city construction project. For city requested changes in scope requiring additional appropriations in excess of $200,000 in the aggregate, at the time of appropriation of monies for the subject changes in scope, the applicable art in public places funding allocation shall be transferred to the art in public places fund.

(b) For city construction projects that ~~also involve participation~~ are developed by persons and entities other than the city, but that are developed pursuant to a development agreement entered into with the city, or which involve the participation of the city as a ground lessor, the required appropriation shall be made at the same time as the appropriation of funding for the construction project and be based upon the construction cost, regardless of whether the construction cost is funded

by the city or the person or entity other than the city. This subsection shall not apply to projects by not-for-profit persons or entities recognized under Section 501(c)(3) of the Internal Revenue Code of 1986, as amended, whose total construction budgets are less than $8,000,000.00.

(c) ~~If the city commission determines that a particular project is not an appropriate site for works of art, it may waive the required appropriation by resolution, or alternatively, may elect to waive the appropriation, or a portion thereof, and place the funding in the fund. In making this determination, the city commission shall consider the recommendation of the art in public places committee.~~

In considering the required appropriation for a particular City construction project, the City Commission may, by resolution:

1. waive the required appropriation, finding such waiver to be in the best interest of the City;
2. reduce the required appropriation amount; or
3. find that the particular city construction project is not an appropriate site for works of art, and place all or a portion of the required appropriation in the art in public places fund for use at another site.

~~(d) When a city construction project site has been determined not to be an appropriate site for works of art, appropriations made in connection with athat particular city construction project need not be used for works of art to be located on the site of that particular project, except when restricted by the legal parameters of the funding source, including but not limited to, all funding sources stemming from redevelopment area and bond or other public funding sources. A portion of the appropriation for a particular construction sitecity construction project may be utilized for works of art for that site, with the remainder of the appropriation then being placed in the art in public places fund for use at another site, or the entire appropriation may be placed in the fund.~~

(d) The City Commission shall also consider whether the funding source for a particular City construction project is restricted by public bond covenants; federal, state or local laws; and/or legal parameters which would require that the appropriation be utilized on the particular City construction project site.

~~(e) Selection of alternative sites, allotment of appropriation for acquisition of works of art for particular sites, and selection of works of art, shall be determinedrecommended by the committee and approved by the city commission.~~

(e) Prior to making a final determination as to the required appropriation for a City construction project, the City Commission shall consider the recommendation of the art in public places committee.

(Ord. No. 95-2985, § 2(4A-4), 4-5-95; Ord. No. 2001-3309, § 1, 6-6-01)

Sec. 82-588. Permitted use of fund ~~moneys~~monies.

~~Moneys~~Monies placed in the art in public places fund shall only be used for the following purposes:

(1) Acquisition of works of art to be located on city construction projects or on public property in the city or located ~~on~~in public buildings or in public facilities within the city in accordance with the procedures in sections 82-611 and 82-612. ~~Property selected as a site for the location of works of art~~

~~pursuant to this article may include both new construction sites and sites of existing buildings on public property or on/in public facilities, or public parks~~.

(2) Insurance and/or maintenance of existing works of art acquired by the city under this article in accordance with a yearly budget for such insurance and/or maintenance to be approved by the city commission. The city manager and art in public places committee may provide the city commission with a yearly recommendation regarding this budget.

(3) Expenses relating to the following:

a. Research and evaluation by the committee pertaining to proposed works of art, including opinions when necessary from outside experts and/or professional advisory committees;

b. Expenses related to art contests sponsored by the committee in connection with acquisitions of works of art, including related printing and distribution expenses;

c. Administrative expenses relating to the operations of the committee, including but not limited to salaries, supplies and equipment for the keeping of minutes and printing and distribution of board agendas and correspondence;

d. Selected artist t~~T~~ravel expenses, at the rates used citywide and approved in advance by the city manager.

All such expenses shall be approved as part of the yearly budget for the fund by the city commission after considering the recommended budget submitted by the city manager and the committee. The amount budgeted for administrative maintenance, insurance, and preservation of works of art acquired by the city pursuant to this article as part of the total appropriations for art in public places shall not be more than twenty-five percent (25%) of monies placed in the art in public places fund.

(Ord. No. 95-2985, § 2(4A-5), 4-5-95)

Secs. 82-589--82-610. Reserved.

DIVISION 4. PROCEDURES

Sec. 82-611. Procedures for ~~site~~ selection.

(a) The art in public places committee shall evaluate each proposed city construction project to determine its suitability as a ~~location~~site for works of art. In making its determination, the following factors will be considered:

(1) Appropriateness of the ~~building~~city construction project as a ~~location~~site for works of art.

(2) Physical layout of the ~~building on the site~~city construction project.

(3) ~~Exposure~~Visibility and accessibility to the public.

(b) Additionally, the committee shall establish a list of existing city-owned sites it considers appropriate sites for works of art. The criteria in subsection (a) of this section shall be used in evaluating potential sites.

(c) The acquisition, removal, and/or relocation of works of art, shall be in accordance with the

criteria set forth in this section and the art in public places master plan, as approved by resolution of the city commission.

(Ord. No. 95-2985, § 2(4A-10), 4-5-95)

Sec. 82-612. Selection of artists and works of art.

(a) When the art in public places committee recommends a particular city construction project or existing site as being appropriate for art in public places, the committee shall also recommend to the city commission one of the following means of obtaining the works of art:

(1) Open entry competition. Through appropriate advertisement all artists are invited to enter into competition for a commission to create a work of art for the site. The amount to be paid for the works of art shall be determined by the city commission after considering the committee's recommendation. Artists may be asked to submit slides of their past work, resumes, letters of intent related to the specific project or specific proposals for the project under review.

(2) Limited entry competition. A limited number of artists are invited to compete as set forth in subsection (a)(1) of this section.

(3) Direct selection of the artist. An artist or several artists may be selected to develop a proposal for the project or produce the desired works of art.

(4) Direct purchase of existing works of art. A completed work of art is purchased. No more than ten percent of the costs of the work of art may go to a dealer or agent.

(b) In the case of a limited competition or a direct selection, an artist may be asked to develop a proposal for a specific project. If asked to develop a proposal, an artist may be paid a proposal fee on the basis of an approved fee schedule. This schedule shall be determined by the committee after consultation ~~with~~ and approval by the city manager and shall consist of a sliding schedule based upon the total project commission. However, in general no more than five percent of the total art in public places allocation for a project should be paid in proposal fees to artists.

(c) The committee may recommend the appointment of a professional advisory committee to assist with selection of works of art or artists for a particular project. Selection of a professional advisory committee shall be by the art in public places committee and confirmed by the city commission. Reasonable expenses incurred by the professional advisory committee may be reimbursed from the fund in accordance with rates approved in advance by the art in public places committee and the city manager. ~~If the art in public places committee chooses not to use a professional advisory committee to assist in selection process, the committee may instead use the designated members of the design review or historic preservation boards to assist in the selection process.~~

(d) The art in public places committee shall consider the recommendations of the professional advisory committee in selecting works of art for particular ~~sites~~city construction projects or existing sites.

(e) *Construction of selected works of art* - where the selected work of art requires construction management, construction shall be managed by the city manager's designee.

~~(e)~~ (f) Selection of artists, sculptors, craftsmen, and professional advisory committee's review of

designs and choice and acceptance of works of art shall be by the art in public places committee and must have approval of the city commission. All agreements made pursuant to this article shall be authorized by the city commission.

~~(f)~~ (g) In selecting/approving works of art, the art in public places committee and/or professional advisory committee and city commission shall consider the following criteria:

(1) Appropriateness to the city construction project or existing site~~site~~.

(2) Maintenance requirements.

(3) Quality of the work.

(4) Likeliness that the artist can complete the work within available funding.

(5) Reflection of enduring artistic concepts, rather than transitory ones.

(6) History of the artist in terms of completion of works on time.

~~(g)~~ (h) In obtaining the advice of the design review board, or historic preservation board, whichever has jurisdiction over the matter based on the location of the proposed project, according to such board's normal application and review procedures, the staff of the art in public places committee shall present the proposal to such boards twice; first, conceptually and prior to the selection of an artist or work, and second, prior to submittal of a final recommendation by the art in public places committee to the city commission. At the time of the board's first review, the boards may impose binding criteria, subject to later reconsideration, on the following matters: location, size, footprint, massing, and relationship to context, including the establishment of a range of acceptable materials.

(Ord. No. 95-2985, § 2(4A-11), 4-5-95; Ord. No. 2001-3333, § 2, 11-28-01)

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, sentence, clause or phrase of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this ordinance.

SECTION 4. CODIFICATION.

It is the intention of the Mayor and City Commission of the City of Miami Beach, and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of the City of Miami Beach, Florida. The sections of this ordinance may be 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 the _____ day of _____, 2004.

PASSED and **ADOPTED this _____ day of _____, 2004.**

ATTEST:

_____
MAYOR

_____
CITY CLERK

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APPROVED AS TO FORM & LANGUAGE & FOR EXECUTION

City Attorney — Date 5/4/04

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, **May 26, 2004**, to consider the following:

at 10:15 a.m.:
AN ORDINANCE AMENDING THE CITY'S ART IN PUBLIC PLACES LEGISLATION, AS CODIFIED IN CHAPTER 82, ARTICLE VII, DIVISIONS 1 THROUGH 4, SECTIONS 82-501 THROUGH 82-612, OF THE CODE OF THE CITY MIAMI BEACH, FLORIDA; PROVIDING FOR CODIFICATION; REPEALER; SEVERABILITY; AND AN EFFECTIVE DATE.

Inquiries may be directed to Tourism & Cultural Development at (305) 673-7577.

at 11:30 a.m.:
AN ORDINANCE AMENDING MIAMI BEACH CITY CODE SECTION 2-487 ENTITLED "PROHIBITED CAMPAIGN CONTRIBUTIONS BY VENDORS," SUBSECTION A(3) THEREOF BY DEFINING THE TERM "DISQUALIFIED"PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

Inquiries may be directed to the Legal Department at (305)673-7470.

at 5:30 p.m.:
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.

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

INTERESTED PARTIES are invited to appear at this meeting, or be represented by an agent, or to express their views in writing addressed to the City Commission, c/o the City Clerk, 1700 Convention Center Drive, 1st Floor, City Hall, Miami Beach, Florida 33139. Copies of these ordinances are available for public inspection during normal business hours in the City Clerk's Office, 1700 Convention Center Drive, 1st Floor, City Hall, 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 #0260

OFFICE OF THE CITY ATTORNEY

City of Miami Beach

F L O R I D A

MURRAY H. DUBBIN
City Attorney

Telephone: (305) 673-7470
Telecopy: (305) 673-7002

COMMISSION MEMORANDUM

TO: **Mayor David Dermer**
Members of the City Commission

DATE: **May 26, 2004**

FROM: **Murray H. Dubbin** MD
City Attorney

SUBJECT: **Proposed Amendment to City Code section 2-487 regarding "Prohibited Campaign Contributions by Vendors."**

Miami Beach City Code section 2-487 states that campaign donors are "disqualified" from serving as a vendor with the City during the 12 months following the swearing in of an elected official/donee. Pursuant to the request of Miami Beach City Commissioner Jose Smith, the attached ordinance has been drafted for the purpose of defining the term "disqualified", so as to express the legislative intent of this measure as originally adopted in 2000—the subject amendment thus expressly provides for the termination of a donor's existing contract, as well as said donor's disqualification for award of contract, in the absence of waiver.

This measure was passed on first reading by the City Commission on May 5, 2004.

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Agenda Item RSB
Date 5-26-04

1700 Convention Center Drive -- Fourth Floor -- Miami Bea

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING MIAMI BEACH CITY CODE SECTION 2-487 ENTITLED "PROHIBITED CAMPAIGN CONTRIBUTIONS BY VENDORS", SUBSECTION A(3) THEREOF BY DEFINING THE TERM "DISQUALIFIED"; PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

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

SECTION 1. That Miami Beach City Code Section 2-487 entitled "Prohibited Campaign Contributions by Vendors", subsection A(3) thereof, is hereby amended to read as follows:

Sec. 2-487. Prohibited Campaign Contributions by Vendors.

A. General

* * *

(3) (a) 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 ~~c~~City.

(b) For purposes of this ordinance, the term "disqualified" shall be defined to include:

1. Termination of a donor/vendor's existing contract with the City, subject to the waiver provisions of subsection B(4) herein; and

2. Disqualification of a donor's response to solicitation requests for prospective vendor contracts with the City, subject to the waiver provisions of subsections (B)(1)(2) and (3) herein.

* * *

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, sentence, clause or phrase of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this ordinance.

SECTION 4. CODIFICATION.

It is the intention of the Mayor and City Commission of the City of Miami Beach, and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of the City of Miami Beach, Florida. The sections of this ordinance may be 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 the _____ day of _____, 2004.

PASSED and **ADOPTED this _____ day of _____, 2004.**

ATTEST:

_____
MAYOR

_____
CITY CLERK

(Passed on first reading on May 5, 2004)
(Requested by Commissioner Jose Smith)
JKO\ed
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APPROVED AS TO FORM & LANGUAGE & FOR EXECUTION

City Attorney 5-11-04 Date

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, **May 26, 2004**, to consider the following:

at 10:15 a.m.:

AN ORDINANCE AMENDING THE CITY'S ART IN PUBLIC PLACES LEGISLATION, AS CODIFIED IN CHAPTER 82, ARTICLE VII, DIVISIONS 1 THROUGH 4, SECTIONS 82-501 THROUGH 82-612, OF THE CODE OF THE CITY MIAMI BEACH, FLORIDA; PROVIDING FOR CODIFICATION; REPEALER; SEVERABILITY; AND AN EFFECTIVE DATE.

Inquiries may be directed to Tourism & Cultural Development at (305) 673-7577.

at 11:30 a.m.:

AN ORDINANCE AMENDING MIAMI BEACH CITY CODE SECTION 2-487 ENTITLED "PROHIBITED CAMPAIGN CONTRIBUTIONS BY VENDORS," SUBSECTION A(3) THEREOF BY DEFINING THE TERM "DISQUALIFIED"PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

Inquiries may be directed to the Legal Department at (305)673-7470.

at 5:30 p.m.:

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.

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

INTERESTED PARTIES are invited to appear at this meeting, or be represented by an agent, or to express their views in writing addressed to the City Commission, c/o the City Clerk, 1700 Convention Center Drive, 1st Floor, City Hall, Miami Beach, Florida 33139. Copies of these ordinances are available for public inspection during normal business hours in the City Clerk's Office, 1700 Convention Center Drive, 1st Floor, City Hall, 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 #0260

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 adopt the ordinance upon second reading public hearing.

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:

Richard Lorber / Jorge G. Gomez

Sign-Offs:

Department Director	Assistant City Manager	City Manager
	CHC	Jorge

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AGENDA ITEM R5C

DATE 5-26-04

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: May 26, 2004

From: Jorge M. Gonzalez
City Manager

Second 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 adopt the ordinance upon second reading public hearing.

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.

Conditional Use Review Procedures

In order to address the possible impacts on the surrounding neighborhood of the banquet hall use, the proposed Ordinance proposes to make the approval subject to Planning Board Conditional Use approval. By bringing applications to the Planning Board, specific conditions can be placed by City staff and the Planning Board, addressing potential concerns. The list of criteria addressed by the Conditional Use process include noise abatement, crowd control, sanitation and cleanliness, hours of operation, outdoor activities, if any, and traffic and parking concerns. Concurrency fees will be charged to applicants as appropriate, if the proposal involves the intensification of use from the previous use on the property. Planning Department staff believes that through the Planning Board process, applications can be reviewed on a case by case basis, and any potential negative impacts can be addressed in advance.

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.

CITY COMMISSION ACTION

At the April 14, 2004 meeting, the Commission approved the ordinance on first reading.

FISCAL IMPACT

As proposed, the ordinance will allow stand alone banquet facilities in the MXE zoning district. The proposal is anticipated to affect only very few, if any, properties. The Casa Casuarina property is one of the only examples of a property which may utilize this

provision under the City Code. Therefore one can argue that there should be minimal, if any, adverse fiscal impact to the current condition. However, by allowing an important historic property to be further utilized by a larger group of the City's visitors and residents, it should have a positive effect on tourism and hospitality in the City.

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/RGL

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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

_____ 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

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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, **May 26, 2004**, to consider the following:

at 10:15 a.m.:
AN ORDINANCE AMENDING THE CITY'S ART IN PUBLIC PLACES LEGISLATION, AS CODIFIED IN CHAPTER 82, ARTICLE VII, DIVISIONS 1 THROUGH 4, SECTIONS 82-501 THROUGH 82-612, OF THE CODE OF THE CITY MIAMI BEACH, FLORIDA; PROVIDING FOR CODIFICATION; REPEALER; SEVERABILITY; AND AN EFFECTIVE DATE.

Inquiries may be directed to Tourism & Cultural Development at (305) 673-7577.

at 11:30 a.m.:
AN ORDINANCE AMENDING MIAMI BEACH CITY CODE SECTION 2-487 ENTITLED "PROHIBITED CAMPAIGN CONTRIBUTIONS BY VENDORS," SUBSECTION A(3) THEREOF BY DEFINING THE TERM "DISQUALIFIED"PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

Inquiries may be directed to the Legal Department at (305)673-7470.

at 5:30 p.m.:
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.

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INTERESTED PARTIES are invited to appear at this meeting, or be represented by an agent, or to express their views in writing addressed to the City Commission, c/o the City Clerk, 1700 Convention Center Drive, 1st Floor, City Hall, Miami Beach, Florida 33139. Copies of these ordinances are available for public inspection during normal business hours in the City Clerk's Office, 1700 Convention Center Drive, 1st Floor, City Hall, 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 #0260

CITY OF MIAMI BEACH
COMMISSION ITEM SUMMARY

Condensed Title:

An Ordinance of The Mayor and City Commission of the City of Miami Beach, Florida, to consider amending the Land Development Regulations of the Code to establish procedures and criteria for the creation of Neighborhood Conservation Districts in appropriate residential areas of the City.

Issue:

Should the City Commission amend the Land Development Regulations to establish procedures and criteria for the creation of Neighborhood Conservation Districts?

Item Summary/Recommendation:

The ordinance establishes the enabling legislation within the Code by which the City can create and administer Neighborhood Conservation Districts (NCD)s. Neighborhood Conservation Districts are overlay districts which have been developed to respond to the disparity that often exists in trying to conserve the meaningful scale and special urban character of existing residential neighborhoods that are not protected by historic district designation, yet are being diminished in their residential quality through the introduction of unsympathetic 'as-of-right' redevelopment.

The Administration recommends that the Commission approve the ordinance on first reading and set a second reading public hearing for a time certain on June 9, 2004.

Advisory Board Recommendation:

The City Commission referred the concept to the Neighborhoods Committee on July 2, 2003 and the draft concept ordinance was discussed by the committee on July, 28, 2003.

The Planning Board heard this matter at public hearings on March 23, 2004, and on April 20, 2004 the Board voted 6-0 (unanimously) to recommend to the City Commission adoption of the enabling ordinance.

Financial Information:

Source of Funds:

Finance Dept.

	Amount	Account	Approved
1			
2			
3			
4			
Total			

City Clerk's Office Legislative Tracking:

Reuben N. Caldwell/ Jorge G. Gomez, Planning Department

Sign-Offs:

Department Director	Assistant City Manager	City Manager

AGENDA ITEM RSD

DATE 5-26-04

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: May 26, 2004

From: Jorge M. Gonzalez
City Manager

First Reading

Subject: **NEIGHBORHOOD CONSERVATION DISTRICT ENABLING ORDINANCE**

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF THE CITY OF MIAMI BEACH, FLORIDA, BY AMENDING CHAPTER 118, "ADMINISTRATION AND REVIEW PROCEDURES," BY ADOPTING ARTICLE XI, "NEIGHBORHOOD CONSERVATION DISTRICTS," ESTABLISH PROCEDURES AND CRITERIA FOR THE CREATION OF NEIGHBORHOOD CONSERVATION DISTRICTS; PROVIDING FOR AN INTENT STATEMENT, QUALIFICATION CRITERIA, AND PROCEDURES FOR CREATING AND MODIFYING SUCH DISTRICTS; PROVIDING FOR CODIFICATION; REPEALER; SEVERABILITY; AND AN EFFECTIVE DATE.

ADMINISTRATION RECOMMENDATION

The City Administration recommends that the City Commission approve the ordinance on first reading and set a second reading public hearing for a time certain after 5:00 p.m. at the June 9, 2004 City Commission meeting.

BACKGROUND:

The City Administration, over the last two years, has been formulating the Neighborhood Conservation District Ordinance as an adaptive response toward maintaining and preserving the scale, character and quality of life of certain neighborhoods that are of considerable interest and value to the City's residential experience. The Neighborhood Conservation District concept was first initiated by the Planning Board in affirming the strategies of the West Avenue / Bay Front District Strategic Plan at its January 22, 2002 meeting. The particular strategy called for an overlay district which could address the broad range of zoning and neighborhood planning issues impacting existing low-scale neighborhoods such as the Lincoln Terrace and 16th Street bay front neighborhood. In formalizing the Neighborhood Conservation District Ordinance, the City Administration has presented the concept to the Historic Preservation Board, Design Review Board and the Neighborhoods Committee, upon referral from the City Commission on July 2, 2003.

ANALYSIS:

In considering an overlay approach for the Lincoln Terrace bay front neighborhood, staff identified the Neighborhood Conservation District model as a desirable new concept being implemented nationally and involving an extremely flexible approach toward protecting those aspects of existing neighborhoods which contribute to the overall scale, character and quality of life of a City. In this regard, the proposed ordinance was selected to enable significant refinement of existing land use regulations, coupled with land use incentives, both focused at the neighborhood level to address the unique development and planning issues facing specific neighborhoods.

In researching the disparate relationship between the *as-built* character of the Lincoln Terrace bay front neighborhood and the current underlying zoning, the City Administration was unable to find a suitable mechanism within the City's Code which could bridge the gap toward achieving consensus between the predominate property owner and surrounding neighborhood interests while effectively maintaining the most desirable fundamental planning principals of this low scale post war modern development. Concurrent to this effort, staff identified similar urban dilemmas beginning to occur in North Beach neighborhoods where a *less than ideal* relationship between *as-built* conditions and significantly more intensive probable future development was becoming apparent.

In trying to achieve a workable medium the Neighborhood Conservation District Ordinance has been drafted with the intent to focus on the most fundamental defining aspects of a neighborhood's positive character. This would be accomplished by further customizing those elements of the zoning code that do not adequately address specific positive neighborhood characteristics already in place. In this regard, NCD designation should be perceived as further streamlining land use zoning processes rather than over-regulating because the NCD designation clarifies the specifics of zoning and design criteria at the individual neighborhood level; this would be intended to reduce some of the need for variances to the zoning code while better defining and establishing good neighborhood planning and contextual compatible new construction.

In essence, the ordinance is a response to the disparity that often exists in trying to conserve the meaningful scale and character of existing neighborhoods that are not protected by historic district designation, yet are being diminished in their residential quality of life through the introduction of unsympathetic *as-of-right* redevelopment.

Finally, while NCDs synthesize certain elements toward conserving the historic urban nature of a neighborhood, their overriding purpose is to maintain and enhance the existing residential experience through neighborhood specific development regulations coupled with economic incentives which assist in achieving the intent of the designation. Some potential planning tools to be implemented within an NCD include:

- *Neighborhood Specific Zoning Regulations*
  - Maintain a desirable pedestrian rhythm and scale of the street by preserving the existing character of platting and parcelization through limiting lot assembly and/or limiting building length parallel to the street.
  - Define established building setback dimensions which are compatible with existing structures.
  - Define rooftop addition setback dimensions which maintain the integrity of the street wall experience as established through the existing building fabric.
  - Establish building finishes and fenestration standards for infill architecture and major rehabilitations that do not diminish nor contradict the overall design typology of the neighborhood.

- *Neighborhood Plans*
  - A tool of the NCD designation which allows specific streetscape or beautification initiatives to be identified in the individual NCD designation and then implemented through subsequent public and private improvement scenarios.

- *Façade Easements*
  - This tool is especially useful in neighborhoods where National Register Designation is contemplated or has occurred and selective preservation of certain building and site elements visible from the street may be afforded through a Façade Easement Program.

In conclusion, the City Administration has prepared this protective land use legislation as a mechanism to effectively unify and augment various elements of the neighborhood planning process previously attempted solely through Article III of Chapter 142 entitled, "Overlay Districts". The Neighborhood Conservation District Ordinance further defines the scope of residential neighborhood planning efforts by incorporating tools relating to streetscape, economic incentive and administrative review procedures under one umbrella ordinance thus further streamlining the process. In this regard, staff ultimately views this legislation as an appropriate step in the evolution of the City's land development overlay technique whereby an amicable consensus regarding broad interests may be reached in conserving the fundamental positive characteristics of existing neighborhoods.

PLANNING BOARD ACTION

The Planning Board heard this matter at public hearings on March 23, 2004, and on April 20, 2004 the Board voted 6-0 unanimously (1 vacancy) to recommend that the City Commission adopt the Neighborhood Conservation District enabling ordinance.

FISCAL IMPACT

The ordinance creates the enabling legislation by which the City may adopt and administer individual Neighborhood Conservation Districts and has been developed to function within the existing land development review procedures; refining and "streamlining" when appropriate, certain procedures. Therefore, adverse fiscal impact is not contemplated with the adoption of this ordinance.

CONCLUSION

According to Sec. 118-164, when a request to amend the land development regulations does not change the actual list of permitted, conditional or prohibited uses in a zoning category, the proposed ordinance requires two readings, 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. Following the second reading public hearing, the Commission can adopt the ordinance by a 5/7ths vote.

JMG/CMC/JGG/rnc

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COMPARISON OF LOCAL NEIGHBORHOOD CONSERVATION DISTRICTS AND HISTORIC DISTRICTS

	CONSERVATION DISTRICT	HISTORIC DISTRICT
Purpose	To maintain the architectural character of buildings and conserve the cohesiveness of the neighborhoods by ensuring compatibility of additions and new construction to include scale, massing, shape, orientation, materials, setbacks, and the rhythm of the street.	To preserve neighborhood character and promote appropriate development; to protect areas that have significant historic and architectural merit and a distinct character; to protect structures that contribute to the architectural and cultural heritage of the city; and to ensure that new construction, additions or alterations are appropriate with the scale, character and architecture of the as-built environment.
Benefits	Property value enhancement; neighborhood revitalization; pride of ownership; preservation of unique neighborhood character; compatible new and infill construction; opportunities for local incentives; specialized neighborhood plans	Property value enhancement; neighborhood revitalization; pride of ownership; preservation of unique neighborhood character; avoidance of demolition of significant historic architecture; compatible new and infill construction; opportunities for federal, state and local incentives
Design Review Authority	May require CMB Design Review Board for major projects or staff for minor projects	CMB Historic Preservation Board for major projects or staff for minor projects
Regulated activity	Alteration of exterior and new construction	Demolition, rehabilitation, restoration, alteration of exterior and public interior, and new construction
Demolition of historically significant buildings and/or features	Demolition controls, if any, will be tailored to each individual district depending on intent	Generally prohibited, selective demolition may be considered through special review
Design guidelines	CMB guidelines (special local guidelines may be adopted for each district)	CMB guidelines (special local guidelines may be adopted for each district) and Secretary of the Interior's Standards for Rehabilitation as applicable
Stringency of design guidelines	More lenient	Thorough and comprehensive
Time required for design review	1 - 3 days for minor work; average 2 to 6 months for major work depending on complexity	1 - 3 days for minor work; average 2 to 6 months for major work depending on complexity
20 % federal rehabilitation income tax credit	No	No, however, a local district may be federally registered and certified to qualify
10% federal rehabilitation income tax credit	Yes, if criteria is met	Yes, if criteria is met
Federal income tax charitable deduction for façade easement donation	Yes	Yes
Grants	No	Yes, if criteria is met; rating in review process increases if property eligible for listing in National Register
Ad valorem county property tax exemption	No	Yes, value of improvements exempt if criteria is met
Off-street parking exemptions	Possibly, depending on intent	Parking requirements not mandatory except when adding floor area or new construction
Zoning incentives	Yes, depending on intent	Possible retention of legal non-conforming floor area, setbacks and height
Florida Building Code interpretations	No	Consideration of alternative materials and methods by the Building Official as per the Secretary of Interior's Guidelines to achieve equivalency with requirements
Life Safety Code interpretations	No	Same as Building Code

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Neighborhood Conservation Districts Survey

The survey was conducted to better understand the goals, regulations, public/private involvement and performance of selected Conservation District Programs throughout the nation. This understanding will help guide and evaluate the creation of Philadelphia's Residential Preservation and Revitalization District (RPROD) ordinance.

Seventeen national neighborhood conservation district programs were reviewed and their staff members queried to verify matrix information and to gain general feedback about the districts' performance. These programs were the subject of an earlier update, prepared by the Planning Department of San Jose, of the original matrix produced by the Preservation Coalition of Greater Philadelphia in 1992. The updated matrix is attached. Programs were located as follows:

Atlanta, GA
Austin, TX
Boise, ID
Boston, MA
Cambridge, MA
Dallas, TX
Lincoln, NB
Memphis, TN
Napa, CA
Nashville, TN
Omaha, NB
Phoenix, AZ
Portland, OR
Raleigh, NC
Riverside, CA
Roanoke, VA
San Antonio, TX

In addition to surveying these programs, two recent professional issues papers about Conservation Districts were reviewed. The first is an as-yet unpublished article in the *Preservation Law Reporter* of the National Trust for Historic Preservation, and the second was published in 1998 in *Cultural Resources Partnership Notes* by the Heritage Preservation Services division of the National Center for Cultural Resources Stewardship and Partnerships within the National Park Service.

Very generally, Conservation District programs can be divided into two categories: "historic district-lite" and zoning/land use. Based on these types, the nomination of districts and the enforcement of guidelines are typically handled by a Historical Commission (or a neighborhood-specific review commission that includes knowledgeable City staff) or a Zoning Department, respectively. These two types of programs have in common the goal of encouraging neighborhood involvement and enforcing appropriate growth. They also have in common the involvement of the ultimate reviewing body from the outset of the district's creation. Furthermore, after a public review process, City Councils almost always retain the final word in either an ordinance to create a district or an ordinance to allow an overlay zone.

The "historic district-lite" conservation districts often have nomination criteria and design guidelines that borrow from the National Register nomination process and the Secretary of the Interior's Standards and Guidelines. Although nominations might be initiated by neighborhood organizations facing development/blight/usage-change threats, criteria for a district's actual creation usually stems from the quality and cohesiveness of a district. Design standards information is imparted by knowledgeable City staff members either through the creation and distribution of guidelines for creating Guidelines or through their involvement in the process, however it is usually the neighborhood organization that writes the standards.

These historic district-lite districts are then reviewed against standards that are similar to but more lenient than historic district-type standards, or are divided into contributing and non-contributing buildings. In this second (and much less common) type of district, contributing buildings are reviewed at the same level as historically designated buildings, and non-contributing buildings are reviewed on a more lenient standard. The key difference in this type of "lite" district is that it would not have met the full criteria to be created as, but had elements of, an historic district. Standards and guidelines are usually developed neighborhood by neighborhood.

Departments of Planning are typically involved in these districts only when their Landmarks or Historical Commissions are located within.

The conservation districts that regulate change through zoning are typically concerned with preventing wholesale demolition of properties, preserving the use character (residential, small commercial, etc.) of a neighborhood, and maintaining a certain scale of allowable construction. These are sometimes, but not frequently, enhanced by other overlay districts that regulate design. Some are regulated by the zoning overlay, and require a non-binding design review. These zoning overlay districts may be formed at the initiation of a neighborhood, and are frequently created as an implementation tool for Comprehensive Neighborhood Plans written by Planning Departments.

Questions about RPROD

Neighborhood Conservation District Matrix

Updated 8/02

City	Date Enacted	Who administers	Activities regulated	Criteria	Nominated by	Majority approval	Design standards/ guidelines	Program Name	Contact Name/ Phone/Website	Notes and comments	Original location
Atlanta, GA	1994	Atlanta Urban Design Commission	Review and comment (comment not binding) on major alterations (pre-permit requirement)	Section 16-20.009	10 neighborhood property owners	No	Based on Secretary of the Interior's Standards	Conservation District	Karen Huebner, ED; Doug Young; Susan Gwinner 404-330-6200	Working well. A wealthy nbhd. Only demos have been non-contrib structures, but over-large replacements. Staff overloaded and not allowing any more dist of any type. Also has historic and landmark districts; one cons district because the nbhd wanted the opportunity to comment but didn't want hd restrictions. Differs from hd's thru comment vs. binding	Pres Coalition study
Austin, TX	1998	Director of Planning, Nbhd planning & zoning	Use, site development standards -- review and comment (not binding)	Distinctive architectural styles, >30 years old.	Neighborhood Planning & Zoning Department, with assistance by HP staffer (in different department- Transportation Planning and Sustainability Department)	No	Design guidelines part of the neighborhood plan - advisory. Guidelines are for residential, regarding existing character and architectural features.	Neighborhood Plan Combining District	Ricardo Solis 512-974-3524	Planning creates nbhd land use plan and NPCD is implementation tool. Priority area w/in urban core is divided into 54 planning areas. Depending on that fiscal year's priority, will work on 4-6 neighborhood plans. Just now going through process of establishing historic districts (had indiv desig)	San Jose Planning study
Boise, ID	2001	Depends on ordinance adopted for each separate neighborhood	New construction, major alterations, additions.	Identifiable attribute in architcture, use, geography	City council, One resident, planning commission or staff may start process - after that, a regular zoning change (public hearing at Planning Commission & at city council)	Not of nbhd, but of Council	No	Neighborhood Conservation District	Hal Simmons 208-384-3853	Have one district, created to disallow surface parking and support residential because of threat. Not enough support to do historic district. Demo allowed, but must replace homes with homes. Base zoning has design review; there is a separate design review overlay reviewed by a special Design Review Commission, staffed within Planning Department (started before conservation districts)	San Jose Planning study
Boston, MA	1975	Landmarks Commission	Major alterations - design review. Activities regulated in CDs are identical to those in HDs, but are given greater latitude.	Distinctive citiwide historical, social, cultural, srch or aesth signif	10 registered Boston voters; Mayor, Historical Commission	No	Yes-for each conservation district	Architectural Conservation District	Michael Cannizzo, Staff Architect 617/635-3850	The Landmarks Commission was formed in 1975 to handle both Historic and Conservation districts.	San Jose Planning study/ Pres Coalition
Cambridge, MA	1983	Neigbhorhood Cons. District Commissions; nominations to serve on task force w/ certain prof quals, appointed by City Manager. Several dist recommend that 1 member be fom HC for experience.	New construction, demo, additions, alterations - different for each (1st didn't review alterations originally but later amended to do so.) Some are advisory and some are binding based on size of project, recog signif, extent of demo - specific guidelines about each type.	City-wide significance	10 voters or HC starts + study of merits (significance, set up same as Landmark designation)	City Council approval, no maj appvl necessary	Yes - for each CD with exemptions; study committee created by City Manager to work with HC staff to develop s & g	Neighborhood Conservation Districts	Sally Zimmerman (617) 349-4683 www.ci.cambridge.ma.us/~Historic/districts.html	Spoke to Sarah Burks. Have 1 district admin by HC - last designated public felt more comfortable not residential mostly commercial and had several individually desig, the rest are admin by nbhd (4 others)	Pres Coalition
Dallas, TX	1988 (HP ordinance around since late 60s)	Planning & Development Department (within Preservation Division)	New construction, major alterations, demolitions, land use; like hist. dist. but more lenient	Distinctive character, stability, no age	50% of property owners; City facilitates meetings	Yes	Yes; residents determine with staff assistance	Conservation District	Nathaniel Barnet 214/670-3620 www.dallascityhall.com	Residents write the standards and guidelines and may choose to ignore staff input; however staff admin ordinance w/those guidelines	San Jose Planning study/ Pres Coalition
Lincoln, NB	1989	Building code officials, Zoning Board	New construction	Maintenance, residential, 50%, >50 years	Nbhd	50% protest	Uniform for all	Residential Conservation District	Ed Zimmer, Preservation Planner 402-441-6360	left message	Pres Coalition

Neighborhood Conservation District Matrix

Updated 8/02

City	Date Enacted	Who administers	Activities regulated	Criteria	Nominated by	Majority approval	Design standards/ guidelines	Program Name	Contact Name/ Phone/Website	Notes and comments	Original location
Memphis, TN	1988	Landmarks Commission	New construction, demo, additions. Only difference from historic district is lack of review of alterations	Loosely based on Sec'y of Int w/ same categories, but looser	Recommend a preliminary set of design guidelines that nbhd has created, maybe with Landmarks Commission if they choose; nbhd has a public mtg & notifies with certain information about boundaries; submitted by application to LC and LC notifies; if LC passes, goes to Land Use Board who notifies; then Council who notifies owners. 65-72% support a comfort level of council; can go through with 51%. Had one district that had % of respondants rather than owners and its a problem.	No	Yes - for each CD, developed by a Committee of people including a neighborhood architect or builder; given starter information by LC about S & G.	Historic Conservation District	Nancy Jane Baker 901-576-7170 http://www.co.shelby.tn.us/county_gov/divisions/plann_dev/aboutus/index_new.htm#top	Has historic preservation and historic conservation (demo, new construction, habitable additions & garage/fences). Fences have been a headache. A political issue when designated, so no design review for alterations; one had 250 vacant properties created by DOT for a failed highway; answer to developer who wanted to build big apartment houses. 2nd-part being upgraded to preservation zoning, initiated by nbhd.	Pres Coalition
Napa, CA	1999	Cultural Heritage Commission, Planning Commission	New construction, demo, alterations, additions	Familiar visual features, cohesiveness in design	Cultural Heritage Commission	No	Standards in ordinance, specific so as to avoid interpretation problems	Neighborhood Conservation Ordinance	Bob Hanna, HPO 707-257-9530		San Jose Planning study
Nashville, TN	1985	Metropolitan Historic Zoning Commission	Metorpolitan Historic Zoning Commission	New construction, addition of habitable space, demo, relocation	Interested group or person or member of the Metropolitan Council	Very political, must be approved thru council, so typically a 2/3 majority desired	Unique but similar for each district	Neighborhood Conservation Overlay (each is called a neighborhood conservation district)	Tim Walker 615-862-7970		San Jose Planning study/Pres Coalition
Omaha, NB	1987	Zoning Board (within Planning Department)	Land use	Buildings older than 25 years, after a Nbhd Comp Plan created (not a requirement for historic)	Majority of owners, planning bd, City Council	No, majority at time of initiation only	Created by Planning Dept with neighborhood input	Neighborhood Conservation District Overlay	Lynn Myer 402-444-5208	Conservation districts have not really been used, probably because of process; typ initiated by 51% of owners (same as historic districts). Have only one district. Purpose-to provide review & protection for nbhds not qualified to be historic nbhds	Pres Coalition
Phoeniz, AZ	1978	Planning	New construction (for height, bulk, setback) -- use; more zoning than design. Have an HP ordinance	Neighborhood self-selecting, usually in response to a threat	50% of land owners, planning commission & council. Work with Planning staff to develop plan, then a survey is conducted; 70% of respondants must agree	Yes	Written by neighborhood with Planning help.	Special Conservation District	Jan Hatmaker 602-262-7131		Pres Coalition
Portland, OR	1978	Historical Preservation Program; Bureau of Planning split into 2 groups a few years ago - current (Office of Planning & Development Review) and long-range. Current Planning has Historic Landmarks Commission with 2 functions quasi-judicial review (implementing regulations design, designation, demo review) and legisiative in Bureau of Planning (long range one) (determining what regulations should apply to historic resources in city, etc.).	Same as historic but looser	Significance, stability, community interest	In 1993, done as part of Community Plan without owner consent. Area at time blighted and a lot of properties going into disrepair; growth/demo anticipated and control desired.	Yes (see Notes and comments)	Design review vs. conservation. Hist -Secy of Interior when Districts don't have specialized design guidelines. A number of districts do, developed by city staff with public outreach or in partnership with a consultant office. Cons-by state law must have a 2-track system. 1st track, most popular, is objective standard where discretionary review not required. 2nd track, based on Community Design Guidelines (Sec'y of Interior Standards helped)	"Plan districts"	Cielo (Shello) Lutino 503-823-6879 Liza Mickle 503-823-7666 www.ci.portland.or.us Bureau of Planning Title 33, Chapter 445 & 846	Conservation districts have proven to be more hassle than they're worth; the difference between the two is confusing. When conservation districts created in 1993, didn't have owner consent rule. Don't do conservation districts anymore because of a 1995 state senate bill that required 100% owner consent.	San Jose Planning study/ Pres Coalition

Neighborhood Conservation District Matrix

Updated 8/02

City	Date Enacted	Who administers	Activities regulated	Criteria	Nominated by	Majority approval	Design standards/ guidelines	Program Name	Contact Name/ Phone/Website	Notes and comments	Original location
Raleigh, NC	1988	Zoning Board	New construction	Older than 25 years, larger than 15 acres, 75% of land developed	Upon property owners request, Planning, or City Council. Nbhd task force created to advise planners - which dissolves at point of public hearing on developed nbhd plan	Yes	No	Neighborhood Conservation Overlay District	Todd 919-890-3125 http://www.raleigh-nc.org/planning/CP/Neighborhoods2.htm	Left message	Pres Coalition
Riverside, CA	1996	Staff of Cultural Heritage Board, within Planning Department	Same as historic for contributing resources, non-contrib review less strict. Considered a level of hist. desig	Lighter requirments than hd; context, familiar visual city features, cohesiveness of design	Usually by nbhds, w/ public hearing process at Cultural Heritage Board and City Council	Not required but sought by Council	Standard design guidelines, not by district	Neighborhood conservation areas	Janet Hansen, Cultural Resources Specialist 909-826-5463	Certificate of appropriateness	San Jose Planning study
Roanoke, VA	1987	ARB, Zoning Board	New construction, demo, additions	same as historic	City Council	No	Optional for each	Neighborhood Preservation Districts	?		Pres Coalition
San Antonio, TX	2000	Pre-permit approval requirement, review by Planning; not as complicated as an historic district; has 4 days. Not subject to interpretation	New construction, demo, addition, alterations	Neighborhood define criteria	Neighborhoods apply to Planning Department with boundary justification; had 10-12 apply at outset. Have a core neighborhood planning team on staff.	If mentioned in neighborhood plan, don't need 51%, if a nbhd org nominates, then need 51%	Neighborhood with staff assistance writes guidelines	Neighborhood Conservation District	Christine Vina 210-207-7815	Haven't completed any yet. Some are looking for zoning changes, but this is not set up for that. Christine Vina wrote the enabling legislation and has been working on the first 5 districts. Have historic districts. Spoke with Carol Haywood 210-207-7395	Austin, TX mentioned this program

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF THE CITY OF MIAMI BEACH, FLORIDA, BY AMENDING CHAPTER 118, "ADMINISTRATION AND REVIEW PROCEDURES," BY ADOPTING ARTICLE XI, "NEIGHBORHOOD CONSERVATION DISTRICTS," ESTABLISHING PROCEDURES AND CRITERIA FOR THE CREATION OF NEIGHBORHOOD CONSERVATION DISTRICTS; PROVIDING FOR AN INTENT STATEMENT, QUALIFICATION CRITERIA, AND PROCEDURES FOR CREATING AND MODIFYING SUCH DISTRICTS; PROVIDING FOR CODIFICATION; REPEALER; SEVERABILITY; AND AN EFFECTIVE DATE.

WHEREAS, the City of Miami Beach is distinguished by its rich collective experience of residential neighborhoods; and

WHEREAS, the scale, character and quality of life in the neighborhoods of Miami Beach must be continually nurtured and safeguarded for future generations; and

WHEREAS, the City Commission has deemed it appropriate for the public health, safety and welfare of the City through the Future Land Use Section of the Comprehensive Plan to maintain and enhance the special character of residential neighborhoods of the City; and

WHEREAS, the City of Miami Beach Planning Department has identified the "Neighborhood Conservation District" designation as an appropriate land development overlay tool in further achieving this objective; and

WHEREAS, the "Neighborhood Conservation District" enabling ordinance, will be recognized in the City Code through the Land Development Regulations and incentive programs; and

WHEREAS, the amendments as set forth below are necessary to accomplish the above objectives.

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

SECTION 1. Chapter 118 of the Land Development Regulations of the Code of the City of Miami Beach, Florida, is hereby amended by creating within "Administration and Review Procedures," a new Article XI, entitled "Neighborhood Conservation Districts", as follows:

ARTICLE XI. NEIGHBORHOOD CONSERVATION DISTRICTS (NCD)

Sec. 118-701. Intent.

A Neighborhood Conservation District (NCD) is a protective land use tool that provides criteria and a mechanism to be implemented when desired for the maintenance of neighborhood characteristics. It is an umbrella land use designation overlay that will allow for the tailoring of a master plan and/or design guidelines for any specifically defined area that meets the criteria listed in Section 118-704. *Qualification.*

The master plan and/or design guidelines can, among other things, include additional overlay zoning, site, architectural and landscape guidelines, conservation and preservation strategies, streamlining of development review processes, community development strategies, and incentive programs.

It is further intended that such districts and the regulations adopted for them shall be consistent with, and promote the policies set out in, the Miami Beach Comprehensive Plan and other officially adopted plans and regulations in accordance therewith.

Sec. 118-702. Objective.

The purpose of creating a Neighborhood Conservation District (NCD) is to:

(a) Provide a land-use or zoning tool to conserve established neighborhood scale and character and to promote compatible development through the sensible regulation of new construction and major alterations/additions to existing buildings. A NCD can also serve to implement a neighborhood plan and serve as a catalyst for the rehabilitation of existing buildings.

(b) Protect neighborhoods or districts that have significant architectural and historic merit and a distinct character but do not qualify for, or have not yet received, historic designation.

(c) Protect structures that contribute to the urban architectural heritage of the city but may not have received historic designation. Valuable buildings in the district that meet certain criteria may be subject to further review prior to receiving a demolition permit.

Sec. 118-703. Effect of district establishment.

NCD districts may either:

(a) Supplant and/ or supplement underlying and overlay zoning districts other than historic districts or portions of such zoning districts existing at the time of the creation of a particular NCD district; or

(b) Have the effect of modifying requirements, regulations, and procedures applying to the extent indicated in the particular NCD amendment.

Sec. 118-704. Qualification.

In order for a NCD to be officially designated, the area would have to satisfy one (1) out of the following five (5) criteria. A NCD must have:

(a) A special urban scale and context, or historic or architectural character present in the defined area;

(b) Natural or historic landscape features such as water features, golf course and/ or open space areas, public or private landscape themes prevalent in the area;

(c) Specialized commerce. For example, a concentration of residential office, gallery or design districts, or specific economic development objectives;

(d) A unique development plan which is specifically noteworthy for its design concept and because it serves the community in some qualitative way; or

(e) Other cultural or significant features such as monuments, notable infrastructure improvements, or special public amenities that directly contribute to the aesthetic character and quality of life of a community.

When an area is determined to meet the necessary criteria for a NCD, the objectives for the community need to be defined so a master plan and/or design guidelines can be developed.

Sec. 118-705. Procedures for adoption of specific NCD Overlay Districts

(a) Requests for NCD Overlay Districts

(1) Requests for the creation of NCD districts may be initiated by a majority of the neighborhood residents and/or property owners, the Planning Board, the Design Review Board, the Historic Preservation Board, the City Manager or the City Commission.

(2) Proposals for NCD Overlay Districts shall include a completed application form available from the Planning Department. Such proposals shall include a location map showing the general boundaries of the proposed district as well as a general statement of its purpose and intent.

(3) Fees for requests shall be as follows:

(a) A request initiated by any entity other than the city commission, a city board or other city official as set out in subsection 118-705(a)(1) for district designation shall include an application fee as provided in Appendix (A).

(b) Preliminary Review

(1) Upon receipt of a completed application, and fees if applicable, the Planning Department shall prepare a preliminary evaluation and recommendation and schedule a referral request before the City Commission, unless such request is initiated by the City Commission. The City Commission may hold a preliminary public hearing to consider the merits of the proposed NCD.

(2) If a preliminary public hearing is scheduled, notification of the public hearing shall be advertised in accordance with Section 118-164(2)(a)(b) regardless of acreage and, in addition, all property owners within the proposed district shall be notified by individual mail notice with a description prepared in plain English, and postmarked not less than (15) days in advance of the hearing.

