



## COMMITTEE MEMORANDUM

TO: Mayor David Dermer and Members of the City Commission

FROM: City Manager Jorge M. Gonzalez

DATE: February 14, 2007

SUBJECT: **REPORT OF THE FINANCE AND CITYWIDE PROJECTS COMMITTEE MEETING OF JANUARY 25, 2007.**

### **NEW BUSINESS:**

#### **1. DISCUSSION REGARDING THE DESIGN AND CONSTRUCTION OF A PEDESTRIAN MALL ON THE 1100 BLOCK OF LINCOLN ROAD THROUGH A DEVELOPMENT AGREEMENT.**

### **ACTION**

**Motion was made by Commissioner Bower and seconded by Chairman Gross to approve the development agreement.**

Assistant City Manager, Tim Hemstreet presented the item regarding a development agreement between UIA Management, LLC (UIA) and the City of Miami Beach for the construction of a pedestrian mall at Lincoln Road from Lenox Avenue to Alton Road. He advised that the same developer of the of the 1111 Lincoln Road parking garage has proposed a plan to replace vehicular access between Alton Road and Lenox Avenue with a pedestrian plaza. The plaza would extend the pedestrian portion of Lincoln Road west to meet Alton Road.

Mr. Hemstreet advised the conceptual plan for the Project had been previously approved by the City's Commission at the December 6, 2006 meeting. He requested that the Committee, present to the Commission for review, a copy of the draft term sheet at the February 14<sup>th</sup>, 2007 Commission meeting.

First Assistant City Attorney, Raul Aguila noted the development agreement will be presented for first reading at the February Commission meeting. He added that the City shall have the right to approve the final agreement and construction contract.

Fred Beckmann, Director of Public Works, noted that the City would reserve the right to approve all change orders. He stated that he would act in the capacity of a contract administrator for the City, by overseeing and approving all change orders for the Project.

Mr. Robert Wennett with UIA Management advised that the improvements will cost a total of \$5,876,710 which will be funded by the City through RDA funds. He also noted that UIA will submit costs for bidding when the project is at 50% construction drawings. He went on to state that the City will not be responsible for any over budgeted expenses for the project with the exception of approved change orders outside UIA's control. He advised that UIA would additionally fund approximately \$162,749 for the replacement of sidewalks, curbs and gutters at the construction site. Mr. Weinstein also stated that UIA would be responsible for conducting any environmental studies for the project site.

City Manager, Jorge Gonzalez, advised that the proposed project constitutes a public joint development agreement and that the Art in Public Places (AIPP) for this project will be matched by the developer to for a total of 3% for the project.

Commissioner Bower expressed her concern regarding the accessibility of pedestrian traffic moving from one side of the mall to the other. She requested another connecting corridor be placed somewhere in the middle of the project. She was also concerned with the amount of sidewalk café's in that area.

Carter McDowell with Bilzin Sumberg Baena Price & Axelrod LLP advised that the area would not be able to accommodate tables for sidewalk café's but would include an interactive fountain. Commissioner Bower also stated she was concerned with the number of parking spaces lost by small business owners and patrons in the project's area. Mr. McDowell suggested working with the City's Parking Department on installing short term meters along Alton Road as well as using the parking lot next to the movie theater during the daytime hours when the theater is not open.

Mr. Beckmann advised that the City is currently working with the Florida Department of Transportation (FDOT) to determine what type of drop off to incorporate on Alton Road. He advised FDOT is leaning more towards a straight drop-off style that they considered to be safer.

Gabriel Redfern with the Design Review Board (DRB) expressed her concerns regarding the maintenance and repair of the water feature, commonality of the outside furniture, and lost parking spaces along Lincoln Road.

Mr. Beckmann advised the maintenance of the fountain would be covered by life cycle costs analysis to be completed by the developer's consultant and a determination would be made at a later time as to whose responsibility maintenance would fall either under, the contractor or the City.

JMG/PDW/rs/nsi