

CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139
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COMMISSION MEMORANDUM

To: Mayor David Dermer and
Members of the City Commission

Date: February 23, 2005

From: Jorge M. Gonzalez
City Manager

Handwritten signature of Jorge M. Gonzalez.

Subject: **REPORT OF THE JOINT FINANCE AND CITYWIDE PROJECTS COMMITTEE
AND THE LAND USE AND DEVELOPMENT COMMITTEE MEETING OF
JANUARY 27, 2005.**

A joint meeting of the Finance and Citywide Projects Committee and the Land Use and Development Committee was held on January 27, 2005 at 2:44 p.m. in the City Manager's Large Conference Room.

JOINT ITEM:

1. Discussion regarding Automated External Defibrillators (AED's).

ACTION

The Joint Committees referred this item to the Neighborhood/Community Affairs Committee.

Finance and Citywide Projects Committee Chairman Jose Smith and Fire Chief Floyd Jordan introduced and summarized the item. Chairman Smith stated that he had proposed that the City Attorney's Office draft an Ordinance consistent with what other municipalities in South Florida have done regarding the placement of AED's in heavily populated public areas to ensure the safety of the City's residents and tourists.

Fire Rescue Division Chief Christopher Parrino gave a PowerPoint presentation (copy available in City Clerk's Office) summarizing the benefits of AED's.

Chief Parrino stated that the City currently has AED's placed at the following sites:

- Fire Emergency Medical Service Trucks;
- Miami Beach Golf Course and Clubhouse;
- Normandy Golf Course;
- Convention Center (2 AED's);
- Jackie Gleason Theater of Performing Arts;
- Parks and Recreation City-Owned Pools; and,
- Special Events throughout the City.

Agenda Item CGB
Date 2-23-05

Mr. Elliot Fisch, President of AED Now!, Inc., gave a PowerPoint presentation (copy available in the City Clerk's Office) entitled "The Use of AED's as Part of a Public Access Defibrillation Program." Mr. Fisch also gave a demonstration on how to use an AED device.

Chief Parrino stated that an AED can currently only be purchased and placed into service with a Doctor's authorization. Chief Parrino added that AED devices currently sell from a price range of \$900 to \$2,400.

Commissioner Matti Herrera Bower stated that, if the City were contemplating the placement of AED devices in heavily populated public areas, the City would have to begin an education campaign in order to educate the public on the benefits and proper use of an AED.

Land Use and Development Committee Chairman Luis R. Garcia, Jr. stated that AED's are beneficial life-saving devices to have at sporting events, particularly at high school football games, where a sudden collision to the chest could lead to Sudden Cardiac Arrest (SCA); however, he stated that statistics show that the chances of anyone surviving SCA are minimal.

Chairman Smith stated that ordinances requiring the placement of AED's in certain buildings in the City of Weston and the City of Coral Springs passed with minimal resistance. Chairman Smith added that the approximate cost of \$1,000, to a large building or public venue, for an AED device is minimal, considering that the device can potentially save a life.

Chairman Garcia stated that if an ordinance requiring the placement of AED's in certain public buildings were to pass, the City would have to inspect the devices as the City inspects the placement/use of fire extinguishers.

City Manager Jorge M. Gonzalez commended Chairman Smith for his efforts in sponsoring the proposed ordinance. Mr. Gonzalez stated that the City could pursue the placement of AED's initially in public buildings and subsequently, in privately owned areas where people congregate.

Finance and Citywide Projects Committee Vice-Chairman Richard L. Steinberg stated that before this proposed ordinance is passed, he would like to see the Administration reach out to the community and associations that would be most effected as a result of the ordinance's passage.

Commissioner Bower stated that she would like to see a draft ordinance referred to the Neighborhood/Community Affairs Committee for their review. Commissioner Bower added that after initial review of the ordinance by the Neighborhood/Community Affairs Committee, the City could obtain feedback from the community.