(3) Following the referral by the City Commission, the Planning Department shall prepare a draft Neighborhood Conservation District Plan and Development Regulations.

(c) Preparation of NCD Plan and Development Regulations

The Planning Department draft NCD Plan and Development Regulations shall include the following information:

(1) A statement of intent, specifying the nature of the special district and substantial public interests involved and the objectives to be promoted by special regulations and/or procedures within the district as a whole, or within sub-areas of the district, if division into such sub-areas is reasonably necessary for achievement of regulatory purposes.

(2) The boundaries of the NCD district and any sub-areas established within the district for purposes of NCD regulations.

(3) The proposed zoning indicated by the NCD prefix and a number identifying the particular district, as for example NCD-1, together with whatever other identification appears appropriate.

(4) The zoning designations of all portions of underlying districts and regulations, if any, which will remain after NCD zoning is superimposed. Where it is

proposed to change the boundaries or zoning designation of remaining underlying districts affected in the same action by which NCD zoning is applied, the map shall show the nature and location of such change.

(5) The regulations for the NCD Overlay, shall be designed to promote the special purposes of the district, as set out in the statement of intent. Such regulations may include, but are not limited to, zoning, design guidelines and procedures for development review and approval.

(d) Recommendations by Design Review Board

Prior to the City Commission's final adoption of an NCD, the Design Review Board shall make recommendations on the proposed district to the City Commission.

(e) Final adoption of NCD Overlay Districts

Adoption of NCD Overlay districts shall be by the same procedures as for amendments to the Code generally, as set forth in Article III of Chapter 118 of these Land Development Regulations except that regardless of acreage, all property owners within the proposed district shall be notified by individual mail notice with a description prepared in plain English. Each individual NCD overlay district shall be adopted into Chapter 142, Article III, Overlay Districts, of the Land Development Regulations of the Code.

Sec. 118-706. Administering NCD Overlay Districts

New construction, additions and alterations to existing structures within any NCD district will require that a Certificate Of Compliance (COC) be granted in writing in advance from the Design Review Board (DRB), or staff to the Board, in accordance with COC regulations and guidelines as specified through individual designation. A DRB approved COC may be required for major demolition as defined by the pertinent NCD designation. The COC must be granted before the owner applies for a building permit.

SECTION 3. CODIFICATION.

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

SECTION 4. REPEALER.

All ordinances or 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. EFFECTIVE DATE.

This Ordinance shall take effect ten days following adoption.

PASSED AND ADOPTED this _____ day of _____, 2004.

ATTEST:

_____
MAYOR

_____
CITY CLERK

_____
PLANNING DIRECTOR

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

CITY ATTORNEY 5-11-04
DATE

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CITY OF MIAMI BEACH
COMMISSION ITEM SUMMARY

Condensed Title:

An Ordinance Providing The City Manager With The Authority To Approve Purchases Of Commodities, Materials, Supplies Or Other Items On A Continuing Basis From Contracts Awarded By The U.S. Communities Government Purchasing Alliance; And Providing That Prior To Approval Of Said Purchases From The Entities, As Set Forth In Section 2-369, The City Manager Shall Prepare, Or Cause To Be Prepared, A Written Analysis Which Shall Include A Statement As To Why It Is In The City's Best Interest To Procure Commodities, Materials, Supplies, Or Other Items On A Continuing Basis Utilizing The Contracts From The Entities Set Forth In Section 2-369.

Issues:

Shall the City Commission Amend the Miami Beach City Code to Authorize the Manager to Approve Purchases from Contracts Awarded by the U.S. Communities? And Shall the City Commission Amend the Miami Beach City Code to Codify the Administration's Policy and Procedure of Preparing a Written Analysis Prior to the Manager Exercising his Approval Authority?

Item Summary/Recommendation:

The Administration is recommending utilizing contracts competitively awarded by the U.S. Communities Government Purchasing Alliance ("U.S. Communities") in order to take advantage of economies of scale, or aggregate purchasing power, which translates into lower costs to the City. U.S. Communities' aggregate purchasing power combines the following: 1) 87,000 Local Agencies; 2) expands purchasing choices beyond state boundaries; 3) over 7,000 currently participating public agencies in 50 States.

The Finance and Citywide Projects Committee at its April 6, 2004 meeting, was provided with information by the City's Procurement Director that he had evaluated all contracts awarded by the U.S. Communities to determine if utilizing said contracts was in the City's best interest. There exist three (3) contracts awarded by U.S. Communities that represents an immediate cost savings to the City. Other U.S. Communities' contracts would neither apply nor represent a cost savings.

AMEND THE MIAMI BEACH CITY CODE.

Advisory Board Recommendation:

The Finance and Citywide Projects Committee at its April 6, 2004 meeting, unanimously recommended the amendment to Section 2-369 of the Code of Miami Beach to include the utilization of U.S. Communities' contracts, and also to codify the City Manager's policy and procedure of ensuring that a written analysis be prepared to include a statement as to why it is in the city's best interest to purchase the particular commodities, materials, supplies, or items on a continuing basis from the entities set forth in Section 2-369.

Financial Information: N/A

Source of Funds:

Finance Dept.

	Amount	Account	Approved
1	N/A		
2			
3			
4			
Total			

City Clerk's Office Legislative Tracking:

Gus Lopez, extension 6641.

Sign-Offs:

Department Director	Assistant City Manager/CFO	City Manager
GL	PDW	JMG

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AGENDA ITEM R5E

DATE 5-26-04

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: May 26, 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 CHAPTER 2 OF THE CODE OF THE CITY OF MIAMI BEACH, ENTITLED "ADMINISTRATION"; BY AMENDING ARTICLE VI THEREOF, ENTITLED "PROCUREMENT"; BY AMENDING DIVISION 3, ENTITLED "CONTRACT PROCEDURES"; BY AMENDING SECTION 2-369, ENTITLED "AWARD OF CONTRACT"; SAID AMENDMENTS RESPECTIVELY: 1) PROVIDING THE CITY MANAGER WITH THE AUTHORITY TO APPROVE PURCHASES OF COMMODITIES, MATERIALS, SUPPLIES OR OTHER ITEMS ON A CONTINUING BASIS FROM CONTRACTS AWARDED BY THE U.S. COMMUNITIES GOVERNMENT PURCHASING ALLIANCE; AND 2) PROVIDING THAT PRIOR TO APPROVAL OF SAID PURCHASES FOR COMMODITIES, MATERIALS, SUPPLIES OR OTHER ITEMS ON A CONTINUING BASIS FROM THE ENTITIES, AS SET FORTH IN SECTION 2-369, THE CITY MANAGER SHALL PREPARE, OR CAUSE TO BE PREPARED, A WRITTEN ANALYSIS WHICH SHALL INCLUDE A STATEMENT AS TO WHY IT IS IN THE CITY'S BEST INTEREST TO PROCURE COMMODITIES, MATERIALS, SUPPLIES, OR OTHER ITEMS ON A CONTINUING BASIS UTILIZING THE CONTRACTS FROM THE ENTITIES SET FORTH IN SECTION 2-369; ALSO PROVIDING FOR REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.**

ADMINISTRATION RECOMMENDATION

Approve the Ordinance on first reading and schedule a public hearing and second reading for the Commission meeting of June 9, 2004.

ANALYSIS

Section 2-369 of the Code of Miami Beach authorizes the City Manager to utilize contracts awarded by federal general services administration bid lists, State of Florida, Miami-Dade County, or the Miami-Dade School Board, for the purchase of commodities, materials, supplies, or items on a continuing basis.

The Administration is recommending utilizing contracts competitively awarded by the U.S. Communities Government Purchasing Alliance ("U.S. Communities") in order to take advantage of economies of scale, or aggregate purchasing power, which translates into lower costs to the City. U.S. Communities' aggregate purchasing power combines the following: 1) 87,000 Local Agencies; 2) expands purchasing choices beyond state boundaries; 3) over 7,000 currently participating public agencies in 50 States.

The Mayor and City Commission, at its February 4, 2004 meeting, referred to the Finance and Citywide Projects Committee for discussion regarding a proposed amendment to Section 2-369 of the City Code relative to the utilization of contracts awarded by the U.S. Communities.

The Finance and Citywide Projects Committee at its April 6, 2004 meeting, was provided with information by the City's Procurement Director that he had evaluated all contracts awarded by the U.S. Communities to determine if utilizing said contracts was in the City's best interest. There exist three (3) contracts awarded by U.S. Communities that represents an immediate cost savings to the City. Other U.S. Communities' contracts would neither apply nor represent a cost savings. The complete list of U.S. Communities' contracts are attached herein and labeled Exhibit A.

Detail information on U.S. Communities and why it is in the City's best interest to amend the Miami Beach Code to authorize the City Manager to utilize contracts awarded by the U.S. Communities is attached herein and labeled Exhibit B. Additionally, section 163.01, Florida Statutes, known and cited as the *"Florida Interlocal Cooperation Act of 1969"*, permits local governmental units (including municipalities) to make the most efficient use of their powers by enabling them to cooperate with other localities on a basis of mutual advantage to acquire goods and services in a manner that will accord best economic, and other factors influencing the needs and development of local communities.

The Finance and Citywide Projects Committee unanimously recommended the amendment to Section 2-369 of the Code of Miami Beach to include the utilization of U.S. Communities' contracts, and also to codify the City Manager's policy and procedure of ensuring that a written analysis be prepared to include a statement as to why it is in the city's best interest to purchase the particular commodities, materials, supplies, or items on a continuing basis from the entities set forth in Section 2-369.

The Administration recommends that the attached Ordinance be approved on first reading, and schedule the second hearing for the City Commission meeting of June 9, 2004.

JMG/PDW/GL

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EXHIBIT A

U.S. COMMUNITIES' CONTRACTS AS OF MAY 20, 2004

Contract Information Summary
• **Office/School Supplies** County of Los Angeles, CA. Master Agreement #41421 Contract Term: Through Mar. 4, 2004 with ability to extend for 12 months Solicitation Summary: 60 invited; 6 responded;
• **Office Furniture** Fairfax County, VA. Contract #RQ01-41131313-16A-E Contract Term: 3 years; Jan. 17, 2001 to Jan. 16, 2004 with ability to extend for 12 months up to 3 years. Solicitation Summary: 308 invited & posted on the web; 22 responded;
• **Electrical Products** County of Los Angeles, CA. Master Agreement #41902 Contract Term: 3 years; Feb. 01, 2003 to Jan. 31, 2006. Solicitation Summary: 33 invited; 20 responded;
• **Comm/Data Supplies** County of Los Angeles, CA. Master Agreement #41490 Contract Term: 2 years; July 1, 2001 to June 30, 2003; Extended until June 30, 2004 Solicitation Summary: 33 invited; 20 responded;
• **Technology Products** Fairfax County, VA. Contract #RQ03-605674-16A Contract Term: 3 years; May, 2003 to April 30, 2006 ability to extend for 1 year up to 3 years Solicitation Summary: 1500 invited & posted on the web; 21 responded;
• **Janitorial Supplies** County of Allegheny, PA. Master Purchase Agreement #45983 Contract Term: 3 years; Jan. 6, 2003 to Jan. 6, 2006 with ability to extend for 12 months up to 2 years Solicitation Summary: 60 invited; 2 responded;
• **Tools and Material Handling** County of Los Angeles, CA. Master Agreement # 41906 Contract Term: 3 years; Feb. 1, 2003 to Jan. 31, 2006. Solicitation Summary: 39 invited; 10 responded;
• **School Furniture** Wichita Public Schools, KS Master Agreement for School Specialty and Virco Contract Term: 3 years; Jan. 14, 2003 to Jan. 13, 2006. Solicitation Summary: 95 invited; 17 responded;
• **Carpet and Flooring** County of Los Angeles, CA. Master Agreement # 41922 for Interface Flooring System Inc. and Milliken Carpet Contract Term: 3 years; Feb. 1, 2003 to Jan. 31, 2006. Solicitation Summary: 16 invited; 7 responded;
• **Procurement Card** County of Maricopa, AZ. Contract No. 02059-RFP AETRS Contract Term: 5 years; Feb. 19, 2003 to Feb. 29, 2008.
• **Office Machines** County of Miami-Dade, FL. Contract No.BW7123-3/07-OTR Contract Term: 2 years; May. 01, 2003 to Apr. 30, 2005. Solicitation Summary: 81 invited;
• **Park and Playground** City of Charlotte/Mecklenberg County, NC. Gametime Contract #040376, Structure Inc. Contract #040377 and Little Tikes Commercial Contract #040378 Contract Term: 5 years; Sept. 17, 2003 to Sept. 16, 2008 with ability to extend for 1 year up to 2 years Solicitation Summary: 14 invited; 7 responded;
• **P.E. Supplies** Harford County Public Schools, MD. Master Agreement P.E. Supplies Contract Term: 3 years; Oct. 01, 2003 to Sept. 30, 2006 with ability to extend for 1 year up to 3 years

EXHIBIT B

U.S. Communities

Q & A

What is U.S. Communities?
U.S. Communities is a **nonprofit** instrumentality of government that assists public agencies in reducing the cost of purchased goods through pooling the purchasing power of public agencies nationwide. This is accomplished through competitively solicited contracts for quality products through lead public agencies.

How is U.S. Communities funded as a nonprofit instrumentality of government?
The suppliers pay a minimum 1% administrative fee to participate and this pays for operating expenses and offsets costs incurred by national and state sponsors.

What are the Key Advantages of U.S. Communities?

Savings:

- No user fees
- Saves time and money
- Frees resources for other public priorities, programs and services

Competitively Solicited:

- Offers competitively solicited government contracts

Nationally Sponsored

- Founded by:
- Association of School Business Officials International (ASBO)
- National Association of Counties (NACo)
- National Institute of Governmental Purchasing (NIGP)
- National League of Cities (NLC)
- United States Conference of Mayors (USCM)
- Supported by National Network of State County & Municipal Associations

Directed by Public Purchasing Professionals

- National Advisory Board of Public Purchasing Professionals
- Guide Program Direction and Select Products
- Initiate and Manage Competitive Solicitations

What are the advantages of participating in U.S. Communities?

- Most favorable public agency pricing
- No cost to participate
- Nationally sponsored by leading associations and purchasing organizations
- Broad range of high quality products
- Aggregates purchasing power of public agencies nationwide
- Managed by public purchasing professionals

Does U.S. Communities have professional public purchasing advisors?
Yes. The Advisory Board members consist of public purchasing professionals from:

- Allegheny County, PA
- City of Charlotte / Mecklenburg County, NC
- Cobb County, GA
- Columbus, OH
- Dallas County, TX
- Denver, CO
- Detroit Public Schools, MI
- Davis Joint Unified School District, CA
- Fairfax County, VA
- Harford County Public Schools, MD
- Hillsborough School District, FL
- Hennepin County, MN
- Houston, TX
- Los Angeles County, CA
- Maricopa County, AZ
- Miami-Dade County, FL
- Naperville, IL
- San Antonio, TX

- San Diego County, CA
- Seattle, WA
- Wichita Public Schools, KS.

Can agencies other than public agencies use the program?
Yes, 501(c)(3) nonprofit agencies providing a service on behalf of a governmental entity can use the program in addition to counties, cities, special districts, schools, universities and colleges, towns, villages and state agencies.

ORGANIZATION

National Local Government.

U.S. Communities Government Purchasing Alliance has established a national structure for local government agencies to make use of their collective purchasing power and to improve the overall effectiveness of their purchasing processes:

Legal Entity.

U.S. Communities is a nonprofit instrumentality of government formed under U.S. Code, Title 26, Internal Revenue Code, Section 115. U.S. Communities is incorporated in California under the Nonprofit Public Benefit Corporation Law for charitable and public purposes and the State Seal of Incorporation was affixed May 26, 1999.

National Sponsors.

- Association of School Business Officials International (ASBO)
- National Association of Counties (NACo)
- National Institute of Governmental Purchasing (NIGP)
- National League of Cities
- United States Conference of Mayors

Advisory Board.

The U. S. Communities Advisory Board is made up of key government purchasing officials from across the United States. The Advisory Board provides leadership and overall direction for the U.S. Communities.

Advisory Board Expectations.

- Each Advisory Board Member is expected to actively:
- Participate in product bids and selection;
- Use selected products;
- Promote the U.S. Communities;
- Participate in policy direction; and
- Share expertise and purchasing innovations

COMPETITIVE SELECTION

U.S. Communities Government Purchasing Alliance employs the following competitive process in selecting suppliers:

- Advisory Board recommends a product or commodity;
- A lead Advisory Board member prepares a competitive solicitation;
- Solicitation includes language allowing other government agencies to use or "piggyback" on contract;
- Lead agency and Advisory Board evaluate proposals and complete an award;
- Participating Public Agencies ("PPA") access contract through online registration with U.S. Communities.

Lead Agency and Advisory Board monitor and evaluate supplier performance.

CITY OF MIAMI BEACH
Office of the City Manager
Interoffice Memorandum

To: Finance and Citywide Projects Committee:
Commissioner Jose Smith, Chairperson
Commissioner Richard L. Steinberg, Vice Chair
Commissioner Matti Herrera Bower, Member
Commissioner Simon Cruz, Alternate Member

Date: April 2, 2004

From: Jorge M. Gonzalez
Manager

Subject: **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.**

The Mayor and City Commission at its February 4, 2004 meeting, referred to the Finance and Citywide Projects Committee, 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 (hereinafter referred to as "U.S. Communities").

Utilizing contracts awarded by U.S. communities provides the City with an opportunity to take advantage of economies of scale, or aggregate purchasing power, which translates into lower costs to the City. The following analysis compares U.S. Communities contracts with City contracts, which are representative of cost savings to the City:

Purchase of Office Supplies. Office Depot's U.S. Communities Office Supplies contract was compared with the City's current office supplies contract with Corporate Express. The results are as follows:

1. By utilizing the U.S. Communities contract, the City would save as much as $13,000 annually based solely on a comparison with the top 5 purchased office supplies items. Since both the Office Depot and the Corporate Express catalogs contain more than 2,000 items, we compared pricing based on the top 5 purchased items which are: 1) multi-use copy/printing paper (bright); 2) multi-use copy/printing paper (extra bright); 3) letter-size writing pads; 4) manila folders; 5) floppy disks.

2. The largest expenditure of funds is copier paper where the City of Miami Beach spends over $40,000 annually. This constitutes a 23% allotment of the total dollars spent on office supplies on an annual basis. Office Depots pricing is 24% less than Corporate Express in that category. A further price comparison found that most items from Office Depot under their U.S. Communities contract are at or below current Corporate Express prices.

Software & Technology Products. The City spends over $270k annually on software alone. The City of Miami Beach currently uses Software House International. The U.S. Communities software provider is GTSI. Utilizing GTSI as the provider would save the City up to 15% on certain software packages and as much as $10K annually based on their current expenditure.

Contractor	Unit Amounts	SHI	Cost	GTSI	City Savings
Microsoft Operating Licenses	800	$298	$238,560	$288	+8,160
ZenWork Suites 6.0	458	$65	$29,770	$63.70	+596
Netware E-License 6.5	217	$93.22	$20,228	$91.35	+404
Adobe After Effects	1	$968	$968	$695	+273

Tools and Material Handling- Hughes Supply, Inc. is the current vendor under U.S. Communities. The City currently uses Grainger Corp. for most of their tool needs through state contract. The discounts that are being offered by Hughes Supply, Inc. are either the same or lower than what the city currently receives now utilizing the state contract with Grainger Corp.

Item	Hughes Supply, Inc., Discount of List Price	Grainger Industrial Supply, Inc.
Tool Bags (Stanley)	55%	60.5%
Workbenches (Waterloo)	30%	60%
Tool Sets (Stanley)	55%	60.5%
Cordless Drill (Milwaukee)	45%	48%
Electric Drill (Bosch)	42%	40%
Bits (Dewalt)	49%	49%
Abrasive (United)	48%	48%

ORDINANCE TO BE SUBMITTED

R6
Comm. Committee
Reports

R6 - Commission Committee Reports

R6A Verbal Report Of The Finance And Citywide Projects Committee Meeting Of May 19, 2004: **1)** Discussion Regarding The Sale Of Waterfront Property Located At 2620 Biarritz Drive, Miami Beach, Florida; **2)** A Resolution Authorizing The Mayor And City Clerk To Approve New Rental Rates As Proposed For The Miami Beach Convention Center, Effective October 1, 2004 For New Business And To Be Implemented As Negotiated With Existing Clients; **3)** Discussion Regarding The Development And Use Of The Parking Lot And Associated Landscaping Improvements Adjacent To The Shane Watersports Center As It Relates To That Certain Second Amended And Related/Consolidated Lease Agreement With Miami Beach Watersports Center, Inc. As Lessee, For The City-Owned Property Located At 6500 Indian Creek Drive, Miami Beach, Florida; **4)** Discussion Regarding The March 9, 2004 Voter Approved Charter Amendment Requiring That The City Commission Consider The Long Term Economic Impact (At Least Five Years) Of Legislative Acts.

AGENDA ITEM R6A
DATE 5-26-04

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R7
RESOLUTIONS

CITY OF MIAMI BEACH
COMMISSION ITEM SUMMARY

Condensed Title:

A Resolution Authorizing The City Manager To Make Scope and Budget Changes To The Series 99 Safe Neighborhoods Parks Bonds Funds.

Issue:

Shall the City Transfer Funding In The Amount Of $200,000 From the Series 99 North Shore Open Space Park Project To The Series 99 Beaches and Boardwalk/North Beach Recreational Corridor Project?

Item Summary/Recommendation:

The Administration Requests Approval To Transfer Funds In The Amount Of $200,000 From The Approved Series 99 Miami-Dade County Safe Neighborhood Parks Bond Fund Program, North Shore Open Space Park Project To The Beaches and Boardwalk/North Beach Recreational Corridor Project; While Leveraging Previously Appropriated City Funds As Needed; Further Appropriating All Necessary Funds And Authorizing The Execution Of All The Necessary Documents.

Financial Information:

Source of Matching Funds:	Grant Name/Project	Grant Amount	Match Amount/Source
	N/A		
Finance Dept.			

Advisory Board Recommendation:

Safe Neighborhood Parks Citizens' Oversight Committee Monitoring, Auditing & Administrative Rules Sub-Committee Unanimously Approved A Motion To Recommend Approval Of This Item To The Full Safe Neighborhoods Parks Bond Oversight Committee.

City Clerk's Office Legislative Tracking:

Judy Hoanshelt, Grants Manager

Sign-Offs:

Department Director	Assistant City Manager	City Manager

AGENDA ITEM R7A

DATE 5-26-04

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: May 26, 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, APPROVING THE TRANSFER OF FUNDS IN THE AMOUNT OF $200,000 FROM THE APPROVED MIAMI-DADE COUNTY SAFE NEIGHBORHOOD PARKS BOND FUND PROGRAM, SERIES 99 NORTH SHORE OPEN SPACE PARK PROJECT TO THE SERIES 99 BEACHES AND BOARDWALK, NORTH BEACH RECREATIONAL CORRIDOR PROJECT; WHILE LEVERAGING PREVIOUSLY APPROPRIATED CITY FUNDS AS NEEDED; FURTHER APPROPRIATING ALL NECESSARY FUNDS AND AUTHORIZING THE EXECUTION OF ALL THE NECESSARY DOCUMENTS**

ADMINISTRATION RECOMMENDATION

Adopt the Resolution.

ANALYSIS

On November 5, 1996, the Citizens of Miami-Dade County approved a $200 million bond issue to improve neighborhood and regional parks. The primary goal of the bond program is to promote neighborhood safety, reduce juvenile crime and improve quality of life. The City of Miami Beach applied for and was awarded funding in the amount of $2.1 million for North Shore Open Space Park Project in this bond issue. The City Commission authorized the application for grant funding on December 16, 1998 (Resolution No. 98-23009). The bond was issued in 1999, and the expiration date for use of this funding is November 2004. In anticipation of the November deadline for use of these funds, the City proposes transferring $200,000 from the North Shore Open Space Park Project to the City's North Beach Recreational Corridor Project.

North Shore Open Space Park

The estimated budget for this project is $2.4 million and the funding available to this project is $2.625 million. The scope of work for the project is as follows:

- Phase I includes selective clearing of exotic vegetation; landscaping; irrigation and guard kiosk;
- Phase II includes 15' wide paved pathway, entry wall, pavers, security lighting, vita course replacement /restoration; and park furnishings;
- Phase III includes new pavilions/restrooms and concession stand, signage and tot lot;

- Phase IV and V were recommended for deletion. Phase IV originally included construction of maintenance facility and Phase V included construction of new nature center.

The North Shore Open Space Project is moving forward. Phases I and II of the project have already been completed. The City is currently in Phase III and is completing the permitting process for the demolition of existing facilities and the construction of the new restroom and concession facilities. Project expenses include construction costs, a 10% construction contingency which will be added to the project budget, and soft costs for Program Management and CIP Management of the bidding and construction portions of the project. The project duration is estimated at six (6) months construction, with an anticipated construction start date of late June 2004.

The overall budget estimate for Phase III is anticipated to be in excess of $1million. There is currently $1.6 million remaining in Safe Neighborhood Parks Bond funds for this project. As such, there is an excess of Safe Neighborhood Parks Bond funding in Phase III of this project. Although Phase IV and V of the North Shore Open Space Park project are currently unfunded, and were recommended for deletion by the City Commission in 2002, the excess SNPB funds cannot be moved to these phases because the expiration date of the funds is November 2004, and Phase IV and V will not incur any costs prior to the expiration date. In addition, there are no other funds available to complete these two phases even if the SNPB funds were moved to Phases IV and V. As such, the $200,000 in excess funding is not needed for this project and there will be no shortfall of funding for Phase III of the North Shore Open Space Park project.

It is therefore recommended that a portion of the remaining funding, in the amount of $200,000 be transferred to the North Beach Recreational Corridor Project, since this project has a shortfall in funding and will be able to spend the additional funds prior to the November deadline.

North Beach Recreational Corridor

The North Beach Recreational Corridor Project (NBRC), is also funded in part with SNPB funds. The North Beach Recreational Corridor Project will create a multi-purpose public access corridor, within a public easement, which traverses along the western edge (upland side) of the sand dunes. The NBRC will be located in the North Beach District of the City of Miami Beach, and will run immediately east of the oceanfront properties between 64th Street and 79th Street in the City. The NBRC will provide a continuous route throughout the entire North Beach District interconnecting and improving public assess to public parks, the beaches and other recreational, cultural, and educational facilities. The estimated cost of the project is $3.2 million. The scope of work for the project is as follows:

- Phase 1 includes Allison Park – the design and permitting stage has been completed. It will take approximately 8 months to complete the construction of this phase.
- Phase 2 & 3 include Ocean Terrace and Altos Del Mar– these two phases are currently in the design and permitting stages. Final permits should be awarded by June 2004. The bid process will immediately follow.
- Phase 4 includes Bandshell Park – design and permitting will begin with the completion of the permitting and design portion of Phases 2 & 3.

Phases 3 & 4 are not currently fully funded. Additional funds from the Safe Neighborhoods Park Bond, Series '99 will provide funding to the North Beach Recreational Corridor project to secure a rope and post fence around the dunes and for additional permitting and design requirements for phases 1-3. It is anticipated that, with the transfer of $200,000 in additional funding, the NBRC project will utilize the funding prior to the November 2004 deadline.

Both projects – the North Shore Open Space Park Project, and the North Beach Recreational Corridor Project/Series 99 Beaches and Boardwalks, currently have Safe Neighborhoods Parks Bond funding as part of their existing budget. Therefore, the funds would be transferred from one SNPB project to another, which Miami-Dade County has determined is an eligible contract amendment. Matching funds for these two projects have been appropriated previously. Exhibits A and B, attached to this memorandum provide conceptual drawings for these two projects.

In order to complete this transfer of funds, the City Commission is required by the Safe Neighborhood Parks Bond regulations to hold a public hearing for a change in scope/budget of the project. Once approved at the public hearing, the proposed changes will be presented to the Safe Neighborhood Parks Bond (SNPB) Oversight Committee for approval, and upon approval by the SNPB Oversight Committee, the proposed changes will then be presented to the Miami-Dade County Board of County Commissioners for final approval.

On April 28, 2004, the Administration presented the proposed changes to a Sub-Committee of the Safe Neighborhood Parks Bond Committee (Safe Neighborhood Parks Citizens' Oversight Committee Monitoring, Auditing & Administrative Rules Sub-Committee) to obtain preliminary feedback from the Sub-Committee, prior to commencing the process. The Sub-Committee unanimously approved a motion to recommend approval of the proposed changes to the full SNPB Oversight Committee at the June 2004 meeting.

CONCLUSION

The Administration is therefore requesting that the Mayor and City Commission approve this Resolution to transfer $200,000 from the Safe Neighborhood Parks Bond Series 99 North Shore Open Space Park Project to the Safe Neighborhood Parks Bond Series 99 Beaches and Boardwalk/North Beach Recreational Corridor Project.

JMG/TH/JCHE/FB/JH

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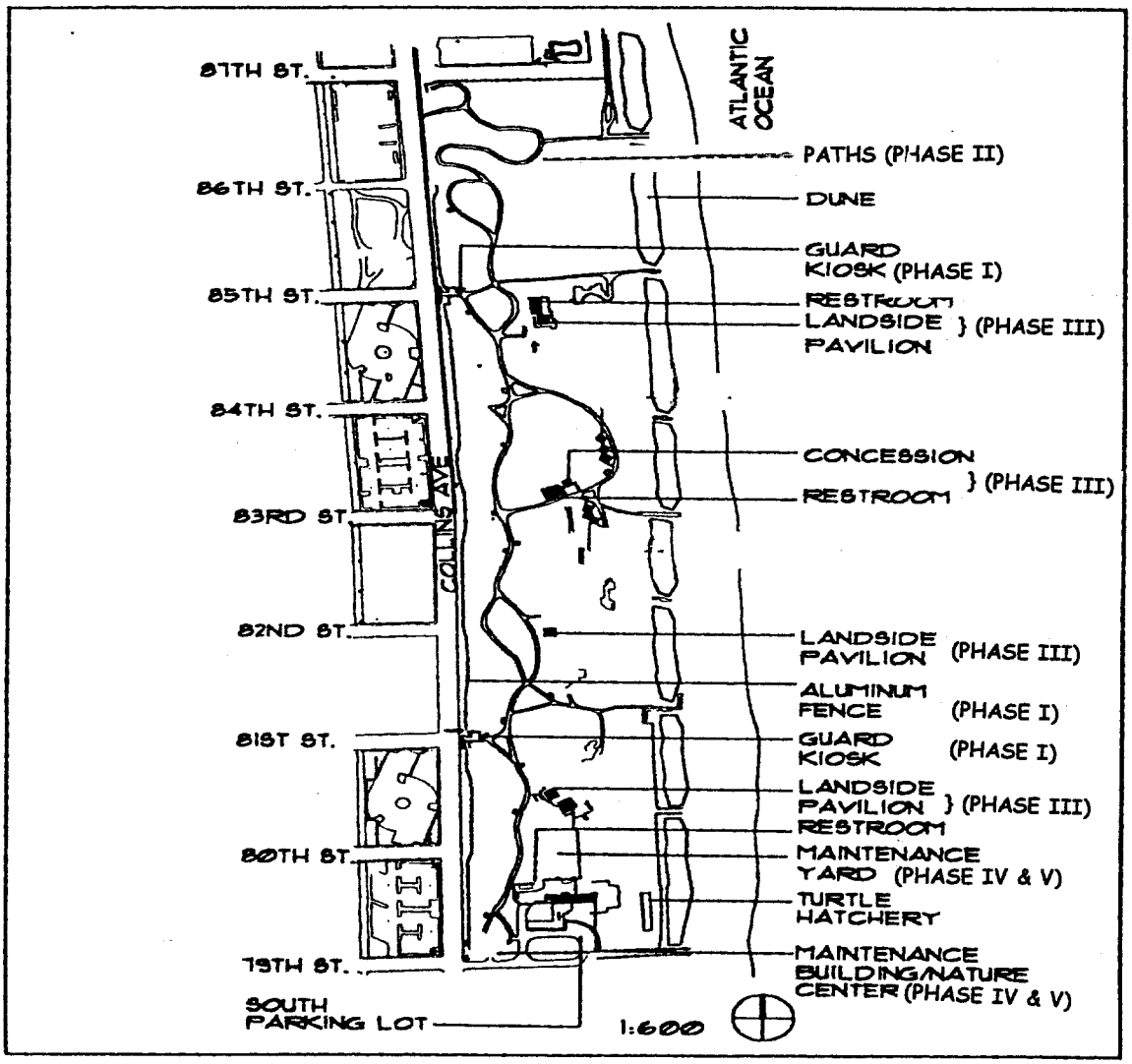
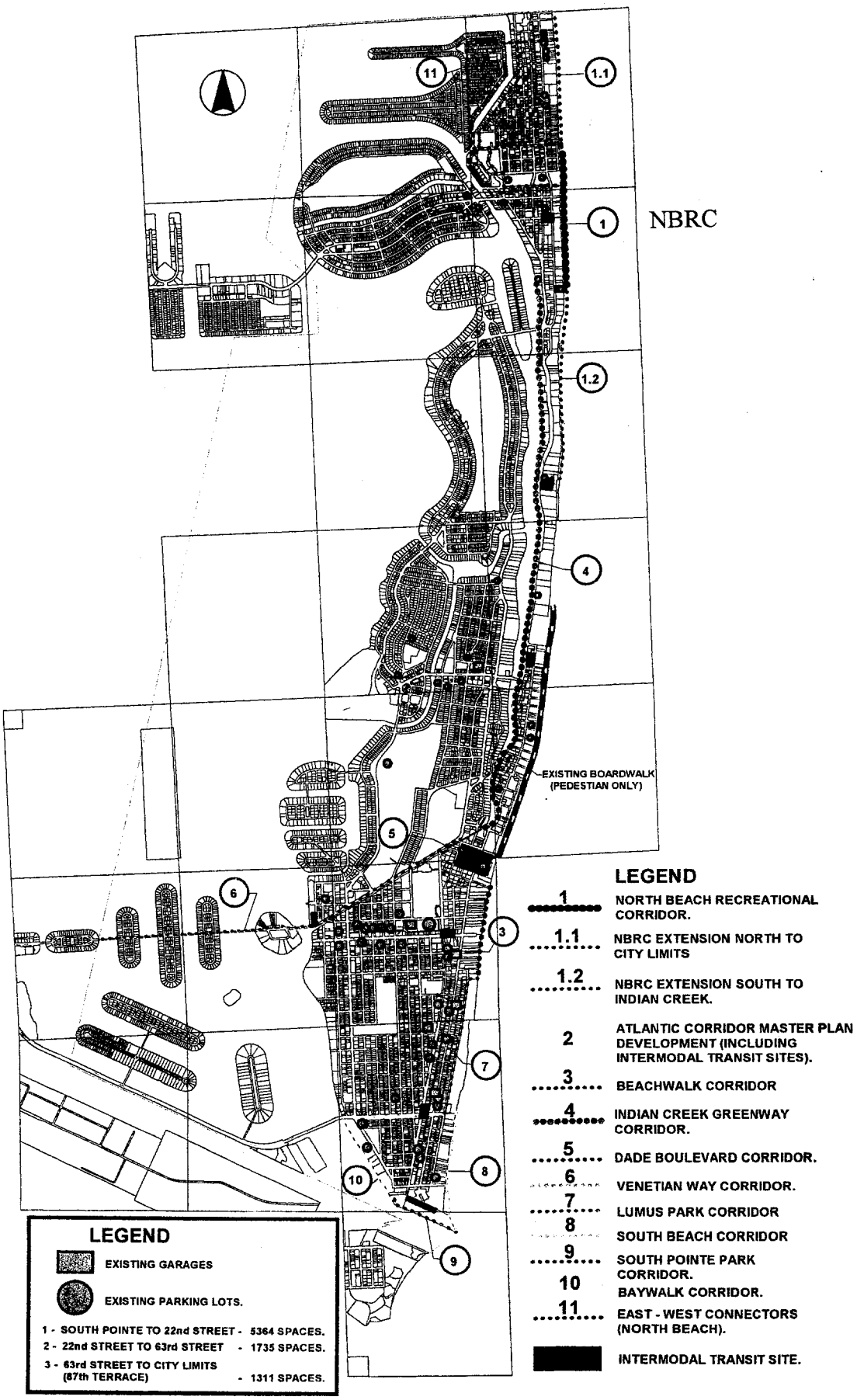
EXHIBIT A - NORTH SHORE OPEN SPACE PARK

SITE SKETCH



Survey - North Shore Open Space Park 3.1

EXHIBIT B – NORTH BEACH RECREATIONAL CORRIDOR



CITY OF MIAMI BEACH
NOTICE OF A PUBLIC HEARING

NOTICE IS HEREBY given that a public hearing 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, May 26, 2004, at 10:30 a.m.,** to consider transferring funds in the amount of $200,000 from the approved Miami-Dade County Safe Neighborhood Parks Bond Fund Program, Series 99 North Shore Open Space Park Project to the Series 99 Beaches and Boardwalk, North Beach Recreational Corridor Project.

Inquiries may be directed to Grants Management (305) 673-7010.

INTERESTED PARTIES are invited to appear at this meeting, or be represented by an agent, or to express their views in writing addressed to the City Commission, c/o the City Clerk, 1700 Convention Center Drive, 1st Floor, City Hall, Miami Beach, Florida 33139. This meeting may be 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) or 305-673-7218 (TTY) five days in advance to initiate your request. TTY users may also call 711 (Florida Relay Service).

(Ad #0261)

RESOLUTION TO BE SUBMITTED

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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 withdraw the Development Agreement between City of Miami Beach and AR&J SOBE, LLC (a/k/a Potamkin/Berkowitz)?

Item Summary/Recommendation:

Recommendation to withdraw consideration the Development Agreement 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.

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
	CMC	Jorge

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AGENDA ITEM R7B

DATE 5-26-04

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: May 26, 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

Withdraw item.

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 April 14, 2004, the City Commission opened and continued the public hearing to today's date. On April 13, 2004, the project was presented at a joint HP/DRB meeting and was continued and will be reviewed again on May 18, 2004.

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. The parties will continue to seek further community outreach with area businesses/residents.

At the March 1, 2004 Transportation and Parking Committee meeting, the T&P moved to defer any action until such a time as all the studies are completed (concurrency and traffic impact). It is anticipated that the T&P will review this study with the benefit of a City Consultant analysis at its meeting on June 7, 2004.

Many issues remain outstanding and are required to finalize negotiations:

- 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 and discussed on April 12, 2004 Land Use and Development Committee meeting, and further referred to the Planning Board. 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 referred 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 parties have yet to finalize discussions regarding these potential additional costs and amounts.

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 prior to finalizing negotiations.

> **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

As the parties continued to address outstanding and relevant issues, many areas of uncertainty continued to arise affecting the success of the negotiations. Namely, (1) the FTA requirements and pending approval by FTA and (2) the rising cost of construction, and its impact on the City's contribution to the project. Accordingly, it was deemed to be in the parties' mutual best interest to commence and conduct the required FTA Environmental Assessment (EA) and evaluate the ability to apply for additional funding through FTA's competitive grant application process. Thereby, the City will be assured if the project qualifies as an FTA eligible funded project, that it may seek to maximize the grant funding available for the City's improvements, since FTA regulations will apply to the public portion of the project, at a minimum.

Pursuing this course should also minimize the uncertainty surrounding the FTA restrictions that may apply and minimize the potential need to include a Termination clause in the pending agreement between the parties. Thereby, most issues will be raised and addressed before any final Commission action is taken.

Therefore, the Administration recommends withdrawing the approval of the Development Agreement. A related item is presented in today's agenda, wherein the Administration is requesting authorization to issue an RFQ to engage a consultant, only if unsuccessful in negotiating and engaging a consultant from the City's rotating list of A/E consultants for an amount not to exceed $25,000, to prepare the EA. Upon conclusion of the EA, if approved by FTA, a Development Agreement and 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 will be presented to the City Commission. It is anticipated that this process may take between 6 months – 9 months to complete.

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CITY OF MIAMI BEACH
COMMISSION ITEM SUMMARY

Condensed Title:

A Resolution authorizing the Administration to issue an RFQ to select a consultant, only if unsuccessful in negotiating and engaging a consultant from the City's rotating list of A/E consultants for an amount not to exceed $25,000, to prepare an Environmental Assessment Report as required by the FTA for a proposed Joint Development 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.

Issue:

Shall the Mayor and City Commission authorize issuance of an RFQ to select a consultant, only if unsuccessful in negotiating and engaging a consultant for an amount not to exceed $25k, to conduct a Environmental Assessment Report as required by the FTA, for a proposed Joint Development 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?

Item Summary/Recommendation:

An accompanying item recommends withdrawal of consideration of the Development Agreement. As the parties continued to address outstanding and relevant issues, many areas of uncertainty continued to arise affecting the success of the negotiations for the joint development of the project. Namely, (1) the FTA requirements and pending approval by FTA and (2) the rising cost of construction, and its impact on the City's contribution to the project. Accordingly, it was deemed to be in the parties' mutual best interest to commence and conduct the required FTA Environmental Assessment and evaluate the ability to apply for additional funding through FTA's competitive grant application process. Thereby, the City will be assured if the project qualifies as an FTA eligible funded project, that it may seek to maximize the grant funding available for the City's improvements, since FTA regulations will apply to the public portion of the project, at a minimum. Therefore, proceeding with the EA is recommended at this time.

Advisory Board Recommendation:

Finance & Citywide Projects Committee – December 22, 2003 - Referred to full Commission.

Transportation & Parking – February 2, 2004 and March 1, 2004 (June 7, 2004 meeting is scheduled)

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
	CMC	Jmg

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AGENDA ITEM R7C

DATE 5-26-04

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: May 26, 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 ADMINISTRATION TO ISSUE REQUEST FOR QUALIFICATIONS "RFQ" TO SELECT A CONSULTANT, ONLY IF UNSUCCESSFUL IN NEGOTIATING AND ENGAGING A CONSULTANT FROM THE CITY'S ROTATING LIST OF A/E CONSULTANTS FOR AN AMOUNT NOT TO EXCEED $25,000, TO PREPARE AN ENVIRONMENTAL ASSESSMENT (EA) REPORT AS REQUIRED BY THE FEDERAL TRANSIT ADMINISTRATION FOR A PROPOSED JOINT DEVELOPMENT 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.**

RECOMMENDATION

Adopt the Resolution.

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.

The attached term sheet reflects the updated 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 April 14, 2004, the City Commission opened and continued the public hearing to today's date. On April 13, 2004, the project was presented at a joint HP/DRB meeting and was continued and will be reviewed again on May 18, 2004.

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 Transportation and Parking Committee (T&P) on two occasions; the Tuesday Morning Breakfast Club, the Flamingo Park Neighborhood Association and other committees. The parties will continue to seek further community outreach with area businesses/residents.

At the March 1, 2004 T&P meeting, the T&P moved to defer any action until such a time as all the studies are completed (concurrency and traffic impact). It is anticipated that the T&P will review this study with the benefit of a City Consultant analysis at its meeting on June 7, 2004.

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.

Many issues remain outstanding and are required to finalize negotiations:

- 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.

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. The Scope of Services for the consultant are listed in the attached Exhibit "A". 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.

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 prior to finalizing negotiations.

> **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

As the parties continued to address outstanding and relevant issues, many areas of uncertainty continued to arise affecting the success of the negotiations. Namely, (1) the FTA requirements and pending approval by FTA and (2) the rising cost of construction, and its impact on the City's contribution to the project. Accordingly, it was deemed to be in the parties' mutual best interest to commence and conduct the required FTA Environmental Assessment (EA) and evaluate the ability to apply for additional funding through FTA's competitive grant application process. Thereby, the City will be assured if the project qualifies as an FTA eligible funded project, that it may seek to maximize the grant funding available for the City's improvements, since FTA regulations will apply to the public portion of the project, at a minimum.

Pursuing this course should also minimize the uncertainty surrounding the FTA restrictions that may apply and minimize the potential need to include a Termination clause in the pending agreement between the parties. Thereby, most issues will be raised and addressed before any final Commission action is taken.

Therefore, the Administration in a separate item, is recommending withdrawing the approval of the Development Agreement on May 26, 2004. This resolution authorizes the issuance of an RFQ to engage a consultant only if the Administration is unsuccessful in negotiating and engaging a consultant from the City's rotating list of A/E consultants for an amount not to exceed $25,000, to prepare the EA. Upon conclusion, if approved by FTA, a Development Agreement and 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 will be presented to the City Commission. It is anticipated that this process may take between 6 months – 9 months to complete.

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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 of the Mayor and City Commission of the City of Miami Beach, Florida, approving the creation of a restricted residential parking zone for the Lower West Avenue Neighborhood.

Issue:

Should the Mayor and Commission approve a restricted residential parking zone for the Lower West Avenue neighborhood?

Item Summary/Recommendation:

The Administration held a publicly noticed workshop on February 23, 2004, with affected residents to receive input and comments regarding the establishment of Restricted Residential Parking Zone 13 for the Lower West Avenue neighborhood. A majority of the participants voted to proceed with the establishments of said restricted residential parking zone.
The Administration recommends approving the resolution.

Advisory Board Recommendation:

The Transportation and Parking Committee endorsed this recommendation at their regularly scheduled meeting held on Monday, April 12, 2004.

Financial Information:

Amount to be expended:

Source of Funds:

Finance Dept.

	Amount	Account	Approved
1			
2			
3			
4			
Total			

Sign-Offs:

Department Director	Assistant City Manager	City Manager

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AGENDA ITEM R7D

DATE 5-26-04

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: May 26, 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, CREATING RESTRICTED RESIDENTIAL PARKING PERMIT ZONE 13/LOWER WEST AVENUE.**

ADMINISTRATION RECOMMENDATION

Adopt the Resolution.

ANALYSIS

The City of Miami Beach Parking Department received petitions from residents of the Lower West Avenue neighborhood (5th Street to 13th Street) requesting the establishment of restricted residential parking zone for their respective neighborhood. The Parking Department has surveyed the area and formulated recommendations for review by residents of the neighborhood.

The Lower West Avenue (5th Street to 13th Street) corridor is comprised predominantly of unregulated on-street parking spaces with the following exceptions which are metered parking:

- 900 block of West Avenue (east side only)
- 1200 block (West Avenue to Alton Road) of 9th and 10th Streets

Currently, the unregulated areas serve as parking for residents; however, the predominant intrusion into the unregulated area is generated by residents and their visitors from the abutting residential parking zones (Residential Parking Zone Two/Flamingo Park and Zone Three/Michigan Avenue). This intrusion is displacing residential parking spaces in the Lower West Avenue corridor.

A publicly noticed workshop was held with residents of the affected areas on Monday, February 23, 2004. A total of seven (7) residents attended the workshop despite extensive notification efforts, including direct mail to all residents within 375 feet of the affected areas. Participants had an opportunity to review, comment, and provide input. A majority of the residents in attendance concurred with the recommendations. A vote was held at the end of the workshop and a majority voted to proceed with the establishment of said program. Subsequently, the Administration sent notices to all residents within 375 feet of the affected areas advising that the City's TPC (Transportation and Parking Committee) would review this issue on Monday, April 12, 2004. The TPC reviewed the Administration's recommendation to establish a program for the neighborhood and endorsed the

recommendation. Therefore, pursuant to Article II, entitled, "Metered Parking", of the Miami Beach City Code, Chapter 106-78, entitled, "Creation of residential parking area", the Mayor and City Commission must hold a public hearing to consider the establishment of a residential zone for the Lower West Avenue Neighborhood.

The following is a summary of the recommendations proposed for your Residential Parking Program for Lower West Avenue:

Restricted Parking Boundaries:

- South: Centerline of 5th Street
- North: Centerline of 13th Street
- East: Alton Court
- West: Westerly Line of West Avenue

Restricted Parking Hours:

- Restricted residential parking 6:00 P.M. to 7:00 A.M. Monday through Friday and 24 hours a day Saturdays, Sundays, and Holidays.
- Residential decals will not be honored at parking meters, except where duly noted on the attached map and only during established residential parking days/hours.
- There are 131 on-street parking spaces available for this use and all on-street meters located on 1200 block of 6th Street and 500 block of West Avenue.

Residential Parking Permit Zone Fees:

Annual Permit Fee*:	$50.00 (plus tax) per vehicle.
Annual Visitor Hang-Tag*:	$50.00 (plus tax) One (1) hang-tag per resident.
Visitor "Scratch-Off" Hang-Tag:	24 Hour hang-tag: $1.00 (plus sales tax) per hang-tag. Five (5) hang-tags may be purchased monthly up to six months in advance. Additional hang-tags are available for parties, social affairs, etc.

Requirements:

Bona fide residents of the Zone would be mailed a registration/decal purchase package. Each resident that wishes to park vehicle(s) in the restricted parking areas outlined above must register to participate in the "Lower West Avenue" Residential Parking Permit Program/Zone 13. Copies of the following documents will be required to register and purchase a decal/hang-tag for the zone:

- Government Issued Photo Identification.
- Proof of residency such as current (within last 30 days) utility bill (electric, gas, etc.).
- Valid vehicle registration**

Notes **All annualized fees may be prorated semi-annually.*
***Vehicle registration(s) with outstanding parking violations will not be allowed to*

participate in the residential parking program. All outstanding parking violations must be satisfied prior to participation.

Promulgation of Regulations:

Signs would be posted in the areas promulgating the appropriate restriction. Typically two to three signs per block face would be installed. Vehicles parking within these posted areas must display a valid residential parking decal, visitor hang-tag, or "scratch-off" hang-tag.

Enforcement:

Progressive enforcement would commence on an agreed upon date for a period of thirty (30) days in the form of warnings. This would graduate to the issuance of parking citations for a period of thirty (30) days, and subsequently, vehicle impoundment may be necessary to properly enforce the parking regulations/restrictions.

CONCLUSION

The Administration recommends that the Mayor and Commission approve a resolution to create Restricted Residential Parking Permit Zone 13 for the Lower West Avenue neighborhood, as described herein.

JMG/CMC/SF
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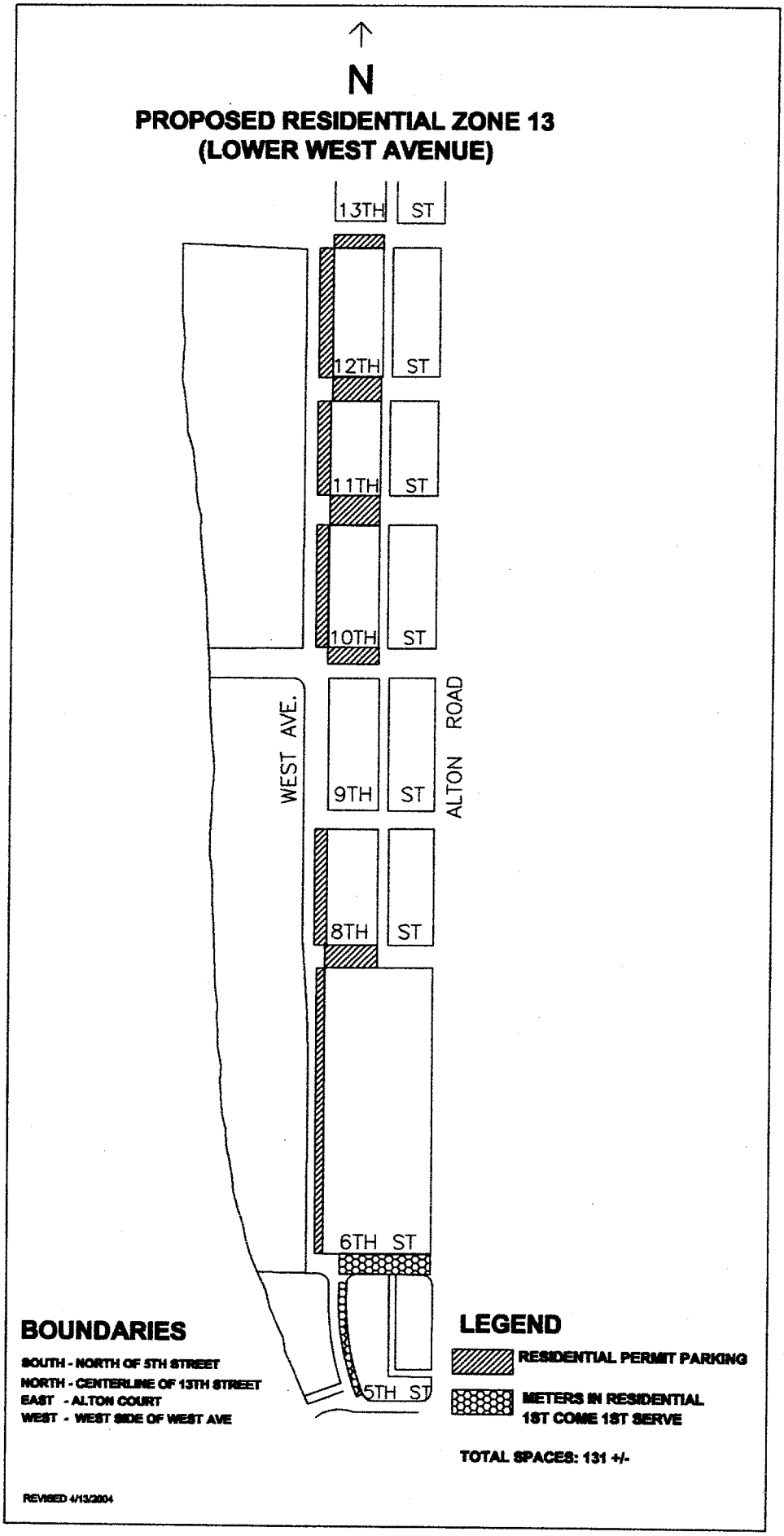
N
PROPOSED RESIDENTIAL ZONE 13
(LOWER WEST AVENUE)
13TH ST
12TH ST
11TH ST
10TH ST
9TH ST
8TH ST
6TH ST
5TH ST
WEST AVE.
ALTON ROAD
BOUNDARIES
SOUTH - NORTH OF 5TH STREET
NORTH - CENTERLINE OF 13TH STREET
EAST - ALTON COURT
WEST - WEST SIDE OF WEST AVE
LEGEND
RESIDENTIAL PERMIT PARKING
METERS IN RESIDENTIAL
1ST COME 1ST SERVE
TOTAL SPACES: 131 +/-
REVISED 4/13/2004

RESOLUTION NO._____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, FOLLOWING A DULY NOTICED PUBLIC HEARING, CREATING RESTRICTED RESIDENTIAL PARKING PERMIT ZONE 13/LOWER WEST AVENUE, WITH BOUNDARIES AS FOLLOWS: ON THE SOUTH, THE CENTERLINE OF 5TH STREET; ON THE NORTH, THE CENTERLINE OF 13TH STREET; ON THE EAST, BY ALTON COURT; AND ON THE WEST, THE WESTERLY LINE OF WEST AVENUE.

WHEREAS, the City has received petitions from residents of lower West Avenue requesting the establishment of a restricted residential parking permit zone for the lower West Avenue neighborhood with boundaries as follows: on the south, the centerline of 5th Street; on the north, the centerline of 13th Street; on the east, by Alton Court; and on the west, the westerly line of West Avenue; and,

WHEREAS, a publicly noticed workshop was held on February 23, 2004, with residents of the affected areas and said notices were distributed to residents within 375 feet of the affected areas; and

WHEREAS, participants had an opportunity to review, comment, and provide input toward the proposed residential parking permit zone for the area; and

WHEREAS, a majority of the residents in attendance concurred with the recommendations and voted to proceed with the creation of the proposed residential parking permit zone; and

WHEREAS, the Administration also sent courtesy notices to all residents within 375 feet of each of the affected areas advising that the City's Transportation and Parking Committee (TPC) would review this issue on Monday, April 12, 2004; and

WHEREAS, the TPC has reviewed the Administration's recommendations regarding the proposed lower West Avenue Residential Parking Permit Zone, and has endorsed the creation of said Zone; and

WHEREAS, pursuant to Article II, entitled, "Metered Parking", of the Miami Beach City Code, Section 106-78, entitled, "Creation of residential parking area", the Mayor and City Commission held a public hearing on Wednesday, May 26, 2004, to consider the creation of the proposed lower West Avenue restricted Residential Parking Permit Zone.

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, following a duly noticed public hearing, hereby approve the creation of Restricted Residential Parking Permit Zone 13/Lower West Avenue, with boundaries as follows: on the south, the centerline of 5th Street; on the north, the centerline of 13th Street; on the east, by Alton Court; and on the west, by the westerly line of West Avenue.

PASSED AND ADOPTED this _____ day of _____, 2004.

_____
MAYOR

ATTEST:

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

_____
CITY CLERK

City Attorney 5-12-04 Date

JMG/CMC/SF
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CITY OF MIAMI BEACH
NOTICE OF A PUBLIC HEARING

NOTICE IS HEREBY given that a public hearing 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, May 26, 2004, at 5:01 p.m.**, to consider establishment of restricted residential parking permit zone 13/Lower West Avenue, with boundaries as follows: on the South, the Centerline of 5th Street; on the North, the Centerline of the 13th Street; on the East by Alton Court; and on the West, the Westerly Line of West Avenue.

Inquiries may be directed to the Parking Department (305)673-7505.

INTERESTED PARTIES are invited to appear at this meeting, or be represented by an agent, or to express their views in writing addressed to the City Commission, c/o the City Clerk, 1700 Convention Center Drive, 1st Floor, City Hall, Miami Beach, Florida 33139. This meeting may be 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) or 305-673-7218 (TTY) five days in advance to initiate your request. TTY users may also call 711 (Florida Relay Service).

(Ad #0262)

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CITY OF MIAMI BEACH
COMMISSION ITEM SUMMARY

Condensed Title:

Resolution authorizing the purchase of Flood, All Risk Property Insurance (including windstorm) and Boiler Machinery Insurance for an annual premium of $1,703,813.00 as proposed by Arthur J. Gallagher and Co., the City's Broker of Record.

Issue:

Property insurance is necessary to protect the financial interest of the City. To qualify for FEMA aid, the City is required to purchase maximum reasonable insurance available.

Item Summary/Recommendation:

Approve the purchase of Flood Insurance, All Risk Property Insurance (including windstorm) and Boiler Machinery Insurance.

Advisory Board Recommendation:

Not Applicable

Financial Information:

Amount to be expended:

Source of Funds:

	Amount	Account	Approved
1	$1,703,813.00	540.1792.000378 Property Insurance (Self-Insurance Fund)	
2			
3			
4			
Total			

Finance Dept.

Sign-Offs:

Department Director	Assistant City Manager	City Manager
Maynard Buitrago		

AGENDA ITEM R7E

DATE 5-26-04

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

COMMISSION MEMORANDUM

TO: **Mayor David Dermer and Members of the City Commission**

DATE: May 26, 2004

FROM: **Jorge M. Gonzalez**
City Manager

SUBJECT: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING THE PURCHASE OF FLOOD INSURANCE, ALL RISK PROPERTY INSURANCE (INCLUDING WINDSTORM) AND BOILER/MACHINERY INSURANCE FOR CITY BUILDINGS AND CONTENTS (INCLUDING NEW CONSTRUCTION), FOR A COMBINED ESTIMATED ANNUAL PREMIUM OF $1,703,813.00 (NET OF BROKER COMMISSIONS), FOR A ONE-YEAR PERIOD AS PROPOSED BY ARTHUR J. GALLAGHER & CO., THE CITY'S BROKER OF RECORD.**

ADMINISTRATION RECOMMENDATION:
Adopt the resolution.

FUNDING:
Funds are available from the Self-Insurance Fund Number 540.1792.000378.

ANALYSIS:
The City's property insurance needs are covered primarily by three policies: Flood, All Risk (fire, explosion, lightning) and Boiler/Machinery (equipment breakdown). The predominant peril to City-owned facilities is storm related loss due to flood and/or windstorm damage. The City relies on FEMA to provide financial assistance for expenses and damages related to flood and/or windstorm that are not covered by insurance. Eligibility for FEMA reimbursement is Federally governed by the Stafford Act.

The Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act) authorizes the President (FEMA per Executive Order) to provide financial and other forms of assistance to State and local governments, certain private nonprofit organizations and individuals to support response, recovery and mitigation efforts following Presidentially declared major disasters and emergencies. The Stafford Act describes generally the declaration process, the types and extent of assistance that provided and fundamental eligibility requirements.

To qualify for aid in case of loss due to flood, the Act requires that we purchase the maximum insurance available. The City has complied with that mandate in the past by purchasing coverage from the only available source, i.e., the National Flood Insurance Program. Limits are $500,000 for buildings and $500,000 for building contents. There is a $5,000 deductible per location. The City purchases a separate Flood policy for each location within the City. The individual policies renew from July 2004 through December 2004 for one year. **The total annual premium for 2003-04 was $170,000. We do not anticipate any premium increase for 2004-05.**

The second coverage, All Risk, can be purchased with or without Windstorm coverage. With regard to FEMA's eligibility requirements to qualify for reimbursement for losses due to windstorm, insurance need not have been purchased if the City has not been the recipient of past FEMA monies in excess of $5,000 for damage to buildings. Miami Beach meets that criterion. Hence, the City can choose how much risk assumption it wants to take on, i.e., self-insure and rely on FEMA aid or purchase Windstorm coverage.

Industry models indicate that the Probable Maximum Loss (PML) would range from $77,000,000 to $190,000,000 in the event of direct hit by a category 2 or stronger hurricane to the City. Historically, the marketplace has reacted to the potential of this type of loss by increasing annual premium and adding coverage reductions (decreased limits). However, due to improvements in both the Domestic Primary Market and the Worldwide Re-Insurance Market and current economic conditions (decreased investment income, low interest rates, decreased spending etc.), the marketplace has offered renewal property insurance premiums at a lower rate than the current level.

The City currently purchases All Risk property insurance (this is a Primary/Excess layered program) with a Windstorm sublimit of $25,000,000 for an annual premium of $1,585,209,000. Lexington Insurance is the Primary carrier in this program with Excess layers provided by Zurich Insurance Co., Nutmeg Insurance Co., Arch Specialty Ins. Co., Lloyd's of London/Glencoe, and Allianz Insurance Co.

The City's broker, Arthur J. Gallagher Co. (Gallagher), following our directions, has identified a replacement program which is All Risk including Windstorm protection for both named and non-named storms. Lexington Insurance Company is the only insurance company out of eighteen (18) contacted that is willing to provide a quote for primary coverage. Excess layers are provided by Landmark American Ins. Co., Axis Surplus Lines Ins. Co., Nutmeg Insurance Co., Arch Specialty Ins. Co., Lloyd's of London, and Allianz Insurance Co. The new program, which would be effective on June 1, 2004, provides for identical coverage with the only change being an increase in coverage from $1,000,000 to $10,000,000 for the Demolition and Construction Cost sub-limit. **The total renewal premium has reduced from $1,585,117 to $1,410,445 resulting in a savings to the City of $174,464.**

The third coverage, Boiler/Machinery provides coverage for property built to operate under a vacuum or pressure, or used for the generation, transmission or utilization of energy (water pumps, A.C. units, generators). The City purchases this insurance due to the many locations that house this type of machinery/equipment. Damage sustained by machinery/equipment for breakdown is not currently reimbursable under any type of State or Federal program. **The premium for 2003-04 was $23,368. Hartford Steam Boiler Inspection and Insurance Company has offered renewal of the policy with no increase.**

The following table illustrates the current property program and renewal:

June 2003 Coverage	June 2004 Coverage
1. National Flood Insurance Program (NFIP)	**1. National Flood Insurance Program (NFIP)**
Limits: $ 500,000 Building $ 500,000 Contents	Limits: $ 500,000 Building $ 500,000 Contents
Deductible: $ 5,000 Per Location	Deductible: $ 5,000 Per Location
Premium $170,000.00	Premium $170,000.00
2. Lexington Insurance Company (Best's Rating A VIII) (Primary Coverage)	**2. Lexington Insurance Company (Best's Rating A VIII) (Primary Coverage)**
Limits: $ 170,000,000 All Risk Peril	Limits: $ 170,000,000 All Risk Peril
Sublimits: $ 25,000,000 Named-Wind	Sublimits: $ 25,000,000 Named-Wind
Deductibles: $ 100,000 All Risk Peril 5% Named-Wind	Deductibles: $ 100,000 All Risk Peril 5% Named-Wind
Premium: $1,585,209.00	**Premium: $1,410,445.00**
3. Hartford Steam Boiler Inspection & Insurance Co. (Best's Rating A+X)	**3. Hartford Steam Boiler Inspection & Insurance Co. (Best's Rating A+X)**
Limits: $ 100,000,000	Limits: $ 100,000,000
Deductibles $ 5,000	Deductibles: $ 5,000
Premium $ 23,368,00	**Premium: $ 23,368.00**
TOTAL PREMIUM $1,778,577.00	**TOTAL PREMIUM $1,603,813.00**

In addition to the above, the renewal offers the following options:

- Terrorism Coverage (subject to the Terrorism Risk Insurance Act 2002)
- Allianz (one of the carriers) has indicated that they could provide an additional $25,000,000 in wind coverage for a minimum premium of $350,000.

Motivated by the events of September 11, 2001 the Terrorism Risk Insurance Act of 2002 (TRIA) was enacted by the U.S. Congress in November 2002. The TRIA provides a Federal backstop for terrorism losses through a program whereby the Federal Government assumes most of the risk of terrorism attack while the insurance industry provides mandated coverage through a retention and co-payment. The TRIA further nullifies all conflicting terrorism exclusions and requires insurers to offer terrorism coverage under similar terms as other property and casualty coverage as an option.

An "Act of Terrorism" is defined as:

- A violent act that is dangerous to human life, property, or infrastructure;
- To have resulted in damage within the United States, or damage to a U.S. air carrier, U.S. flagged vessel, certain U.S. based vessels, or a U.S. Mission; and
- To have been committed by an individual or individuals acting on behalf of any foreign person or foreign interest, as part of an effort to coerce the civilian population of the U.S. or to influence the policy or affect the conduct of the U.S. Government through coercion.
- An Act of Terrorism does not include an act committed in the course of war declared by Congress or an act resulting in losses that do not exceed $5,000,000.

The following concerns/problems have been expressed regarding the definition:

- The definition does not appear to encompass purely domestic terrorism (e.g. Oklahoma). It is unclear how coverage would apply if an "Act of Terrorism" were to be carried out by a U.S. cell of a foreign network.
- Losses resulting from an act of War are not covered.
- It is unclear whether a cyber attack would be covered.
- The Federal government solely decides on interpretation.

The annual additional premium for this coverage is $203,289. The policy deductible of $100,000 would apply per occurrence. Coverage is capped at the policy limit of $170,000,000.

While the All Risk policy premium is a considerable sum of money, we must recognize that aid from FEMA is not "contractual" and that the amount of assistance varies depending upon the extent of a declared disaster. It is important to understand that FEMA is not an insurance company. Its policies, procedures, and administration are effected by political and bureaucratic factors that can retard responsiveness and/or reduce anticipated financial aid. Insurance companies, presumably, respond to claims pursuant to the contractual obligations imposed by the Policy. That distinction has increased relevance when disasters occur, recoveries are sought, and speed is important. In order for the City to be in the position to make a prompt recovery should we be struck by a major storm, we believe that the purchase of this coverage is required.

While the Administration would prefer the City purchase all offered insurance, sound fiscal responsibility dictates that recommendations be based on "cost versus risk". Since storm related loss is the predominant peril (not terrorism) to City-owned facilities, the Administration does not recommend the purchase of Terrorism coverage. With regard to the purchase of additional Wind limits, the Administration recommends that the matter along with the purchase of Terrorism coverage be revisited at the next policy renewal.

The Administration recognizes that during the upcoming policy year, certain CIP projects will reach completion. At the time of completion, the City will need to add/increase insurance coverage for the projects involved. We have reviewed the various projects with CIP and the City's Broker and estimate the additional premium should not exceed $100,000. We have added the estimated premium of $100,000 to the renewal premium of $1,603,813 for a total of $1,703,813 to reflect anticipated expenditures.

In summary, the Administration recommends purchase of the following coverage:

Policy	Coverage Limits	Annual Premium
National Flood Insurance Program	**$500,000 Bldg/$500,000 Contents (maximum coverage offered)**	**$ 170,000**
All Risk Property /Wind (Includes $5,000,000 additional coverage)	**$170,000,000 All Risk (Wind sublimit of $25,000,000)**	**$1,410,445**
Boiler /Machinery	**$100,000**	**$ 23,368**
Additional Premium For New Construction	**$40,000,000**	**$ 100,000**
Total Annual Premium		**$1,703,813**

Attachment: Broker Summary

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RESOLUTION NO._____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING THE PURCHASE OF FLOOD INSURANCE, ALL RISK PROPERTY INSURANCE (INCLUDING WINDSTORM), AND BOILER/MACHINERY INSURANCE FOR CITY BUILDINGS AND CONTENTS (INCLUDING NEW CONSTRUCTION), FOR A COMBINED ESTIMATED ANNUAL PREMIUM OF $1,703,813.00 (NET OF BROKER COMMISSIONS), FOR A ONE-YEAR PERIOD AS PROPOSED BY ARTHUR J. GALLAGHER & CO., THE CITY'S BROKER OF RECORD.

WHEREAS, as proposed by Arthur J. Gallagher and Co., the City's broker of record, the Administration has recommended the purchase of Flood Insurance with the National Flood Insurance Program, for a total annual premium of $170,000; All Risk property Insurance (including a Windstorm sub-limit of $25 million) with Lexington Insurance Company, for a total annual premium of $1,410,445.00; Boiler/Machinery Insurance with Hartford Steam Boiler, for a total annual premium of $23,368.00; and an additional estimated insurance premium for new construction of $100,000.00, all for a combined estimated annual premium of $1,703,813.00; and

WHEREAS, funding is available from the Self Insurance Fund Number 540.1792.000378; and

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Mayor and City Commission hereby approve the purchase of Flood Insurance, All Risk Property Insurance (including a Windstorm sub-limit of $25 million), and Boiler/Machinery Insurance for all City-owned buildings and contents (including new construction), for a combined estimated annual premium of $1,703,813.00, for a one-year period, as proposed by Arthur J. Gallagher & Co., the City's broker of record.

PASSED AND ADOPTED this ____ day of _____, 2004.

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

City Attorney 5-14-04
Date

City of Miami Beach

EXECUTIVE SUMMARY

THE STATE OF THE INSURANCE MARKET (APRIL 2004)

The general public is now more informed about the various insurance market issues. The prior abrupt changes in capacity and pricing have moderated and in some areas of coverage and some areas of geographic territories, cost and availability have improved. An educated and informed buyer is understanding of the ebbs and flows of market supply and demand.

On a going forward basis it is important to understand what's driving the market right now as we work through your renewal negotiations.

The ebbs and flows of the insurance market are created by more than just the primary and reinsurance markets. There are five (5) macro market factors that intermingle to create the insurance market at any point in time:

FIVE MACRO MARKET FACTORS

1. Reinsurance Market Results
2. Primary Market Results
3. The Economy
4. Investment Income, Interest Rates, Investment Portfolio Contraction / Expansion
5. The Mood/Attitude of War, Terrorism, the Fear of the Unknown

CURRENTLY:

- All Five (5) Market Factors are moving away from critical low points to various levels of improvement.
- Shake all five (5) up at the same time and the insurance market thinks and responds to the pluses and minuses of each of the 5 market factors. All five (5) have some degree of positive change versus historical low points.
- Items 1 & 2 will respond together as combined ratios improve
- Item 4 is very important to items 1 & 2 and will improve as the economy, item 3, improves and mood and attitude in item 5 improves.

OUR OPINION OF THE NEAR FUTURE OF THE FIVE (5) MACRO MARKET FACTORS:

- ***The Worldwide Re-Insurance Market*** is improved, but far from being fixed. Reserve adequacy and re-insurance recoverables have serious negative implications.

- ***Domestic Primary Market*** The Primary US market's position is much improved for those companies who survived. That said, the solvency issue and rating downgrades indicate the degree of serious long term financial solvency and reserve issues facing the insurance industry. Rating agencies estimate the insurance industry is $30-$60 billion dollars under reserved.

  Market solvency is a more important issue today than at any time in history.

  Examples:

  Kemper Insurance – went from downgraded to out of business in early 2003.

  Royal Sun Alliance – exited the entire U.S. market in early 2003

  Coregis – exited market

  St. Paul Merger with Traveler – and the capacity implications

  Atlantic Mutual Ins. Co. – downgrade to B and struggling to survive

  Many others downgraded

  Reliance Ins. Co. surplus deficiency indicated as 3 billion dollars in 3/2/04 report.

- **The Economy** is better but not without serious issues. If it was a 1 in 2003 on a scale from 1 to 5 it is now a 2.

- **Interest rates** are still at a 20 to 30 year all time low. The industry cannot offset poor combined ratios with investment returns. This area of interest income and investment income is currently marginally better than 2003.

- **Mood / War / Terrorism / Fear of unknown** is better, not because the terror threat is behind us, rather it's more that we understand it, accept the reality of the issues and acknowledge the long-term nature of the solution. The railroad bombings in Madrid, Spain, March 10, 2004 demonstrate the ongoing and unpredictable reality of world terrorism. The terrorism issue continues to negatively impact overall "mood" and negatively impact the economy.

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City of Miami Beach

SUMMARY:

Item 1,3,4 and 5 are marginally improved from their 2003 lows. Item 2 is definitely better, driving pricing and availability improvement in various market sectors. Property is much improved. Workers' Compensation and professional liability have replaced property as the most difficult / stressed lines of coverage to place / complete.

HOW THE INSURANCE MARKET VIEWS YOUR EXPOSURES:

1. **100% Highly Concentrated Property**: Large Property Schedule,100% South Florida coastal risk. NO inland spread of risk, 100% of property is exposed to wind and considered coastal almost waterfront property.

2. **Loss Limit - Wind Limit is *absolutely* within the 100% loss limit**. In a direct hit storm, the $25,000,000 limit is a 100% LOSS. Markets expect to pay out the entire $25,000,000 limit in a medium to large size wind storm. Therefore, their pricing must reflect the exposure.

3. **Probable Maximum Loss** - Your Probable Maximum Loss (PML) will range from $78,000,000 to $196,000,000 (or 20% to 50% of your Total Insurable Values). Your renewal of $25,000,000 (or 6% of your TIV) is not enough coverage. We strongly urge the City to consider purchasing higher limits of wind coverage.

4. **Hurricane Andrew** –The $1,500,000 damage the City incurred from Hurricane Andrew is considered peripheral damage and is NOT a benchmark for considering the expected loss from a medium to large windstorm. Hurricane Andrew directly hit areas approximately 20 miles south of Miami Beach. *All carriers* expect the City to sustain substantial damage within your PML in a medium to large windstorm.

5. ***Exposure to Fire***: The City must also consider their exposure to loss by a fire. There are several buildings that have significant values that could be affected in the event of a fire. The top 4 Valued Buildings in the City are as follows:

#	BUILDING NAME	ADDRESS	VALUE
1.	**Convention Center**	**1900 Convention Center Drive**	**$159,909,512**
2.	**Theater**	**1700 Washington Avenue**	**$52,061,590**
3.	**Police Station**	**1100 Washington Avenue**	**$24,399,062**
4.	**City Hall**	**1700 Convention Center Drive**	**$15,585,690**

City of Miami Beach

RENEWAL NEGOTIATIONS:

Obtaining a comprehensive and competitively priced program of insurance in the marketplace requires more than access to the market. Past experience and credibility with markets are the foundation of a successful campaign for the City of Miami Beach. Complete and accurate submissions, with detailed specifications, are essential. Arthur J. Gallagher & Co. made a complete presentation to each company contacted.

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City of Miami Beach

MARKETING SUMMARY

CARRIER:	QUOTED/ DECLINED	COMMENTS
Lexington Insurance Company	Quoted	Primary $10,000,000
Allianz Insurance Company	**Declined**	Pricing and Attachment
Underwriters at Lloyds of London	Quoted	Quota sharing $15MM XS $10MM
Steadfast Insurance Co.	Quoted	$45MM XS $25MM @ $90,000
Commonwealth Ins. Co.	**Declined**	Pricing and Attachment
Essex Ins. Co.	**Declined**	Pricing and Attachment
St. Paul Insurance Companies/USF&G	**Declined**	Pricing and Attachment
Nutmeg Insurance Company	Quoted	Quota sharing $15MM XS $10MM
Landmark American Insurance Co..	Quoted	Quota sharing $145MM XS $25MM
Westchester Specialty Group	**Declined**	Pricing and Attachment
ARCH	Quoted	Quota sharing $15MM XS $10MM
ERC	**Declined**	Due to pricing and attachment
James River Insurance	**Declined**	Due to pricing and attachment
LMG Property	**Declined**	Due to pricing and attachment
AXIS	Quoted	Quota sharing $145MM XS $25MM
XL Insurance	**Declined**	Due to pricing and attachment
Travelers Insurance	**Declined**	Due to pricing and attachment

- Of the 6 carriers on the existing program, 2 carriers would not offer a reduction, nor would they change their attachment point. We therefore restructured the program and went out to the marketplace to complete the program.

- We were able to replace those carriers with new participants. The restructured renewal program provides the city with the same coverage a savings of $162,000 (10%) from the prior year.

PROPERTY PROGRAM STRUCTURE:

As mentioned previously, the City's Probable Maximum Loss (PML) is in excess of $78,000,000. This means that in a Category 3, 4 or 5 hurricane, insurance companies expect to pay in excess of $78,000,000. The renewal program presented to the City provides for $25,000,000 of Wind Coverage.

The $25,000,000 is substantially less than your PML, and we do not feel that this amount is adequate. In fact, we urge you to consider buying more coverage, not less. We will obtain quotations for additional limits of insurance at the City's direction.

The structure of the City's Property Renewal program follows:

Limits, Structures & Subscriptions – TIV $393,258,466
$170,000,000 Limit Per Occurrence - $25,000,000Named Windstorm Sublimit
Deductible for Named Windstorm is 5% (subject to $15,000,000 Maximum and $1,000,000 Minimum)

Layers	Company	Limit	Premium	Terrorism Premium
2nd Excess Layer $145,000,000 per occurrence excess of $25,000,000	Axis Surplus Lines Ins. Co. Landmark American Ins. Co.	$72,500,000 p/o $145,000,000 $72,500,000 p/o $145,000,000	$147,500	$10,326
1st Excess Layer $15,000,000 per occurrence excess of $10,000,000	Nutmeg Insurance Co. Arch Specialty Ins. Co. Lloyd's of London	$5,000,000 p/o $5,000,000 $5,000,000 p/o $5,000,000 $5,000,000 p/o $5,000,000	$500,000	$58,334
Primary Layer $10,000,000 per occurrence primary layer, including Wind	Lexington Insurance Co.	$10,000,000 p/o $10,000,000	$762,921	$53,044
		Total Premium	$1,410,421	$121,704
		Plus Florida Fire Marshall and FEMA	$24	**$0**
		Total Cost	$1,410,445	**$121,704**

- $25,000,000 Sublimit for Named Wind
- Flood and Earthquake are excluded.
- Terrorism Coverage is subject to the Terrorism Risk Insurance Act 2002. If not purchased, Waivers must be signed and provided to carrier at time of binding.

PROPERTY PROGRAM ENHANCEMENTS

Lexington Insurance

- Demolition and Increased Cost of Construction sub-limit increased from $1,000,000 to $10,000,000.
- 25% limitation for Debris Removal deleted
- Newly Acquired sub-limit increased from $1,000,000 to $2,000,000
- Errors & Omissions sub-limit increased from $1,000,000 to $5,000,000

BOILER AND MACHINERY RENEWAL PROGRAM

- All policy terms, conditions and exclusions will remain as expiring.
- Despite the large claim that was paid several years ago, Hartford Steam Boiler has held the premium at $23,368 – ***No Increase***.

SUMMARY:

We believe the program presented to the City is a very competitive program in today's property market. The total renewal premiums have been reduced from $1,595,117 to $1,433,789. This is a 10% savings!!!

We continue to believe that the $25,000,000 Wind sublimit does not provide the City with enough coverage and advise the City they should be purchasing more coverage. We recommend the City purchase at least to their Probable Maximum Loss. We believe an additional $50,000,000 (excess of $25,000,000) of wind coverage would cost approximately $500,000 although we do not have quotations for this limit.. If you are interested, please let us know.

Additionally, we recommend the City purchase coverage for Terrorism. We believe due to the City's high profile, that your do in fact have an exposure to terrorism. The purchase of such coverage is a necessity.

We thank you for allowing us to serve you over the past 8 years. We value the City's trust and pledge our personal and corporate commitment to servicing your needs.

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CITY OF MIAMI BEACH
COMMISSION ITEM SUMMARY

Condensed Title:

A Resolution referring to the Planning Board and Design Review Board for review and recommendation the Concept Plan contemplated in the term sheet approved by the City Commission on February 25, 2004 with the Portofino and Related Entities for the parcels known as the Alaska Parcel, Goodman Terrace, the Hinson Parcel, Blocks 51 and 52 and Block 1, and authorizing the Administration's execution of owner affidavits for applications including public property filed by the Portofino and Related Entities to amend the Land Development Regulations and Comprehensive Plan, consistent with the term sheet.

Issue:

Shall the Mayor and City Commission refer to the Planning Board and Design Review Board for review and recommendation the Concept Plan contemplated in the term sheet approved by the City Commission on February 25, 2004 with the Portofino and Related Entities for the parcels known as the Alaska Parcel, Goodman Terrace, the Hinson Parcel, Blocks 51 and 52 and Block 1, and authorize the Administration's execution of owner affidavits for applications including public property filed by the Portofino and Related Entities to amend the Land Development Regulations and Comprehensive Plan, consistent with the term sheet?

Item Summary/Recommendation:

The Mayor and City Commission have heretofore approved a "Term Sheet" (approving the settlement in concept) for a Settlement Agreement, by and between the City and the Portofino Entities and the Related Entities, with respect to the above litigation, pursuant to Resolution No.2004-25509, adopted on February 25, 2004.

The Term Sheet and draft Settlement Agreement contemplate that after review by the Planning Board and the Design Review Board, a Concept Plan will be considered by the City Commission along with the various applications to amend the City's Land Development Regulations and other proposed actions.

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:

Christina M. Cuervo

Sign-Offs:

Department Director	Assistant City Manager	City Manager

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AGENDA ITEM R7F

DATE 5-26-04

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: May 26, 2004

From: Jorge M. Gonzalez
City Manager

Subject: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, REFERRING TO THE PLANNING BOARD AND DESIGN REVIEW BOARD FOR REVIEW AND RECOMMENDATION THE CONCEPT PLAN CONTEMPLATED IN THE TERM SHEET APPROVED BY THE CITY COMMISSION ON FEBRUARY 25, 2004 WITH THE PORTOFINO AND RELATED ENTITIES FOR THE PARCELS KNOWN AS THE ALASKA PARCEL, GOODMAN TERRACE, THE HINSON PARCEL, BLOCKS 51 AND 52 AND BLOCK 1, AND AUTHORIZING THE ADMINISTRATION'S EXECUTION OF OWNER AFFIDAVITS FOR APPLICATIONS INCLUDING PUBLIC PROPERTY FILED BY THE PORTOFINO AND RELATED ENTITIES TO AMEND THE LAND DEVELOPMENT REGULATIONS AND COMPREHENSIVE PLAN, CONSISTENT WITH THE TERM SHEET.**

RECOMMENDATION

Adopt the Resolution.

ANALYSIS

East Coastline Development, Ltd. ("East Coastline"), West Side Partners, Ltd. ("West Side"), among others (collectively "the Portofino Entities"), have initiated litigation against the City of Miami Beach (the "City") and the Department of Community Affairs, in various actions respectively claiming damages and rights under the Bert J. Harris Private Property Rights Protection Act, other civil rights violations and other relief in Florida Circuit Court Case No. 98-13274 CA 01(30), and United States District Court Case No. 01-4921-CIV-Moreno, and Florida Division of Administrative Hearings Case No. 02-3283GM. Some of the properties at issue in the litigation have been conveyed to one or more companies that are part of The Related Group (the "Related Entities").

The Mayor and City Commission have heretofore approved a "Term Sheet" (approving the settlement in concept) for a Settlement Agreement, by and between the City and the Portofino Entities and the Related Entities, with respect to the above litigation, pursuant to Resolution No.2004-25509, adopted on February 25, 2004. The Mayor and City Commission will consider approving a formal Settlement Agreement subject to certain approvals, at the June 9, 2004 City Commission meeting. A draft Settlement Agreement will be circulated to you and interested parties under separate cover, with details of the various applications and proposed actions attached to it, prior to formally presenting it to you for approval on June 9, 2004.

The Term Sheet and draft Settlement Agreement contemplate that after review by the Planning Board and the Design Review Board, a Concept Plan will be considered by the City Commission along with the various applications to amend the City's Land Development Regulations and other proposed actions. A proposed action list and timeline is attached for your reference. It is anticipated, assuming no continuances, final approvals could be obtained by July 2004.

The Concept Plan will include the properties known as the Alaska Parcel, the Goodman Terrace and Hinson Parcels, Blocks 51 and 52 and Block 1 (the "Affected Properties"). The Concept Plan has undergone citizen review and numerous public meetings and workshops through an ad hoc committee of concerned citizens and staff. On April 7, 2004 and May 20, 2004, public meetings were held with the consulting assistance of Alex Cooper, from the firm of Cooper and Robertson.

All parties concur that the Concept plan should also be reviewed by the Planning Board and the Design Review Board, for recommendation to the City Commission, prior to its approval by the Commission pursuant to the Settlement Agreement. It is contemplated that the Concept Plan would be used as a guide in implementing the Settlement Agreement, except that all design approvals would be in conformity with the Concept Plan on the Affected Properties. Implementation of the development shown on the Concept Plan would be pursuant to the terms of the Settlement Agreement.

The City Commission is also authorizing the Administration to execute the Owner's Affidavits for applications to amend the Land Development Regulations that include public properties, as contemplated in the term sheet. These amendments will be presented to the City Commission for consideration pursuant to the appropriate approval process.

CONCLUSION

The Administration recommends adopting this resolution referring to the Planning Board and Design Review Board for review and recommendation the Concept Plan contemplated in the term sheet approved by the City Commission on February 25, 2004 with the Portofino and Related Entities for the parcels known as the Alaska Parcel, Goodman Terrace, the Hinson Parcel, Blocks 51 and 52 and Block 1, and authorizing the Administration's execution of owner affidavits for applications including public property filed by the Portofino and Related Entities to amend the Land Development Regulations and Comprehensive Plan, consistent with the term sheet.

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	Action	May 26 Comm.	June 9 Comm.	June 15 DRB	June 22 Plan. Bd	July 7 Comm.	July 27 Plan. Bd	July 28 Comm.	Sept 8 Comm.	Oct. 13 Comm.	Prelim DRB	Final DRB
1	Main LDR amendment - Ordinance **[30 day PB/2nd rd'g]**				x	x		x				
2	Zoning Map Amends: Fed Tri. GU to MR; Ends GU to CPS-1 - Ordinance **[30 day PB/2nd hrg]**				x	x		x				
3	Settlement Agreement - Reso		x			6/9 backup						
4	Concept Plan - Reso	Process		x	x	x		7/7 backup				
5	Compliance Agreement - MR Text Alaska - Resolution **[10 day]**		Consider reso		x	x		x				
6	Zoning Text Amendmt MR Alaska - Ordinance **[30 day PB/2nd hrg]**		PB refer									
7	Comp Plan FLUM Changes: Fed Tri. ROS to MR; Hinson End CPS-3 to ROS - Ordinance **[30 day PB/2nd]**				x	x		x				
8	Shapiro 82.36 - Fed Tri. Portion and Ends to TRG - Reso **[15 day for 2nd]**		set hearing			set hearing		x				
9	DRI NOPC - fill boat slip				x	x		x				
10	Vacate Block 1 Alley: file app. to vacate w/ PW $5K fee **[15 day for 2nd]**		set hearing			set hearing		x				
11	Platting - PW											
12	Easement/Deed rights over 51 Alley - same as Blk 1 **[15 day for 2nd]**		set hearing			set hearing		x				
13	Deeds - Ends to TRG III, Wash Av to CMB, Alaska to CMB, Fed Tri. To TRG I **[15 day for 2nd]**		set hearing			set hearing		x				
14	Covenants in Lieu - Alaska Assemblage, Ramos lots, Shops Pk'g **[prior to bldg. permit w/ planning/atty]**											
15	Building Designs											
16	Undergrounding of utilties in alleys - PW											
17	Dept. of Interior Federal Triangle Releases - 1-3 mos.											
	Action	**May 26 Comm.**	**June 9 Comm.**	**June 15 DRB**	**June 22 Plan. Bd**	**July 7 Comm.**	**July 27 Plan. Bd**	**July 28 Comm.**	**Sept 8 Comm.**	**Oct. 13 Comm.**	**Prelim DRB**	**Final DRB**
	Application Due			5/28 informal	5/17		6/14				7/7 for 8/17 8/11 for 9/21	9/8 for 10/19 10/6 for 11/16
	Title Due	5/10	5/21			6/18		7/12	8/23	9/27		
	Memo Due	5/14	5/27			6/24		7/15	8/26	10/1		
	Miami Herald Insert				6/2		7/7					
	Miami Herald Publish	5/9			6/6		7/11					
	Mail Notice				5/24		6/28	6/29				

5/19/2004

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, REFERRING TO THE PLANNING BOARD AND DESIGN REVIEW BOARD FOR REVIEW AND RECOMMENDATION THE CONCEPT PLAN CONTEMPLATED IN THE TERM SHEET APPROVED BY THE CITY COMMISSION ON FEBRUARY 25, 2004 WITH THE PORTOFINO AND RELATED ENTITIES FOR THE PARCELS KNOWN AS THE ALASKA PARCEL, GOODMAN TERRACE, THE HINSON PARCEL, BLOCKS 51 AND 52 AND BLOCK 1, AND AUTHORIZING THE ADMINISTRATION'S EXECUTION OF OWNER AFFIDAVITS FOR APPLICATIONS INCLUDING PUBLIC PROPERTY FILED BY THE PORTOFINO AND RELATED ENTITIES TO AMEND THE LAND DEVELOPMENT REGULATIONS AND COMPREHENSIVE PLAN, CONSISTENT WITH THE TERM SHEET.

WHEREAS, East Coastline Development, Ltd. ("East Coastline"), West Side Partners, Ltd. ("West Side"), among others (the "Portofino Entities"), have initiated litigation against the City of Miami Beach (the "City") and the Department of Community Affairs, in various actions respectively claiming damages and rights under the Bert J. Harris Private Property Rights Protection Act, other civil rights violations and other relief in Circuit Court Case No. 98-13274 CA 01(30), and United States District Court Case No. 01-4921-CIV-Moreno, and Florida Division of Administrative Hearings Case No. 02-3283GM; and

WHEREAS, the Mayor and City Commission have heretofore approved a Settlement Agreement, in concept, by and between the City and East Coastline, West Side, and related parties, including the Related Entities (certain companies related to The Related Group, which are successors in interest to the Portofino Entities on some of the properties involved in such litigation), with respect to the above litigation, pursuant to Resolution No.2004-25509, adopted on February 25, 2004; and

WHEREAS, the Mayor and City Commission will consider approving a formal Settlement Agreement to like effect in a forthcoming City Commission meeting; and

WHEREAS, the Agreement provides, among other things, for a Concept Plan ("Concept Plan") for the properties known as the Alaska Parcel, the Goodman Terrace and Hinson Parcels, Blocks 51 and 52 and Block 1 (the "Affected Properties"), to be considered by the Mayor and City Commission, and approved pursuant to the Settlement Agreement; and

WHEREAS, the Concept Plan has undergone citizen review and numerous public meetings and workshops through an ad hoc committee of concerned citizens and staff, and all parties agree that the Concept plan should also be reviewed by the Planning Board and the Design Review Board, for recommendation to the City

Commission; and

WHEREAS, the Term Sheet also contemplates that certain applications to amend the Land Development Regulations and Comprehensive Plan would be filed by the Portofino and Related Entities, and as some of such applications necessarily include public property, the Administration seeks authorization from the City Commission to execute owner's affidavits for applications consistent with the Term Sheet; and

WHEREAS, the execution and filing of such owner's affidavits in the City's proprietary capacity as owner of the included public lands will in no way affect the City Commission's and City Boards' review and consideration of such applications in their regulatory capacity, in which the City Commission and Boards reserve full discretion to act under applicable law.

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

That the City Commission hereby approves the referral of the Concept Plan to the Planning Board and Design Review Board for review and recommendation as described above, and authorizes the Administration to execute owner's affidavits on applications to amend the Land Development Regulations filed by the Portofino and Related Entities as contemplated in the Term Sheet, subject to the reservations stated above.

PASSED and ADOPTED this ___ day of _____, 2004.

ATTEST:

_____
MAYOR

_____
CITY CLERK

APPROVED AS TO
FORM AND LANGUAGE
& FOR EXECUTION

_____ 5-18-04
CITY ATTORNEY GH **DATE**

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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 and 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		

City Clerk's Office Legislative Tracking:

Robert Halfhill

Sign-Offs:

Department Director	Assistant City Manager	City Manager

T:\AGENDA\2004\May0504\Regular\63rd At-Grade Easement.summary.doc

AGENDA ITEM R7G

DATE 5-26-04

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: May 26, 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

T:\AGENDA\2004\Mar1704\Regular\63rd At-Grade Easement.memo.doc

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

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.

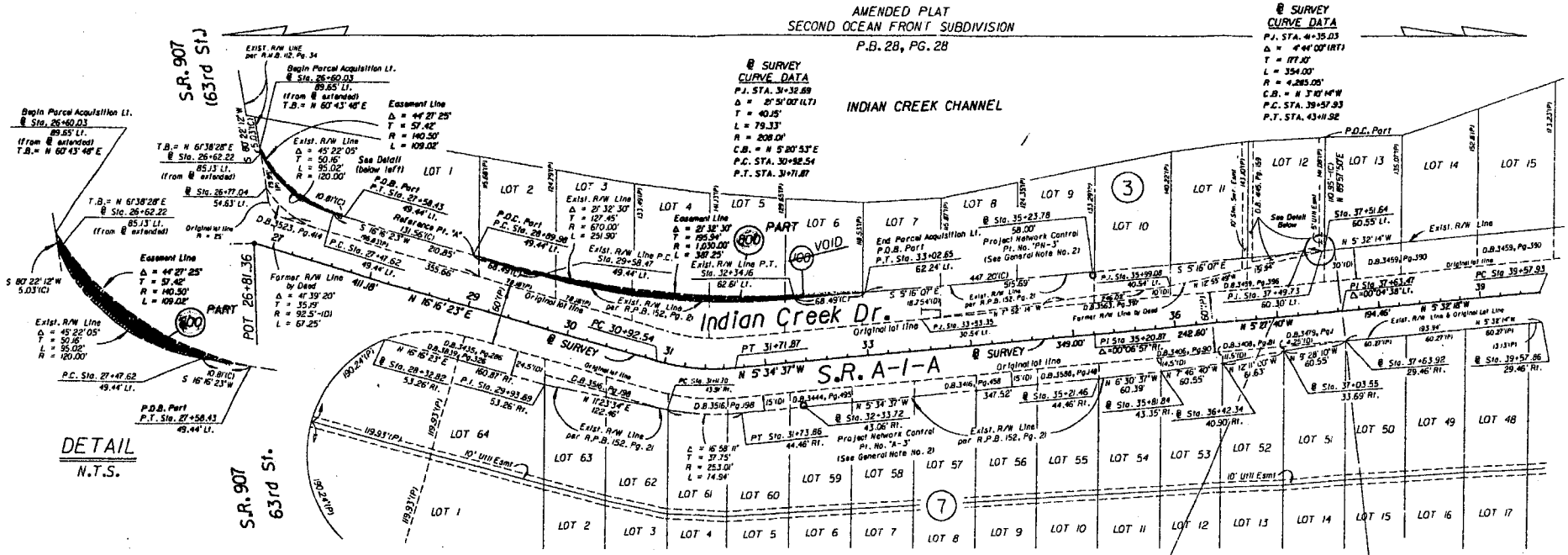
Containing 203 square feet of land, more or less.

All containing an aggregate area of 1,578 square feet of land, more or less.

MR/03/27/03
MR/08/21/03/R

SCALE: 1"= 50'
SEC. 11, TWP. 53 S., RGE. 42 E.