FINANCE AND CITYWIDE PROJECTS COMMITTEE ITEMS:

NEW BUSINESS:

- 2. Discussion regarding the Miami-Dade Transit (MDT) proposal to operate the City's Local Transit Circulator System (Route W) as a South Beach Circulator.**

ACTION

The Committee requested that the Miami Beach elected officials, with Commissioner Bower serving as a liaison, seek the assistance of Miami-Dade County elected officials, to make it possible for the City of Miami Beach to operate a Bi-Directional Local Transit Circulator (Route W) in South Beach in lieu of Miami-Dade Transit's proposal.

The Committee directed the Administration to report back to the City Commission at the February 23, 2005 regularly scheduled meeting with a summary of the discussions with Miami-Dade County and a recommendation for appropriate City action.

Mr. Gonzalez introduced and summarized the item. Mr. Gonzalez stated that the City of Miami Beach and Miami-Dade County have met several times to discuss the notion of capitalizing on the Peoples Transportation Program (PTP) tax by combining and coordinating transit resources, rather than continuing to operate in competition for much of the same ridership.

Mr. Gonzalez further stated that the City Commission had directed the Administration to explore alternatives to the Electrowave Shuttle Bus Service (Electrowave). Mr. Gonzalez added that the inquiry of alternative services to the Electrowave was not an indication, in any part of dissatisfaction with the service provided, but rather as an exploration of PTP mandated enhancements to Miami Beach bus services.

Mr. Gonzalez introduced Mr. Robert Pearsall from MDT.

Mr. Gonzalez added that after several meetings with MDT, a proposed Scope of Services was agreed upon where the desired enhanced bi-directional Local Transit Circulator System (Route W) would be achieved by MDT becoming the contractor providing shuttle services on South Beach instead of the current contractor for the Electrowave, Miami Beach Transportation Management Association (MBTMA). This enhanced route would be achieved with MDT utilizing smaller low-floor buses with the City contributing a yearly dollar amount for the operation of the bus service.

Assistant City Manager Robert C. Middaugh stated that the proposed Scope of Services would maintain the Electrowave's current fare of .25 cents.

The Committee discussed the three options proposed by MDT and current MBTMA operations.

Commissioner Garcia stated that he had attended this morning's Miami-Dade County Commission Meeting where discussions and decisions pertaining to PTP funds had occurred. Commissioner Garcia stated that when the electorate voted for the PTP tax, Miami-Dade County had stated that this tax would be used for new transportation services and projects; yet, subsequently this morning the County has voted to cover cost shortages dating back to 2001 with PTP funds. Commissioner Garcia added that he currently has no trust in the County government, as they keep making and breaking their promises.

Commissioner Garcia added that while he admires the City Manager and believes the City Manager has honorable intentions with this proposal, the City is dealing with dishonorable people at the County.

Chairman Smith stated that he is concerned with the perception that the County has pulled a bait and switch with the PTP funds.

Commissioner Garcia proposed that the City of Miami Beach operate the Bi-Directional Local Transit Circulator (Route W) in South Beach with the City's current service provider in lieu of Miami-Dade Transit's proposal.

Public Works Director Fred Beckmann stated that the City's current Inter-Local Agreement with the County prohibits the City from operating a circular/loop route in South Beach because it is in direct competition with the County. Mr. Beckmann added that the City has requested that it be allowed to operate a route very similar to the current W route but has been told by the County that the County will not abandon the current W route or permit the City to provide service to that area.

Mr. Gonzalez added that the City will have to make a determination where it is best served, financially/economically and from a quality of life perspective. Mr. Gonzalez additionally stated that if the City maintains the current service provider of the Electrowave with the current allowable route, costs will run approximately \$3.5 million a year versus \$2.5 million if the County runs a circular service.

The following individuals addressed the Committee:

Maria Alonso, Andres Aguirre, Joe Fontana, David Vaughn (MBTMA), Robert Warren (MBTMA), Judy Evans (MBTMA), Diane Tompson, Erika Brigham (MBTMA), Stanley Shapiro, Jeff Grant, and Gerald K. Schwartz (MBTMA).