AMENDED PLAT
SECOND OCEAN FRONT SUBDIVISION
P.B. 28, PG. 28



PARCEL NO.	OWNER	PARCEL AREA	PARENT TRACT	COMMENTS
~~100~~	~~City of Miami Beach~~	~~525.7 S.F.~~	~~Undefined~~	Void
		~~+5,659 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. 601-9436).
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 286115.2532) 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

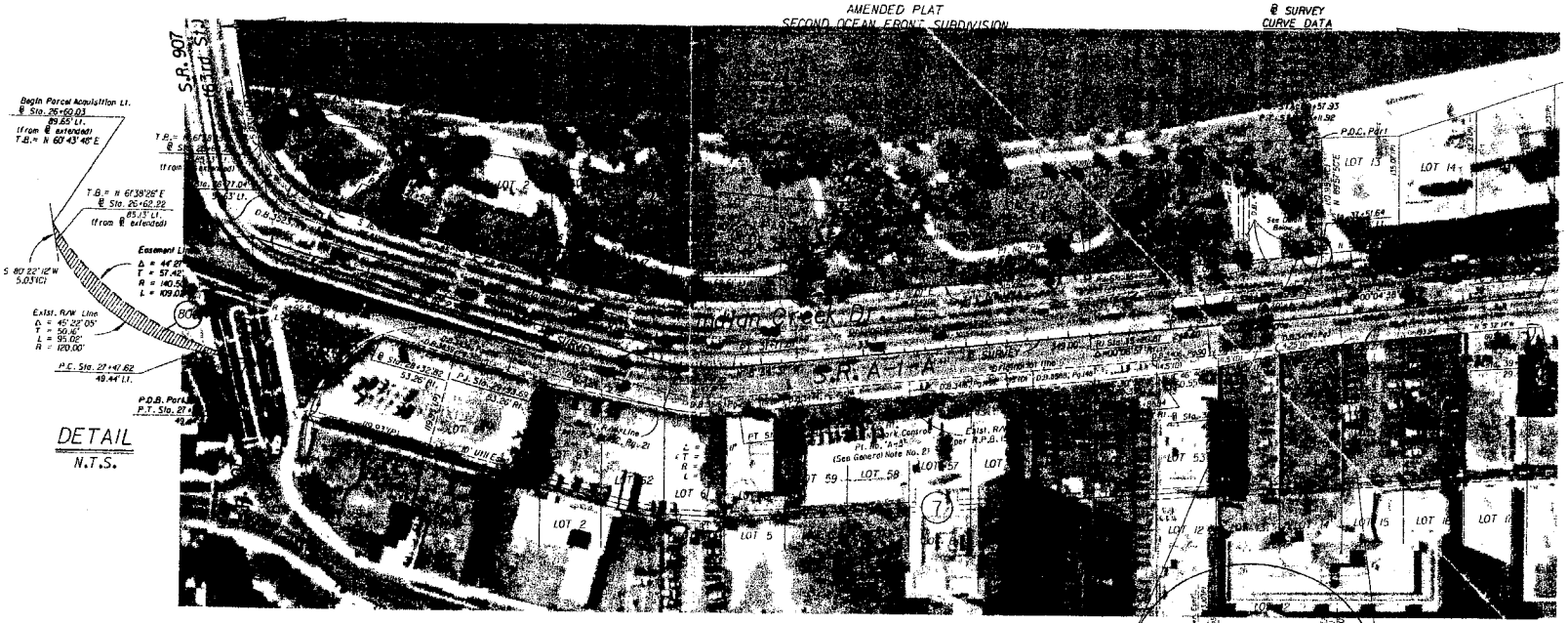
STATE ROAD No. A-1-A (Indian Creek Drive)
FROM S.R. 907 (63rd St.) to 1,300' North

PARCEL SKETCH	FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY SURVEYING AND MAPPING	APPROVED BY	DATE	REVISION	BY	DATE	Per south part Parcel 800	R.RICE	6-8-02	PRELIM	A. PEREZ	5-00	F.A. PROJECT NO. N/A	F.P. NO. 2499401	MAPS PREPARED BY DISTRICT VI	FIELD BOOK NO.'S 1000128- 6005820 & 601-9436
							Revise Parcel 800 & Convert plates - north to angle	R.RICE	5-28-02	FINAL	M. RICE	9-'02	STATE ROAD NO. A-1-A	MIAMI-DADE COUNTY	R.P.J. NO. 8114117	SCALE: 1"= 50'
							Vacd Per 00-July 2000	R.RICE	8-27-96	CHECKED	HERNANDEZ	9-'02			SECTION 87060-2568	SHEET 1 OF 2

SCALE: 1"= 50'
SEC. 11, TWP. 53 S., RGE. 42 E.

AMENDED PLAT
SECOND OCEAN FRONT SUBDIVISION

℄ SURVEY
CURVE DATA



PARCEL NO.	OWNER	PARCEL AREA	PARENT TRACT	COMMENTS
~~100~~	~~City of Miami Beach~~	~~525.7 S.F.~~	~~Undefined~~	Void
		~~15,665 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" (N 167854.3473 E 788115.2532) AND "PN-3" (N 167939.3789 E 788076.0018) 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 610G 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
R.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
Add parcel 800 & Correct parcel 100 to void	K. RICE	8-28-02
Revise Parcel 800 & correct parcel 100 to void	K. RICE	2-28-03
Add Par. 400-Add 800	K. RICE	9-27-02

	BY	DATE
PRELIM	A. PEREZ	5-'00
FINAL	M. RICE	9-'02
CHECKED	FERNANDEZ	9-'02

F.A. PROJECT NO. N/A F.P. NO. 2499401

STATE ROAD NO. A-1-A MIAMI-DADE COUNTY

MAPS PREPARED BY DISTRICT VI
M.P.I. NO. 61-4-17
SECTION 87060-2568

FIELD BOOK NO.'S 1009126, 6005820 & 6019436
SCALE: 1"= 50'
SHEET 1 OF 2

NORTH BEACH

NORTH BEACH DEVELOPMENT CORPORATION
210 71ST Street, Suite 310 • Miami Beach, FL • 33141
305-865-4147 • 305-865-4175 (fax) • www.gonorthbeach.com

April 29, 2004

Fred Beckmann
Director of Public Works
City of Miami Beach
1700 Convention Center Drive
Miami Beach, FL 33139

Dear Fred,

Thank you for assisting in Tuesday's presentation of the 63rd Street flyover alternatives. We really appreciate all of the time and effort by you and other staff members.

We'd like the following information obtained prior to the commission's next discussion on this matter.

1. Actual clearance under existing flyover.

2. If the flyover is deemed historic, would FDOT allow its reconstruction to match the existing geometry? Has precedence been set for this with the Venetian Causeway?

3. Please clarify that if the no-build alternative is taken, when FDOT will require bridge/ flyover replacement.

4. Why was lowering the grade beneath the flyover not addressed or shown as an alternative? Was the consultant advised to not address this?

5. Please clarify why the study did not investigate the potential or real effects on surrounding streets such as Collins Avenue, Alton Road Pine Tree and Lagorce Drives, that are created by the diversion of traffic from this one intersection.

6. We heard that to build a new flyover to current standards would negatively affect Alison Island and Aqua. Is it possible to know how much further west would be effected by such a proposal?

7. Please have the consultant formally respond to Mr. Bernman's analysis. Specifically to quantity, timing, light sequencing and the use of traffic devises to maintain vehicles in

respective lanes. He did respond in partial agreement at the presentation. If they do agree with this, there seems to be fatal errors in the consultant's work.

8. What is the condition of the current flyover structure, relative to concrete and reinforcement steel corrosion, and lighting and rails?

9. Is the city responsible for the maintenance of this flyover structure?

10. Commissioner Steinberg stated, that a previous consultant affirmed that the optimum solution would be to replace the current flyover with a north-south flyover. Why was this not an alternative? Could a north-south tunnel be created that would allow the current east and north bound vehicles from 63rd street to travel above this tunnel? This opens up the intersection and seems to allow continuous travel in all directions.

11. What is the possibility of lowering the rate of speed on Alton Road and /or if the current speed limits were enforced, would this create a positive effect on the quantity of vehicles that eventually stack up on east bound 63rd Street? If the cars arrival to the intersection is slowed, can the intersection then accommodate the quantity?

12. Has an impact study been performed as to how the local area will be affected during construction (traffic, emergency services, bridge openings...)? This is a very important factor in construction of this magnitude.

Thank you again for your information.

Barry Klein, President

Cc: Mayor David Dermer
Vice Mayor Jose Smith
Commissioner Matti Bower
Commissioner Luis Garcia
Commissioner Saul Gross
Commissioner Richard Steinberg
Commissioner Jose Cruz
Mr. Jorge Gonzalez, City Manager

CITY OF MIAMI BEACH
COMMISSION ITEM SUMMARY

Condensed Title:

A Resolution of the Mayor and City Commission of the City of Miami Beach, Florida, authorizing the Mayor and to approve new rental rates for the Miami Beach Convention Center.

Issue:

The increase of rental rates for the Miami Beach Convention Center from $0.65 to $0.70 per net square foot for 6 days, $0.07 to $0.08 per net square foot for each additional day for exhibitions, and from $6,000 to $6,500 per hall per event day and $3,000 to $3,250 per hall per move-in or move-out day for non-exhibit events.

Item Summary/Recommendation:

The item recommends the approval of a rate increase for rental charges for the Miami Beach Convention Center. The increase is the first requested since the last rate increase, approved September 9, 1998. It addresses action toward operating deficit escalation brought about by flat revenues coupled with increased expenses in large part due to living wage adjustments, since the last increase. The increase allows for flexibility in negotiating phase-in for existing leases and previously offered guaranteed rates, with increases to be phased in beginning October 1, 2005. SMG and the Administration feel that the proposed increases are industry appropriate and that the current market will bear the increase without harming the competitiveness of the Center.

Consistent with Resolution No. 2003-25299, adopted on July 30, 2003 by the Mayor and City Commission, it is recommended that a review of the rental rates will be initiated whenever the change in the CPI, between the current CPI and the date of CPI used to establish the last rate adjustment, is greater than five percent (5%) and said review will be presented to the CCAB for its advisory recommendation.

Advisory Board Recommendation:

The Convention Center Advisory Board unanimously approved the recommendations at its regular meeting of April 27, 2004, and they were approved by the Finance and Citywide Projects Committee of the Commission on May 19, 2004.

Financial Information:

Source of Funds:

Finance Dept.

	Amount	Account	Approved
1	$350,000 (revenue increase in stabilized year)	Convention Center Enterprise	
2			
3			
4			
Total			

City Clerk's Office Legislative Tracking:

Doug Tober

Sign-Offs:

Department Director	Assistant City Manager	City Manager

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AGENDA ITEM R7H

DATE 5-26-04

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: May 26, 2004

From: Jorge M. Gonzalez
City Manager

Subject: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING NEW RENTAL RATES FOR THE MIAMI BEACH CONVENTION CENTER, EFFECTIVE OCTOBER 1, 2004 FOR NEW BUSINESS, AND TO BE IMPLEMENTED AS NEGOTIATED WITH EXISTING USERS.**

ADMINISTRATION RECOMMENDATION

Approve the Resolution.

ANALYSIS

SMG, operating agent for the City for the Miami Beach Convention Center, submitted to the City and the Convention Center Advisory Board (CCAB) for their consideration the attached memorandum outlining potential revenue enhancements for the Center. The submittal came as part of the regular operational review of the Center's operations in an effort to address an expected increasing operating deficit for the Center in light of increasing costs along with relatively flat revenues. The submittal included three items of potential enhancements for consideration: an increase in the rental rates for MBCC users, a possible move toward an exclusive exhibition electrical services provider, and a possible move toward an exclusive or preferred security services provider.

The City of Miami Beach last reviewed and adjusted rental rates for the Miami Beach Convention Center in 1998, with current rates in effect since October 1, 1998. Since that time, after showing growth through FY 2000-01, revenues have remained virtually flat while operating expenses have continued to increase, growing by approximately 20% over the past three fiscal years. Regular labor escalation coupled with insurance increases have accounted for the majority of the increase in expenses.

SMG, in accordance with its Management Agreement and in conjunction with the submittal of the revenue enhancements available for the Center as outlined above, surveyed current rates of the Center as compared with eighteen competing convention centers throughout the U.S. After review of the survey results, the current rates at the Miami Beach Convention Center are at the bottom of competing facilities. Therefore, it is the opinion of SMG that proposed rate increases would still allow the Center to remain competitive while boosting revenues to the City, especially in light of pricing discretion available to SMG and the Greater Miami Convention & Visitors Bureau through Commission Action of November 13, 2002 (Commission Resolution 2002-25052).

The proposed rate increases would be as follows:

- Exhibit rates for the six day base rate would increase from $0.65 per net square foot to $0.70 per net square foot
- Exhibit rates for additional days would increase from $0.07 per net square foot per day to $0.08 per net square foot per day
- Non-exhibit rates per exhibit hall per event day would increase from $6,000 to $6,500
- Non-exhibit rates per exhibit hall per move-in or move-out day would increase from $3,000 to $3,250

FISCAL IMPACT

The increases would average approximately 8-10% over the previous rates, with implementation of new rates for existing clients beginning October 1, 2005. The economic effect to the City from this increase could be expected to be approximately $350,000 in a stabilized year. Pre-existing guaranteed convention client rates would be honored per proposals made.

Consistent with Resolution No. 2003-25299, adopted on July 30, 2003 by the Mayor and City Commission, it is recommended that a review of the rental rates will be initiated whenever the change in the CPI, between the current CPI and the date of CPI used to establish the last rate adjustment, is greater than five percent (5%) and said review will be presented to the CCAB for its advisory recommendation.

Convention Center Advisory Board Action

The survey results, as attached, were presented to the CCAB along with proposed increased rates at the CCAB's regular meeting of April 27, 2004. SMG invited all users of the Convention Center projected for the next two years to express their opinions regarding the proposed changes. Representatives were present from the Graphics of the Americas Show, DMG World Media, Jewelers International Showcase, Shoe Market of the Americas, Swimwear Market, and the Miami International Boat Show. While some expressed a desire for rates not to increase, overall opposition to the change was low, and discussion focused more on the implementation schedule for the changes. After some discussion and question and answer with the users and SMG, the Board voted 5-0 (with two absent) to approve the rate revisions as proposed.

In addition to the proposed increases, the CCAB also reviewed potential changes that would provide preferred or exclusive arrangements with the Security providers and Electrical contracting companies at the Convention Center. Based upon the potential adverse impacts raised by users and service providers, the CCAB voted to not consider these proposals and only favored the increase in rental rates.

CONCLUSION:

The Mayor and Commission should approve the recommendations for rental rate increases presented herein. Additionally, SMG and the Administration are in agreement with the CCAB that the potential adverse impacts with the move toward exclusive electrical and security providers would outweigh the revenue gains, and therefore at this time they do not recommend such a change. SMG will, however, continue to explore other options which may enhance revenues without affecting the users' freedom of choice of contractors.

JMG/CMC/DT
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RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AUTHORIZING THE MAYOR AND CITY CLERK TO APPROVE NEW RENTAL RATES FOR THE MIAMI BEACH CONVENTION CENTER, EFFECTIVE OCTOBER 1, 2004 FOR NEW BUSINESS, AND TO BE IMPLEMENTED AS NEGOTIATED WITH EXISTING USERS.

WHEREAS, the City owns the Miami Beach Convention Center (Convention Center) and is desirous of facilitating the continued high impact convention, trade show, and community events at that venue; and

WHEREAS, the City is desirous of maximizing revenue opportunities of the rental rates charged at the Convention Center, and minimizing facility operating deficits; and

WHEREAS, expenses have increased at the Convention Center while revenues have remained relatively flat; and

WHEREAS, current booking trends and occupancy projections would point to the ability of the market to bear an increase in rates; and

WHEREAS, SMG as the City's manager at the Convention Center, has recommended revisions to the Convention Center rental rates that would increase such rates from $0.65 to $0.70 per net square foot for 6 days, and from $0.07 to $0.08 per net square foot for each additional day, for exhibitions; and from $6,000 to $6,500 per hall per event day and $3,000 to $3,250 per hall per move-in or move-out day for non-exhibit events, without adversely affecting the competitiveness of the Convention Center; and

WHEREAS, consistent with Resolution No. 2003-25299, adopted July 30, 2003 by the Mayor and City Commission, it is recommended that a review of the rental rates will be initiated whenever the change in the CPI, between the current CPI and the date of CPI used to establish the last rate adjustment, is greater than five percent (5%); and

WHEREAS, the Administration, Convention Center Advisory Board, and SMG have determined that adoption of these rate revisions is in the best interest of the City.

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 new rental rates, as proposed in this Resolution, for the Miami Beach Convention Center, effective October 1, 2004 for new business, and to be implemented as negotiated with existing users.

PASSED AND ADOPTED this 26th day of May, 2004.

_____
MAYOR

Attest:

APPROVED AS TO FORM & LANGUAGE & FOR EXECUTION

_____
CITY CLERK

JMG:CMC:DT:dt
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City Attorney 5-14-04 Date

Private Management for Public Facilities

MEMORANDUM

Doug Tober
General Manager
Miami Beach Convention Center
Jackie Gleason Theater

To: Christina Cuervo

Cc: Convention Center Advisory Board
Ita Moriarty
Thom Connors
Jeffrey Iserson
Kay Hollander

Date: April 7, 2004

Re: Revenue Enhancement Opportunities

As the managing agent on behalf of the City of Miami Beach at the Miami Beach Convention Center for over thirteen years, SMG is proud of the accomplishments we've made for the facility. As any account matures, the opportunities for significant revenue enhancement opportunities become harder to locate. However, as we appear headed toward an upsurge in the booking pace for the Center, we have reviewed our operating results and competitive environment and are pleased to offer the below suggested revenue enhancements for consideration of implementation in order to offset the increasing costs of operation for the Center.

Rental Rate Revisions

The City of Miami Beach last amended the rental rate structure for the Miami Beach Convention Center on September 9, 1998 (Commission Resolution No. 580-98). The existing schedule for exhibitions is $0.65 per net square foot for the initial six days and $0.07 per net square foot for additional days, with a minimum of 40,000 net square feet per exhibit hall used. For non-exhibition events, the rental rate is $6,000 per day for event days and $3,000 per day for move-in or move-out days.

In response to competitive pressures brought about by a sagging economy and post-9/11 effects, coupled with the continued proliferation of exhibition facility construction, the City

approved a package of available incentives on November 13, 2002 (Commission Resolution 2002-25052), allowing for continuation of ability to discount rates up to 25% for certain convention business, reduced minimum square footage for small and growing shows, and certain food and beverage offsets for facility rental.

Since the first full year of effect of that rental rate increase, we have seen Convention Center rental revenues remain fairly constant, while indirect expenses for the facility have increased over twenty percent. Note that FY 00/01 should be somewhat discounted as an anomaly, due to the Microsoft Global Briefing during that year skewing both revenue and expense figures.

	FY 99/00	**FY 00/01**	**FY 01/02**	**FY 02/03**
Rental Revenue	$3,810,238	$4,766,099	$4,038,625	$3,696,274
Indirect Expenses	$5,950,990	$6,900,224	$6,394,649	$7,287,660
Total Operating P/L	$ 29,057	$1,206,820	($ 101,783)	($ 911,654)

Operating expenses, however, have been greatly affected by monumental increases in property, liability, and health insurances, as well as annual labor increases of four to five percent.

In reviewing our current rental rate structure, we have surveyed a competitive set of facilities (approximately mirroring those used in the CSL study of Convention Facilities done for the GMCVB in 2001) as to present published facility rental rates. In reviewing the results, current as of February 2004 (see attached), we find that the Miami Beach Convention ranks at or near the bottom in extrapolating rates for both six and ten day sample events.

Therefore, we feel that, based on the above referenced analyses, coupled with the encouraging booking projections for the next two years, the market would bear an increase to the current rental rate structure. We are proposing that the base rate for six days be increased from $0.65 nsf to $0.70 nsf, an escalation of 7.7%, and that the extra day rate be raised from $0.07 nsf to $0.08 nsf, or just over 14%. We also propose that the non-exhibit rate for the MBCC be increased from $6,000 per hall per event day to $6,500 per hall per event day, and from $3,000 per hall per move-in/move-out day to $3,250 per hall per move-in/move-out day, an increase in each case of 8.3%. As shown on the attached spreadsheet, even with these increases, the MBCC will still rank near the bottom of the scale of the competitive set surveyed. We would recommend that these rates become effective for new contracts negotiated following its passage, and to be phased in by October 1, 2005, for existing clients unless previously negotiated rate guarantees are in effect. This schedule would allow our lessees proper advance notice to incorporate the changes into their event budgeting cycles.

Assuming a blended average increase of approximately nine percent, the proposed rate schedule would return an estimated additional $350,000 annually toward the Center's operating revenues in a stabilized year.

Exhibition Electrical Services

In 1996 and 1997, SMG reviewed with the City the opportunity to move toward an exclusive supplier for exhibition electrical services at the Miami Beach Convention Center. After an extensive review of the highly lobbied process, the City opted to increase the commission percentage paid by approved contractors from 20% to 30% and forego the additional revenue available from an exclusive contractor.

While exhibition managers generally oppose exclusive services being claimed by facilities on the grounds of reducing competition and service quality while increasing prices, currently 74% of exhibition facilities in the United States provide exhibition electrical services exclusively either in-house or through a third party provider. This figure is according to Tradeshow Week, a leading industry publication and database source. The fact that control over contractor quality and operations for one of the facility's most expensive and most potentially dangerous infrastructure elements lends further weight to the argument in favor of this service being overseen by the venue as much as is possible.

	FY 99/00	FY 00/01	FY 01/02	FY 02/03
Gross Sales	$3,424,188	$4,428,897	$2,882,649	$2,874,153
MBCC Commission	$1,027,257	$1,328,669	$ 864,496	$ 860,905

As evidenced in the above table, after a record year in FY 00/01, over the past two years we have seen a significant decline in the gross sales and commissions returned to the facility. Overall curtailment of exhibitor spending due to the sagging economy has been reflected strongly in this decline. Additionally, more aggressive sales efforts on the part of some providers, resulting in a decline in the gross prices charged, have also played a part. Lastly, although difficult to pinpoint specific examples in our market, a national trend toward the introduction of third party service provision brokers, which can be either independent or, in some cases, affiliated with show management, have further diluted pricing, with reduced grosses to the electrical contractor affecting the facility's commission while exhibitors may not see lower prices for those same services. In these cases, as a "silent partner" in this service, the facility absorbs 30% of all pricing discounts without having any voice in what that pricing will be… all while seeing no reduction in the cost of the raw product we provide for this service, namely the electricity.

In reviewing our current operations, we have effectively three vendors providing exhibition electrical services in the facility. A review of the twelve month period ending January 2004 showed that approximately two-thirds of the events were handled by Edlen Exhibition Electrical Services, approximately one-quarter of the events were serviced by Edd Helms Electric, and the remaining eight percent were handled by Tri-City Electric.

In consideration of at least protecting our ongoing revenue stream, and hopefully growing it, we have a number of options available for consideration. These include:

1. Taking the service in-house. While this option would ultimately have the highest recurring rate of return and yield complete control, the cost of startup equipment and ongoing maintenance and upgrades, additional supervision overhead, and anticipated opposition from lessees and contractors alike would lead to my not recommending pursuit of this option.

2. Selection of an exclusive provider. This option would allow control by the Center over pricing, discounting, quality of service, and safety adherence. It would be estimated that commissions paid could be expected to be at least 40%, as compared to the existing 30%, and the required usage by lessees would provide more pricing stability and consistency, all with the Center's control toward respecting market value. While this could encounter some lessee resistance, selection and oversight over the best choice would prove beneficial to the City in the long run without harming service standards for our users. Additional revenues to the City could be expected to be in excess of $250,000 annually under this scenario, with opportunity for capital investment from the successful provider as well.

3. Selection of co-exclusive providers. A bit of a revision of the above, this option could respect the predominant market share of two principal providers, thus alleviating most lessee resistance. The Center could still maintain control over pricing schemes as a more strongly-voiced partner, yet provide an element of competitive choice for the lessee. Commissions returned to the City would be expected to be lower than that of option 2.

4. Establishment of a set pricing schedule. An alternative to the exclusive concept, this would allow lessees to still select from an approved contractors list, but would establish pricing for standard product offerings at a fixed rate rather than remission of a percentage of gross sales. This option would allow for protection of the City's revenue stream, effectively putting the competitive discounts providers may feel necessary to get business into their hands exclusively without affecting the amount received by the City. This option could prove viable as a compromise for opposition to movement to an exclusive, but would not be as financially beneficial to the City.

The first three of the above options would allow us, in addition to enhancement of revenues, increased control and oversight over the service provided, as well as the safety required in the delivery of this extremely important service. While SMG has by contract the right to provide these services, or contract for them as it sees fit, I feel that the highly visible nature of this policy decision as well as its history of controversy warrants City and Advisory Board input into its determination.

I feel strongly that we need to revise the manner in which we provide electrical services to our clients, and welcome discussion of the above or other potential options toward a beneficial resolution to this issue.

Preferred Security Provider

Another service provision choice currently available to our lessees is that of event security. While SMG provides general building perimeter security and loading dock entrance guards, lessees are responsible for providing security services for their individual shows. The venue requires that contractors providing these services are selected from an approved vendor list; the companies on this list have submitted proof of insurance and proper company licensing to provide security services in the State of Florida. We currently receive no commissions from security services provided within the facility.

At present, the MBCC lists five contractors on its approved vendor list. For the period ending January 2004, 54% of events utilized Accurate Event Services, 29% used Andy Frain Services of Florida, with the remainder distributed across other smaller vendors or in-house security forces (i.e., Miami-Dade County Public Schools, St. Thomas University).

With the change in our society's security needs, we feel it is wise to gain further control over the security provided for our events. Operationally, the limiting of the number of vendors allows us better access to their procedures review, and thus better control over the security of the venue. Therefore, we feel that exploring the possibility of an exclusive or preferred contractor could meet those control needs as well as introducing additional revenue opportunities. It should be noted that a preferred vendor is not required to be utilized by show managers, but it would be afforded the first opportunity to secure MBCC business, and would typically perform a great majority of the work.

Based on our review of security schedules and conversation with contractors, we feel that there is available approximately $1.25 million in gross security billings for events at the MBCC annually. Our experience at the SMG-managed Broward County Convention Center shows that the preferred security contractor in that facility pays a 10% commission to the venue. Assuming a similar percentage, this could return an additional $125,000 toward operating revenues for the facility.

Conclusion

In conclusion, the above opportunities for revenue enhancement present the ability to reduce MBCC operating deficits by nearly an estimated three quarters of a million dollars. We look forward to discussing these issues in working toward fulfilling our mission of efficient operation of the City's largest and most recognizable asset.

Convention Center Rate Survey
February 2004

	Facility Name	Base Rate per nsf	#Days incl.	Extra Day Rate	M/I/-M/O Policy	M/I/-M/O Rate	Sample Show 2/3/1 days	Sample Show 4/4/2 days
1	Atlanta (GWCC)	$ 1.60	10	$ 0.10	incl, then charged		$ 1.60	$ 1.60
2	New Orleans (Morial)	$ 1.40	4	$ 0.14	(1:1)+1	$0.10	$ 1.40	$ 1.50
3	Los Angeles CC	$ 0.30	1		charged	$0.15	$ 1.35	$ 2.10
4	Boston (MCEC)	$ 1.35	7	$ 0.085			$ 1.35	$ 1.61
5	Houston (George R. Brown)	$ 1.25	5	$ 0.025	1:1.5 up to 5 days	$0.025	$ 1.25	$ 1.275
6	Washington DC CC	$ 0.24	1		charged	$0.12	$ 1.08	$ 1.68
7	Orlando (OCCC)	$ 0.65	4	$ 0.16	charged	$0.12	$ 1.01	$ 1.37
8	Atlantic City	$ 0.95	6	$ 0.10	incl, then charged	$0.10	$ 0.95	$ 1.35
9	Minneapolis CC	$ 0.85	4	$ 0.12	incl, then charged	$0.05	$ 0.95	$ 1.15
10	Tampa CC	$ 0.85	2	$ 0.05	1:1 up to 2 days	$0.025	$ 0.925	$ 1.10
11	Anaheim	$ 0.30	1		1:1	$0.15	$ 0.90	$ 1.50
12	Dallas CC	$ 0.30	1		1:1	$0.15	$ 0.90	$ 1.50
13	San Diego CC	$ 0.30	1		1:1	$0.15	$ 0.90	$ 1.50
14	San Francisco (Moscone)	$ 0.29	1		1:1 up to 5 days	$0.145	$ 0.87	$ 1.74
15	**Miami Beach CC (Proposed)**	**$ 0.70**	**6**	**$ 0.08**	**incl, then charged**	**$0.08**	**$ 0.70**	**$ 1.02**
16	Ft. Lauderdale (BCCC)	$ 0.50	3	$ 0.08	charged	$0.06	$ 0.68	$ 0.94
17	San Antonio (Gonzalez)	$ 0.15	1		charged	$0.075	$ 0.675	$ 1.05
18	Colorado Conv Ctr	$ 0.22	1		1:1 up to 3 days	$0.11	$ 0.66	$ 1.21
19	**Miami Beach CC**	**$ 0.65**	**6**	**$ 0.07**	**incl, then charged**	**$0.07**	**$ 0.65**	**$ 0.93**

Convention Center Rate Survey
February 2004

	Facility Name	Base Rate per nsf	#Days incl.	Extra Day Rate	M/I/-M/O Policy	M/I/-M/O Rate	Sample Show 2/3/1 days	Sample Show 4/4/2 days
1	Los Angeles CC	$ 0.30	1		charged	$0.15	$ 1.35	$ 2.10
2	San Francisco (Moscone)	$ 0.29	1		1:1 up to 5 days	$0.145	$ 0.87	$ 1.74
3	Washington DC CC	$ 0.24	1		charged	$0.12	$ 1.08	$ 1.68
4	Boston (MCEC)	$ 1.35	7	$ 0.085			$ 1.35	$ 1.61
5	Atlanta (GWCC)	$ 1.60	10	$ 0.10	incl, then charged		$ 1.60	$ 1.60
6	New Orleans (Morial)	$ 1.40	4	$ 0.14	(1:1)+1	$0.10	$ 1.40	$ 1.50
7	Anaheim	$ 0.30	1		1:1	$0.15	$ 0.90	$ 1.50
8	Dallas CC	$ 0.30	1		1:1	$0.15	$ 0.90	$ 1.50
9	San Diego CC	$ 0.30	1		1:1	$0.15	$ 0.90	$ 1.50
10	Orlando (OCCC)	$ 0.65	4	$ 0.16	charged	$0.12	$ 1.01	$ 1.37
11	Atlantic City	$ 0.95	6	$ 0.10	incl, then charged	$0.10	$ 0.95	$ 1.35
12	Houston (George R. Brown)	$ 1.25	5	$ 0.025	1:1.5 up to 5 days	$0.025	$ 1.25	$ 1.275
13	Colorado Conv Ctr	$ 0.22	1		1:1 up to 3 days	$0.11	$ 0.66	$ 1.21
14	Minneapolis CC	$ 0.85	4	$ 0.12	incl, then charged	$0.05	$ 0.95	$ 1.15
15	Tampa CC	$ 0.85	2	$ 0.05	1:1 up to 2 days	$0.025	$ 0.925	$ 1.10
16	San Antonio (Gonzalez)	$ 0.15	1		charged	$0.075	$ 0.675	$ 1.05
17	**Miami Beach CC (Proposed)**	**$ 0.70**	**6**	**$ 0.08**	**incl, then charged**	**$0.08**	**$ 0.70**	**$ 1.02**
18	Ft. Lauderdale (BCCC)	$ 0.50	3	$ 0.08	charged	$0.06	$ 0.68	$ 0.94
19	**Miami Beach CC**	**$ 0.65**	**6**	**$ 0.07**	**incl, then charged**	**$0.07**	**$ 0.65**	**$ 0.93**

DRAFT

Miami Beach Convention Center
Advisory Board Meeting

DRAFT

April 27, 2004
12:00 noon

RECEIVED
2004 MAY 20 AM 9:36
CITY MANAGERS OFFICE
BY

Minutes

Present:
Mr. Joe Fontana, Chairman
Mr. Edward Levinson
Ms. Bernice Martinez
Ms. Carole Taran
Mr. Ivor Rose

Absent:
Mr. Victor Bao
Mr. Norm Litz

SMG Staff:
Mr. Doug Tober, General Manager
Mr. Bob Papke, Director of Marketing
Ms. Kay Hollander, Director of Sales
Mr. Jeffrey Iserson, Director of Finance
Ms. Melissa Gaffney, Director of Event Services
Ms. Ileana Garcia, Sr. Sales Manager
Ms. Georgina Muniz, Executive Assistant

City Staff:
Ms. Christina Cuervo, Assistant City Manager

GMCVB:
Ms. Ita Moriarty

Ex-Officio:
Ms. Eva Barretto (absent)

Guest:
Mr. Bram Bottfeld, Andy Frain Services
Ms. Maria Mendez, Tri City Electric
Mr. Gordon Marin, Accurate Event Services
Mr. Carmine DeSena, Accurate Event Services
Ms. Linda Kroll, Accurate Event Services
Ms. Josephine Figuereo, Accurate Event Services
Mr. Michael Breslow, Jewelers International Showcase
Mr. Rick Bredenberg, Edlen Electric
Mr. Rob Haynes, dmg world media
Ms. Andrea Canady, dmg world media
Mr. Chris Price, Graphics of the Americas
Mr. Louis Molnar, NMMA-Miami/IBEX Boat Shows
Mr. Bob Goodman, Art Basel/Garber & Goodman
Ms. Judy Stein, Swimwear Association of Florida
Ms. Beverlee Maier, Shoe Market of the Americas
Ms. Joni Alonso, Edd Helms Electric
Mr. Leon Manne, Consultant
Mr. Ron Harand, GES/TSE

COMMENTS AND MOTIONS:

1.) Chairman Fontana requested an approval of the March 22, 2004 minutes. Ivor Rose made a motion to approve the minutes, seconded by Bernice Martinez. The motion passed unanimously.

2.) Item #2 – Story Theater – CBC Grant Request – Doug is requesting that this grant request be deferred at this time due to the review of the current CBC report which shows that ticket sales are lagging behind and that the fund is declining more rapidly. Doug would like to make a suggestion which would require commission approval to change the funds reimbursement from 80/20 to $10 per ticket purchase $25 from the fund and would include surcharge increase from $1 to $1.50. Surcharge has not been changed since 1983. This would stop regular downward trend. Bernice Martinez made a motion to approve the increase, seconded by Ivor Rose. The motion passed unanimously.

3.) Item #3 – Walk of Stars Induction of Frankie Avalon – Doug informed the Board that Frankie Avalon will be performing at the Jackie Gleason Theater in the production of Grease on June 18 and 19 and that we were seeking approval from the Board to induct Mr. Avalon into the Walk of Stars. Joe Fontana made a motion to approve the induction, seconded by Ivor Rose. The motion passed unanimously.

4.) Item #4 – Update on Expansion – Doug informed the Board that Phase 1 had been completed and that a revised scope of work was being prepared to look at lot behind JGT and Preferred Lot. This has all been given to the City Manager and we are awaiting his decision on how to move forward.

5.) Item #6 – Memorial Weekend – Doug informed the Board that at present there has been a contract issued for a party on Sunday night with a company associated with Allen Iverson of the Philadelphia 76ers. The contract and deposit are due back this Friday.

6.) Item #8 – GMCVB – Ita Moriarty informed the Board that the bureau had just confirmed SAP for January 2005. Another major booking was American Choral Directors Association which is a multiple facility user with over ten thousand delegates and an economic impact of over ten million dollars to the city. Several sales people are out on the road trying to bring in business.

7.) Item #9/10– Convention Center Bookings – Doug informed the Board that space continues to be torrid. Added another show in January next year with VNU. Coconut Grove business is up in the air; expect to see more business coming this way from there if City of Miami decides to close next year. Monthly event reports are included in your packets.

8.) Item #7 - Gleason Monthly Reports – Bob informed the Board that reports were included in the packets.

9.) Item #11– All reports are included in the packets. Closed first half of year financials behind budget. Seeing a lot of effects from the living wage ordinance which has had a sizeable effect on our facilities budget. We will continue to manage and review this closely.

10.) Item #5 – Revenue Enhancements – Doug informed the Board that we were looking towards the future in preparation for our budget next year. A lot of expenses are affecting the bottom line. As operators for the facility it is our job to turn every rock to try to enhance the buildings revenue.

#1. Rental Rates have not been increased at the facility in six years. Last increase was September 9, 1998. After 9/11 there were significant changes that stopped growth of business and caused shows to hold back. Looking back three years and looking forward we have since incentives to seen revenues to be flat. Exhibitor spending has declined, ancillary revenues from electric and phone along with F&B have seen declines. Rental increase request includes a survey of 18 different facilities in our competitive set, which shows that we rank last applying published rate for 6 day and10 day sample show. Proposed 6 day base rate increase from $0.65 to $0.70. Proposed extra days to go from $0.07 to $0.08 per sq.ft. Non exhibit rates would go from $6000 to $6500 per hall per event day, and from $3000 to $3250 per hall per move-in/move-out day. This would have to go to the City

Commission for approval. We will continue to work with current clients. Some shows have guarantee rates for a set period of time. Those would be honored. Still with new rates, we would still be near the bottom of the survey in price.

#2. Electrical Contractors are hired by the show. We have a list of approved contractors. At current time they remit 30% of gross sales as commission to the City. In 1996 we chose to go from 20% to 30% commission. Currently about 74% of buildings in the country have exclusive in house electrical. We operate with preferred contractor for audio visual. This option would also be open to us in the electrical area.

#3. Event Security is a similar situation. Two firms are represented here. Buildings with exclusive security get paid a commission. Preferred is also an option. These are the only two services that we would ever consider looking at for revenue enhancements.

Several Board members as well as exhibitors and contractors expressed their opinions regarding the rental increase and possible implementation of exclusive electrical and/or security contractors. Most of the show managers were concerned with the rental rate increase due to budgets that have already been submitted for their shows. Exhibitors and contractors both expressed a negative reaction towards the exclusivity of electrical and security contractors.

Carole Taran made a motion to approve the rental rate increase as proposed by SMG and that SMG also have the flexibility to negotiate with each client regarding implementation, seconded by Ed Levinson. The motion passed unanimously.

Ed Levinson made a motion that both electrical and security not be exclusive and remain status quo, seconded by Ivor Rose. The motion passed unanimously. Further discussion indicated a willingness to review other options available, however.

NEW BUSINESS:

Motion to adjourn was made by Ed Levinson, seconded by Carole Taran. Motion passed unanimously.

The next regular Advisory Board Meeting is scheduled for May 25, 2004.

APPROVED BY:

_____
Joe Fontana, Chairman CCAB
Date: _____

ATTEST:

_____
Georgina Muniz, Executive Assistant
Date: _____

gm

CITY OF MIAMI BEACH
COMMISSION ITEM SUMMARY

Condensed Title:

Requesting bid waiver for competitive bidding for the Long Term Disability policy required to cover those employees under the City's 401(a) defined contribution retirement plan, for year June 1, 2004 through May 30, 2005.

Issue:

Should the City continue long term disability coverage with Jefferson Pilot Financial, for one year effective June 1, 2004 with no increase in premium?

Item Summary/Recommendation:

The Administration recommends that the Commission approve the Resolution requesting waiver of formal competitive bidding and accept the renewal presented by Jefferson Pilot Financial, for a one year period of June 1, 2004 through May 30, 2005 while an RFP for long term disability insurance is issued. The policy allows the City of Miami Beach to cancel without cause with 31 days advance written notice.

Advisory Board Recommendation:

Financial Information:

Source of Funds:

Finance Dept.

	Amount	Account	Approved
1	$84,000.00	LTD Insurance 011.9611.000375	
2			
3			
4			
Total	$84,000.00		

City Clerk's Office Legislative Tracking:

Mayra Diaz Buttacavoli

Sign-Offs:

Department Director	Assistant City Manager	City Manager
Mayra D. Buttacavoli		

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AGENDA ITEM R7I

DATE 5-26-04

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: May 26, 2004

From: Jorge M. Gonzalez
City Manager

Subject: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, WAIVING, BY 5/7THS VOTE, FORMAL COMPETITIVE BIDDING, FINDING SUCH WAIVER TO BE IN THE BEST INTEREST OF THE CITY, AUTHORIZING THE MAYOR AND CITY CLERK TO RENEW THE CITY'S POLICY WITH JEFFERSON PILOT FINANCIAL, FOR A ONE YEAR PERIOD EFFECTIVE JUNE 1, 2004, AT NO INCREASE IN THE PREMIUM OF $0.440 PER $100 OF COVERED PAYROLL, TO PROVIDE LONG TERM DISABILITY COVERAGE FOR THOSE EMPLOYEES COVERED UNDER THE CITY'S 401(A) DEFINED CONTRIBUTION RETIREMENT PLAN.**

ADMINISTRATION RECOMMENDATION:

Adopt the Resolution.

ANALYSIS:

In 1992 the City added a defined contribution plan as an alternate pension plan for City employees. Ordinance No. 92-2813 directed that the City purchase a long term disability insurance policy to provide disability retirement benefits equal to two-thirds of the employee's annual earnings, provided that the benefit not exceed $5,000 a month. This benefit will commence upon the completion of the sixth month of such disability and continue throughout the life of the disabled employee. The City's other various defined benefit retirement plans have provisions for recognizing total retirement disability.

In 1993 the City entered into a contract with Ohio National Life Insurance Company. This insurance coverage was not bid at that time, has been renewed throughout the years. In 2001, Ohio National Life Insurance was purchased by Canada Life Assurance, who reduced the premium from $1.31 per $100 of covered payroll to $0.44 per $100 of covered payroll. Currently there are approximately 400 employees covered under this plan with a monthly premium averaging $7,000, based on an average monthly payroll of $1,533,000.00 (for salaries up to $90,000). Canada Life Assurance (known as Jefferson Pilot Financial effective March 1, 2004) has renewed the policy for a fourth year with no change in premium. The current policy provides for cancellation by the City with 31 days advance written notice.

It is the Administration's intent with the assistance of the City's Broker, Arthur J. Gallagher and Company, to issue a Request for Proposals to determine the most appropriate provider into the future. Extending the current provider will allow time to proceed with the procurement process without a lapse in coverage for the employees.

CONCLUSION:

The Administration recommends the City Commission approve the Resolution requesting waiver of formal competitive bidding and accept the renewal presented by Jefferson Pilot Financial for a one year period of June 1, 2004 through May 30, 2005 and issue an RFP for long term disability insurance.

JMG:PDW:MDB:ph

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RESOLUTION NO.

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, WAIVING, BY 5/7THS VOTE, FORMAL COMPETITIVE BIDDING, FINDING SUCH WAIVER TO BE IN THE BEST INTEREST OF THE CITY, AUTHORIZING THE MAYOR AND CITY CLERK TO RENEW THE CITY'S POLICY WITH JEFFERSON PILOT FINANCIAL, FOR A ONE YEAR PERIOD EFFECTIVE JUNE 1, 2004, AT NO INCREASE IN THE PREMIUM OF $0.440 PER $100 OF COVERED PAYROLL, TO PROVIDE LONG TERM DISABILITY COVERAGE FOR THOSE EMPLOYEES COVERED UNDER THE CITY'S 401(A) DEFINED CONTRIBUTION RETIREMENT PLAN.

WHEREAS, the City has an existing policy with Jefferson Pilot Financial, to provide long term disability insurance for those employees participating in the City's 401(a) defined contribution retirement plan benefits; and

WHEREAS, the City is obligated to purchase an insurance police for employees in this system which shall provide this benefit, as defined in Ordinance No. 92-2813; and

WHEREAS, the City has received no increase in premiums with Jefferson Pilot Financial for the last three policy years, with the rate staying at 0.44 per $100 of covered payroll, and the Administration is satisfied with the level of service being maintained; and

WHEREAS, the Administration would recommend that it is in the City's best interest to waive competitive bidding and renew the current policy with Jefferson Pilot Financial, to provide the benefits as set forth above.

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 waive, by 5/7ths vote, formal competitive bidding, finding such waiver to be in the best interest of the City, and authorize the Mayor and City Clerk to renew the City's policy with Jefferson Pilot Financial for a one year period, effective June 1, 2004, at no increase in the premium of $0.44 per $100 of covered payroll, to provide long term disability coverage for those employees covered under the City's 401(a) defined contribution retirement plan.

PASSED AND ADOPTED this _____ day of _____, 2004

ATTEST:

_____ **CITY CLERK**

_____ **MAYOR**

APPROVED AS TO FORM & LANGUAGE & FOR EXECUTION

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5-18-04

City Attorney Date

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CITY OF MIAMI BEACH
COMMISSION ITEM SUMMARY

Condensed Title:

A Resolution appropriating and expending funds in the amount of $363,440, from the Parking Revenue Fund 481, to provide painting and striping needed at the 17th Street Parking Garage.

Issue:

Shall the Commission approve the appropriation and expenditure of $363,440, from the Parking Revenue Fund 481, to provide painting and striping needed at the 17th Street Parking Garage?

Item Summary/Recommendation:

Florida Lemark Corporation, lowest and best bidder pursuant to Bid No. 67-02/03 initiated concrete restoration and repairs, including waterproofing of the roof at the 17th Street Parking Garage in March 2004.

The extensive amount of patching on the surface of walls and slabs will result in the need of paint patching throughout the Parking Garage and new striping on the slab surfaces. The existing painting presents discolorations and excessive use. The striping is confusing, since several layouts are present in the surface and such confusions result in complaints from the users.

The City recommends due to the existing condition of the facility and the extent of the repairs, that the complete building be painted and striped.

There is an extensive amount of surfaces to be painted, with approximately 740,000 square feet of ceiling alone; 28 flush doors and 18 louver doors, the man proofing on first floor and the office interiors. Painting and striping work will be performed by one of the City's JOC Contractors.

Striping for approximately 1,460 spaces throughout the parking structure will be required, including 32 ADA spaces.

The Administration recommends approving the resolution.

Advisory Board Recommendation:

N/A

Financial Information:

Source of Funds:		Amount	Account	Approved
	1	$363,440	Parking Revenue Fund 481	
Finance Dept.		$363,440		

City Clerk's Office Legislative Tracking:

Hiram G. Siaba x 6572

Sign-Offs:

Department Director	Assistant City Manager	City Manager
		Jang

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AGENDA ITEM R7J

DATE 5-26-04

CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139

www.miamibeachfl.gov

COMMISSION MEMORANDUM

To: Chairman David Dermer and Members of the City Commission

Date: May 26, 2004

From: Jorge M. Gonzalez
City Manager

Subject: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROPRIATING AND EXPENDING FUNDS, IN THE AMOUNT OF $363,440, FROM PARKING REVENUE FUND 481, TO PROVIDE PAINT AND STRIPING NEEDED AT THE 17TH STREET PARKING GARAGE.**

ADMINISTRATION RECOMMENDATION

Adopt the Resolution.

FUNDING

The Funding is available from the Parking Revenue fund 481.

ANALYSIS

Florida Lemark Corporation, lowest and best bidder pursuant to Bid No. 67-02/03 initiated concrete restoration and repairs, including waterproofing of the roof at the 17th Street Parking Garage in March 2004.

The structural repair work on the garage has created an extensive amount of patching in the surface of walls and slabs. The appearance has created a need to do paint patching throughout the Parking Garage and striping on the slab surfaces. The existing paint presents discolorations. The existing striping is confusing since several layouts are present in the surface and generates complaints from the users.

The City recommends that due to the existing conditions of the facility and the extent of the repairs, that the complete building be painted and striped.

There is an extensive amount of surfaces to be painted, with approximately 740,000 square feet of ceiling alone; 28 flush doors and 18 louver doors, the man proofing on first floor and office interiors. Painting and striping work will be performed by a JOC Contractor.

Striping for approximately 1,460 spaces throughout the parking structure will be required, including 32 ADA spaces.

Cost break down is as follows:

Price for striping parking spaces	$ 26,400
Price for painting	$ 304,000
Contingency	$ 33,040
Total	**$ 363,440**

RECOMMENDATION

The Administration recommends appropriation of the funding in order to complete the re-striping and painting of the garage surfaces necessitated by the structural repairs.

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RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROPRIATING FUNDS, IN THE AMOUNT OF $363,440, FROM PARKING REVENUE FUND 481, TO PROVIDE PAINTING AND STRIPING NEEDED AT THE 17TH STREET PARKING GARAGE.

WHEREAS, on November 25th, 2003, Resolution No. 2003-25396 approved the award of a contract to the lowest and best bidder, Florida Lemark Corporation, in the amount of $321,173.76, pursuant to Bid No. 67-02/03 for concrete restoration and repairs to the 17th Street Parking Garage; and

WHEREAS, the extensive amount of patching in the surface of walls and slabs will result in the need of paint patching throughout the 17th Street Parking Garage and striping on the slab surfaces; and

WHEREAS, a City's JOC Contractor will be able to perform the improvements; and

WHEREAS, painting and striping may be completed throughout the structure, at an estimated price of $363,400, with a contingency of $33,040 included in this amount; and

WHEREAS, funds, in the amount of $363,400, are available from Parking Revenue Fund Number 481, to provide the aforestated improvements the 17th Street Parking Garage.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Mayor and City Commission appropriate funds, in the amount of $363,400, from Parking Revenue Fund 481 to provide painting and striping required at the 17th Street Parking Garage.

PASSED and ADOPTED this _____ day of _____, 2004.

_____
MAYOR

ATTEST:

_____
CITY CLERK

APPROVED AS TO FORM & LANGUAGE & FOR EXECUTION

City Attorney 5-20-04 Date

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CITY OF MIAMI BEACH
COMMISSION ITEM SUMMARY

Condensed Title:

A Resolution appropriating and expending funds, in the amount of $391,725, from the Parking Revenue Fund 481, to provide additional structural repairs needed at the 17th Street Parking Garage.

Issue:

Shall the Commission approve the appropriation and expenditure of $391,725, from the Parking Revenue Fund 481, to provide additional structural repairs needed at the 17th Street Parking Garage?

Item Summary/Recommendation:

On September 18, 2003, Resolution 2003-25351 adopted the City of Miami Beach Capital budget for the Fiscal Year 2003-2004 and the Capital Improvement Plan for Fiscal Years 2004-2008. The Capital Budget included an amount of $300,000 for the Structural repairs at the 17th Street Parking Garage. On November 25, 2003, Resolution 2003-25396 was approved and awarded a contract to the lowest and best bidder, Florida Lemark Corporation, in the amount of $321,173, pursuant to Bid No. 67-02/03 for the concrete restoration and repairs, at the 17th Street Parking Garage.

Construction started in March, 2004. Initial cleaning and preparation of the surfaces exposed an extensive amount of additional surface spalling. The additional repairs were not identified during previous observations of the structural conditions. At the time Bid No. 67-02/03 was executed, unit prices for spalling repairs were requested in order to cover any additional structural corrections.

A new study based on figures taken in the field shows an estimated 540 square feet of spalling per floor on the slab and 300 square feet of spalling on walls and tie beams.

The cost of the additional structural work is estimated as follows:
Additional spalling repairs $340, 630, Contingency $51,095, TOTAL $391,725

The Administration recommends approving the resolution.

Advisory Board Recommendation:

N/A

Financial Information:

Source of Funds:		Amount	Account	Approved
	1	$391,725	Parking Revenue Fund 481	
Finance Dept.		$391,725		

City Clerk's Office Legislative Tracking:

Hiram G. Siaba x 6572

Sign-Offs:

Department Director	Assistant City Manager	City Manager

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AGENDA ITEM R7K

DATE 5-26-04

CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139

www.miamibeachfl.gov

COMMISSION MEMORANDUM

To: Chairman David Dermer and Members of the City Commission

Date: May 26, 2004

From: Jorge M. Gonzalez
City Manager

Subject: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROPRIATING AND EXPENDING FUNDS, IN THE AMOUNT OF $391,725, FROM PARKING REVENUE FUND 481, TO PROVIDE ADDITIONAL STRUCTURAL REPAIRS NEEDED AT THE 17TH STREET PARKING GARAGE.**

ADMINISTRATION RECOMMENDATION

Adopt the Resolution.

FUNDING

The Funding is available from the Parking Revenue fund 481.

ANALYSIS

On September 18, 2003, Resolution 2003-25351 adopted the City of Miami Beach Capital budget for the Fiscal Year 2003-2004 and the Capital Improvement Plan for Fiscal Years 2004-2008. The Capital Budget included an amount of $300,000 for the Structural repairs at the 17th Street Parking Garage.

On November 25, 2003, Resolution 2003-25396 was approved and awarded a contract to the lowest and best bidder, Florida Lemark Corporation, in the amount of $321,173.76, pursuant to Bid No. 67-02/03 for the concrete restoration and repairs, including waterproofing of the roof at the 17th Street Parking Garage.

Construction started March 2004. Initial cleaning and preparation of the surfaces exposed an extensive surface spalling, probably close to 7 times the amount of spalling reported in visual inspection reports performed by the Engineer of Record Bliss and Nyitray, and originally contracted to Florida Lemark. The original contract required pressure cleaning of the surfaces to be repaired to ensure the exposure of all existing cracks and other structural conditions. Until this pressure cleaning was performed not all of the cracks and other structural imperfections were discovered due to existing surface conditions. Only after the pressure cleaning did it become evident to the contractor and the engineer that additional structural repairs would be required.

Proximity of the structure to the sea air and exposure to the weather have created conditions which have caused the steel to corrode in all areas where proper concrete cover was not provided or in all areas with excessive use.

At the time Bid No. 67-02/03 was executed, unit prices for spalling repairs were requested in order to cover any additional structural corrections which might be identified during construction. Florida Lemark included the lowest price for such repairs in their original bid and the additional work can be implemented as a unit price additive change order using available funding.

A new structural study based on figures taken in the field shows an estimated 540 square feet of spalling per floor on the slabs and 300 square feet of spalling on walls and tie beams.

The cost of the structural work to be performed is broken down as follows:

Price for additional spalling repairs	$ 340,630
Contingency	$ 51,095
Total	**$ 391,725**

RECOMMENDATION

The Administration recommends appropriation of the funding in order to complete these very important structural repairs.

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RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROPRIATING FUNDS, IN THE AMOUNT OF $391,725, FROM PARKING REVENUE FUND 481, TO COMPLETE ADDITIONAL STRUCTURAL REPAIRS NEEDED AT THE 17TH STREET PARKING GARAGE.

WHEREAS, on September 18th, 2003, Resolution No. 2003-25351 adopted the Capital Improvement Plan for Fiscal Years 2004-2008, which included the amount of $300,000 for structural repairs at the 17th Street Parking Garage; and

WHEREAS, on November 25th, 2003, Resolution No. 2003-25396 approved the award of a contract to the lowest and best bidder, Florida Lemark Corporation, in the amount of $321,173.76, pursuant to Bid No. 67-02/03 for concrete restoration and repairs to the 17th Street Parking Garage; and

WHEREAS, on March, 2004, construction started and preparation of the surfaces exposed an extensive surface spalling; and

WHEREAS, a new study based on figures taken from the field shows an estimated $340,630 is required to complete the repairs; and

WHEREAS, a contingency of 51,095 is requested for a total cost of $391,725; and

WHEREAS, funds in the amount of $391,725 are available from Parking Revenue Fund Number 481, to provide the aforestated repairs to the 17th Street Parking Garage.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Mayor and City Commission appropriate the funds, in the amount of $391,725, from Parking Revenue Fund 481 to complete additional structural repairs required at the 17th Street Parking Garage.

PASSED and ADOPTED this _____ day of _____, 2004.

_____
MAYOR

ATTEST:

_____
CITY CLERK

APPROVED AS TO FORM & LANGUAGE & FOR EXECUTION

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5-20-04
City Attorney **Date**

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R9

NEW BUSINESS AND

COMMISSION REQUEST

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: May 26, 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
Board of Adjustment	7	City Commission	2	Page 6
Community Development Advisory Committee	14	Commissioner Simon Cruz Mayor David Dermer	1 2	Page 11
Convention Center Advisory Board	7	Mayor David Dermer	1	Page 15
Convention Center Capital Projects Oversight Com.	7	Mayor David Dermer	1	Page 16
Design Review Board	7	City Commission	1	Page 18

AGENDA ITEM R9A
DATE 5-26-04

VACANCIES

BOARD OR COMMITTEE:	TOTAL MBRS.	APPOINTED BY:	TOTAL VAC.	PAGE
Fine Arts Board	14	Commissioner Jose Smith	1	Page 19
		Commissioner Matti H. Bower	1	
Health Advisory Committee	11	City Commission	1	Page 21
Hispanic Affairs Committee	7	Mayor David Dermer	1	Page 24
Marine Authority	7	Commissioner Simon Cruz	1	Page 28
		Mayor David Dermer	1	
Miami Beach Commission on Status of Women	21	Commissioner Jose Smith	1	Page 29
		Commissioner Saul Gross	1	
Miami Beach Florida Sister Cities	22	Mayor David Dermer	2	Page 32
Parks and Recreational Facilities Board	10	Mayor David Dermer	1	Page 35
Personnel Board	10	City Commission	1	Page 36
Planning Board	7	City Commission	1	Page 37
Public Safety Advisory Committee	7	Commissioner Luis R. Garcia, Jr.	1	Page 41
		Mayor David Dermer	1	
Safety Committee	14	Commissioner Matti H. Bower	1	Page 42
		Commissioner Saul Gross	1	
		Mayor David Dermer	1	

AGENDA ITEM _____

DATE _____

VACANCIES

BOARD OR COMMITTEE:	TOTAL MBRS.	APPOINTED BY:	TOTAL VAC.	PAGE
Visitor and Convention Authority	7	City Commission	1	Page 45
Youth Center Advisory Board	10	Commissioner Simon Cruz	1	Page 46

Attached is breakdown by Commissioner or City Commission:

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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R9 - New Business and Commission Requests

R9A1 Appointment Of Two (2) Citizens At-Large To The Board Of Adjustment.
(City Clerk's Office)

AGENDA ITEM R9A1
DATE 5-26-04

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CITY OF MIAMI BEACH
OFFICE OF THE MAYOR & COMMISSION
MEMORANDUM

TO: JORGE M. GONZALEZ
CITY MANAGER

FROM: LUIS R. GARCIA JR.
COMMISSIONER

DATE: APRIL 30, 2004

RE: AGENDA ITEM- BOARD OF ADJUSTMENT

Please place on the May 5th Commission agenda an item nominating Mr. Carl Linder to the Board of Adjustment. His application and resume has been provided to the City Clerk's office.

If you have any questions, please feel free to contact my Aide, Ms. Perez-Trujillo at extension 6528.

Thank you.

Agenda Item R9A2
Date 5-26-04

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C: Trish
Lilia

CITY OF MIAMI BEACH
OFFICE OF THE MAYOR & COMMISSION
MEMORANDUM

TO: JORGE M. GONZALEZ
CITY MANAGER

FROM: SIMON CRUZ
COMMISSIONER

DATE: MAY 18, 2004

RE: AGENDA ITEM

Please place on the May 26th, 2004 City Commission Meeting, my nomination of Abraham Galbut to the Health Advisory Board.

SC/ml

Agenda Item R9A3
Date 5-26-04

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C: Trish
CMC
GLS
Lilia

CITY OF MIAMI BEACH
OFFICE OF THE MAYOR & COMMISSION
MEMORANDUM

TO: Jorge M. Gonzalez
City Manager

FROM: Saul Gross
Commissioner

DATE: April 21, 2004

RE: Agenda Item

04 APR 22 AM 11:46

At the April 14, 2004 Commission Meeting, you withdrew Item C7B from the agenda which would have authorized the administration to negotiate a contract for public relations services with the top-ranked firm of Susan Brustman & Associates.

Since I think it is in the City's best interest to hire a public relations firm dedicated solely to promoting Miami Beach, I would appreciate it if you would place this item for action on the agenda of the May 5th Commission Meeting.

Thank you.

SG/ma

Agenda Item R9B
Date 5-26-04

CITY OF MIAMI BEACH
Office of the City Manager
Interoffice Memorandum

To: Saul Gross
Commissioner

Date: April 28, 2004

From: Jorge M. Gonzalez
City Manager

Subject: **RFP 9-03/04 Public Relations Service and Marketing and Communications Consulting – May 5, 2004 – City Commission Item**

Pursuant to your request to place an item regarding the Publicist contract on the next City Commission agenda, below you will find some additional information which prompted its withdrawal from the April 14, 2004 agenda.

At this time, the Administration finds that from a practical and fiscal perspective it is prudent to re-evaluate the City's needs for public relations services at a future date, allowing time to better define the City's specific needs for services and assure no duplication of effort.

As you know, the resident community has recently raised concerns regarding the increased amount of events and activity in the City and its affect on their quality of life. Hiring a public relations firm dedicated solely to promoting the City of Miami Beach may present some issues in this area, unless the City is very specific in the message(s) to be conveyed. To that end, the Administration is also exploring the possibility of working with the Selection Committee, at their suggestion, to support future and on-going public relations needs. I am considering creating an Ad-Hoc Public Relations Committee made up of representatives from this selection committee, as well as individuals from other City boards and committees, to assist and provide guidance with regard to the City's public relations strategy and ensure a collaborative representation of City interests.

Additionally, considering that the City will soon begin contract negotiations with the Greater Miami Convention and Visitors Bureau (GMCVB), and in light of the comments made by the Selection Committee regarding narrowing the scope of services, coupled with the difficult budget year that the City faces, the Administration will develop and identify specific public relations services that should be realized through the our relationship with the GMVCB and then develop a narrower City scope for future consideration by the City Commission. This action will result in a cost savings of $100,000 in the current fiscal year (FY 03/04), and a potential savings to be determined based on the more limited scope to be developed and evaluated for fiscal year 04/05.

JMG\CMC\rar
F:\cmgr\$ALL\CHRISTIN\JMG\Publicist Contract-2004May5-CC Agenda.Gross.doc

c: Honorable Mayor and Members of the Miami Beach City Commission

CITY OF MIAMI BEACH
COMMISSION ITEM SUMMARY

Condensed Title:

A RESOLUTION ACCEPTING THE RECOMMENDATION OF THE CITY MANAGER PERTAINING TO THE RANKING OF FIRMS FOR PUBLIC RELATIONS SERVICES AND MARKETING AND COMMUNICATIONS CONSULTING SERVICES; AUTHORIZING THE ADMINISTRATION TO ENTER INTO NEGOTIATIONS WITH THE TOP-RANKED FIRM OF SUSAN BRUSTMAN & ASSOCIATES.

Issue:

SHALL THE CITY COMMISSION ACCEPT THE RANKING OF FIRMS AND AUTHORIZE NEGOTIATIONS?

Item Summary/Recommendation:

ON NOVEMBER 25, 2003, THE CITY COMMISSION ADOPTED RESOLUTION 2003-25411, WHICH AUTHORIZED THE ISSUANCE OF A REQUEST FOR PROPOSALS (RFP) TO SOLICIT PROPOSALS TO PROVIDE PUBLIC RELATIONS SERVICES, AND MARKETING AND COMMUNICATIONS CONSULTING SERVICES.

THE ADMINISTRATION ISSUED A RFP, CONDUCTED A COMPETITIVE PROCESS, AND RECEIVED A RECOMMENDATION FROM AN EVALUATION COMMITTEE, WHICH RECOMMENDED SUSAN BRUSTMAN & ASSOCIATES.

SUSAN BRUSTMAN & ASSOCIATES WAS FOUNDED IN MIAMI, FLORIDA, 19 YEARS AGO. SUSAN BRUSTMAN WILL LEAD THE FIRM'S TEAM AND WILL DETERMINE THE STRATEGY AND DIRECTION FOR THE FIRM'S MARKETING SUCCESS.

ADOPT THE RESOLUTION.

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:

Max Sklar, ext. 6116

Sign-Offs:

Department Director	Assistant City Manager	City Manager
MS GL	CMC	JMG

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AGENDA ITEM C7B

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, ACCEPTING THE RECOMMENDATION OF THE CITY MANAGER PERTAINING TO THE RANKING OF FIRMS PURSUANT TO REQUEST FOR PROPOSALS (RFP) NO. 9-03/04 FOR PUBLIC RELATIONS SERVICES AND MARKETING AND COMMUNICATIONS CONSULTING SERVICES FOR THE CITY OF MIAMI BEACH; AUTHORIZING THE ADMINISTRATION TO ENTER INTO NEGOTIATIONS WITH THE TOP-RANKED FIRM OF SUSAN BRUSTMAN AND ASSOCIATES.**

ADMINISTRATION RECOMMENDATION

Adopt the Resolution.

ANALYSIS

As part of the Greater Miami Convention and Visitors Bureau (GMCVB) review and renewal, the City Commission agreed to have the City engage a publicist to compliment the GMCVB effort but with a focus on Miami Beach. Funding was included in the amount of $100,000 in the Fiscal Year 2002/03 Budget. Of this $100,000, $25,000 was already spent to contract Motivus, Inc. for short-term Marketing and Communications services for the City prior to the issuance of Request for Qualifications (RFQ) No. 15-02/03 for public relations services and marketing and communications consulting services. Additionally, another $25,000 was contracted to AMS Planning and Research, Corp. to conduct a Cultural Facilities Master Plan for the City. The remaining $50,000 was available for the issuance of the RFQ.

On December 11, 2002, the City Commission adopted Resolution No. 2002-25076, which authorized the issuance of an RFQ to solicit qualifications for public relations services and marketing and communications consulting services. Subsequently, on April 30, 2003, the City Commission adopted Resolution No. 2003-25179 accepting the recommendation of the City Manager pertaining to the ranking of proposals received pursuant to RFQ No. 15-02/03 and authorized the administration to enter into negotiations with the top-ranked firm of Kelley Swofford Roy, Inc. (KSR) for the aforementioned services.

The Administration determined that it was vital for KSR to begin its work immediately, as

there were only three (3) months left in the fiscal year. Therefore, the City executed an agreement between the City and KSR for a fee of twenty four thousand nine hundred ninety-nine dollars ($24,999.00) and an additional twenty five thousand dollars ($25,000.00) subject to approval by the City Commission. The Administration negotiated with KSR to provide a brand identity platform for the City and for strategic communication and marketing assistance, which was an element of the scope of services in the RFP, and on July 30, 2003, the City Commission adopted Resolution No. 2003-25283, which approved an agreement with KSR.

KSR began the strategy development for the City's brand identity platform, which included research and interviews, participation in the City's wayfinding program, logo design, creative branding, presentations and branding campaigns. KSR also worked with the City's Tourism and Cultural Development Department on other marketing initiatives. KSR received approximately $38,000.00 for this work, which represents over 500 work hours.

Throughout this process KSR defined the audience and developed a creative strategy. Presentations of the branding concepts were then made to staff at several intervals during the process. Staff evaluated the conceptual approaches and commented on the concepts, but was generally dissatisfied with the proposals. Subsequently, a meeting was convened with representatives from the selection committee to review the branding concepts presented by KSR and to solicit their feedback. Staff remained unsatisfied with the branding concepts and, consequently, did not accept them.

Staff had determined that a company with proven experience in developing, implementing and managing public relations programs for tourism, cross promotional brand and niche marketing activities, and with proven relationships and experience with local and national media outlets, including trade and business publications, multi-cultural and consumer lifestyle is what the city needs. The Administration did not feel KSR met these requirements and, therefore, had not exercised the renewal option with KSR.

On November 25, 2003, the City Commission adopted Resolution No. 2003-25411, which authorized the issuance of a Request for Proposals (RFP) to solicit proposals to provide public relations services and marketing and communications consulting services.

RFP PROCESS

On December 10, 2003, RFP No. 9-03/04 was issued and notices sent to 70 individuals or firms, which resulted in the receipt of three qualifications packages (one was late and was disqualified) from the following firms:

1) Susan Brustman and Associates;
2) Edelman; and
3) Harrison & Shriftman (non-responsive – submitted late).

The RFP stated that any proposal received after 3:00 p.m. on January 16, 2004, would be returned to the proposer unopened. The proposal from Harrison & Shriftman was returned unopened since it was received after said date and time.

On January 30, 2004, the City Manager via Letter to Commission No. 031-2004 appointed an Evaluation Committee (the "Committee"), consisting of the following individuals:

1. Lisa Cole, Senior VP Public Relations - Fontainebleu Hotel
2. Jose Lima, Director of Tourism - Village of Bal Harbour
3. Ruth Remington, Writer and City of Miami Beach Resident
4. Alfredo Richard, Sr. VP Communications - Claxson
5. Octavio (Joe) Zubizarreta, CEO - Zubi Advertising.

Alfredo Richard, Sr. VP of Claxson Communications, was appointed as Chair of the Committee.

On February 25, 2004, Edelman informed Procurement, both verbally and in writing, they no longer wanted to be considered for this project, requested to withdraw their proposal and subsequently canceled their plans to present to the Committee on March 2.

As the RFP Procedures indicate proposals are irrevocable for 120 days from the opening without a contract award, Edelman was informed their proposal would still be considered and ranked. On March 2, twenty minutes prior to the Committee meeting, Edelman submitted a written request indicating they again wanted their firm to be considered and arrangements were made for their presentations to be emailed and a conference call during the Committee meeting was established.

The Committee convened On March 2, 2004 and was provided with an overview of the project, information relative to the City's Cone of Silence Ordinance, and the Government in the Sunshine Law. The Committee then listened to a presentation from Susan Brustman and Associates. After the presentation the Committee engaged in a question and answer session. During the presentation, an e-mail was received in Procurement indicating Edelman once again wanted to withdraw and would not be calling in to the Committee.

While the Committee believed that Edelman could have provided the national and international exposure from an outside view of Miami Beach, their lack of presentation and changes of intention to participate all but eliminated them. On the other hand, Susan Brustman and Associates demonstrated a greater understanding of the Miami Beach product and provided a creative approach to meet the City's communication and marketing needs.

The Committee questioned the lack of responsive bids and felt the scope of services was too broad and should be better defined to reflect the City's priority needs, commensurate with the funding allocated, and to perhaps encompass the top three target industry segments. The Committee recommended they be invited back to reconvene and assist in

the redevelopment of the scope of services, which they believed lacked direction, prior to contract negotiation.

The Committee was instructed to rank and score each proposal pursuant to the evaluation criteria established in the RFP, which was as follows (total possible 105 points):

a. Writing Assignment One – 90 Day Sample Activity Report (20 points) - To be presented during in-person creative demonstration

b. Writing Assignment Two – Proposed Target Media List of Journalists (20 points) - To be presented during in-person creative demonstration

c. Addressing what the Proposer "Can do" for the City; What sets them apart; What is value-add? (10 points) - To be presented during in-person creative demonstration

d. Creative ideas on press releases relative to the City's new press kit. (5 Points) - To be presented during in-person creative demonstration

e. Creative Ideas on helping the City Promote the Restaurants in Miami Beach. (5 points) - To be presented during in-person creative demonstration

f. Experience and qualifications (25 points)

g. Demonstrated record of accomplished work in public relations or as a publicist (10 points).

h. Proposed fees (10 points).

The Committee then scored and ranked the firms as follows:

COMMITTEE MEMBER	SUSAN BRUSTMAN & ASSOC. SCORE	RANKING	EDELMAN SCORE	EDELMAN RANKING
LISA COLE	76	1st	40	2nd
JOSE LIMA	83	1st	45	2nd
RUTH REMINGTON	75	1st	40	2nd
ALFREDO RICHARD	80	1st	33	2nd
OCTAVIO "JOE" ZUBIZARETTA	84	1st	40	2nd

The Committee ranked Susan Brustman and Associates number one (1). They were the only firm to present, with the highest score being 84 out of a possible 105. As Edelman did not present, they fell short 65 out of 105 potential evaluation points due to no demonstration and expressing their desire to withdraw. In addition, as noted above, the

team felt the scope quite broad to adequately cover in the parameters provided, and suggested the scope of services be streamlined prior to negotiations taking place.

A summary Susan Brustman and Associates qualifications, the proposed team and similar projects is attached hereto.

CONCLUSION

The Administration recommends that the Mayor and City Commission approve the attached resolution, which recommends the acceptance of the ranking of firms, and authorizing the Administration to enter into negotiations with the top-ranked firm of Susan Brustman & Associates.

The Administration reviewed and agreed with the comments of the Evaluation Committee respective to the scope of services and will redevelop a refined scope of services as part of the negotiation process with the top-ranked firm. The Committee will be consulted during this process to ensure their sentiments are addressed.

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SUSAN BRUSTMAN & ASSOCIATES PROPOSED TEAM

Susan Brustman - Founder & President

Susan Brustman has 15 years of newsroom and journalistic experience and 25 years of public relations experience to the agency she founded in 1985. In the mid-60s she co-founded the *Los Angeles Free Press*. In the 1970s, Ms. Brustman was a freelance writer, affiliated with *New York Magazine* and *Time-Life*. Relocating to South Florida in the early 1980s, she served as an account executive with the acclaimed public relations agency, Hank Meyer Associates.

Ms. Brustman serves on the board of the American Institute of Wine & Food and for the past two years has been director of the Greater Miami Convention & Visitors Bureau PR task force.

Lawrence Carrino – Senior Account Executive

Lawrence Carrino has been with the firm for 10 years. He oversees account services and consults on client strategies, media relations and campaign development. Mr. Carrino has led publicity, special event and marketing campaigns for restaurant, hospitality and cultural accounts. Past and present clients include The Historical Museum of Southern Florida, The March of Dimes Star Chefs Extravaganza, Miami Wine & Food Festival, Magic City Records, KC and the Sunshine Band, Goldman Properties' Park Central, The Hotel and Wish, and Tantra restaurant & lounge. As a freelance writer, Mr. Carrino has written for *The Miami Herald, Florida International*, and *Restaurant Hospitality* magazine.

Megan Connolly – Broadcast Media Director, Hispanic Liaison

Megan Connolly is formerly affiliated with Gulfstream Park and the New York Racing Association. She has five years of specializing in sports promotions, producing presentation media videos and strategies, appearing on camera and creating targeted regional publicity programs. Ms. Connolly has represented such accounts as The Tides Hotel, the Clinton Hotel, and the Greater Miami Convention & Visitors Bureau' Boutique Hotels Program, overseeing national media FAM tours, and targeted publicity campaigns. She has created cooking segments on Miami-based television affiliates. Most recently, Ms. Connolly supervised Latin media relations and broadcast coverage for Art Miami 2004.

Karen Barofsky – Arts & Special Events Liaison, Head Writer

Karen Barofsky has been the arts and events liaison for Susan Brustman & Associates for 10 years. She began as a writer and event producer with Radio City Music Hall Productions in New York. After Ms. Barofsky relocated to Florida, she was the assistant

director of Art Center South Florida. Since joining the Brustman team, she has created press materials and overseen arts and tourism accounts, including the EDA/State of Florida grant 67-68, designed to re-brand and bring business and tourism to South Dade, the Everglades and Key Biscayne in the aftermath of Hurricane Andrew. For the past four years, she has served as account executive for Art Miami and has been involved with the firm's special events, hospitality and cultural clients.

Gary Farmer – Cultural Development & Special Events Liaison

In 1986 Gary Farmer opened The Strand restaurant/bar/theater. A former columnist for *GQ* magazine, Mr. Farmer has written for *Harper's Bazaar* and *Art & Auction*. He has done research, writing and development work for the American Cinematheque, the Metropolitan Museum of Art, the Institute for Advanced Study, the American School of Classical Studies, the Miami Film Festival and the Miami Design Preservation League. In the late 1980s, he was nominated for a Cable Ace Award as writer/producer of "Postcards from Miami Beach," a 90-minute WLRN TV special about the past, present and future of the Miami Beach Art Deco District. In 1987, he received the key to the City of Miami Beach for "significantly improving the quality of life in our city."

SUSAN BRUSTMAN & ASSOCIATES CASE HISTORIES

Case Histories

Susan Brustman & Associates represented the Miami Film Festival from 1989 to 1993, they also garnered press coverage for a then-emerging South Beach, where they housed media and presented events for print and broadcast packaging.

The firm secured more than 50 features annually, in publications such as Vogue, Interview Magazine, Screen, Premiere, Film Comment, Conde Nast Traveler, Allure, the Hollywood Reporter, Boston Herald, Dallas Morning News, Atlanta-Journal Constitution, New York Observer, New York Times, New York Daily News, and New York Post. Housing visiting media in hotels on South Beach and setting up events throughout Miami Beach, they garnered electronic news magazine segments and specials on MTV, VH-1, Showtime and The Movie Channel.

In 1993-1995, they introduced Ocean Drive Magazine to the regional and national media marketplace, creating a two-year brand-and-celebrity driven publicity and special event campaign that was positioned to launch the region's new magazine.

Overseeing Ocean Drive's celebrity and model events, they targeted media to attend and cover these events. This resulted in electronic news magazine segments on Entertainment Tonight, Hollywood Access, MTV, local TV outlets; features in The Miami Herald, El Nuevo Herald, Sun Sentinel, Florida Trend, Boca News, Palm Beach Post, Hollywood Reporter, Interview, New York Post, and L.A. Times.

In 1994-1996, post-Hurricane Andrew, under the guidance of a State of Florida EDA grant overseen by the GMCVB, the firm was awarded a $1.5 million, 18-month, public relations and marketing program for the attractions and businesses in South Dade County through the Everglades and the Village of Key Biscayne. Representing that region, they created the campaign "Tropical Miami - the way Florida was meant to be," which included press kits, a video, special events, and media junkets.

Results: a campaign that brought 40-60 features and briefs per month, including coverage in National Geographic, Travel & Leisure, Conde Nast Traveler, American Way, Delta Sky, Hemispheres, Boston Herald, Christian Science Monitor, Wall Street Journal, Food Arts, Esquire, reaching millions of current and prospective destination travelers and consumers. The Tropical Miami campaign raised the region's profile during off-season, via media exposure throughout the state of Florida and Georgia, and cities in South America, venues for off-season South Florida tourism.

Involved in destination public relations since its inception, from 2002-2004, Susan Brustman served as director of the public relations task force of the Greater Miami Convention & Visitors Bureau. The firm also headed the Bureau's Boutique Hotels Program, promoting the hotels and website created by the GMCVB, via a four-month local-international publicity campaign that reached more than six million consumers. They helped brand, create and promote the annual *"Miami Spice"* restaurant campaign, designed to increase business for local restaurants during the slower August-September time period.

Susan Brustman & Associates Current Clients

A current list of Susan Brustman & Associates clients includes:

- Goldman Properties – Miami Beach
  The Hotel, Wish Restaurant
  The Park Central

- The Tides & 1220 Restaurant – Miami Beach
- Casa Morada Hotel – Islamorada
- Art Miami; Avanstar Communications – Chicago
- Miami Wine & Food Festival – Miami
- Onboard Media; Launch of the Beach Channel – Miami Beach
- Sushi Samba dromo – Miami Beach
- Timo Restaurant – Sunny Isles
- Rumi Restaurant – Miami Beach
- Escopazzo Restaurant – Miami Beach
- Johnny V Restaurant – Ft. Lauderdale
- Roger's Restaurant – North Bay Village
- M. Woods Restaurant – North Miami

- Talula Restaurant – Miami Beach

SUSAN BRUSTMAN & ASSOCIATES PROPOSED FEE STRUCTURE

Susan Brustman & Associates has proposed an initial contract term of one (1) year, with a year-to-year renewing option available at the conclusion of the first year.

Their monthly creative retainer is proposed at $6,000 - $7,500 per month, depending on time required, plus addendum fees for consultants, affiliates and/or for special project services. No consulting fees will be generated without prior approval from a designated point person at the City of Miami Beach. Their monthly retainer includes secretarial and production fees required to service the City's account.

Out of pocket charges routine to servicing the City's account are proposed to be billed monthly. They include, but are not limited to, photocopies, facsimiles, toll telephone calls, clipping service, photography, photo duplications, graphic design services/printing, mail fulfillment house services, video clips, parking, travel beyond Dade County, materials, postage and deliveries. Any trade discounts from their vendors will, whenever possible, be passed on to the City of Miami Beach.

Any individual monthly out of pocket charge(s) in excess of $500 shall be submitted for approval from the City. Without approval, these charges will not be incurred.

Susan Brustman & Associates proposal requires all fees and out of pocket expenses be paid within thirty (30) days of receipt of invoice.

The rate quoted requires the first month's fee in advance along with an out of pocket expense deposit of $1,000, which will be deducted from the final invoice.

RESOLUTION NO. _____

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 FIRMS PURSUANT TO REQUEST FOR PROPOSALS (RFP) NO. 9-03/04, FOR PUBLIC RELATIONS SERVICES AND MARKETING AND COMMUNICATIONS CONSULTING SERVICES FOR THE CITY OF MIAMI BEACH, AND AUTHORIZING THE ADMINISTRATION TO ENTER INTO NEGOTIATIONS WITH THE TOP-RANKED FIRM OF SUSAN BRUSTMAN & ASSOCIATES.

WHEREAS, on November 25, 2003 the City Commission adopted Resolution No. 2003-25411, which authorized the issuance of a Request for Proposals to solicit qualifications for public relations services and marketing and communications consulting services (the RFP); and

WHEREAS, on December 10, 2003, RFP No. 9-03/04 was issued and notices sent to 70 individuals or firms, which resulted in the receipt of three qualifications packages (one was late and thus disqualified) from the following firms:

1) Susan Brustman & Associates;
2) Edelman;
3) Harrison & Shriftman (late, returned unopened); and

WHEREAS, on January 30, 2004, the City Manager via Letter to Commission No. 031-2004, appointed an Evaluation Committee (the "Committee"), consisting of the following individuals:

1. Lisa Cole, Senior VP Public Relations - Fontainebleu Hotel
2. Jose Lima, Director of Tourism - Village of Bal Harbour
3. Ruth Remington, Writer and City of Miami Beach Resident
4. Alfredo Richard, Sr. VP Communications - Claxson
5. Octavio (Joe) Zubizarreta, CEO - Zubi Advertising; and

WHEREAS, on February 25, 2004 Edelman informed the Administration it no longer wanted to be considered for this RFP; requested to withdraw its proposal; and subsequently canceled its plans to present to the Committee on March 2; and

WHEREAS, the RFP states that proposals are irrevocable for 120 days from the opening without a contract award; Edelman was therefore informed that its proposal would still be considered and ranked; and

WHEREAS, on March 2, 2004, prior to the Committee meeting, Edelman submitted a written request indicating it wanted its proposal to be considered; and arrangements were made for its presentation to be e-mailed and a conference call during the

Committee meeting was established; and

WHEREAS, the Committee convened on March 2, 2004 and was provided with an overview of the project and information relative to the City's Cone of Silence Ordinance and the Government in the Sunshine Law; and

WHEREAS, the Committee then listened to a presentation from Susan Brustman and Associates; and

WHEREAS, during the presentation, an e-mail was received by the Administration from Edelman who once again withdrew its proposal; and

WHEREAS, the Committee ranked Susan Brustman & Associates as the top proposer; and

WHEREAS, the City Manager has reviewed the Evaluation Committee's findings, and concurs with the recommendation of the Evaluation Committee relative to the selection of Susan Brustman & Associates as the successful proposer pursuant to RFP No. 9-03/04.

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 accept the recommendation of the City Manager and herein approve the selection of Susan Brustman & Associates, as the successful proposer pursuant to RFP No 9-03/04, and further authorize the Administration to enter into negotiations with Susan Brustman & Associates for public relations services and marketing and communications consulting services for the City of Miami Beach.

PASSED and ADOPTED this _____ day of _____, 2004

ATTEST:

_____ _____

CITY CLERK MAYOR

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APPROVED AS TO FORM & LANGUAGE & FOR EXECUTION

City Attorney 4-1-04 Date

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: May 26, 2004

From: Jorge M. Gonzalez
City Manager

Subject: **REPORT ON MEMORIAL DAY WEEKEND 2004 (THURSDAY, MAY 27, 2004 – MONDAY, MAY 31, 2004)**

As reported on April 14, 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.

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.

On March 11, 2004, City staff appeared before the Miami-Dade County Budget and Finance Committee and on April 13, 2004, the Board of County Commissioners approved a resolution for the County to provide in-kind services estimated at a cost of $409,323.00 for Memorial Day Weekend 2004.

Agenda Item R9C
Date 5-26-04

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 – 7:00 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 was reviewed by the Ocean Drive Association Special Event Committee, including the North Ocean Drive Residents Association, at their April 22, 2004 monthly meeting and approved the festival. **The committee also concurred to allow the promoter to sell and consume alcohol in plastic cups within an enclosed and fenced area, to assure no open container violations. They will be required to have a security person and/or Police monitoring the area.**

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.
- Meeting coordinated with community leaders, area chambers of commerce, residents and neighborhood associations held over the past two (2) months.
- 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 was held on May 17, 2004.
- Transportation plan(s) being developed and implemented based upon population expectations including regularly scheduled Electrowave 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
- April 15, 2004 at 10:30 — MEP – March After Action, April Events & Memorial Day
- April 20, 2004 at 9:00 — Art in Public Places
- April 22, 2004 at 4:00 — Ocean Drive Association Meeting-Special Events
- April 27, 2004 at 12:00 — Convention Center Advisory Board
- May 3, 2004 at 10:00 — M-D County Meeting
- May 3, 2004 at 3:30 — Transportation & Parking Committee Meeting
- May 4, 2004 at 4:00 — Miami Beach Chamber of Commerce – Board of Governors
- May 5, 2004 at 4:00 — Visitor's and Convention Authority Meeting
- May 6, 2004 at 2:00 — Meeting with Hotel General Managers & Security
- May 7, 2004 at 8:30 — Cultural Arts Council Meeting
- May 11, 2004 at 9:00 — Miami Beach Community Relations Board
- May 11, 2004 at 4:00 — NITE Meeting
- May 14, 2004 at 10:00 — Collins Park Cultural Campus Oversight Committee
- May 17, 2004 at 9:00 — Goodwill Ambassador Training
- May 18, 2004 at 2:00 — Ocean Drive Association Monthly Meeting
- May 18, 2004 at 5:30 — Meeting with Nightclubs (not NITE) & Hotels with Events
- May 18, 2004 at 6:00 — Police Community Relations Board
- May 21, 2004 at 2:00 — MEP – Memorial Day
- May 26, 2004 at 5:15 — Final Report to Miami Beach Mayor and City Commission and Townhall/Community Input at Commission Meeting

Pending meetings or meetings to be scheduled:

- TBD — Telephone conference - Editorial Board of the Miami Herald

To date, and based on early indications of full occupancy in the region's hotels, the City has conducted 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 has been implemented during the month of May. The Community/Public has been invited to comment on the City's planning efforts and informational notices are being disseminated to area residents and businesses.

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.

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CITY OF MIAMI BEACH
Community Notice

Memorial Day Holiday Weekend 2004

The City of Miami Beach is committed to providing excellent public service to all who live, work and play in the City and works hard to ensure that basic quality of life issues are supported so that everyone can enjoy this wonderful destination. Memorial Day Weekend is expected, once again, to bring thousands of visitors to our beautiful City. The City of Miami Beach has been planning diligently to implement a comprehensive and coordinated Major Events Plan (MEP) for the upcoming holiday weekend to ensure the safety and enjoyment of our City. As part of the plan, the City asks for everyone's cooperation and respect in maintaining that special quality that Miami Beach holds.

Miami Beach Events at Public Venues

Lummus Park Beach:

Umoja Culture Festival celebrating African culture and unity will be held on the beach between 10th and 13th streets from Saturday, May 29, Sunday, May, 30 and Monday, May 31, from 11:00 a.m. to 7:00 p.m. Estimated attendance: 30,000. (*Downtown Miami will also be hosting Umoja events throughout the weekend.*

Miami Beach Police Station:

Memorial Day Ceremony, Monday, May 31, 5:00 p.m., Police Color Guard, City officials, and U.S. veterans.

Resources

The City is working with other agencies to ensure that resources are appropriately allocated for this holiday weekend. The City will enhance its personnel, including Police, Fire, Code Compliance, Beach Patrol, Parking, and Public Works (Sanitation and Property Management), throughout the weekend beginning on Thursday, May 27. Miami-Dade County Police and other County Departments, Florida Highway Patrol and Department of Justice will also be assisting our City.

Goodwill Ambassador Volunteers/God Squad

Over a hundred Goodwill Ambassadors will be assisting the City during the holiday, as they have during other recent major events. The primary role of these civilian volunteers is to serve as a buffer or liaison between the police and the visitors to the City during major events and busy holiday weekends. The teams will be wearing bright gold T-shirts identifying themselves as Goodwill Ambassadors. God Squad members will also be assisting during this weekend and can be identified by their orange/red shirts.

Transportation and Parking

Ocean Drive (5th – 15th streets) will be open to vehicular traffic throughout the weekend unless closure is required for public safety and crowd control measures. Beginning Thursday, May 27 at 7:00 p.m. through Tuesday, June 1 at 7:00 a.m., access to the east/west streets between Washington Avenue and Ocean Drive will be restricted. The 200 block between Ocean Drive and Washington Avenue (5th – 15th streets) will be restricted to local resident parking only.

In the event a street closure of Ocean Drive is necessitated: valet operations on Ocean Drive will be relocated to Collins Avenue and all valet operations on the east side of Washington Avenue will be relocated to the west side of Washington Avenue.

Vehicular traffic on the MacArthur Causeway will be closely monitored. Vehicles traveling on Washington Avenue between 5th Street and Lincoln Road will be deterred from entering the neighboring residential neighborhood. Residents can enter their neighborhood from 5th Street (south), Alton Road (west) and 17th Street (north).

Tourist Information Hotline:

A 24-hour information hotline (305-673-7400) is in operation. For more information, go to www.miamibeachfl.gov. Miami-Dade County will be providing a brochure to welcome our visitors, providing a map and important contact information, and explaining some of the City's and State's laws.

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) or 305-673-7218 (TTY) five days in advance to initiate your request. TTY users may also call 711 (Florida Relay Service).

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: May 26, 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 HNTB CORPORATION.**

The attached Discussion Item R9C was completed at the May 5, 2004 Commission Meeting; however, action on its companion Item R7E - the FDOT request for a perpetual easement that would allow for the inclusion of a landscaped median on Indian Creek Drive, was deferred to this May 26, 2004 Meeting.

A brief chronologic summary of the 63rd Street Flyover replacement project is as follows:

- On June 7, 2000 the City Commission approved a Resolution selecting the at-grade option as the best alternative for the replacement of the 63rd Street Flyover.
- Since the City Commission approval, three independent analyses of the data and assumptions used in the original option analysis have been completed:

    1. The Corradino Group performed a study at the request of the City in 2000.
    2. Marlin Engineering was hired by Craig Robins in 2000 on behalf of adjacent neighborhood associations.
    3. Most recently in June 2003 at the direction of the City Commission HNTB was hired to review and study specific issues associated with the project. The attached scope of work for the HNTB study is attached and was duly completed as requested by the City Commission.

The item on May 5th 2004 agenda included a presentation by Mr. Girish Kumar of HNTB Corporation, the City's consultant for the most recent analysis, known as Traffic Analysis of Indian Creek Drive at 63rd and 65th Street Intersections. After HNTB's presentation, a public hearing was held where several residents expressed their opinions and made a presentation. During the public hearing, questions were answered by Mr. Javier Rodriguez, Director of Production, Florida Department of Transportation (FDOT).

The conclusion of the most recent study undertaken by HNTB is consistent with the two previous studies that the at-grade option for the replacement of the 63rd Street Flyover was the most feasible and viable alternative available to the City. While there was citizen concern and questions regarding the option, no professional traffic engineering analysis has been provided to counter the analysis completed by HNTB or the previous two analyses.

Agenda Item R9D
Date 5-26-04

The North Beach Development Corporation has posed a series of questions relative to the 63rd Street Flyover project. Attached is the list of questions, as well as the City's response. The City has responded to those questions for which the City has information. Many of the questions pertain to concerns or issues addressed by the City Commission in the initial selection of an option for the 63rd Street Flyover project and are not the subject of the City's most recent analysis. While these conditions were addressed initially by FDOT and consultants engaged at the time of the June 7, 2000 City Commission vote, there is apparent interest to revisit some of these original discussions and options.

Based on the City Commission vote and subsequent confirmation of the assumptions and data used in the conclusion reached by the City Commission, FDOT has virtually completed the construction drawings associated with the at-grade option for the flyover replacement project.

Since the May 5, 2004 meeting, the City has received a letter from FDOT, dated May 11, 2004, which was transmitted to the Mayor and Commission via LTC No. 118-2004, dated May 18, 2004. Both documents are attached for your reference. The expressed FDOT position follows:

- Recent traffic analysis performed by the City and FDOT have confirmed that the at-grade triple left-turn intersection is the best available option to replace the 63rd Street Flyover;
- FDOT plans to proceed with the flyover replacement without the easement, if necessary.

A representative of FDOT has been invited to attend the May 26th Commission Meeting. As FDOT intends to proceed with the project, approval of the easement is in the best interest of the City.

JMG\RCM\FHB\RH\aj
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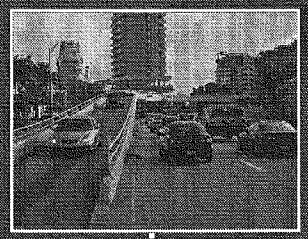
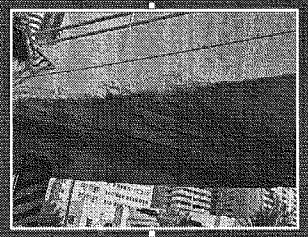
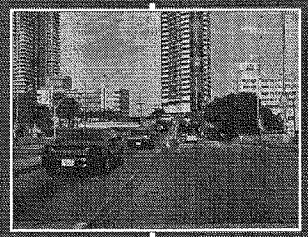
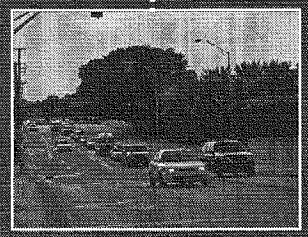
Attachments: Copy of May 5, 2004 Discussion Item R9C
LTC No. 118-2004 / FDOT Letter dated May 11, 2004





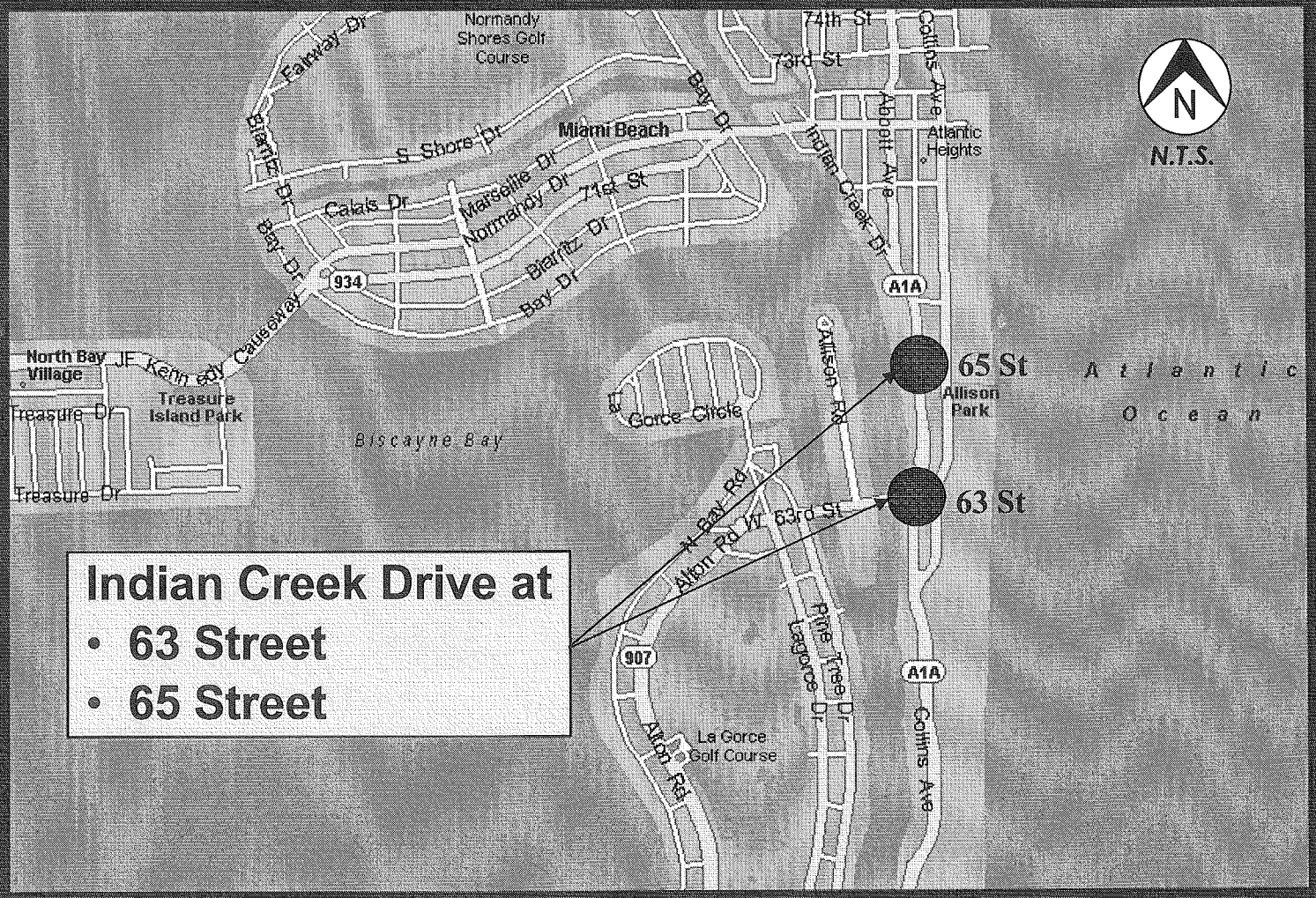




Indian Creek Drive at 63 Street Area Traffic Analysis

City of Miami Beach
City Commission Meeting
May 5, 2004

Study Intersections



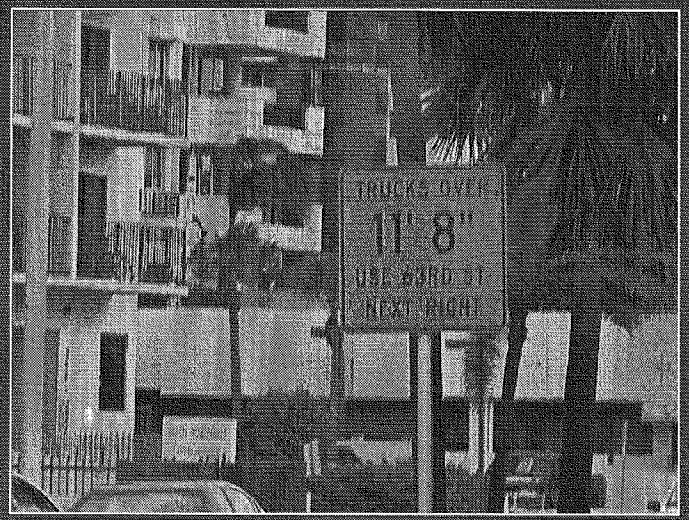
Background

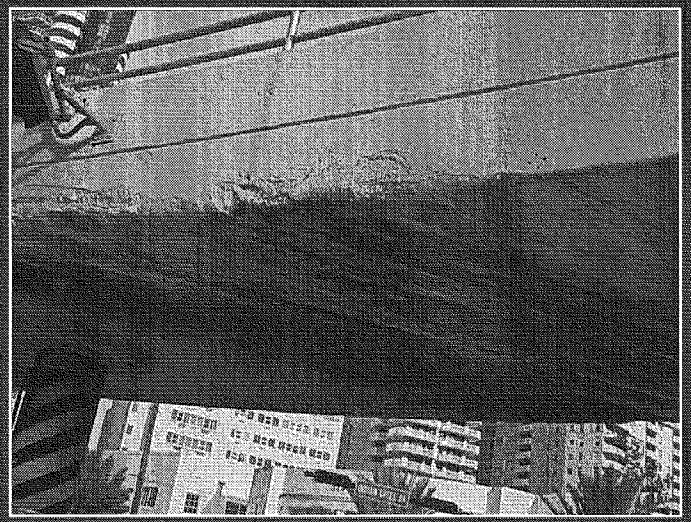
- Traffic studies by FDOT - 1999
- Further evaluation by City's Consultant - 2000
- At-grade vs. New Flyover - primary alternatives
- FDOT plans to construct the at-grade solution

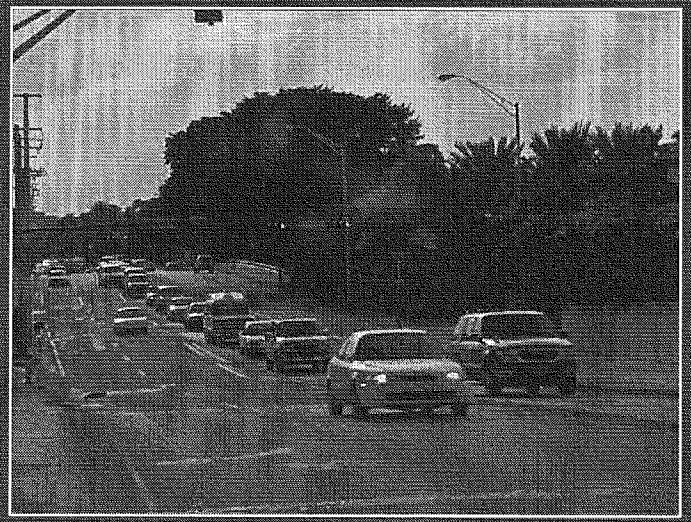
Consultant's Tasks

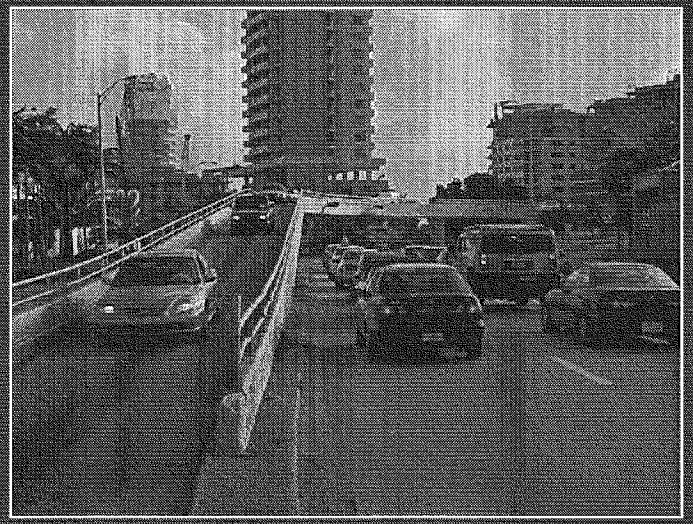
- Field Observations
- New Baseline (2003) Traffic Data
- Existing (2003) Traffic Analysis
- Future Traffic Projections
- Future (2021) Traffic Analysis
- Comparison based on new 2003 data

Field Observations







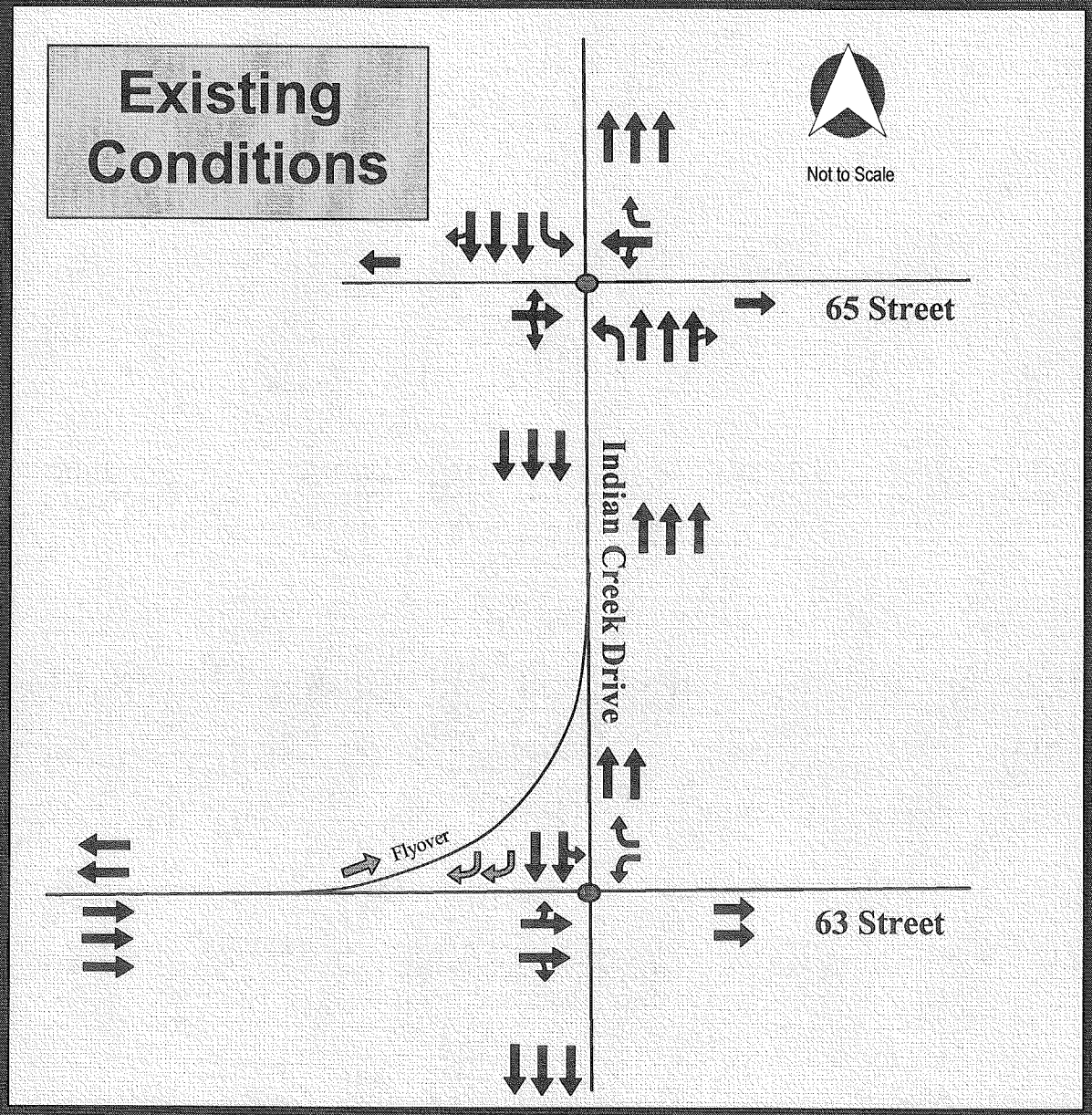


Study Alternatives

- 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



Legend

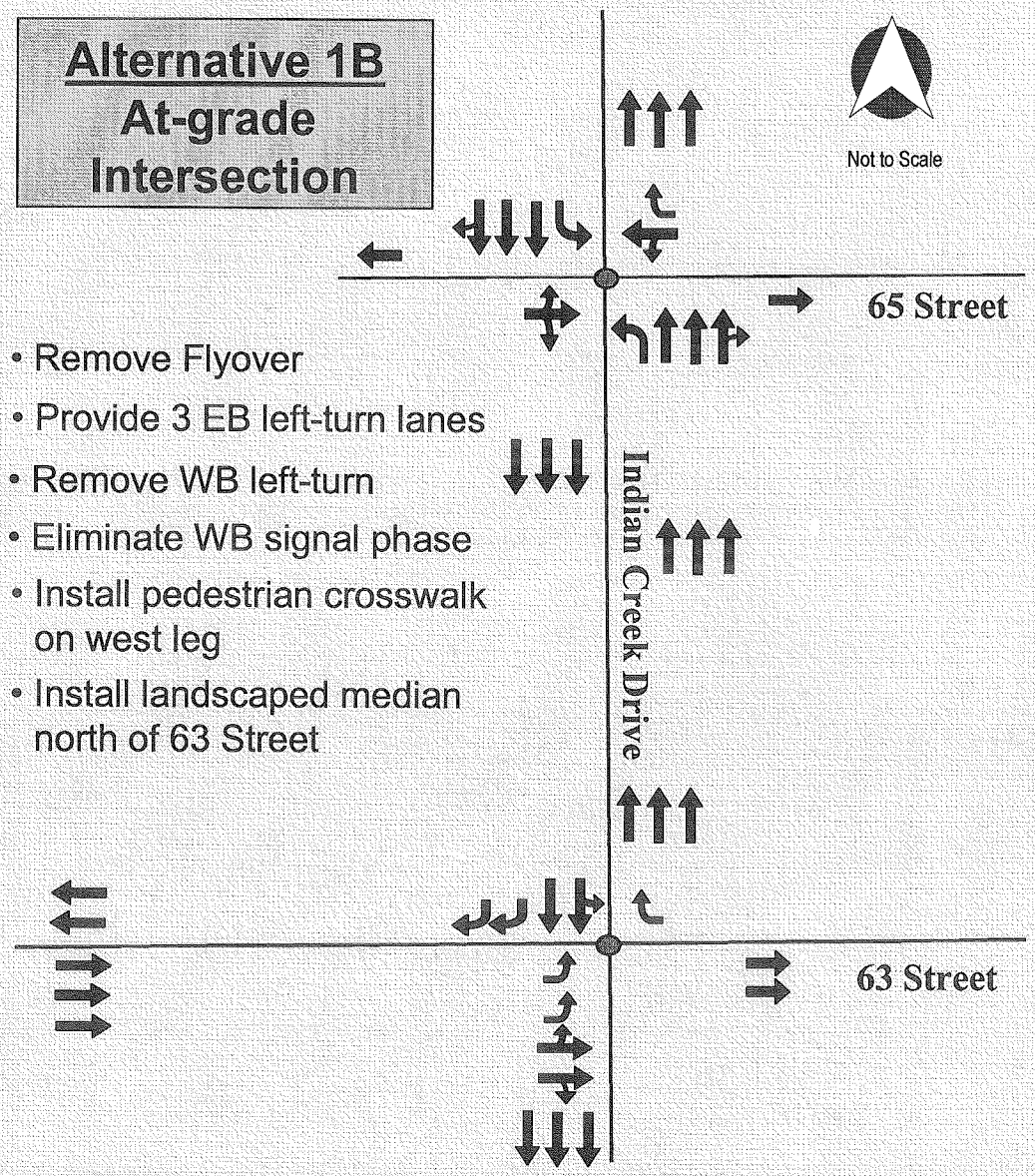
- Study intersection
- Lane assignment
- Free-flow movement

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

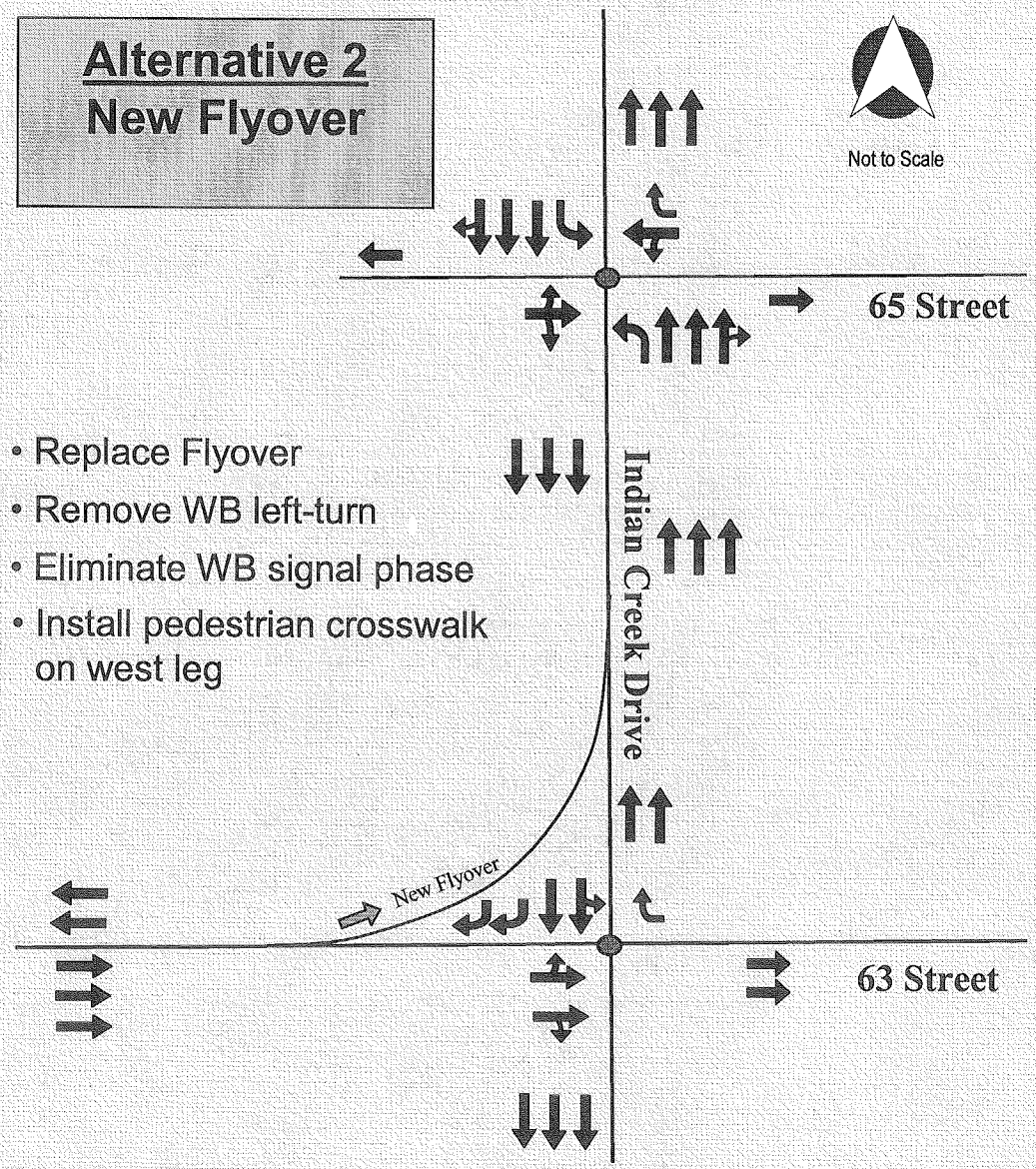


Legend
- Study intersection
- Lane assignment
- Free-flow movement

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

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 (91)	60 (91)	42 (73)
	LOS	C	E+ (F)	E+ (F)	D+ (E)
SB Right	Delay (sec/veh)	41	73 (141)	73 (141)	73 (141)
	LOS	D+	E (F)	E (F)	E (F)

(43) = With Pedestrian Phase Actuation

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 (38)	24 (26)	28 (30)
	LOS	B+	D+ (D+)	C+ (C+)	C (C)
EB Left	Delay (sec/veh)	9	70 (70)	28 (28)	55 (55)
	LOS	A	E (E)	C (C)	D (D)

(43) = With Pedestrian Phase Actuation

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 (61)	42 (43)	45 (45)
	LOS	D	E+ (E+)	D+ (D+)	D (D)
EB Left	Delay (sec/veh)	85	114 (114)	50 (50)	96 (96)
	LOS	F	F (F)	D+ (D+)	F (F)

(43) = With Pedestrian Phase Actuation

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'

Indian Creek Drive at 63 Street Area Traffic Analysis

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CITY OF MIAMI BEACH
Office of the City Manager
Letter to Commission No. 118-2004

To: Mayor David Dermer and Members of the City Commission

Date: May 18, 2004

From: Jorge M. Gonzalez
City Manager

Subject: **FLORIDA DEPARTMENT OF TRANSPORTATION'S POSITION ON THE REPLACEMENT OF THE 63RD STREET FLYOVER**

Attached please find a letter recently received from the Florida Department of Transportation (FDOT) relative to the 63rd Street Flyover Project.

As described in the attached letter, the position of FDOT is to proceed with the at grade solution for the replacement of the current 63rd Street Flyover.

FDOT is of the opinion that recent traffic analysis performed by the City and by FDOT have confirmed that the at grade solution for the replacement of the 63rd Street Flyover is the best available option.

The letter also indicates that it is FDOT's intention to proceed with design and construction of this project without incorporating the easement requested on City property. By not incorporating the City's easement, what will be sacrificed in the project is the landscaped median that had been previously provided to provide some aesthetic appeal within the project area. The actual travel and turn lanes are not affected by the loss of this easement.

We will ask that a representative of FDOT attend the next Commission meeting to help address questions which members of the Commission may still have regarding this project. FDOT will not have an interest in revisiting the entire project history. It is our understanding that in the event the City approves the easement requested by FDOT, that FDOT will amend the design to incorporate the easement and reinstitute the landscape median.

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Attachment

C: Robert C. Middaugh, Assistant City Manager
Fred Beckmann, Director of Public Works

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2004 MAY 14 PM 3:37

CITY MANAGERS OFFICE

Florida Department of Transportation

JEB BUSH
GOVERNOR

1000 Northwest 111th Avenue
Miami, Florida 33172-5800
Telephone No.: (305) 470-5464

JOSE ABREU
SECRETARY

May 11, 2004

Mr. Jorge Gonzalez
City Manager
City of Miami Beach
1700 Convention Center Drive
Miami Beach, Florida 33139

Re: FM No. 249940-1 / 407935-1 / Replacement of 63rd Street Flyover and 63rd Street Bascule Bridge rehabilitation

Dear Mr. Gonzalez:

The Florida Department of Transportation (FDOT) plans to proceed with the proposed replacement of the 63rd Street flyover with an at-grade triple left-turn intersection. I was informed that the intent of the May 5, 2004 City Commission meeting was to approve a perpetual easement needed by FDOT, and also to discuss the City's independent traffic analysis performed by HNTB.

As you know, the FDOT has studied and re-studied this project over the past 12 years. As a result of those studies, the City Commission passed a resolution in June 2000 (Commission Resolution No. 2000-23965) agreeing to the removal of the flyover and replacement with an at-grade intersection. As part of that agreement, the FDOT added landscaped medians and enhanced the pedestrian features on the project.

We are at a point where all of the independent traffic analyses performed, now and then, confirms that the at-grade intersection improves the traffic operations, and safety of this area. Therefore, I have instructed our designers to modify the design plans to eliminate the need for the City's easement and move forward with our scheduled construction letting. The ramification of this re-design is the loss of the landscaped median on Indian Creek between 63rd Street and 65th Street. The removal of the City's parcel does not alter any of the pedestrian features.

Since we will not require the easement from the City, FDOT will not be attending the May 26th Commission meeting. I hope this letter clarifies the Department's position. Should you like to discuss this issue in more detail please do not hesitate to contact me.

Sincerely,

Javier Rodriguez, P.E.
Director of Production

c: Bob

cc: Fred H. Beckmann, Director of Public Works, Miami Beach
John Martinez, Secretary FDOT District VI

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2004 MAY 13 PM 3:39
CITY MANAGERS OFFICE
BY _____

CITY OF MIAMI BEACH
OFFICE OF THE MAYOR & COMMISSION
MEMORANDUM

TO: JORGE M. GONZALEZ
CITY MANAGER

FROM: LUIS R. GARCIA JR.
COMMISSIONER

DATE: MAY 13, 2004

RE: AGENDA ITEM

Please place as a discussion item on the May 26th Commission agenda the attached e-mail letter from Mr. Nick Spill regarding the 42nd Street Project.

Thank you.

Attachements

Agenda Item R9E
Date 5-26-04

Perez-Trujillo, Esther

From: Nick Spill @ NHS Inc. [nick@bodyguardprotection.com]
Sent: Thursday, May 13, 2004 10:21 AM
To: Garcia, Luis
Subject: 42nd Street Project - lack of any progress

Dear Luis

Here is a copy of my letter I sent to David this morning. Naturally the entire neighborhood is up in arms over this abysmally managed project.

Nick Spill

Mayor David Dermer

City of Miami Beach

1700 Convention Center Drive

Miami Beach, FL 33140

May 13th, 2004

Dear David,

RE: 42nd St Project

I trust you have read the email letter my wife, Joy Spill sent you yesterday as President of Orchard Park Neighborhood Association.

I also want to express my dissatisfaction regarding the lack of progress with the 42nd Street Project.

The Project is now in its seventh month with hardly any progress the last two months. Much as we have been updated by Ronnie Singer who has done an excellent job communicating what has been happening in CIP, the sense of urgency and the desire to finish this project has been clearly lacking in the City leadership.

For nearly a month now we have not been able to park our cars on the side of our house as there is a large hole in the sidewalk on Post Ave and 42nd Street. Other neighbors on 42nd Street have similar inconvenient and dangerous holes where new water connections have yet to be connected.

All we are asking is that the City gives this project top priority and that we see work started on 42nd Street five or six days a week and 8 to 12 hours a day until this project is finished with no more excuses. We want to see professional project management and a hard driving contractor intent on finishing the project as quickly as possible.

All we see now is the water truck going by daily and speeding SUVs driving both ways breaking up the

newly laid rocks to more dust.

It would also help if traffic signs were safely and securely installed around the entire project in accordance with standard road work safety procedures.

We are supposed to be living in an award winning City but all we have witnessed the last seven months is a poor attempt at what is a small simple street improvement and some timely water pipe replacement.

Please direct your City employees to do their jobs as if they work in an award winning City.

Sincerely

Nicholas Spill

Cc: City of Miami Beach Commissioners

OPNA Board Members

Orchard Park Neighborhood Association
Joy B. Spill, President
4200 Royal Palm Ave
Miami Beach, FL 33140
Office 305-670-6750
Cell 305-510-7306

RECEIVED
2004 MAY 13 PM 4:19
MAYOR/COMMISSION
BY

May 12, 2004

Commissioner Luis R. Garcia, Jr.
City of Miami Beach
1700 Convention Center Drive
Miami Beach, FL 33139

Dear Commissioner Luis:

I have refrained from writing to you to complain about the 42nd Street Beautification Project because as an optimist I was hopeful that the situation would improve. I asked for this project and since I live on the street and have been personally enduring the inconveniences for the last 7 months I did not want it to appear that I was whining for my own sake. In writing this letter I know that I now speak for hundreds of residents who are up in arms about how this project has not progressed. The situation has not improved (it has become intolerable) and as President of the Orchard Park Neighborhood Association (OPNA - consisting of those residents living between 42nd Street and 47th Street from Chase Ave to Pine Tree Drive) I have been barraged with complaints from residents who live throughout the OPNA area and beyond. I have received numerous complaints from residents who have had to replace tires after getting flats from the "boulder like" rocks that were placed on the road. Now, there are the concerns that some children are having allergic reactions to the omnipresent dust. Parents at North Beach are horrified by the long term effects of dust particles to their children. I am sure that you watched the report on Channel 7 last night. 42nd Street is now known as the "Sick Street" courtesy of Channel 7 News. I cannot promise what other public relations nightmares loom in the future because of the anger of the residents.

The basic problem as we in the neighborhood who watch the project on a daily basis is utter lack of common sense and supervision by the City. For example, the truck with water to spray the street so the dust would be diminished did not appear on the street until after several emails from concerned neighbors and members of OPNA's board of directors demanded that the street be dampened periodically. There is still an alarming lack of signage despite dozens of requests from members of our board of directors for appropriate signage warning drivers to slow down, informing them that the street is one way, and advising them to find alternate routes. Drivers in SUVs speed through the area kicking up the dust and large rocks. We have clamored for appropriate signage. People drive the wrong way on the one way street more than ever due to lack of signage.

We are aware that the collapse of the water system on 42nd Street was an unexpected set back, however, common sense tells us that it was a blessing in disguise. The City had planned to dig up the new streetscape and replace the main water pipes in 2 years under the GO Bond program. Now that the pipes have been installed, every effort must be made to make sure that this phase of the project be completed immediately. Since this was slated as a project of the GO Bond there is no excuse that there is a lack of funds. Several 42nd Street residents have their driveways or access to their homes blocked by large holes and water pipes that are not connected to the new water system. We have endured this situation for over 4 weeks now. Please connect to the new system, fill in the holes and add new pavement and make this a top priority.

When complaints were lodged by residents that the street was turning into large potholes, the contractors responded by delivering extremely large rocks which made the situation much worse. It is my understanding that those rocks need to be crushed and the street leveled down, but more than a week has passed and still the street is like the rocky mountains. Is the contractor hoping speeding SUVs speed down the street and break up the rocks? Who is supervising the Contractors? What is the timetable for moving this project to its completion. If there are project overruns, who is supervising?

Ronnie Singer as liaison between the City and the Residents on this Project has done an admirable job in keeping the neighborhood and OPNA informed on the various problems that have arisen during this project. But her ability to keep us informed is obviously hampered by the lack of common sense and supervision on the part of the City officials who are responsible in overseeing this project. For example, we have been advised that the contractors are required by their contracts to provide certain signage, but who is holding the contractors' feet to the fire to ensure that they fully comply with their contracts?

We continue to believe that the streetscape is a needed and important project, we urge to you get personally involved to obtain from your City employees **a detailed list of the steps needed to complete the hook up of the new water system, to ensure that we have safe water, and to return the road to a safe and drivable condition, to reduce the dust that we are all breathing night and day and complete the streetscape phase of the project. This list should be complete with a projected timeline. Then review the time line to see if it makes sense.**

This project needs appropriate oversight. Proper signage should be erected immediately warning drivers to drive slowly and with caution to avoid kicking up dust. Dampening should continue regularly to reduce the dust and the "boulders" on the roadway need to be crushed to an appropriate size to smooth out the road. Whatever needs to be done to make sure that we have safe water must be a high priority. If it takes working with the County or State officials to expedite approvals make it happen.

We know that you are a caring person, please come view the street, drive on it (slowly please!) and then demand of your City officials that this project proceed swiftly and with common sense and oversight.

Sincerely yours

Joy B. Spill

OPNA's official web site: http://www.orchardparkneighborhood.com/
For a detailed look at the current state of 42nd Street as of May 10th, 2004 go to:
http://www.orchardparkneighborhood.com/images/42/42.htm

Cc: Nick Spill
Gordon Loader
Nina Yarus
Karen Rivo
Mike Gibaldi
Penny Parham
Bill Platt
Jill Turner

c: CMC, RCM
MHD
LC

RECEIVED
2004 MAY 17 AM 10: 15
CITY MANAGERS OFFICE
BY

CITY OF MIAMI BEACH
OFFICE OF THE MAYOR & COMMISSION
MEMORANDUM

TO: JORGE GONZALEZ
CITY MANAGER

FROM: RICHARD STEINBERG RLS/SM
COMMISSIONER

DATE: May 14, 2004

RE: May 26th Commission Agenda- Discussion Item regarding Status of the Examination of Concurrency Policies in the City of Miami Beach

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I would like to receive an update on the status of the examination of the concurrency policies in the City of Miami Beach. Please place this as an item for discussion on the May 26th Commission agenda.

If you need anything further, please feel free to contact my Aide, Ms. Dolores Mejia, at extension 6834.

RLS/dm

Agenda Item R9F
Date 5-26-04

CITY OF MIAMI BEACH
Office of the City Manager

Letter to Commission No. 082-2004

To: Mayor David Dermer and Members of the City Commission **Date:** April 9, 2004

From: Jorge M. Gonzalez
City Manager

Subject: **Concurrency**

The City is currently undertaking a review of its Comprehensive Plan through the Evaluation and Appraisal Report (EAR) process. The process is intended to identify major issues of importance to the City. Issues related to transportation congestion, and to development and density will be among the most important concerns facing the City. As we begin this process, special focus will be placed on examining the City's Concurrency policies, in order to address the impacts of future development on the traffic circulation and infrastructure needs of Miami Beach.

The City Commission and the Administration started to examine the concurrency issue in depth beginning over a year ago. The Ad Hoc Concurrency Committee was appointed to look into the City's concurrency system and to make recommendations to the City Commission. The City's Planning Board has also begun to make a preliminary view of the concurrency system. Since then, several steps have been taken by the Commission and the Administration to address the most immediate concerns identified.

- An exemption for small businesses which generate less than 100 vehicle trips per day was enacted by the City Commission.

- The City no longer charges applicants an administrative fee when it is determined that there is no net impact from the proposed project upon the City's roadway network.

- The Concurrency Management review function has been moved out of the Public Works Department and into the Planning Department, in order to streamline the review function and make the application process more convenient.

The Ad-Hoc Concurrency Committee, with the assistance of City staff, has studied the concurrency system in depth and has come to a conclusion regarding possible steps the City should take. The Committee has voted to recommend the following four proposals to the City Commission:

1. Support a Regional Traffic Study involving the examination of traffic flows throughout the barrier island region, including adjacent municipalities such as Surfside, Bal Harbor, Sunny Isles Beach, and perhaps even Hallandale and Hollywood in Broward County. This study would establish the traffic flows of commuters using Miami Beach as a cut-through to downtown Miami from further north. The study could make recommendations that may help divert traffic to I-95 through other corridors, as well as focus on development trends in other municipalities which may have negative effects on the regional roadway network.

2. Support a City-wide Transportation Master Plan which would examine traffic flows within Miami Beach, paying special attention to the serious "choke-points" which are causing the most trouble for traffic circulation. Such a master plan would go beyond the Municipal Mobility Plan (MMP) to focus more on improving traffic movement or traffic flow, where possible, and specifically addressing possible improvements to the identified "choke-points".

3. Explore the concept of a Major Development Project Review Process as an alternative to the current system of traffic concurrency. Such a system is used by other municipalities, for example in Miami, and would seek to ensure that developments over a certain threshold are assessed an appropriate fee that would defray the impacts such projects have on the City's infrastructure. Integrate the Transportation Master Plan and the Major Development Review concept into the City's Comprehensive Plan during the upcoming Evaluation and Appraisal Report (EAR) process.

4. Evaluate the current practice of granting credits for the proximity of transit facilities to proposed developments when calculating concurrency impact fees. While state law specifies that credits are to be granted for bus routes and circulator transit routes, the state mandated credits granted appear to be out of proportion to the actual number of transit riders associated with large development projects. Explore how a major development project review process (#3 above) could assess impact fees on projects exceeding certain thresholds, without applying credit for transit facilities in such a blanket manner.

The Planning Board has also held discussions regarding the concurrency system and has recommended that the City Commission urgently address the issues as soon as possible.

The next two months, during the City's EAR process, will be a particularly good time to discuss these issues in a variety of forums. The City has scheduled several citizen meetings, and meetings will be held with the Planning Board and City Commission, as well as scoping meetings with the staff of several State and local agencies such as the South Florida Regional Planning Council, the Florida Department of Community Affairs, Miami-Dade County and adjacent local municipalities.

We expect to be able to make progress on addressing the major issues of concern to the City, and to especially focus on solutions that will address the long-term planning concerns regarding transportation congestion and future development.

If you have any questions relative to this matter, or require additional information, please contact me.

JMG:CMC:JGG:RGL

c: Christina Cuervo, Assistant City Manager
Bob Parcher, City Clerk
Murry Dubbin, City Attorney
Gary Held, Assistant City Attorney
Jorge G. Gomez, Planning Director
Richard Lorber, Planning and Zoning Manager
Mercedes Lamazares, Principal Planner
Stephen Foren, Senior Planner
Henry Johnson, Planning Department

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c: Floyd
Lilia

RECEIVED
2004 MAY 18 PM 3:44
CITY MANAGERS OFFICE
BY

CITY OF MIAMI BEACH
OFFICE OF THE MAYOR & COMMISSION
MEMORANDUM

TO: JORGE M. GONZALEZ
CITY MANAGER

FROM: LUIS R. GARCIA JR.
COMMISSIONER

DATE: MAY 18, 2004

RE: AGENDA ITEM

Attached please find the transcripts of the recently televised program regarding the existing lack of swimming skills in the Fire Department.

This is of great concern to me especially in view of the statements that were made which I have highlighted for your review. Subsequently, I am requesting that this matter be placed as a discussion item on the May 26th agenda.

Thank you.

Attachments

Agenda Item R9G
Date 5-26-04

http://www.wsvn.com/features/

7 News Investigation: *Sink Or Swim*

Air Date: 05/13/2004
Reported By: Carmel Cafiero

When an emergency occurs on the water, you'd think it would be mandatory for our rescue crews to know how to swim. But it turns out some Miami Beach firefighters may not be able to swim well enough to save themselves, much less anybody else. In tonight's special assignment report, 7's investigative reporter Carmel Cafiero shows us how it can be a matter of sink or swim.

(WSVN) -- Fighting fires is their passion.

But you'll find firefighters at the scene of every kind of emergency - from handling hazardous materials to water rescues.

This is a training drill for Miami Beach firefighters.

Lt. Samperi: "We have a victim in the water."

Seven News however has learned not all Miami Beach firefighters can swim.

For years, they haven't been required to even pass a minimum test.

Anonymous Firefighter: "When we go to the pool they're no where near the pool, they're not getting in the water and nothing is being done about it."

This firefighter is so concerned he spoke out - on the condition we protect his identity.

Carmel: "So at this point are you concerned if you don't say something to speak up against this that eventually lives will be lost? It's a matter of time."

In the last few months, we've seen the challenges Miami Beach firefighters face.

In one case, a firefighter was forced to jump in the water when strong winds started moving a burning boat away from the dock.

In another case, two men were rescued by firefighters after their boat sank off the beach.

But they were lucky.

For 10 years now, new firefighters who don't swim have not been taught the basic skills.

Anonymous Firefighter: "Nothing is ever done about anybody who cannot swim. There has never been a fire department sanctioned class to teach anybody to swim."

Chief Jordan: "Typically these things don't work by going to the press."

Fire Chief Floyd Jordan wasn't happy about the criticism.

He says the department has enough strong swimmers to handle emergencies.

Chief Jordan: "We never have a day where we don't have rescue swimmers on duty."

And he says since 1999 the department has tested new recruits.

Chief Jordan: "I would be surprised if we don't have or rather we have firefighters that can't swim at all."

But in a voluntary swim evaluation conducted by the department last June, only half of the Miami Beach the firefighters would agree to demonstrate their swimming skills.

The evaluation reads, "Most of the firefighters that did not participate in the evaluation are weak swimmers or cannot swim at all. We can expect less than two thirds of our personnel to be able to pass our current swim evaluation."

Chief Jordan: "Everybody's not gonna be Johnny Wiesmuller or Mark Smitz... OK."

Miami Beach City Manager Jorge Gonzalez says the chief is right.

He says roughly only one out of every one thousand emergency calls last year - were water related.

City Manager Jorge Gonzalez: "Through our extensive research it was determined that skill in and of itself did not make you a better or worse firefighter."

He's not worried about the firefighters who can't swim.

He says they'd be okay if they fell in the water, because most beach waterways are only six to seven feet deep.

City Manager Jorge Gonzalez: "So even if they did fall off a dock they would likely be able to stand up and be above the water."

But Miami Dade Fire Rescue has a different take on swimming.

It requires recruits to pass a swimming test within their first year.

Lt. Baum: "They all need to swim and self save if nothing else."

These recruits already passed the basic test and on this day were being evaluated to determine if they can become rescuers.

On any given year, they will save an average of five lives in water related incidents.

Lt. Baum: "Which doesn't sound like a lot but it's a lot to those people who are saved and their families."

Carmel: "But back on the Beach things are changing - and officials say not because Seven News started asking questions. This summer everybody will be tested and non-swimmers will, for the first time, be taught how to swim."

Lt Morris: "It's a little more difficult for adults because they have a developed fear if they have that fear, but it isn't impossible and it's definitely do-able."

But passing the swim test won't be a job requirement.

And that will surely upset critics who think "sink or swim" should not be an option.

FOR MORE INFORMATION:

Dade: 305-627-CLUE

Broward: 954-921-CLUE

email: clue@wsvn.com

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WSVN-TV
1401 79th Street Causeway
Miami FL 33141

C: CMC
MA
Lilia

RECEIVED

2004 MAY 20 AM 11:23

CITY MANAGERS OFFICE

BY

CITY OF MIAMI BEACH

OFFICE OF THE MAYOR & COMMISSION

MEMORANDUM

TO: JORGE M. GONZALEZ
CITY MANAGER

FROM: DAVID DERMER
MAYOR

DATE: MAY 20, 2004

RE: AGENDA ITEM

Please place on the May 26, 2004 agenda the enclosed resolutions extending invitations of Sister City Relationships to the cities of Fotaleza, Brazil and Nahariya, Israel and terminating the Sister City relationship with the City of Ramat Gan, Israel.

Thank you.

DD:jb

Agenda Item R9H
Date 5-26-04

CITY OF MIAMI BEACH
CITY ATTORNEY'S OFFICE

RECEIVED
2004 MAY 19 PM 3:51
MAYOR/COMMISSION
BY

TO: **Jose Bermudez**
Special Advisor to the Mayor

FROM: **Murray H. Dubbin**
City Attorney MHD

DATE: **May 19, 2004**

SUBJECT: **Sister Cities**

Per your request I am enclosing resolutions extending invitations of Sister City Relationships to the cities of Fortaleza, Brazil and Nahariya, Israel, and terminating the Sister City Relationship with the City of Ramat Gan, Israel.

These have all been approved as to form and language for execution and are ready for consideration by the Commission.

MHD:lm

Encl.

cc: Jorge M. Gonzalez
City Manager

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, EXTENDING AN INVITATION TO THE CITY OF NAHARIYA, ISRAEL, TO BECOME A SISTER CITY OF MIAMI BEACH, FLORIDA. DESIGNATING MAYOR DAVID DERMER AS THE CITY'S REPRESENTATIVE AND TRANSMITTING THIS RESOLUTION TO THE OFFICIALS OF NAHARIYA, ISRAEL.

WHEREAS, it has been the policy of the United States of America to establish and maintain a "People to People" Program designed to foster and encourage warm understanding and cordial friendship between the People of the United States of America and other nations through the medium of direct personal contact; and

WHEREAS, it is the desire and intent of the City Commission of the City of Miami Beach to implement said program, by affiliating the City of Miami Beach and its people with another City and another nation, possessing inherently similar characteristics and interest as a Sister City; and

WHEREAS, the people of the City of NAHARIYA, ISRAEL, which was founded in 1611 and is the main tourist destination in the Northeast region of Brazil, have declared this desire to join with the City of Miami Beach in a mutual agreement of friendship and the exchange and promotion of the cultural, economic and social ties between each other; and

WHEREAS, the lofty ideals and principles of Equality, Liberty, Justice and Righteousness are the basic tenets of our people and there exist further similarities amongst them.

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

SECTION 1. That this City Commission, on behalf of the City of Miami Beach, Florida, hereby extends an invitation to the Government and People of the City of NAHARIYA, ISRAEL.

To participate with the City of Miami Beach, as its Sister City, in the Sister Cities International "People to People" Program, for the purpose of creating between the peoples of our two great nations and cities a most cordial and mutually beneficial relationship of harmony, understanding, good will and inspiration.

Section 2. That the Honorable David Dermer, Mayor of the City of Miami Beach, Florida, is hereby appointed as the City's representative and Chairman for said program.

Section 3. That a copy of this Resolution shall be transmitted to the Mayor, and other Government Officials of the City of NAHARIYA, ISRAEL; and to the Sister Cities' International Program Headquarters in Washington, D.C.

PASSED and **ADOPTED** this _____ day of _____, 2004.

ATTEST:

_____
MAYOR

_____
CITY CLERK

MHD:lm

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APPROVED AS TO FORM & LANGUAGE & FOR EXECUTION

City Attorney _____ Date 5-19-04

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, EXTENDING AN INVITATION TO THE CITY OF FORTALEZA, BRAZIL, TO BECOME A SISTER CITY OF MIAMI BEACH, FLORIDA. DESIGNATING MAYOR DAVID DERMER AS THE CITY'S REPRESENTATIVE AND TRANSMITTING THIS RESOLUTION TO THE OFFICIALS OF FORTALEZA, BRAZIL.

WHEREAS, it has been the policy of the United States of America to establish and maintain a "People to People" Program designed to foster and encourage warm understanding and cordial friendship between the People of the United States of America and other nations through the medium of direct personal contact; and

WHEREAS, it is the desire and intent of the City Commission of the City of Miami Beach to implement said program, by affiliating the City of Miami Beach and its people with another City and another nation, possessing inherently similar characteristics and interest as a Sister City; and

WHEREAS, the people of the City of FORTALEZA, BRAZIL, which was founded in 1611 and is the main tourist destination in the Northeast region of Brazil, have declared this desire to join with the City of Miami Beach in a mutual agreement of friendship and the exchange and promotion of the cultural, economic and social ties between each other; and

WHEREAS, the lofty ideals and principles of Equality, Liberty, Justice and Righteousness are the basic tenets of our people and there exist further similarities amongst them.

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

SECTION 1. That this City Commission, on behalf of the City of Miami Beach, Florida, hereby extends an invitation to the Government and People of the City of FORTALEZA, BRAZIL.

To participate with the City of Miami Beach, as its Sister City, in the Sister Cities International "People to People" Program, for the purpose of creating between the peoples of our two great nations and cities a most cordial and mutually beneficial relationship of harmony, understanding, good will and inspiration.

Section 2. That the Honorable David Dermer, Mayor of the City of Miami Beach, Florida, is hereby appointed as the City's representative and Chairman for said program.

Section 3. That a copy of this Resolution shall be transmitted to the Mayor, and other Government Officials of the City of FORTALEZA, BRAZIL; and to the Sister Cities' International Program Headquarters in Washington, D.C.

PASSED and **ADOPTED** this _____ day of _____, 2004.

ATTEST:

_____
MAYOR

_____
CITY CLERK

MHD:lm

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APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

City Attorney 5-07-04
Date

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, RELATING TO RAMAT GAN, ISRAEL, ESTABLISHED AS A SISTER CITY ON JULY 21, 1971 BY RESOLUTION NO. 13322; DETERMINNG THAT THE PURPOSES OF SAID RESOLUTION NO LONGER EXIST; TERMINATING SAID RELATIONSHIP AND REPEALING RESOLUTION NO. 13322.

WHEREAS, by Resolution No. 13322 adopted July 21, 1971, Miami Beach established a Sister City Relationship with the City of Ramat Gan, Israel; and

WHEREAS, said relationship has continued uninterrupted up to this date; and

WHEREAS, in recent days the communication between the two cities has deteriorated and mutual participation in programs has diminished so that the purposes and objectives of the relationship are no longer viable.

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

Section 1. The above recitals are correct and are adopted as findings of the Mayor and City Commission.

Section 2. Resolution No. 13322 heretofore adopted on July 21, 1971 is repealed and of no further force and effect.

Section 3. The Sister City Relationship between Miami Beach, Florida, and Ramat Gan, Israel, is hereby resolved and of no further force and effect.

Section 4. A copy of this Resolution shall be transmitted to the appropriate officials of Ramat Gan, Israel, and such other agencies who are involved in the Sister Cities Program in the United States.

PASSED and **ADOPTED** this _____ day of _____, 2004.

ATTEST:

_____
MAYOR

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

_____
CITY CLERK

MHD:lm

MH Dublin 5-19-04
City Attorney 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: May 26, 2004

From: Jorge M. Gonzalez
City Manager

Subject: **PARKING STATUS REPORT**

EXECUTIVE SUMMARY

The following comments serve to preface attended parking facilities (garages and lots) performance for the month of March 2004. In March 2004, gross revenues at attended facilities (garage and lots) increased by 31.48% 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 3.39% or $25,793.23.

During the month of March 2004, the Parking Department's attended locations earned a net profit of $747,653.81. This is an increase in net profit of $188,656.76 or 33.75% as compared to the same period in the prior year.

A) 17th Street Municipal Parking Garage: March 2004

During the month of March 2004, the 17th Street Garage had net revenues of $218,351.53. Net revenues are total revenues collected, minus sales tax, and are comprised of facility-specific access-card revenues of $57,360.00, transient parking revenues of $154,691.53, and valet rental fees of $6,300.00. Net revenues increased from $212,346.63 in 2003, to $218,351.53 in 2004; a 2.83% increase in net revenues.

After subtracting operating expenses of $72,101.54 the facility had a net profit for the month in the amount of $146,249.99. This represents an increase in net profit for the facility in the amount of $426.94 or .29% when compared to the same period in the previous year.

B) 7th Street Municipal Parking Garage: March 2004

During the month of March 2004, the 7th Street Municipal Parking Garage had net revenues of $232,942.76. Net revenues are total revenues collected, minus sales tax, and are comprised of facility-specific access-card revenues of $13,725.00 and transient parking revenues of $219,217.76. When compared to the same month in the prior year (March 2003), net revenues decreased from $234,597.82 in 2003, to $232,942.76 in 2004; a .71% decrease in net revenues. After subtracting operating expenses of $52,892.19 and debt service of $59,500.00 the facility had a net profit for the month in the amount of

Agenda Item A
Date 5-26-04

$120,550.57. This is a decrease in net profit of $3,364.21 or 2.71% as compared to the same period in the previous year, 2003. This decrease is primarily attributable to a decrease in transient parking revenues of $2,330.06.

The 7th Street Garage served a total of 51,068 parkers in the month of March, 2004.

C) 5-A Municipal Surface Parking Lots (Washington Avenue to Pennsylvania and 17th Street): March 2004

During the month of March 2004, the 5-A Surface Lots had net revenues of $179,219.82. Net revenues are comprised of facility-specific access-card revenues of $15,660.00 and transient parking revenues of $163,559.82. When compared to the same period in the prior year (March 2003), net revenues increased from $157,649.44 in 2003, to $179,219.82 in 2004; representing a 13.68% increase in net revenues. After subtracting operating expenses of $25,606.11, the facility had a net profit for the month in the amount of $153,613.71. This is an increase in net profit of $20,879.57 or 15.73% from March 2003. This increase is primarily attributable to an increase in transient parking revenues of $23,610.38. The 5-A Municipal Surface Parking Lot served a total of 54,125 parkers in the month of March, 2004.

D) 12th Street Municipal Parking Garage: March 2004

During the month of March 2004, the 12th Street Garage had net revenues of $43,280.37. Net revenues are comprised of facility-specific monthly parking revenues of $4,800.00 and transient parking revenues of $38,480.37. When compared to the same month in the prior year (March 2003), net revenues decreased from $44,839.49 in 2003, to $43,280.37 in 2004; a 3.48% decrease in net revenues. After subtracting operating expenses of $17,013.58 the facility had a net profit for the month in the amount of $26,266.79. This is a decrease in net profit of $1,448.18 or 5.23%. This decrease is primarily attributable to a decrease in transient parking revenues of $1,259.12. The 12th Street Garage served a total of 6,692 parkers in the month of March 2004.

E) 13th Street Municipal Parking Garage: March 2004

During the month of March 2004, the 13th Street Garage had net revenues of $74,928.56. Net revenues are comprised of facility-specific monthly parking permit revenues of $8,280.00 and transient parking revenues of $66,648.56. Compared to the same month in the prior year (2003), net revenues decreased from $75,545.37 in 2003, to $74,928.56 in 2004; representing a .82% decrease in net revenues. After subtracting operating expenses of $29,958.40, the facility had a net profit for the month in the amount of $44,970.16. This is a decrease in net profit of $1,683.90 or 3.61% from March 2003. The 13th Street Garage served a total of 13,047 parkers in the month of March 2004.

F) 16th Street-Anchor Parking Garage : March 2004

July 2003 was the first full month of operation of this facility by the City of Miami Beach Parking Department. During the month of March, 2004, the 16th Street Garage had net

revenues of $214,013.62. Net revenues are comprised of facility-specific monthly parking revenues of $29,494.86, transient parking revenues of $164,273.90, and valet rental fees of $20,244.86. After subtracting operating expenses of $40,554.09 the facility had a net profit for the month in the amount of $173,459.53. The 16th Street Garage served a total of 31,173 parkers in the month of March, 2004.

G) 42nd Street Municipal Parking Garage: March 2004

During the month of March, 2004, the 42nd Street Garage had net revenues of $38,744.84. Net revenues are comprised of facility-specific monthly parking revenues of $35,100.00 and transient parking revenues of $3,644.84. Compared to the same month in the prior year, 2003, net revenues increased from $36,695.90 in 2003, to $38,744.84 in 2004; representing a 5.58% increase in net revenues. After subtracting operating expenses of $15,701.78 the facility had a net profit for the month in the amount of $23,043.06. The 42nd Street Garage served a total of 14,770 parkers in the month of March, 2004.

H) Electronic Parking Meter Revenue Comparison: March 2004

This statement compares parking meter revenue collected in March 2004, with revenue collected in March 2003. When comparing revenues for March 2004 in the amount of $906,717.58 to revenues for March 2003 in the amount of $857,216.38, the report reflects an increase of $49,501.20 or 5.77% 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 March 2004 decal and permit revenue received was $101,871.42 and meter rental revenue (valet, construction, and special events) was $109,427.28 versus $110,802.77 and $136,571.56 respectively in March 2003. The combined total revenue produced at meters for the month of March 2004 was $1,118,016.28. This reflects an increase from the previous year in the amount of $13,425.57 or 1.22%.

I) Parking and Transportation Smart Card Sales: March 2004

In the month of March 2004, the Parking Department sold 3,365 Parking Meter Cards to merchants, vendors, hoteliers, and the public, for revenues in the amount of $82,672.50.

J) Hotel Hangtag Sales: March 2004

In the month of March 2004, the Parking Department sold 4,025 hotel hangtags to hoteliers in the amount of $24,150.

K) Multi-Space Parking Meter Pilot Program: March 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 January 2003. Year to date the

multi-space meters on Ocean Drive have yielded an 18.92% increase over the prior year and the machine installed in the parking lot at 777 17th Street has earned a 10.76% increase.

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JMG/CMC/SF

CITY OF MIAMI BEACH
PARKING DEPARTMENT
MULTI -SPACE PARKING METER REVENUE COMPARISON

LOCATION	Number of Spaces	2002 March	2003 March	Increase/ (Decrease)	2004 March	Increase/ (Decrease)
Ocean Drive	47	$7.94	$11.73	47.73%	$10.78	-8.10%
777 17th Street	27	$0.00	$2.98	#DIV/0!	$3.27	9.73%

YEAR TO DATE REVENUE COMPARISON

LOCATION	Number of Spaces	Fiscal 2001/2002	Fiscal 2002/2003	Increase/ (Decrease)	Fiscal 2003/2004	Increase/ (Decrease)
Ocean Drive	47	$5.20	$8.88	70.77%	$10.56	18.92%
777 17th Street	27	$0.00	$2.88	#DIV/0!	$3.19	10.76%

Method of Payment Distribution Year to Date for All Collections

Currency	**67.72%**
Coin	**21.86%**
Credit Card	**10.42%**
Total	**100.00%**

Multispace meters were installed in January 2003. Fiscal year 2002 data has been included to show the effect on revenue of the multi-space meters versus the single-space meters.

The 777 17th Street Lot did not contain meters in March 2002.

CITY OF MIAMI BEACH
PARKING DEPARTMENT
FINANCIAL REPORT SUMMARY

LOCATION	Revenue 2003 March	Revenue 2004 March	Revenue Increase/ (Decrease)	Revenue Percent of Increase/ (Decrease)	Expenses 2003 March	Expenses 2004 March	Expenses Increase/ (Decrease)	Expenses Percent of Increase/ (Decrease)	Profit/(Loss) 2003 March	Profit/(Loss) 2004 March	Profit/(Loss) Increase/ (Decrease)	Profit/(Loss) Percent of Increase/ (Decrease)
17 St. Garage	212,346.63	218,351.53	**6,004.90**	**2.83%**	66,523.58	72,101.54	**5,577.96**	**8.38%**	145,823.05	146,249.99	**426.94**	**0.29%**
7th St. Garage	234,597.82	232,942.76	**(1,655.06)**	**-0.71%**	51,183.04	52,892.19	**1,709.15**	**3.34%**	183,414.78	180,050.57	**(3,364.21)**	**-1.83%**
17th St. Lots	157,649.44	179,219.82	**21,570.38**	**13.68%**	24,915.30	25,606.11	**690.81**	**2.77%**	132,734.14	153,613.71	**20,879.57**	**15.73%**
12th St. Garage	44,839.49	43,280.37	**(1,559.12)**	**-3.48%**	17,124.52	17,013.58	**(110.94)**	**-0.65%**	27,714.97	26,266.79	**(1,448.18)**	**-5.23%**
13th St. Garage	75,545.37	74,928.56	**(616.81)**	**-0.82%**	28,891.31	29,958.40	**1,067.09**	**3.69%**	46,654.06	44,970.16	**(1,683.90)**	**-3.61%**
42nd St. Garage	36,695.90	38,744.84	**2,048.94**	**5.58%**	14,039.85	15,701.78	**1,661.93**	**11.84%**	22,656.05	23,043.06	**387.01**	**1.71%**
16th St. - Anchor	0.00	214,013.62	**214,013.62**	**#DIV/0!**	0.00	40,554.09	**40,554.09**	**#DIV/0!**	0.00	173,459.53	**173,459.53**	**#DIV/0!**
Totals	**761,674.65**	**1,001,481.50**	**239,806.85**	**31.48%**	**202,677.60**	**253,827.69**	**51,150.09**	**25.24%**	**558,997.05**	**747,653.81**	**188,656.76**	**33.75%**

	Revenue Per Space	Expenses Per Space	Profit/Loss Per Space	
17 St. Garage	149.56	49.38	100.17	The 17th Street Garage has 1460 spaces.
7th St. Garage	360.59	81.88	278.72	The 7th Street Garage has 646 spaces.
17th St. Lots	354.19	50.60	303.58	The 17th Street Lots have 506 spaces.
12th St. Garage	322.99	126.97	196.02	The 12th Street Garage has 134 spaces.
13th St. Garage	261.99	104.75	157.24	The 13th Street Garage has 286 spaces.
42nd St. Garage	62.49	25.33	37.17	The 42nd Street Garage has 620 spaces.
16th St. - Anchor	266.52	50.50	216.01	The 16th Street Anchor Garage has 803 spaces.

CITY OF MIAMI BEACH
PARKING DEPARTMENT
FINANCIAL REPORT SUMMARY - YTD

LOCATION	Revenue 2003 March YTD	Revenue 2004 March YTD	Revenue Increase/ (Decrease)	Revenue Percent of Increase/ (Decrease)	Expenses 2003 March YTD	Expenses 2004 March YTD	Expenses Increase/ (Decrease)	Expenses Percent of Increase/ (Decrease)	Profit/(Loss) 2003 March YTD	Profit/(Loss) 2004 March YTD	Profit/(Loss) Increase/ (Decrease)	Profit/(Loss) Percent of Increase/ (Decrease)
17 St. Garage	1,294,338.55	1,321,031.97	26,693.42	2.06%	430,928.22	447,438.13	16,509.91	3.83%	863,410.33	873,593.84	10,183.51	1.18%
7th St. Garage	1,016,198.17	1,041,519.52	25,321.35	2.49%	311,216.21	311,357.96	141.75	0.05%	704,981.96	730,161.56	25,179.60	3.57%
17th St. Lots	865,952.07	974,403.63	108,451.56	12.52%	158,714.67	153,177.15	(5,537.52)	-3.49%	707,237.40	821,226.48	113,989.08	16.12%
12th St. Garage	203,759.93	203,168.92	(591.01)	-0.29%	108,437.06	113,025.77	4,588.71	4.23%	95,322.87	90,143.15	(5,179.72)	-5.43%
13th St. Garage	354,965.61	355,610.27	644.66	0.18%	185,218.62	191,092.14	5,873.52	3.17%	169,746.99	164,518.13	(5,228.86)	-3.08%
42nd St. Garage	228,278.25	237,263.17	8,984.92	3.94%	91,061.81	103,138.01	12,076.20	13.26%	137,216.44	134,125.16	(3,091.28)	-2.25%
16th St. - Anchor	0.00	923,559.31	923,559.31	#DIV/0!	0.00	228,529.50	228,529.50	#DIV/0!	0.00	695,029.81	695,029.81	#DIV/0!
Totals	3,963,492.58	5,056,556.79	1,093,064.21	27.58%	1,285,576.59	1,547,758.66	262,182.07	20.39%	2,677,915.99	3,508,798.13	830,882.14	31.03%

	Revenue Per Space	Expenses Per Space	Profit/Loss Per Space	
17 St. Garage	904.82	306.46	598.35	The 17th Street Garage has 1460 spaces.
7th St. Garage	1,612.26	481.98	1,130.28	The 7th Street Garage has 646 spaces.
17th St. Lots	1,925.70	302.72	1,622.98	The 17th Street Lots have 506 spaces.
12th St. Garage	1,516.19	843.48	672.71	The 12th Street Garage has 134 spaces.
13th St. Garage	1,243.39	668.15	575.24	The 13th Street Garage has 286 spaces.
42nd St. Garage	382.68	166.35	216.33	The 42nd Street Garage has 620 spaces.
16th St. - Anchor	1,150.14	284.59	865.54	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 March	2004 March	Increase/ Decrease	Percent of Increase/ Decrease	Revenue/ Expense Per Space
17th St. Garage-2G						
Revenue-Ticket	480-8000-344583	147,306.63	154,691.53	7,384.90		
Revenue - Valet	480-8000-344583	6,300.00	6,300.00	0.00		
Revenue-Monthly Permits	480-8000-344514	58,740.00	57,360.00	-1,380.00		
	17th St. Garage REVENUE (Sales Tax Excluded)	212,346.63	218,351.53	**6,004.90**	**2.83%**	**$149.56**
Expenses						
Security Personnel		16,471.66	16,653.45	181.79		
Attendant/Cashier Labor		37,381.35	40,835.62	3,454.27		
FP&L		6,473.39	6,473.39	0.00		
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	66,523.58	72,101.54	**5,577.96**	**8.38%**	**$49.38**
	17th St. Garage PROFIT/(LOSS)	145,823.05	146,249.99	**426.94**	**0.29%**	**$100.17**
					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 **March-04**

Date	Day	Total Vehicle Entries	Peak Period	Peak Vehicle Count	Daily Ticket Revenue
1	Monday	2045	17:00 - 17:59	359	$2,495.33
2	Tuesday	2243	17:00 - 17:59	365	$2,961.68
3	Wednesday	2203	17:00 - 17:59	355	$2,691.59
4	Thursday	2329	18:00 - 18:59	324	$2,741.12
5	Friday	3599	22:00 - 22:59	576	$7,031.78
6	Saturday	4038	19:00 - 19:59	647	$11,985.98
7	Sunday	3410	13:00 - 13:59	597	$9,316.82
8	Monday	2297	17:00 - 17:59	378	$3,712.15
9	Tuesday	2361	17:00 - 17:59	359	$3,533.64
10	Wednesday	2285	17:00 - 17:59	368	$3,195.33
11	Thursday	2525	18:00 - 18:59	414	$3,386.92
12	Friday	3338	20:00 - 20:59	487	$6,296.26
13	Saturday	3646	22:00 - 22:59	666	$10,348.60
14	Sunday	3094	13:00 - 13:59	702	$7,184.11
15	Monday	2243	17:00 - 17:59	352	$2,906.54
16	Tuesday	3158	19:00 - 19:59	546	$6,634.53
17	Wednesday	2512	18:00 - 18:59	424	$3,787.85
18	Thursday	2866	09:00 - 09:59	477	$4,543.93
19	Friday	3169	21:00 - 21:59	438	$5,904.67
20	Saturday	3048	21:00 - 21:59	527	$8,439.25
21	Sunday	3094	14:00 - 14:59	529	$7,323.36
22	Monday	1926	17:00 - 17:59	315	$2,168.22
23	Tuesday	2653	11:00 - 11:59	489	$5,265.42
24	Wednesday	2368	22:00 - 22:59	285	$3,120.56
25	Thursday	2093	17:00 - 17:59	330	$2,228.97
26	Friday	2794	19:00 - 19:59	423	$4,401.87
27	Saturday	2909	19:00 - 19:59	613	$6,866.36
28	Sunday	2457	14:00 - 14:59	508	$5,693.46
29	Monday	1884	17:00 - 17:59	277	$2,071.02
30	Tuesday	2203	10:00 - 10:59	725	$3,328.04
31	Wednesday	2162	19:00 - 19:59	381	$3,126.17
	TOTAL	**82,952**			**$154,691.53**

MONTHLY PERMIT REVENUE	**$57,360.00**
VALET REVENUE	**$6,300.00**
TOTAL NET REVENUE	**$218,351.53**

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 March	2004 March	Increase/ (Decrease)	Percent of Increase/ (Decrease)	Revenue/ Expense Per Space
7th St. Garage-1G						
Revenue-Ticket	142-8000-344404	221,547.82	219,217.76	-2,330.06		
Revenue-Monthly Permits	142-8000-344404	13,050.00	13,725.00	675.00		
	7th St. REVENUE (Sales Tax Excluded)	234,597.82	232,942.76	**-1,655.06**	**-0.71%**	**$360.59**
Expenses						
Security Personnel		21,933.85	23,119.75	1,185.90		
Attendant/Cashier Labor		17,694.64	18,282.80	588.16		
Landscape Maintenance		984.00	918.67	-65.33		
FP&L		3,067.37	3,067.37	0.00		
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	985.00	0.00		
Surveillance System Maintenance		437.00	534.60	97.60		
	7th St. EXPENSES	51,183.04	52,892.19	**1,709.15**	**3.34%**	**$81.88**
	7th St. Estimated Debt Service	59,500.00	59,500.00	**0.00**	**0.00%**	**$92.11**
	7th St. PROFIT/(LOSS)	123,914.78	120,550.57	**-3,364.21**	**-2.71%**	**$186.61**
					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

March-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	Monday	972	14:00 - 14:59	195	$375.00	$72.48	$3,260.00
2	Tuesday	1059	13:00 - 13:59	213	$375.00	$72.48	$3,554.00
3	Wednesday	1200	15:00 - 15:59	232	$375.00	$72.48	$3,961.00
4	Thursday	1469	14:00 - 14:59	295	$375.00	$72.48	$4,990.00
5	Friday	2117	15:00 - 15:59	310	$375.00	$72.48	$13,363.00
6	Saturday	2267	19:00 - 19:59	297	$375.00	$72.48	$14,717.00
7	Sunday	2402	18:00 - 18:59	361	$375.00	$72.48	$13,522.00
8	Monday	2027	16:00 - 16:59	284	$375.00	$72.48	$7,775.00
9	Tuesday	1852	12:00 - 12:59	281	$375.00	$72.48	$6,936.00
10	Wednesday	1927	12:00 - 12:59	287	$375.00	$72.48	$7,136.00
11	Thursday	1660	15:00 - 15:59	276	$375.00	$72.48	$6,253.00
12	Friday	2031	23:00 - 23:59	308	$375.00	$72.48	$12,403.00
13	Saturday	2375	17:00 - 17:59	367	$375.00	$72.48	$15,256.00
14	Sunday	2119	14:00 - 14:59	358	$375.00	$72.48	$8,362.00
15	Monday	1421	16:00 - 16:59	218	$375.00	$72.48	$5,079.00
16	Tuesday	1343	14:00 - 14:59	209	$375.00	$72.48	$4,758.00
17	Wednesday	1668	16:00 - 16:59	293	$375.00	$72.48	$6,109.00
18	Thursday	1690	16:00 - 16:59	269	$375.00	$72.48	$6,119.00
19	Friday	2006	15:00 - 15:59	295	$375.00	$72.48	$12,708.00
20	Saturday	2322	11:00 - 11:59	354	$375.00	$72.48	$13,330.00
21	Sunday	2076	17:00 - 17:59	348	$375.00	$72.48	$9,008.00
22	Monday	1317	13:00 - 13:59	253	$375.00	$72.48	$4,358.00
23	Tuesday	1216	15:00 - 15:59	255	$375.00	$72.48	$3,878.00
24	Wednesday	922	12:00 - 12:59	156	$375.00	$72.48	$2,499.00
25	Thursday	947	14:00 - 14:59	175	$375.00	$72.48	$3,001.00
26	Friday	1672	14:00 - 14:59	267	$375.00	$72.48	$10,564.00
27	Saturday	2196	18:00 - 18:59	307	$375.00	$72.48	$13,073.00
28	Sunday	1875	17:00 - 17:59	322	$375.00	$72.48	$8,783.00
29	Monday	762	12:00 - 12:59	138	$375.00	$72.48	$2,593.00
30	Tuesday	1082	12:00 - 12:59	207	$375.00	$72.48	$3,551.00
31	Wednesday	1076	13:00 - 13:59	222	$375.00	$72.48	$3,664.00
	TOTAL	**51,068**			**$11,625.00**	**$2,247.00**	**$234,563.00**

TOTAL GROSS REVENUE	**$11,625.00**	**$2,247.00**	**$234,563.00**
SALES TAX	**$0.00**	**$147.00**	**$15,345.24**
TOTAL NET REVENUE	**$11,625.00**	**$2,100.00**	**$219,217.76**

Monthly Budgeted Revenue Needed to Break Even - FY 03/04 (Includes Debt Service)			**$138,601.25**
Less Current Month Net Revenue			**$232,942.76**
Over/(Short)			**$94,341.51**
Monthly Space Rental			
Goldman Properties - 155	**$11,625.00**	**No tax included**	
Other - 28	**$2,247.00**	**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 March	2004 March	Increase/ (Decrease)	Percent of Increase/ (Decrease)
17th St. Parking Lots - 5A					
Revenue-Ticket	480-8000-344515	139,949.44	163,559.82	23,610.38	
Revenue-Monthly Permits	480-8000-344596	17,700.00	15,660.00	-2,040.00	
	17th St. Lots REVENUE (Sales Tax Excluded)	157,649.44	179,219.82	**21,570.38**	**13.68%**
Expenses					
Security Personnel		1,750.52	883.44	-867.08	
Attendant/Cashier Labor		20,603.96	22,161.85	1,557.89	
Revenue Control Equipment Maintenance		1,666.67	1,666.67	0.00	
Landscape Maintenance		502.67	502.67	0.00	
FP&L		391.48	391.48	0.00	
	17th St. Lots EXPENSES	24,915.30	25,606.11	**690.81**	**2.77%**
	17th St. Lots PROFIT/(LOSS)	132,734.14	153,613.71	**20,879.57**	**15.73%**

Excel (Fdrive/Ping/$Pers/P&L/2004/November/5alots.xls)LN

City of Miami Beach
Parking Department **March-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	Monday	2043	$1,778.50	611	$1,230.84	$3,009.34
2	Tuesday	833	$2,369.16	603	$1,704.67	$4,073.83
3	Wednesday	860	$1,846.73	625	$1,434.58	$3,281.31
4	Thursday	855	$2,577.57	530	$1,593.46	$4,171.03
5	Friday	991	$3,771.96	818	$3,190.65	$6,962.61
6	Saturday	1012	$4,057.01	1168	$4,885.05	$8,942.06
7	Sunday	1010	$2,934.58	1117	$3,380.37	$6,314.95
8	Monday	925	$2,037.38	938	$2,412.15	$4,449.53
9	Tuesday	941	$2,207.48	981	$2,651.40	$4,858.88
10	Wednesday	933	$2,729.91	706	$2,193.46	$4,923.37
11	Thursday	879	$2,812.15	702	$2,196.26	$5,008.41
12	Friday	1034	$3,871.96	852	$3,674.77	$7,546.73
13	Saturday	1060	$4,374.77	1056	$4,183.18	$8,557.95
14	Sunday	802	$2,216.82	742	$1,942.06	$4,158.88
15	Monday	820	$1,752.34	688	$1,559.81	$3,312.15
16	Tuesday	890	$2,396.26	1002	$3,081.31	$5,477.57
17	Wednesday	894	$2,079.44	864	$2,504.67	$4,584.11
18	Thursday	859	$2,833.64	815	$2,768.22	$5,601.86
19	Friday	1,054	$3,896.26	934	$3,630.84	$7,527.10
20	Saturday	1111	$4,401.87	1052	$4,523.36	$8,925.23
21	Sunday	972	$3,060.75	1007	$3,471.96	$6,532.71
22	Monday	845	$1,752.34	590	$1,312.15	$3,064.49
23	Tuesday	1010	$2,692.52	922	$2,929.91	$5,622.43
24	Wednesday	888	$2,176.64	514	$1,436.45	$3,613.09
25	Thursday	748	$1,962.62	379	$1,061.68	$3,024.30
26	Friday	954	$3,237.38	706	$2,583.18	$5,820.56
27	Saturday	1066	$4,134.58	888	$3,751.40	$7,885.98
28	Sunday	1038	$3,172.90	895	$2,372.90	$5,545.80
29	Monday	781	$1,705.61	525	$1,126.17	$2,831.78
30	Tuesday	840	$2,449.53	537	$1,669.16	$4,118.69
31	Wednesday	886	$2,405.61	524	$1,407.48	$3,813.09
		29,834	**85,696.27**	**24,291**	**$77,863.55**	**$163,559.82**
			MONTHLY PERMIT REVENUE			**$15,660.00**
			TOTAL NET REVENUE			**$179,219.82**

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 March	2004 March	Increase/ Decrease	Percent of Increase/ Decrease	Revenue/ Expense Per Space
12th St. Garage - 2A						
Revenue-Ticket	480-8000-344504	39,739.49	38,480.37	-1,259.12		
Revenue-Monthly Permits	480-8000-344593	5,100.00	4,800.00	-300.00		
	12th St. REVENUE (Sales Tax Excluded)	44,839.49	43,280.37	**-1,559.12**	**-3.48%**	**$322.99**
Expenses						
Security Personnel		8,233.17	8,013.11	-220.06		
Attendant/Cashier Labor		7,052.06	7,226.18	174.12		
FP&L		108.54	108.54	0.00		
Elevator Maintenance		125.00	125.00	0.00		
Garage Cleaning/Maintenance		1,605.75	1,540.75	-65.00		
	12th St. EXPENSES	17,124.52	17,013.58	**-110.94**	**-0.65%**	**$126.97**
	12th St. PROFIT/(LOSS)	27,714.97	26,266.79	**-1,448.18**	**-5.23%**	**$196.02**

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/12thstge.xls)LN

City of Miami Beach
Parking Department
12th Street Garage - 2A Garage **March-04**

Date	Day	CMB	ARMOR	P.O	EMPLOYEE	COURT	BEST	HAND.	OTHERS	DAILY TICKETS	TOTAL ENTRIES	Daily Ticket Revenue
1	Monday	2	2	4	0	4	0	1	4	151	168	$818.69
2	Tuesday	0	0	4	1	1	0	1	19	142	168	$682.24
3	Wednesday	0	2	4	0	0	0	2	10	151	169	$757.01
4	Thursday	0	0	4	0	4	0	3	6	173	190	$912.15
5	Friday	0	2	6	0	3	0	3	0	266	280	$1,682.24
6	Saturday	0	0	1	0	0	0	7	1	293	302	$2,222.43
7	Sunday	0	2	0	0	0	0	4	0	281	287	$2,078.50
8	Monday	1	2	3	0	5	0	1	12	244	268	$1,355.14
9	Tuesday	0	1	2	0	4	0	2	23	228	260	$1,177.57
10	Wednesday	0	1	1	0	3	0	1	10	253	269	$1,295.33
11	Thursday	2	2	0	0	0	0	2	8	244	258	$1,347.66
12	Friday	1	1	6	0	1	0	1	0	271	281	$1,831.78
13	Saturday	1	0	0	0	1	0	4	0	291	297	$2,265.42
14	Sunday	0	1	0	0	0	0	0	3	198	202	$1,560.75
15	Monday	2	2	2	0	7	0	2	0	173	188	$790.65
16	Tuesday	0	1	0	0	2	0	0	13	215	231	$1,059.81
17	Wednesday	1	4	0	0	0	0	2	8	247	262	$1,319.63
18	Thursday	2	0	2	0	0	0	7	7	180	198	$970.09
19	Friday	1	1	4	0	2	0	3	1	206	218	$1,370.09
20	Saturday	0	0	1	0	0	0	5	8	235	249	$1,813.08
21	Sunday	0	2	0	0	1	0	1	1	205	210	$1,650.47
22	Monday	2	2	2	0	7	0	1	2	153	169	$800.00
23	Tuesday	0	0	0	0	3	0	1	11	156	171	$777.57
24	Wednesday	0	2	0	0	1	0	0	1	104	108	$506.54
25	Thursday	6	2	1	0	0	0	2	7	141	159	$693.46
26	Friday	1	2	0	0	1	0	4	3	212	223	$1,366.36
27	Saturday	0	0	0	0	0	0	5	13	250	268	$1,917.76
28	Sunday	0	0	0	0	0	0	0	0	175	175	$1,355.14
29	Monday	0	1	1	0	3	0	2	0	157	164	$684.11
30	Tuesday	0	1	0	0	2	0	0	9	153	165	$742.06
31	Wednesday	0	1	1	0	1	0	3	0	129	135	$676.64
	TOTAL	**22**	**37**	**49**	**1**	**56**	**0**	**70**	**180**	**6277**	**6692**	**$38,480.37**
									MONTHLY PERMIT REVENUE			**$4,800.00**
									TOTAL NET REVENUE			**$43,280.37**

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 March	2004 March	Increase/ Decrease	Percent of Increase/ Decrease	Revenue/ Expense Per Space
13th St. Garage-17A						
Revenue-Ticket	480-8000-344566	67,925.37	66,648.56	-1,276.81		
Revenue-Monthly Permits	480-8000-344527	7,620.00	8,280.00	660.00		
	13th St. REVENUE (Sales Tax Excluded)	75,545.37	74,928.56	**-616.81**	**-0.82%**	**$261.99**
Expenses						
Security Personnel		10,220.71	9,855.68	-365.03		
Attendant/Cashier Labor		14,744.77	15,516.07	771.30		
Landscape Maintenance		216.67	216.67	0.00		
FP&L		1,404.98	1,404.98	0.00		
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	1,483.00	0.00		
	13th St. EXPENSES	28,891.31	29,958.40	**1,067.09**	**3.69%**	**$104.75**
	13th St. PROFIT/(LOSS)	46,654.06	44,970.16	**-1,683.90**	**-3.61%**	**$157.24**
					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

March 2004

Date	Day	(Art Deco) Residential Decals	Monthly Permits	Handicap	City Wide Decals	Standard Attendants	Armor Security	Best Maintenance	Daily Tickets	Total Entries	Daily Ticket Revenue
1	Monday	22	1	3	0	7	2	0	319	354	$1,747.66
2	Tuesday	20	0	4	0	8	1	0	299	332	$1,647.66
3	Wednesday	21	0	3	0	7	2	0	303	336	$1,609.35
4	Thursday	25	1	3	0	7	4	0	375	415	$1,960.75
5	Friday	30	0	5	1	9	3	0	523	571	$2,954.21
6	Saturday	16	0	5	2	5	5	0	523	556	$3,161.68
7	Sunday	17	0	9	3	6	4	0	468	507	$2,863.55
8	Monday	35	0	0	1	5	2	0	475	518	$2,173.83
9	Tuesday	31	1	2	3	12	1	2	416	468	$1,970.09
10	Wednesday	30	0	3	2	11	2	2	426	476	$2,112.15
11	Thursday	30	1	3	1	9	1	0	394	439	$1,885.98
12	Friday	25	1	5	2	12	1	0	388	434	$2,618.69
13	Saturday	24	1	2	2	9	4	0	484	526	$3,289.72
14	Sunday	25	0	3	1	7	5	0	363	404	$2,323.36
15	Monday	27	0	1	1	5	2	0	377	413	$2,037.38
16	Tuesday	26	0	3	0	6	1	0	357	393	$1,900.93
17	Wednesday	21	0	2	0	6	2	0	417	448	$2,214.02
18	Thursday	25	2	2	0	5	2	0	425	461	$2,177.57
19	Friday	29	1	2	2	14	2	0	430	480	$2,647.66
20	Saturday	32	0	3	6	6	5	0	520	572	$3,199.07
21	Sunday	19	0	3	2	6	4	0	515	549	$2,984.11
22	Monday	26	0	0	1	3	3	0	336	369	$1,733.64
23	Tuesday	16	0	3	2	8	2	0	304	335	$1,491.59
24	Wednesday	17	0	0	0	8	4	0	263	292	$1,511.21
25	Thursday	21	0	0	2	10	2	0	244	279	$1,390.65
26	Friday	25	0	1	1	9	2	0	367	405	$2,085.98
27	Saturday	19	1	1	2	5	4	0	439	471	$2,704.67
28	Sunday	15	1	2	1	5	4	1	401	430	$2,326.17
29	Monday	25	0	1	1	6	2	0	225	260	$1,297.20
30	Tuesday	15	0	1	0	9	2	0	223	250	$1,116.82
31	Wednesday	15	0	3	0	7	3	0	276	304	$1,511.21
	TOTAL	**724**	**11**	**78**	**39**	**232**	**83**	**5**	**11875**	**13047**	**$66,648.56**
								MONTHLY PERMIT REVENUE			**$8,280.00**
								TOTAL NET REVENUE			**$74,928.56**

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	2003 March	2004 March	Increase/ Decrease	Percent of Increase/ Decrease	Revenue/ Expense Per Space
16th St. - Anchor Garage						
Revenue-Ticket	463-8000-344911		164,273.90	164,273.90		
Revenue -Valet-Loew's	463-8000-344587		20,244.86	20,244.86		
Revenue-Valet-Royal Palm	463-8000-344587		0.00	0.00		
Revenue-Monthly Permits	463-8000-344903		29,494.86	29,494.86		
	16th St. Garage REVENUE (Sales Tax Excluded)	0.00	214,013.62	214,013.62	#DIV/0!	$266.52
Expenses						
Security Personnel			13,607.43	13,607.43		
Attendant/Cashier Labor			17,423.33	17,423.33		
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)			174.34	174.34		
Fire Alarm Service			250.00	250.00		
	16th St. Garage EXPENSES	0.00	40,554.09	40,554.09	#DIV/0!	$50.50
	16th St. Garage PROFIT/(LOSS)	0.00	173,459.53	173,459.53	#DIV/0!	$216.01
					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) **March-04**

Date	Day	Total Vehicle Entries	Peak Period	Peak Vehicle Count	Daily Ticket Revenue
1	Monday	630	14:00 - 14:59	106	$2,510.28
2	Tuesday	643	13:00 - 13:59	96	$2,262.62
3	Wednesday	714	20:00 - 20:59	103	$2,110.28
4	Thursday	733	19:00 - 19:59	113	$2,428.04
5	Friday	1319	19:00 - 19:59	184	$7,101.87
6	Saturday	1574	12:00 - 12:59	232	$11,241.12
7	Sunday	1375	11:00 - 11:59	222	$7,993.46
8	Monday	1403	18:00 - 18:59	197	$8,166.43
9	Tuesday	1160	14:00 - 14:59	173	$6,170.09
10	Wednesday	1067	13:00 - 13:59	161	$5,960.75
11	Thursday	1108	14:00 - 14:59	186	$5,181.31
12	Friday	1397	17:00 - 17:59	207	$8,147.66
13	Saturday	1687	14:00 -14:59	248	$11,726.17
14	Sunday	1061	00:00 - 00:59	172	$7,023.36
15	Monday	718	15:00 - 15:59	120	$3,481.31
16	Tuesday	868	13:00 - 13:59	138	$3,833.64
17	Wednesday	1174	13:00 - 13:59	191	$5,887.85
18	Thursday	1011	12:00 - 12:59	178	$4,930.84
19	Friday	1139	22:00 - 22:59	115	$6,461.68
20	Saturday	1519	17:00 - 17:59	206	$9,490.65
21	Sunday	1177	14:00 - 14:59	227	$6,837.38
22	Monday	683	14:00 - 14:59	119	$2,626.17
23	Tuesday	722	12:00 - 12:59	134	$2,914.02
24	Wednesday	628	14:00 - 14:59	93	$1,988.79
25	Thursday	636	13:00 - 13:59	92	$2,344.86
26	Friday	915	15:00 - 15:59	119	$4,805.61
27	Saturday	1233	23:00 - 23:59	184	$8,530.84
28	Sunday	1175	15:00 - 15:59	215	$6,747.66
29	Monday	585	18:00 - 18:59	97	$2,126.17
30	Tuesday	579	18:00 - 18:59	99	$1,718.69
31	Wednesday	540	14:00 - 14:59	83	$1,524.30
	TOTAL	**31,173**			**$164,273.90**
	MONTHLY PERMIT REVENUE				**$29,494.86**
	VALET REVENUE				**$20,244.86**
	TOTAL NET REVENUE				**$214,013.62**

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 March	2004 March	Increase/ Decrease	Percent of Increase/ Decrease	Revenue/ Expense Per Space
42nd St. Garage - 8A						
Revenue-Ticket	480-8000-344531	2,375.90	3,644.84	1,268.94		
Revenue-Monthly Permits	480-8000-344595	34,320.00	35,100.00	780.00		
	42nd St. REVENUE (Sales Tax Excluded)	36,695.90	38,744.84	**2,048.94**	**5.58%**	**$62.49**
Expenses						
Security Personnel		8,230.10	8,245.44	15.34		
Attendant/Cashier Labor		2,718.84	3,317.88	599.04		
FP&L		1,805.96	1,805.96	0.00		
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	1,796.50	511.50		
	42nd St. EXPENSES	14,039.90	15,701.78	**1,661.88**	**11.84%**	**$25.33**
	42nd St. PROFIT/(LOSS)	22,656.00	23,043.06	**387.06**	**1.71%**	**$37.17**
					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	Mar. 2004 # of Meters	2003 March	2004 March	Increase/ (Decrease)	Percent of Increase/ (Decrease)
1X - (Washington - 4th & Lincoln) - On Street	480-8000-344501	291	58,048.95	53,315.20	(4,733.75)	-8.15%
1A - (1st Street & Ocean Dr.) - Off Street	480-8000-344502	57	10,697.45	11,493.58		
1A - (1st Street & Ocean Dr.) - Attended	480-8000-344502	0	0.00	0.00		
Total		57	10,697.45	11,493.58	796.13	7.44%
2X - (Washington - 5th & Lincoln) - On Street	480-8000-344503	370	59,786.48	54,055.98	(5,730.50)	-9.58%
2B - (6/7 & Meridian) - Off Street	480-8000-344505	22	596.39	422.87	(173.52)	-29.10%
3X - (Collins & Euclid Ave.) On Street	480-8000-344507	68	7,096.56	7,338.87	242.31	3.41%
4X - (Alton 7th St.- Dade Blvd.) - On Street	480-8000-344509	491	75,923.90	88,677.30	12,753.40	16.80%
4B - (Alton & 20th St.-Purdy-Dade Blvd.) - On Street	480-8000-344511	213	10,865.27	14,223.09	3,357.82	30.90%
4C - (West Ave & 17th St.) - Off Street	480-8000-344512	66	11,970.67	14,136.40	2,165.73	18.09%
4D - (West Ave & Lincoln Rd.) - Off Street	480-8000-344513	30	3,095.08	2,398.73	(696.35)	-22.50%
5C - (Convention Ctr. Dr. & 17th Street) - Off Street	480-8000-344517	85	2,368.13	1,916.47		
5C - (Convention Ctr. Dr. & 17th Street) - Attended	480-8000-344517	0	0.00	0.00		
Total		85	2,368.13	1,916.47	(451.66)	-19.07%
5F - (Meridian Ave & 18th Street) - Off Street	480-8000-344519	97	317.01	394.74		
5F - (Meridian Ave & 18th Street) - Attended	480-8000-344519	0	0.00	0.00		
Total		97	317.01	394.74	77.73	24.52%
5H - (19th Street & Meridian Ave) - Off Street	480-8000-344521	27	1,212.98	701.92	(511.06)	-42.13%
5M - (17th & Meridian Ave) - Off Street	480-8000-344506	27	2,228.08	2,741.07	512.99	23.02%
6X - (Collins - 20th to 24th St) - On Street	480-8000-344522	236	24,916.92	25,890.04	973.12	3.91%
6A - (22nd Street & Park)- Off Street	480-8000-344523	14	620.64	691.79	71.15	11.46%
6B - (Collins Ave & 21st Street) - Off Street	480-8000-344524	190	18,086.53	22,498.76		
6B - (Collins Ave & 21st Street) - Attended	480-8000-344524	0	0.00	0.00		
Total		190	18,086.53	22,498.76	4,412.23	24.40%
7X - (Ocean - Biscayne - 15th St) - On Street	480-8000-344525	442	87,696.47	97,452.86	9,756.39	11.13%
7A - (Collins Ave, 4th to 15th St) - On Street	480-8000-344526	591	150,744.68	140,627.85	(10,116.83)	-6.71%
7C - (Collins Ave & 6th St) - Off Street	480-8000-344528	14	1,355.23	679.74		
7C - (Collins Ave & 6th St) - Attended	480-8000-344528	0	0.00	388.79		
		14	1,355.23	1,068.53	(286.70)	-21.16%
8X - (Pinetree-Alton - 40th to 42nd St) - On Street	480-8000-344530	386	17,944.33	19,703.84	1,759.51	9.81%
8A - (42nd Street Garage) - Off Street Meters	480-8000-344531	11	451.80	245.69	(206.11)	-45.62%
8B - (42nd Street & Royal Palm) - Off Street	480-8000-344532	173	2,749.97	6,439.32		
8B - (42nd Street & Royal Palm) - Attended	480-8000-344532	0	0.00	0.00		
		173	2,749.97	6,439.32	3,689.35	134.16%
8C - (40/41 Street & Chase) - Off Street	480-8000-344533	88	1,938.59	2,740.17	801.58	41.35%
8D - (47th Street & Pinetree) - Off Street	480-8000-344534	16	112.71	111.37	(1.34)	-1.19%
8E - (41st Street & Alton) - Off Street	480-8000-344535	40	1,463.85	1,500.83	36.98	2.53%
8F - (41st Street & Jefferson) - Off Street	480-8000-344536	30	815.77	1,006.95	191.18	23.44%
9X - (Collins - 64th to 79th St) - On Street	480-8000-344537	527	28,383.24	27,012.86	(1,370.38)	-4.83%
9A - (Harding & 71st St) - Off Street	480-8000-344538	48	362.04	433.09	71.05	19.62%
9B - (72nd St. & Collins) - Off Street - Attended	480-8000-344539	0	0.00	8,489.72	8,489.72	#DIV/0!
9C (Carlyle & 71st St) - Off Street	480-8000-344540	14	78.91	57.41	(21.50)	-27.25%
9D - (Collins & 76th St) - Off Street	480-8000-344541	33	1,287.39	881.39	(406.00)	-31.54%

CITY OF MIAMI BEACH
PARKING DEPARTMENT
ELECTRONIC METER REVENUE COMPARISON

LOCATION	ACCOUNTING CODE	Mar. 2004 # of Meters	2003 March	2004 March	Increase/ (Decrease)	Percent of Increase/ (Decrease)
9E - (71st St. & Harding) - Off Street	480-8000-344542	31	115.61	180.19	64.58	55.86%
9F - (75th & Collins) - Off Street	480-8000-344543	106	3,610.42	4,020.49	410.07	11.36%
10A - (Lincoln Lane & Lenox) - Off Street	480-8000-344544	70	10,647.18	12,939.80	2,292.62	21.53%
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	27,128.73	33,262.52	6,133.79	22.61%
10D - (Lincoln Lane & Jefferson - W) - Off Street	480-8000-344547	62	10,227.35	11,842.23	1,614.88	15.79%
10E - (Lincoln Lane & Jefferson - E) - Off Street	480-8000-344548	19	3,294.84	4,365.56	1,070.72	32.50%
10F - (Lincoln Lane & Euclid) - Off Street	480-8000-344549	36	6,151.21	7,130.79	979.58	15.92%
10G - (Lincoln Lane & Michigan) - Off Street	480-8000-344550	21	2,671.35	3,358.19	686.84	25.71%
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	5,343.01	4,766.58		
12X - (Washington & 9th Street) - Attended	480-8000-344552	0	0.00	0.00		
Total		23	5,343.01	4,766.58	(576.43)	-10.79%
13X - (Washington & 10th Street) - Off Street	480-8000-344553	33	7,288.60	7,416.98		
13X - (Washington & 10th Street) - Attended	480-8000-344553	0	0.00	0.00		
Total		33	7,288.60	7,416.98	128.38	1.76%
15X - (16th to 18th East of Collins) - On Street	480-8000-344556	43	6,292.03	10,508.20	4,216.17	67.01%
15A - (Washington, 17th to 20th) - On Street	480-8000-344557	91	15,229.10	16,498.50	1,269.40	8.34%
15B - (Convention Center Drive) - On Street	480-8000-344558	46	3,288.80	4,376.16	1,087.36	33.06%
16X - (25th to 32nd, E of Collins) - On Street	480-8000-344559	78	6,585.88	6,026.06	(559.82)	-8.50%
16A - (35th to 43rd, E of Collins) - On Street	480-8000-344560	117	9,035.41	10,955.32	1,919.91	21.25%
16B - (Indian Crk Dr, 27th to 32nd) - On Street	480-8000-344561	219	5,425.13	5,348.94	(76.19)	-1.40%
16C - (Indian Crk - 33rd to 43rd) - On Street	480-8000-344562	230	10,010.54	10,753.82	743.28	7.42%
16D - (Collins Ave & 34th St) - Off Street	480-8000-344563	64	2,758.52	805.08		
16D - (Collins Ave & 34th St) - Attended	480-8000-344563	0	2,520.00	0.00		
Total		64	5,278.52	805.08	(4,473.44)	-84.75%
16E - (Collins Ave & 35th St) - Off Street	480-8000-344564	72	3,257.86	2,517.99		
16E - (Collins Ave & 35th St) - Attended	480-8000-344564	0	540.00	0.00		
Total		72	3,797.86	2,517.99	(1,279.87)	-33.70%
17X - (Collins & 13th Street) - Off Street	480-8000-344565	54	6,445.25	6,617.06		
17X - (Collins & 13th Street) - Attended	480-8000-344565	0	10,347.67	8,990.67		
Total		54	16,792.92	15,607.73	(1,185.19)	-7.06%
18X - (Indian Crk & 65th St) - Off Street	480-8000-344567	53	192.16	95.69	(96.47)	-50.20%
18A - (Collins & 64th St) - Off Street	480-8000-344568	67	3,313.11	3,463.06		
18A - (Collins & 64th St) - Attended	480-8000-344568	0	0.00	0.00		
Total		67	3,313.11	3,463.06	149.95	4.53%
19X - (Collins & 46th Street) - Off Street	480-8000-344569	449	19,753.62	17,375.30		
19X - (Collins & 46th Street) - Attended	480-8000-344569	0	2,481.31	1,121.50		
Total		449	22,234.93	18,496.80	(3,738.13)	-16.81%
19A - (Collins & 46th Street) - On Street	480-8000-344570	19	1,855.57	985.90	(869.67)	-46.87%
19B - (Collins & 53rd Street) - Off Street	480-8000-344571	158	4,325.39	3,582.59		
19B - (Collins & 53rd Street) - Attended	480-8000-344571	0	0.00	448.60		
Total		158	4,325.39	4,031.19	(294.20)	-6.80%

CITY OF MIAMI BEACH
PARKING DEPARTMENT
ELECTRONIC METER REVENUE COMPARISON

LOCATION	ACCOUNTING CODE	Mar. 2004 # of Meters	2003 March	2004 March	Increase/ (Decrease)	Percent of Increase/ (Decrease)
20X - (Collins Ave & 27th St) - Off Street	480-8000-344572	121	3,788.55	2,179.16		
20X - (Collins Ave & 27th St) - Attended	480-8000-344572	0	0.00	0.00		
	Total	121	3,788.55	2,179.16	(1,609.39)	-42.48%
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	31.41	44.02	12.61	40.15%
24X - (Normandy Isle & Bay Dr) - On Street	480-8000-344576	102	3,791.03	3,470.01	(321.02)	-8.47%
24A - (Normandy Isle & Bay Dr) - Off Street	480-8000-344577	26	527.59	439.89	(87.70)	-16.62%
24B - (Normandy Isle & Vendome) - Off Street	480-8000-344578	22	405.70	606.50	200.80	49.49%
24C - (Normandy Isle & Bay Rd S/S) - Off Street	480-8000-344579	33	588.97	511.35	(77.62)	-13.18%
25X - (Bonita Drive & 71st St) - Off Street	480-8000-344580	15	247.04	340.59	93.55	37.87%
26X - (Collins, 79th to 87th Terr) - On Street	480-8000-344581	283	2,995.96	3,296.17	300.21	10.02%
10X - (Lincoln Lane & Lenox - Off Street)	480-8000-344582	99	16,426.30	19,989.80		
10X - (Lincoln Lane & Lenox - Attended	480-8000-344582	0	0.00	0.00		
Total		99	16,426.30	19,989.80	3,563.50	21.69%
26A - (Collins & 80th Street) - Off Street	480-8000-344584	62	549.44	418.78	(130.66)	-23.78%
26B - (Collins & 84th Street) - Off Street	480-8000-344585	62	411.75	321.69	(90.06)	-21.87%
4E (Purdy & 18th Street) - Off Street	480-8000-344586	39	3,418.88	3,386.66		
4E (Purdy & 18th Street) - Attended	480-8000-344586	0	0.00	3,140.19		
		39	3,418.88	6,526.85	3,107.97	90.91%
8G - (40th Street & Royal Palm) - Off Street	480-8000-344592	43	1,831.83	2,769.06	937.23	51.16%
8H - (40th Street & Prairie) - Off Street	480-8000-344594	71	2,664.94	3,666.46	1,001.52	37.58%
26C - (Collins & 79th Street) - Off Street	480-8000-344600	34	148.95	184.48	35.53	23.85%
26D - (Collins & 83rd Street) - Off Street	480-8000-344601	95	143.80	68.17	(75.63)	-52.59%
SLSP00 - (Southpoint Lot) - Off Street	480-8000-344602	108	11,501.50	1,230.85		
SLSP00 - (Southpoint Lot) - Attended	480-8000-344602	0	0.00	17,853.27		
		108	11,501.50	19,084.12	7,582.62	65.93%
4th & Alton Lot - Off Street	480-8000-344604	21	1,724.41	1,711.36	(13.05)	-0.76%
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**	**857,216.38**	**906,717.58**	**49,501.20**	**5.77%**

CITY OF MIAMI BEACH
PARKING DEPARTMENT
DEBIT CARD REVENUE: MARCH 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	20			0	0	$450.00
CLEAN MACHINE	0	0	0			0	0	$0.00
FINANCE DEPARTMENT	0	77	87			0	0	$3,882.50
KOSHER WORLD	0	0	0			0	0	$0.00
LEE ANN DRUGS	0	0	0			0	0	$0.00
NEWS CAFE	0	0	0			0	0	$0.00
PARKING DEPARTMENT	0	309	109		$0.00	0	0	$10,177.50
PARKING DEP.(GARAGES)	0	6	0			0	0	$150.00
PUBLIX SUPERMARKET	0	0	2751			0	0	$61,897.50
SUNSET CAFÉ	0	0	6			0	0	$135.00
BEACH BANK	0	0	0			0	0	$0.00
PRKG MACHINE - CASH	0	0	0	$3,205		0	0	$3,205.00
PRKG MACHINE - CREDIT	0	0	0	$2,775		0	0	$2,775.00
ZELICK'S TOBACCO	0	0	0			0	0	$0.00
WOLFSONIAN	0	0	0			0	0	$0.00
SHEMTOV'S	0	0	0			0	0	$0.00
TOTAL # OF CARDS	**0**	**392**	**2,973**	**N/A**	**N/A**	**0**	**0**	**3,365.00**
TOTAL $ AMOUNT	**$0.00**	**$9,800.00**	**$66,892.50**	**$5,980.00**	**$0.00**	**$0.00**	**$0.00**	**$82,672.50**

Excel (Fdrive/Ping/$Pers/P&L/2004/January/Debitcrd.xls)

CITY OF MIAMI BEACH
PARKING DEPARTMENT
DEBIT CARD REVENUE: OCTOBER 2003 - MARCH 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	60			0	0	$1,350.00
CLEAN MACHINE	0	0	0			0	0	$0.00
FINANCE DEPARTMENT	0	423	397			0	0	$19,507.50
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	1627	720		$0.00	0	0	$56,875.00
PARKING DEP.(GARAGES)	0	29	0			0	0	$725.00
PUBLIX SUPERMARKET	0	0	14831			0	0	$333,697.50
SUNSET CAFÉ	0	0	6		0.00	0	0	$135.00
BEACH BANK	0	0	50			0	0	$1,125.00
PRKG MACHINE - CASH	0	0	0	$14,300		0	0	$14,300.00
PRKG MACHINE - CREDIT	0	0	0	$12,140		0	0	$12,140.00
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**	**2,079**	**16,481**	**N/A**	**N/A**	**0**	**0**	**18,560.00**
TOTAL $ AMOUNT	**$0.00**	**$51,975.00**	**$370,822.50**	**$26,440.00**	**$0.00**	**$0.00**	**$0.00**	**$449,237.50**

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	154,691.53	0.00	0.00	0.00	0.00	0.00	0.00	952,631.97
Revenue - Space Rental	480-8000-344583	6,300.00	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	37,800.00
Revenue-Monthly Permits	480-8000-344514	53,760.00	56,760.00	54,960.00	54,000.00	53,760.00	57,360.00	0.00	0.00	0.00	0.00	0.00	0.00	330,600.00
	17th St. REVENUE (Sales Tax Excluded)	186,359.54	225,065.37	201,931.96	219,206.54	270,117.03	218,351.53	0.00	0.00	0.00	0.00	0.00	0.00	1,321,031.97
Expenses														
Security Personnel		15,896.40	16,574.30	16,802.34	15,494.05	17,601.32	16,653.45	0.00	0.00	0.00	0.00	0.00	0.00	99,021.86
Attendant/Cashier Labor		41,511.91	48,342.11	40,772.36	36,234.53	52,732.42	40,835.62	0.00	0.00	0.00	0.00	0.00	0.00	260,428.95
FP&L		6,473.39	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	38,840.34
Revenue Control Equipment Maintanance		1,666.67	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	10,000.02
Armed Guard Revenue Pickup		420.00	420.00	420.00	420.00	420.00	420.00	0.00	0.00	0.00	0.00	0.00	0.00	2,520.00
Elevator Maintenance		738.00	613.00	613.00	800.50	613.00	613.00	0.00	0.00	0.00	0.00	0.00	0.00	3,990.50
Landscape and Lot Maintenance		108.33	108.33	108.33	108.33	108.33	108.33	0.00	0.00	0.00	0.00	0.00	0.00	649.98
Garage Cleaning/Maintenance		5,331.08	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	31,986.48
	17th St. EXPENSES	72,145.78	79,528.88	72,187.17	66,528.55	84,946.21	72,101.54	0.00	0.00	0.00	0.00	0.00	0.00	447,438.13
	17th St. PROFIT/(LOSS)	114,213.76	145,536.49	129,744.79	152,677.99	185,170.82	146,249.99	0.00	0.00	0.00	0.00	0.00	0.00	873,593.84

(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	219,217.76	0.00	0.00	0.00	0.00	0.00	0.00	960,744.52
Revenue-Monthly Permits	142-8000-344404	13,050.00	13,237.50	13,462.50	13,500.00	13,800.00	13,725.00	0.00	0.00	0.00	0.00	0.00	0.00	80,775.00
	7th St. REVENUE (Sales Tax Excluded)	152,579.56	153,079.56	143,703.62	180,542.06	178,671.96	232,942.76	0.00	0.00	0.00	0.00	0.00	0.00	1,041,519.52
Expenses														
Security		21,049.40	21,816.06	24,181.09	21,727.10	20,960.22	23,119.75	0.00	0.00	0.00	0.00	0.00	0.00	132,853.62
Attendant/Cashier Labor		17,797.52	17,668.48	17,422.60	17,959.47	17,642.05	18,282.80	0.00	0.00	0.00	0.00	0.00	0.00	106,772.92
Landscape Maintenance		918.67	1,114.00	918.67	918.67	848.00	918.67	0.00	0.00	0.00	0.00	0.00	0.00	5,636.68
FP&L		3,067.37	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	18,404.22
Revenue Control Equipment Maintenance		700.00	700.00	700.00	700.00	700.00	700.00	0.00	0.00	0.00	0.00	0.00	0.00	4,200.00
Garage Cleaning/Maintenance		4,864.00	4,699.00	4,765.00	4,864.00	4,864.00	4,864.00	0.00	0.00	0.00	0.00	0.00	0.00	28,920.00
Armed Guard Revenue Pickup		420.00	420.00	420.00	420.00	420.00	420.00	0.00	0.00	0.00	0.00	0.00	0.00	2,520.00
Elevator Maintenance		1,729.00	1,202.00	2,271.50	985.00	1,460.42	985.00	0.00	0.00	0.00	0.00	0.00	0.00	8,632.92
Surveillance System Maintenance		534.60	534.60	744.60	534.60	534.60	534.60	0.00	0.00	0.00	0.00	0.00	0.00	3,417.60
	7th St. EXPENSES	51,080.56	51,221.51	54,490.83	51,176.21	50,496.66	52,892.19	0.00	0.00	0.00	0.00	0.00	0.00	311,357.96
	7th Street Estimated Debt Service	59,500.00	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	357,000.00
	7th St. PROFIT/(LOSS)	41,999.00	42,358.05	29,712.79	69,865.85	68,675.30	120,550.57	0.00	0.00	0.00	0.00	0.00	0.00	373,161.56

(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	163,559.82	0.00	0.00	0.00	0.00	0.00	0.00	875,763.63
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	15,660.00	0.00	0.00	0.00	0.00	0.00	0.00	98,640.00
	17th St. REVENUE (Sales Tax Excluded)	140,101.93	153,750.66	158,434.77	169,404.65	173,491.80	179,219.82	0.00	0.00	0.00	0.00	0.00	0.00	974,403.63
Expenses														
Security Personnel		1,404.71	738.66	880.37	662.58	1,319.03	883.44	0.00	0.00	0.00	0.00	0.00	0.00	5,888.79
Attendant/Cashier Labor		20,826.85	24,230.94	20,510.75	20,463.71	23,729.34	22,161.85	0.00	0.00	0.00	0.00	0.00	0.00	131,923.44
Revenue Control Equipment Maintenance		1,666.67	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	10,000.02
Landscape and Lot Maintenance		502.67	502.67	502.67	502.67	502.67	502.67	0.00	0.00	0.00	0.00	0.00	0.00	3,016.02
FP&L		391.48	391.48	391.48	391.48	391.48	391.48	0.00	0.00	0.00	0.00	0.00	0.00	2,348.88
	17th St. EXPENSES	24,792.38	27,530.42	23,951.94	23,687.11	27,609.19	25,606.11	0.00	0.00	0.00	0.00	0.00	0.00	153,177.15
	17th St. PROFIT/(LOSS)	115,309.55	126,220.24	134,482.83	145,717.54	145,882.61	153,613.71	0.00	0.00	0.00	0.00	0.00	0.00	821,226.48

(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	38,480.37	0.00	0.00	0.00	0.00	0.00	0.00	173,528.92
Revenue-Monthly Permits	480-8000-344593	5,220.00	5,100.00	5,040.00	4,740.00	4,740.00	4,800.00	0.00	0.00	0.00	0.00	0.00	0.00	29,640.00
	12th St. REVENUE (Sales Tax Excluded)	31,580.74	30,445.79	29,490.45	34,203.54	34,168.03	43,280.37	0.00	0.00	0.00	0.00	0.00	0.00	203,168.92
Expenses														
Security Personnel		8,219.46	8,844.80	9,107.41	8,233.17	10,306.80	8,013.11	0.00	0.00	0.00	0.00	0.00	0.00	52,724.75
Attendant/Cashier Labor		7,247.08	7,241.85	7,200.05	7,215.73	7,184.37	7,226.18	0.00	0.00	0.00	0.00	0.00	0.00	43,315.26
FP&L		108.54	108.54	108.54	108.54	108.54	108.54	0.00	0.00	0.00	0.00	0.00	0.00	651.24
Elevator Maintenance		125.00	125.00	125.00	125.00	125.00	125.00	0.00	0.00	0.00	0.00	0.00	0.00	750.00
Garage Cleaning/Maintenance		1,540.75	1,532.50	1,540.75	1,540.75	1,524.25	1,540.75	0.00	0.00	0.00	0.00	0.00	0.00	9,219.75
	12th St. EXPENSES	17,240.83	17,852.69	18,081.75	17,223.19	19,248.96	17,013.58	0.00	0.00	0.00	0.00	0.00	0.00	106,661.00
	12th St. PROFIT/(LOSS)	14,339.91	12,593.10	11,408.70	16,980.35	14,919.07	26,266.79	0.00	0.00	0.00	0.00	0.00	0.00	96,507.92

(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	6,980.04	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	66,648.56	0.00	0.00	0.00	0.00	0.00	0.00	306,710.27
Revenue-Monthly Permits	480-8000-344527	7,740.00	7,680.00	8,520.00	8,100.00	8,580.00	8,280.00	0.00	0.00	0.00	0.00	0.00	0.00	48,900.00
	13th St. REVENUE (Sales Tax Excluded)	56,128.34	54,810.86	48,620.44	58,749.52	62,372.55	74,928.56	0.00	0.00	0.00	0.00	0.00	0.00	355,610.27
Expenses														
Security Personnel		9,865.08	10,533.80	10,736.25	8,648.94	9,770.00	9,855.68	0.00	0.00	0.00	0.00	0.00	0.00	59,409.75
Attendant/Cashier Labor		15,303.89	15,397.71	15,269.80	15,170.25	15,470.86	15,516.07	0.00	0.00	0.00	0.00	0.00	0.00	92,128.58
Landscape Maintenance		216.67	216.67	216.67	216.67	216.67	216.67	0.00	0.00	0.00	0.00	0.00	0.00	1,300.02
FP&L		1,404.98	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	8,429.88
Revenue Control Equipment Maintenance		0.00	750.00	750.00	750.00	750.00	750.00	0.00	0.00	0.00	0.00	0.00	0.00	3,750.00
Elevator Maintenance		737.00	312.00	312.00	312.00	312.00	312.00	0.00	0.00	0.00	0.00	0.00	0.00	2,297.00
Armed Guard Revenue Pickup		420.00	420.00	420.00	420.00	420.00	420.00	0.00	0.00	0.00	0.00	0.00	0.00	2,520.00
Garage Cleaning/Maintenance		1,450.00	1,450.00	1,483.00	1,450.00	1,450.00	1,483.00	0.00	0.00	0.00	0.00	0.00	0.00	8,766.00
	13th St. EXPENSES	29,397.62	30,485.16	30,592.70	28,372.84	29,794.51	29,958.40	0.00	0.00	0.00	0.00	0.00	0.00	178,601.23
	13th St. PROFIT/(LOSS)	26,730.72	24,325.70	18,027.74	30,376.68	32,578.04	44,970.16	0.00	0.00	0.00	0.00	0.00	0.00	177,009.04

(Fdrive/Ping/$Pers/P&L/2004/13thstga.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
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	13,857.62	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	164,273.90	0.00	0.00	0.00	0.00	0.00	0.00	624,825.20
Revenue - Valet	463-8000-344587	20,015.89	20,326.63	26,858.41	14,436.45	37,707.01	20,244.86	0.00	0.00	0.00	0.00	0.00	0.00	139,589.25
Revenue-Monthly Permits	463-8000-344903	26,750.00	28,200.00	23,050.00	23,550.00	28,100.00	29,494.86	0.00	0.00	0.00	0.00	0.00	0.00	159,144.86
	16th St. REVENUE (Sales Tax Excluded)	123,191.13	133,733.31	136,207.10	132,568.63	183,845.52	214,013.62	0.00	0.00	0.00	0.00	0.00	0.00	923,559.31
Expenses														
Security Personnel		12,428.89	10,171.83	13,395.77	13,665.72	9,837.47	13,607.43	0.00	0.00	0.00	0.00	0.00	0.00	73,107.11
Attendant/Cashier Labor		15,887.24	16,050.82	15,831.23	16,378.83	16,584.62	17,423.33	0.00	0.00	0.00	0.00	0.00	0.00	98,156.07
FP&L		3,800.00	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	22,800.00
Revenue Control Equipment Maintanance		775.00	775.00	775.00	775.00	775.00	775.00	0.00	0.00	0.00	0.00	0.00	0.00	4,650.00
Armed Guard Revenue Pickup		420.00	420.00	420.00	420.00	420.00	420.00	0.00	0.00	0.00	0.00	0.00	0.00	2,520.00
Elevator Maintenance		1,278.82	1,743.82	155.00	1,015.32	1,015.32	1,015.32	0.00	0.00	0.00	0.00	0.00	0.00	6,223.60
Landscape and Lot Maintenance		164.67	152.00	164.67	164.67	164.67	164.67	0.00	0.00	0.00	0.00	0.00	0.00	975.35
Garage Cleaning/Maintenance		2,924.40	2,924.00	2,924.00	2,924.00	2,924.00	2,924.00	0.00	0.00	0.00	0.00	0.00	0.00	17,544.40
Sanitation (Waste Removal)		171.64	171.64	171.43	181.96	181.96	174.34	0.00	0.00	0.00	0.00	0.00	0.00	1,052.97
Fire Alarm Service		250.00	250.00	250.00	250.00	250.00	250.00	0.00	0.00	0.00	0.00	0.00	0.00	1,500.00
	16th St. EXPENSES	38,100.66	36,459.11	37,887.10	39,575.50	35,953.04	40,554.09	0.00	0.00	0.00	0.00	0.00	0.00	228,529.50
	16th St. PROFIT/(LOSS)	85,090.47	97,274.20	98,320.00	92,993.13	147,892.48	173,459.53	0.00	0.00	0.00	0.00	0.00	0.00	695,029.81

(Fdrive/Ping/$Pers/P&L/2004/16thstga - Anchor.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
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	3,644.84	0.00	0.00	0.00	0.00	0.00	0.00	27,983.17
Revenue-Monthly Permits	480-8000-344595	34,620.00	34,980.00	35,760.00	33,780.00	35,040.00	35,100.00	0.00	0.00	0.00	0.00	0.00	0.00	209,280.00
	42nd St. REVENUE (Sales Tax Excluded)	37,970.48	37,743.56	39,175.88	37,622.04	46,006.37	38,744.84	0.00	0.00	0.00	0.00	0.00	0.00	237,263.17
Expenses														
Security Personnel		8,206.59	8,797.59	9,113.55	8,728.04	9,214.77	8,245.44	0.00	0.00	0.00	0.00	0.00	0.00	52,305.98
Attendant/Cashier Labor		3,255.18	3,257.79	3,077.53	2,837.18	4,731.24	3,317.88	0.00	0.00	0.00	0.00	0.00	0.00	20,476.80
FP&L		1,805.96	1,805.96	1,805.96	1,805.96	1,805.96	1,805.96	0.00	0.00	0.00	0.00	0.00	0.00	10,835.76
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	536.00	0.00	0.00	0.00	0.00	0.00	0.00	3,216.00
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	1,796.50	0.00	0.00	0.00	0.00	0.00	0.00	10,729.50
	42nd St. EXPENSES	15,600.23	16,177.34	16,329.54	15,703.68	18,051.47	15,701.78	0.00	0.00	0.00	0.00	0.00	0.00	97,564.04
	42nd St. PROFIT/(LOSS)	22,370.25	21,566.22	22,846.34	21,918.36	27,954.90	23,043.06	0.00	0.00	0.00	0.00	0.00	0.00	139,699.13

(Fdrive/Ping/$Pers/P&L/2004/42ndgar.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
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

(Fdrive/Ping/$Pers/P&L/2003/42ndgar.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
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

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: May 26, 2004

From: Jorge M. Gonzalez
City Manager

Subject: **PRESENTATION REGARDING FUNDING STATUS FOR PROJECTS MANAGED BY THE CAPITAL IMPROVEMENT PROJECTS OFFICE**

At the April 21, 2003 Finance and Citywide Projects Committee meeting, the CIP Office made a presentation regarding some of the City's capital projects. The discussion focused on projects where funding issues had been identified.

The Finance and Citywide Projects Committee requested that the same information be presented to the City Commission. The presentation was included in the April 30, 2003 and May 21, 2003 City Commission agendas, but was never reached.

The CIP Office recently gave an updated version of the presentation to the General Obligation Bond Oversight Committee, focusing only on those projects managed by the CIP Office funded in part by General Obligation Bond funds. The CIP Office was requested to present the same information to the City Commission, including those projects that do not have a General Obligation Bond funding component.

This item was included on the May 5, 2004 City Commission agenda, but was not reached. The CIP Office was asked to place it on the agenda and make the presentation at the May 26, 2004 City Commission meeting.

JMG/RCM/TH/KM
T:\AGENDA\2004\May2604\Regular\Presentation regarding funding of projects.doc

Agenda Item B
Date 5-26-04

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CITY OF MIAMI BEACH
OFFICE OF THE MAYOR & COMMISSION
MEMORANDUM

TO: MAYOR AND COMMISSIONERS

CC: JORGE GONZALEZ
CITY MANAGER

FROM: MATTI H. BOWER
COMMISSIONER

DATE: May 18, 2004

RE: For Your Information-Provided by the Performing Arts Center Trust

Attached please find the minutes of the March 9, 2004 PACT Board Meeting. I have also included the agenda for the meeting on May 18, 2004 with Financial Statements.

MB/lw

RECEIVED
2004 MAY 18 AM 11:26
CITY MANAGERS OFFICE
BY

Agenda Item C1
Date 5-26-04

Minutes of the Board
Performing Arts Center Trust
March 9, 2004
TEMPLE ISRAEL of GREATER MIAMI
137 NORTHEAST 19TH STREET
THE KAHN ROOM
8:30 AM

IN ATTENDANCE:
Matilde Aguirre
Stanley Arkin
Sonia Burini
Roger Carlton
Robert Ingram
Betsy Kaplan
I. Stanley Levine
Juan Loumiet
Denise Mincey-Mills
Antonio Roca
Mario Ernesto Sanchez
Richard Shack
Carole Ann Taylor
Parker Thomson
Penny Thurer
Judy Weiser
David Wilson
Cindi Zilber

ABSENT:

J. Ricky Arriola
Stuart Blumberg
T. Willard Fair
Ruth Greenfield
Matti Herrera-Bower
James Herron
Elizabeth Ruth Johnston
Susie Krajsa
Nancy Liebman
Florene Litthcut
Jay Pons
Rosa Sugrañes
Velia Yedra
Marco Rubio
Bruce Davidson

PACT:
Michael Hardy
Yadira Boada
Gail Eaton
Elaiza Irizarry
Judy Litt
Justin Macdonnell
Adriana Perez
Teresa Randolph
Katy Richardson
Valerie Riles Robinson

PACMO:
Gail Thompson
Ola Aluko
Mercedes Sosa
Willie Peña
Jesus Sanchez

OTHERS IN ATTENDANCE:

Barbara Bisno
John Caliste, Performing Arts Center Foundation
Sam Delgado, Art in Public Places
Roberto Espejo, CP&A
Lou Falzarano, IATSE
Nancy Herstand, Performing Arts Center Foundation
Anthony Japour, Japour Gallery
Bill Johnson, Asst. County Manager, Miami-Dade County
Carl Kesser, Kesser Productions
Catherine Lackner, Wragg & Casas
Natalia Llanes, Commissioner Javier Soto's office
Rebekah Lowe, CRA
Alan Marquez, Miami International I University
Joanne Mathieu, Miami Space Project
Ann McNeill
Jodi Paradise, Thorp and Co.
Danny Parmenter, Performing Arts Center Builders
Shannon Pettypiece, Miami Today
John Poland, Clear Channel
Steven Pollock, Office of the Inspector General
Steve Rasnick, Turkel Schwartz
David Schull, Thorpe & Co.
Senator Ron Silver
Luiz Simon, Performing Arts Center Builders
Michael Spring, Dept. of Cultural Affairs
Alex Steneck, Miami Space Time Project
Doug Tober, SMG
Bruce Turkel, Turkel Schwartz
Randy Volenec, Cesar Pelli & Associates

Performing Arts Center Trust Chairman, Parker Thomson, called the meeting to order.

Request for Excused Absences

Teresa Randolph requested retroactive excused absences for the January 12, 2004 meeting for Matilde Aguirre due to illness. Retroactive excused absences were also requested for the February 10, 2004, meeting for Denise Mincey-Mills who was out of town, and Cindi Zilber and Matilde Aguirre who were ill. She requested excused absences for the March 9, 2004 meeting for Matti Bower, Ruth Greenfield, Susie Krajsa, Nancy Liebman, Stu Blumberg and Velia Yedra who were out of town. A motion to accept the excused absences was made by Juan Loumiet and seconded by Carole Ann Taylor. The motion passed unanimously.

Approval of Minutes

A motion to approve the minutes of the February 10, 2004, Board meeting was made by Betsy Kaplan and seconded by Juan Loumiet. The motion passed unanimously.

President's Report

Michael Hardy gave an update of the Digital Media Center Study/MIT project. Students accompanied by their professors visited Miami on February 23, 2004. The group was given a tour of the site and participated in a day-long fact finding session. Dr. Hardy stated that he and other Board members would be traveling to Boston in the near future to attend the Media Lab's Sponsorship Days. During this event, MIT will conduct demonstrations for national sponsors such as Sony, Microsoft, Panasonic and others.

There are two requests going before the Florida State Legislature in partnership with the Tampa Performing Arts Center. The Centers are requesting funding in the amount of $5 million for the Regional Cultural Facilities Grant Program. If successful, both Tampa and Miami will be awarded $2.5 million over four years.

According to our last report from Miami-Dade County lobbyists, $625,000 has been appropriated for Miami Performing Arts Center (MPAC) in the current Federal budget. This year MPAC has submitted a Federal funding appropriation package requesting a total of $3.4 million.

A meeting of the Management Committee will be convened next month in order to approve the Center's 2006-07 rental rates. The rates have already been approved by the Resident Companies. As soon as the five-year schedule for both halls is finalized, it will be forwarded to the Management Committee for approval.

MPAC launched two community-based programming initiatives in February. The first program with MPAC began a 16-week performing arts series partnership with Miami MetroZoo. In celebration of the zoo's *Wings of Asia Aviary,* local artists perform each Sunday. In addition, a five-member group of Miami-based performers tagged as the Miami Performing Arts Center Flying Squad roam the zoo performing street theater routines. MPAC also begun *Fantasy of Stilts,* a multi-year community based physical theater program. The pilot program is being conducted by stilt experts at Little Havana's Henderson Park. Brochures describing the pilot projects were distributed to the Board.

Dr. Hardy introduced the newest staff member, Katy Richardson. She will serve as administrative assistant in the Operations Department. He also reported that Jim Herron has

received a positive progress report from his doctors. Mr. Herron has improved tremendously and participated via phone in the Executive Committee meeting.

Branding Update

Gail Eaton thanked members of the Trust and Foundation Boards and other individuals for their assistance with the Branding Project. She commended the extraordinary creativity of the firms Turkel Advertising & Brand Management and Pentagram Design who worked jointly on the design of the logo. Ms. Eaton introduced Bruce Turkel, who in turn gave a presentation using the newly designed logo. Samples in black/white and color were circulated around the room.

PACT COMMITTEE REPORTS

Executive Report

Dr. Hardy stated that the Committee had a lengthy discussion concerning the pre-opening costs, projected operating costs and un-funded FF&E items. The Committee is considering various strategies that will allow the shortfall to be met.

Finance Committee

David Wilson reported that the Finance Committee plans to immediately begin to focus on fundraising and commercial revenue activities. Mr. Wilson also stated that he met with staff members from Miami-Dade County's Art in Public Places (APP) Department. APP staff indicated that any increases in the overall project budget will not result in an increase in the APP budget for this project.

Nominating Committee

A copy of the proposed 2004 slate of officers was distributed. A motion to approve Penny Thurer as the new Assistant Secretary was made by Robert Ingram and seconded by Judy Weiser. The motion passed unanimously.

A motion to accept the proposed slate of officers was made by Robert Ingram and seconded by Denise Mincey-Mills. The motion passed unanimously.

Urban Development Committee

The Urban Design Committee met with architect Bernard Zyskovich, who has been hired by the CRA to update the Omni Redevelopment Plan. Mr. Zyskovich is committed to assisting the Miami Performing Arts Center with issues involving lighting, security and zoning to encourage revitalization of the area surrounding the Center.

Construction Committee

Stanley Arkin reported that the March Construction Committee meeting was cancelled and a working session was held instead. During the session, members revisited the responsibilities of the Construction Committee as related to the approval of change orders. Committee members also expressed concern that PACMO's current project reporting format does not provide the detail the committee needs in order to make informed recommendations. Gail Thompson has agreed to develop a more comprehensive reporting format.

Mr. Arkin stated that immediately following the meeting, Gail Thompson would repeat the Powerpoint presentation she made to the Miami-Dade County Recreation and Cultural Affairs Committee in January. The comprehensive report includes the history of the construction costs, change orders and the schedule as well as an update on the project's contingency fund.

OTHER REPORTS

Department of Cultural Affairs

Michael Spring thanked all who contacted their State legislators and helped House Bill 427 pass. If approved by the Senate, this bill will re-establish a dedicated funding source for the arts in Florida.

On April 26th, Rosa Sugrañes, will give the annual State of the Arts address. Trust members will receive invitations.

Mr. Spring distributed a calendar produced by the Department of Cultural Affairs and the Greater Miami Convention and Visitors Bureau that lists events commemorating the bicentennial of Haiti's independence. Mr. Spring urged Trust members to participate. He also encouraged members to purchase Florida State of the Arts license plates as a means to support arts education in the community.

Meeting adjourned.

Reported by Yadira E. Boada

AGENDA

PACT BOARD MEETING
Tuesday, May 18, 2004
Temple Israel
137 Northeast 19 Street
8:30 AM

I. Request for Excused Absences

II. Approval of Minutes

III. President's Report, Michael C. Hardy, PACT President and CEO

IV. PACT Committee Reports
- A. Executive Committee
- B. Finance Committee
- C. Management Committee
- D. Audit Committee
- E. Education Committee
- F. Construction Committee
  - 1) Inspector General's Report

V. Reports
- A. Performing Arts Center Foundation
- B. Department of Cultural Affairs
- C. PACT Board Members

VI. Other Business

PERFORMING ARTS CENTER TRUST, INC.

FINANCIAL STATEMENTS

SEPTEMBER 30, 2003

PERFORMING ARTS CENTER TRUST, INC.

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Cohen
&Holtz
Accountants Advisors

REPORT OF INDEPENDENT CERTIFIED PUBLIC ACCOUNTANTS

Board of Trustees
The Performing Arts Center Trust, Inc.
Miami, Florida

We have audited the accompanying statement of financial position of The Performing Arts Center Trust, Inc. (the Trust) as of September 30, 2003 and the related statements of activities and cash flows for the year then ended. These financial statements are the responsibility of the Trust's management. Our responsibility is to express an opinion on these financial statements based on our audit.

We conducted our audit in accordance with auditing standards generally accepted in the United States. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation. We believe that our audit provides a reasonable basis for our opinion.

In our opinion, the financial statements referred to above present fairly, in all material respects, the financial position of The Performing Arts Center Trust, Inc. at September 30, 2003, and the changes in its net assets and its cash flows for the year then ended, in conformity with accounting principles generally accepted in the United States.

Our audit was performed for the purpose of forming an opinion on the basic financial statements of The Performing Arts Center Trust, Inc. taken as a whole. The accompanying schedule of general and administrative expenses is presented for purposes of additional analysis and is not a required part of the basic financial statements. Such information has been subjected to the auditing procedures applied in the audit of the basic financial statements and in our opinion, is fairly stated in all material respects, in relation to the basic financial statements taken as a whole.

Rachlin Cohen & Holtz LLP

Miami, Florida
February 26, 2004

Rachlin Cohen & Holtz LLP
One Southeast Third Avenue ■ Tenth Floor ■ Miami, Florida 33131 ■ **Phone** 305.377.4228 ■ **Fax** 305.377.8331 ■ **www.rachlin.com**
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THE PERFORMING ARTS CENTER TRUST, INC.

STATEMENT OF FINANCIAL POSITION

SEPTEMBER 30, 2003

ASSETS

Current Assets:	
Cash	$ 194,546
Restricted cash and cash equivalents	190,614
Support receivable	185,241
Other assets	4,021
Total current assets	574,422
Furniture and Equipment, Net	75,291
Total assets	$ 649,713

LIABILITIES AND NET ASSETS

Current Liabilities:	
Accounts payable and accrued expenses	$ 212,241
Current portion of lease payable	4,580
Total current liabilities	216,821
Non-Current Portion of Lease Payable	1,244
Total liabilities	218,065
Commitments, Contingencies and Subsequent Event	-
Net Assets:	
Unrestricted	241,034
Temporarily restricted	190,614
Total net assets	431,648
Total liabilities and net assets	$ 649,713

See notes to financial statements.

THE PERFORMING ARTS CENTER TRUST, INC.

STATEMENT OF ACTIVITIES

YEAR ENDED SEPTEMBER 30, 2003

	Unrestricted	Temporarily Restricted	Total
Public Support and Revenue:			
Public support:			
Grant	$ 4,232	$ -	$ 4,232
Donations	1,176,974	-	1,176,974
Net assets released from restrictions	309,386	(309,386)	-
Total public support	1,490,592	(309,386)	1,181,206
Interest income	4,357	-	4,357
Total public support and revenue	1,494,949	(309,386)	1,185,563
General and Administrative Expenses	1,416,187	-	1,416,187
Change in Net Assets	78,762	(309,386)	(230,624)
Net Assets, Beginning	162,272	500,000	662,272
Net Assets, Ending	$ 241,034	$ 190,614	$ 431,648

See notes to financial statements.

THE PERFORMING ARTS CENTER TRUST, INC.

STATEMENT OF CASH FLOWS

YEAR ENDED SEPTEMBER 30, 2003

Cash Flows from Operating Activities:	
Change in net assets	$ (230,624)
Adjustments to reconcile change in net assets to net cash used by operating activities:	
Depreciation	24,741
Changes in operating assets and liabilities:	
Decrease in:	
Program support receivable	(34,697)
Prepaid expenses	(4,000)
Deposits	(20)
Deferred income	(290,200)
Increase in accounts payable and accrued expenses	67,085
Net cash used by operating activities	(467,715)
Cash Flows from Investing Activities:	
Acquisition of furniture and equipment	(54,407)
Cash Flows from Financing Activities:	
Payments on capital lease obligation	(4,315)
Net Decrease in Cash and Cash Equivalents	(526,437)
Cash and Cash Equivalents, Beginning	911,597
Cash and Cash Equivalents, Ending	$ 385,160
Supplemental Disclosure of Cash Flow Information:	
Cash paid during the year for interest	$ 1,127
Reconciliation of Cash to Statement of Financial Position:	
Cash	$ 194,546
Restricted cash and cash equivalents	190,614
	$ 385,160

See notes to financial statements.

NOTE 1. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

Nature of Activities

The Performing Arts Center Trust, Inc. (the Trust or PACT) was incorporated on August 6, 1991. The Performing Arts Center Trust, Inc. is an independent nonprofit corporation organized to provide a broad source of community support for the Performing Arts Center (PAC) located in Miami, Florida. The Trust is operating under a management agreement with Miami-Dade County (the County). The agreement provides the Trust the governing authority to design, construct, manage and operate the Performing Arts Center.

Basis of Accounting and Presentation

The financial statements of The Performing Arts Center Trust, Inc. have been prepared on the accrual basis of accounting.

Financial statement presentation follows the recommendations of the Financial Accounting Standards Board (FASB) in its Statement of Financial Accounting Standards (SFAS) No. 117, *Financial Statements of Not-for-Profit Organizations*. Under SFAS No. 117, the Organization is required to report information regarding its financial position and activities according to three classes of net assets: unrestricted net assets, temporarily restricted net assets, and permanently restricted net assets.

Concentration of Credit Risk

Financial instruments, which potentially subject the Trust to a concentration of credit risk, consist principally of cash in bank and major contributors as follows:

Cash in Bank

At certain times during the year, the Trust maintained cash balances in excess of federally insured limits. The Trust maintains its cash balances with a high quality financial institution that management feels limits this risk. As of September 30, 2003, the Trust had cash balances of approximately $373,000 in excess of federally insured limits.

Contributions

The Organization received approximately 100% of its annual budget from the Performing Arts Center Foundation.

NOTE 1. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (Continued)

Classes of Net Assets

The financial statements report amounts separately by class of net assets as defined below.

Unrestricted net assets are those currently available at the discretion of the Trust's Board of Trustees for use in the Trust's operations, as well as those resources invested in operating furniture and equipment. Temporarily restricted net assets are those which are designated by donors either for a specific operating purpose or program services. Permanently restricted net assets are those which are required by donors to be held in perpetuity or, if sold, the proceeds must be reinvested in accordance with the same donor stipulated purpose. There were no permanently restricted net assets at September 30, 2003.

All contributions are considered available for unrestricted use, unless specifically restricted by the donor or subject to other legal restrictions.

Cash and Cash Equivalents

The Trust considers all highly liquid investments with an original maturity of three months or less to be cash equivalents. Cash includes demand deposits and cash equivalents consist of a certificate of deposit.

Furniture and Equipment

Furniture and equipment are recorded at cost and depreciated over the estimated useful lives (3 to 10 years) on a straight-line basis. Items with a cost below $500 are expensed in the year of acquisition. Assets with a cost of $500 or greater are capitalized. When assets are sold or disposed of, the cost and related accumulated depreciation are removed from the accounts and any gain or loss is recognized currently. Repairs and maintenance are charged to expense as incurred.

Income Taxes

The Trust is exempt from federal income taxes under Section 501(c)(3) of the Internal Revenue Code, and, accordingly, is exempt from United States and Florida income taxes on its exempt function income. The Trust is not classified as a private foundation by the Internal Revenue Service. Donations to the Trust qualify as deductions from income for federal income tax purposes under Section 170. The Trust is subject, however, to Federal and State income taxes on its unrelated business taxable income as that term is defined in the Internal Revenue Code and in Florida Statutes. There was no unrelated business income during the year ended September 30, 2003 and therefore, no provision for income taxes.

NOTE 1. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (Continued)

Contributions

The Trust accounts for contributions in accordance with the provisions of Statement of Financial Accounting Standards (SFAS) No. 116, *Accounting for Contributions Received and Contributions Made.*

Contributions are generally available for unrestricted use in the year received unless specifically restricted by the donor. Unrestricted contributions of cash and donated assets are recorded as received.

Grants and other contributions of cash and other assets are reported as temporarily restricted support if they are received with donor stipulations that limit the use of the donated assets. When a donor restriction expires, that is, when either the stipulated time restriction ends or the purpose restriction is accomplished, temporarily restricted net assets are reclassified and reported in the Statement of Activities as net assets released from restrictions. Temporarily restricted support received and expended in accordance with donor restrictions within the same fiscal year is recorded as unrestricted.

The Trust will report gifts of land, buildings, furniture, and equipment as unrestricted support unless explicit donor stipulations specify how the donated assets must be used. Gifts of long-lived assets with explicit restrictions that specify how the assets are to be used and gifts of cash or other assets that must be used to acquire long-lived assets would be reported as restricted support. Absent explicit donor stipulations about how long those long-lived assets must be maintained, the Trust will report expirations of donor restrictions over the useful lives of the donated or acquired long-lived assets.

Donated Services

Donated services are recognized as contributions in accordance with SFAS No. 116, *Accounting for Contributions Received and Contributions Made,* if the services create or enhance non-financial assets, or require specialized skills, are performed by people with those skills, and would otherwise be purchased by the Organization.

As such, during the year ended 2003, the Trust received $20,240 in pro bono legal services (which is considered a specialized skill) from Akerman Senterfitt and in accordance with SFAS No. 116, the donated services is recognized as a revenue and an offsetting expense.

Advertising Expenses

The Trust uses advertising to promote the Performing Arts Center. The costs of advertising are expensed as incurred. For the year ended September 30, 2003, the Trust's advertising costs totaled $14,398.

NOTE 1. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (Continued)

Use of Estimates

The preparation of financial statements in conformity with accounting principles generally accepted in the United States requires management to make estimates and assumptions that affect the reported amounts of assets and liabilities and disclosure of contingent assets and liabilities at the date of the financial statements and the reported amounts of revenues and expenses during the reporting period. Actual results could differ from those estimates.

NOTE 2. AFFILIATED ORGANIZATIONS

The Trust shares office space with Miami-Dade County PAC Management Office. The County pays for certain shared expenses (rent and telephone) while the Trust pays for certain shared expenses (office furniture and equipment, water, parking, etc.). At September 30, 2003, related receivable for shared expenses with the County was $185,241.

NOTE 3. FURNITURE AND EQUIPMENT

Furniture and equipment	$23,448
Office equipment	5,618
Computer equipment	73,569
Capitalized software	20,470
Equipment under capital lease	15,392
Leasehold improvements	15,000
	153,497
Less accumulated depreciation	78,206
Net furniture and equipment	$75,291

Depreciation expense for the year ended September 30, 2003 was $24,741.

NOTE 4. RESTRICTED NET ASSETS

Temporarily Restricted Net Assets

Temporarily restricted net assets represent monies received from Knight Foundation, which are restricted to support program services. The original amount of the grant was $500,000. The grant is restricted for a comprehensive assessment of the readiness of the PAC and its

NOTE 4. RESTRICTED NET ASSETS (Continued)

Temporarily Restricted Net Assets (Continued)

five resident companies to move into the new center, development of transition stabilization strategies and the creation of an implementation fund. Funds are released from restrictions as the related expenses for the program services are incurred. Interest earned on these funds was recorded as unrestricted revenue. For the year ended September 30, 2003, interest earned on grant funds totaled $3,521. The balance of the temporarily restricted net amounts is $190,614 at September 30, 2003.

NOTE 5. DONATIONS

	Materials and Supplies	Services	Total
PAC Foundation	$ 1,090,200	$ -	$ 1,090,200
Miami-Dade County	57,440	8,544	65,984
Others	550	20,240	20,790
	$ 1,148,190	$ 28,784	$ 1,176,974

NOTE 6. COMMITMENTS AND CONTINGENCIES

Capital Lease

The Trust leases a copier under a capital lease expiring 2005. Future minimum payments under capital leases are due as noted below:

Year ending September 30:	
2004	$ 5,088
2005	1,272
Total minimum lease payments	6,360
Less amount representing interest	536
Present value of net minimum lease payments	5,824
Less current portion	4,580
Capital lease obligations excluding current portion	$ 1,244

Depreciation expense on the copier for the year ended September 30, 2003 was $3,078.

NOTE 6. COMMITMENTS AND CONTINGENCIES (Continued)

Operating Leases

The Trust leases a color printer and a mail machine under various operating lease agreements expiring in 2006. Minimum rental commitments under all noncancelable operating lease agreements, excluding taxes, in effect at September 30, 2003 are approximately due as follows:

Year ending September 30:	
2004	$ 7,600
2005	6,500
2006	2,700
	$ 16,800

Rent expense paid was approximately $11,000 for the year ended September 30, 2003

Professional Service Contract

The Trust entered into a three year professional service agreement with a consultant to assist in performing all responsibilities with respect to the construction of the PAC. This agreement, dated October 1999, specifies that the Trust will pay $465,000 for the services as described in the agreement. During 2002, the contract was modified to extend the terms of the agreement to expire during 2003. During 2003 the contract was terminated.

Operating Agreement

The Trust entered into a management agreement with the County effective March 1, 1993 for a term of 13 years, in which the Trust will oversee the supervision, construction and operations of the Performing Arts Center. This agreement can be renewed for two ten-year terms. The County awarded a grant of $4 million to cover those related expenses. As of September 30, 2002 the Trust had expended the full amount of the grant.

Cooperation Agreement

The Trust is under a cooperation agreement with the Performing Arts Center Foundation in which the Foundation will provide private funds to the Trust to supplement the County grant. The Performing Arts Center Foundation seeks revenue through fundraising from private sources. The Trust received $1,090,200 from the Foundation during the year to fund 2003 budgeted expenses.

Currently, The Trust relies upon this agreement to fund its operations.

NOTE 7. PENSION PLAN

The Trust adopted a 401(k) plan (the Plan) under Section 401(k) of the Internal Revenue Service Code of 1986, as amended in January 2000. The Plan covers employees who meet certain minimum age and service requirements. Eligible employees may contribute up to the maximum allowed by the Internal Revenue Service per year and the Plan provides for a 25% employer match for up to 10% of the employee's annual salary.

Withdrawals of amounts from a participant's account are not permitted under the Plan prior to such participant's normal retirement age of 65, except in the event of death, disability or termination of employment, or for reasons of extreme hardship. Upon termination of employment, a participant's non-vested amounts are forfeited in accordance with the Plan documents. During 2003, forfeitures were approximately $2,000. Contributions of approximately $10,000 are reflected in fringe benefits for the year ended September 30, 2003.

NOTE 8. SUBSEQUENT EVENT

Subsequent to the year ended, the Trust and the Performing Arts Center Foundation agreed to form a joint venture to combine the operating and fund raising needs of the PAC.

THE PERFORMING ARTS CENTER TRUST, INC.

SUPPLEMENTARY INFORMATION

YEAR ENDED SEPTEMBER 30, 2003

THE PERFORMING ARTS CENTER TRUST, INC.

SCHEDULE OF GENERAL AND ADMINISTRATIVE EXPENSES

YEAR ENDED SEPTEMBER 30, 2003

Salaries and payroll taxes	$ 644,536
Consulting and professional services	466,004
Office and equipment rentals	67,078
Outside contractual services/temporary help	41,105
Fringe benefits	35,993
Travel	28,389
Depreciation	24,741
Advertising, publicity and publications	15,490
Moving	13,945
Telephone	13,376
Office supplies	11,535
Auto expenses	10,801
Meals and entertainment	9,707
Membership and dues	7,763
Printing, postage and photographic services	7,558
General/public liability insurance	7,336
Taxes, licenses and fees	4,425
Professional development	3,980
Interest expense	1,127
Maintenance	776
Miscellaneous	522
	$ 1,416,187

Detail of General & Administrative Expenses
PACT
Year Ended - 9/30/2003

Salaries & Payroll Taxes:

Executive Director	303,960
Communications/Marketing	121,414
Operations	118,959
Finance/Human Resources	60,183
Programming	40,021
sub-total - salaries & payroll taxes	**644,536**

Consulting and professional services:

Knight grant-market research/feasibility study	307,639
WH Management Group-proforma, consulting	41,046
arts education consultant-Heidi Rettig	34,232
marketing/PR services-First Media Direct	21,842
art deco tower study-Caren Rabbino	21,483
pro-bono legal services-Akerman Senterfitt (R. Milstei	20,240
Rachlin Cohen & Holtz-audit fees	6,800
legal-immigration services-Rifkin & Fox-Isicoff	4,890
recruiting services-Performance	2,387
payroll processing fees-CompuPay & ADP	1,575
PACC benchmarking study-AMS Planning & Researc	1,500
stiltwalking consultant-David Clarkson1289	1,289
miscellaneous	1,082
sub-total - consulting & professional services	**466,004**

Office and equipment rentals:

office space rental	56,445
color printer lease	7,389
mail machine lease	2,028
black/white copier overages	1,215
sub-total - office and equipment rentals	**67,078**

Outside contractual services & temporary help:

GO InfoTek-IT contractor	23,928
temporary help-marketing dept	7,524
Grifo Group - IT contractor	3,468
summer intern	3,126
Corporate Computer Solutions - IT contractor	3,061
sub-total - outside contractual svcs/temp. help	**41,105**

Fringe benefits:

employee health insurance	21,856
401k benefit	9,949
workers' compensation insurance	2,421
Life insurance	1,020
cafeteria plan	662
FUTA	86
sub-total - fringe benefits	**35,993**

Detail of General & Administrative Expenses
PACT
Year Ended - 9/30/2003

Travel:

Programming	7,598
recruiting	7,451
Executive	6,500
Operations	5,954
Marketing/Communications	886
sub-total - travel	**28,389**

Advertising, publicity and publications:

hard hat concerts	4,917
employment advertising	3,951
legal ads	2,840
promotional items	2,691
various publications	1,092
sub-total - advertising, publicity and publications	**15,490**

Moving:

Programming	10,000
Operations	2,695
Executive	1,250
sub-total - moving	**13,945**

Telephone:

regular phone service	4,354
mobile communications	3,775
long distance service	2,960
phone maintenance	2,287
sub-total - telephone	**13,376**

Office supplies:

general office supplies	7,581
computer supplies	1,659
marketing/communications supplies	1,546
miscellaneous office items	749
sub-total - office supplies	**11,535**

Auto expenses:

excess office parking spaces	10,207
mileage/tolls	308
parking away from office	287
sub-total - auto expenses	**10,801**

Meals & Entertainment:

local meals	6,307
out-of-town meals	2,188
recruitment meals	947
Knight grant meals	265
sub-total - meals and entertainment	**9,707**

Detail of General & Administrative Expenses
PACT
Year Ended - 9/30/2003

Membership and dues:

GMCC	2,950
ISPA	750
PACC	700
Gr. Miami Convention and Visitors Bureau	650
Florida Cultural Alliance	500
APAP	475
IAAM	450
Miami Beach Chamber of Commerce	410
Gr Miami & Beaches Hotel Association	350
miscellaneous	528
sub-total - membership and dues	**7,763**

Printing, postage and photographic services:

U.S. mail	2,710
various outside printing	1,455
Knight grant printing	1,440
express mail	1,052
local couriers	132
various photographic services	768
sub-total - printing, postage & photographic svcs	**7,558**

General/public liability insurance:

commercial insurance package	4,372
director's and officer's liability insurance	2,760
windstorm insurance	204
sub-total - general/public liability insurance	**7,336**

Taxes, licenses and fees:

internet/dns access	3,038
ad valorem tax	1,387
sub-total - taxes, licenses and fees	**4,425**

Professional development:

IAAM conferences	1,075
ISPA conferences	850
GMCC conferences	810
Southern Arts Federation	350
University of Miami Ctr for Nonprofit Studies	300
miscellaneous conference registrations	595
sub-total - professional development	**3,980**

Interest expense:

interest on capital lease-copier	1,127
sub-total - interest expense	**1,127**

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