A petition, signed by users of the Electrowave, protesting MDT's proposal to operate the City's Local Transit Circulator System (Route W) as a South Beach Circulator because of financial and customer service concerns (copy available in the City Clerk's Office) was submitted to the Finance and Citywide Projects Committee.

Vice-Chairman Steinberg recommended that Commissioner Bower continue serving as a City liaison to seek the assistance of the County Commissioners representing the City of Miami Beach, in order to make it possible for the City of Miami Beach to operate a Bi-Directional Local Transit Circulator (Route W) in South Beach in lieu of Miami-Dade Transit's proposal.

Mr. Gonzalez, Chairman Smith, Commissioner Bower, and Commissioner Garcia provided English-to-Spanish and Spanish-to-English translations of discussions throughout the agenda item.

3. Discussion regarding the Miami City Ballet (MCB) Ground Lease and request to consent to leasehold mortgage.

ACTION

The Committee moved the item to the full Commission, recommending approval of the proposed request to consent to leasehold mortgage subject to the City's approval of the terms and conditions of the actual mortgage.

Assistant City Manager Christina M. Cuervo introduced and summarized the item. Ms. Cuervo stated that the MCB has approached the City, as they had previously done in 1999, regarding existing provisions in their Leasehold Mortgage and the City's required consent in connection to changes as is provided in the existing Lease Agreement.

Ms. Cuervo added that the City and the MCB have made three amendments to the Ground Lease: a First Amendment dated June 18, 1997; Second Amendment dated October 21, 1997; and Third Amendment, dated January 6, 1999.

MCB Executive Director Pamela Gardiner and MCB General Manager Mark Rosenblum gave a PowerPoint presentation (copy available in the City Clerk's Office) summarizing the MCB's proposed request for the City's consent to a leasehold mortgage on the MCB facility as required by the Ground Lease.

Ms. Gardiner added that the City had previously approved a \$4,000,000 construction loan mortgage for the MCB, which the ballet has successfully paid off as of January 2004.

Mr. Rosenblum stated that the MCB has an accumulated debt of \$2,500,000, which the ballet anticipates consolidating with a \$3,500,000 mortgage. The mortgage would consolidate the \$2,500,000 accumulated debt and create a \$1,000,000 cash reserve. Mr. Rosenblum added that a new mortgage would also create a longer period for repayment and lead to potential interest/loan cost savings.

Chairman Smith stated that a favorable recommendation regarding the ground lease and request to consent to leasehold mortgage should be subject to the City's approval of the terms and conditions of the actual mortgage.

Ms. Cuervo stated that the leasehold mortgage needs to conform to specific conditions of the Ground Lease. Ms. Cuervo gave an example of a bank potentially foreclosing on the MCB and obtaining the building, subject to the terms of the lease, but not the City owned land. Ms. Cuervo added that the mortgage needs to include a provision that in the case of a foreclosure the building can only be used by non-profit organizations.

4. Discussion regarding the future uses and economic impact of the Jackie Gleason Theater.

ACTION

No Action Necessary. Presentation made to the Committee

Jackie Gleason Theater and Convention Center General Manager Doug Tober introduced and summarized the item. Mr. Tober gave a presentation entitled "The Future of the Jackie Gleason Theater of the Performing Arts" (copy available in the City Clerk's Office).

Mr. Tober distributed a handout entitled "The Jackie Gleason Theater Timeline" (copy available in the City Clerk's Office).

The presentation discussed and outlined the:

- Re-branding of the Gleason;
- Programming Revisions;
- Effects of the Miami Performing Arts Center;
- Continued Advantages of the Jackie Gleason Theater;
- Future Strategic Options;
- Single and Limited Show Runs;
- Extended Show Runs;
- Conversion to Permanent Attraction;
- Conversion to Alternative Use; and,
- Future Risk Options

5. Discussion regarding the appropriation of funds from Gulf Breeze Loan Interest and Middle Beach Quality of Life Funds to provide for change orders, project contingency and additional services to complete the Miami Beach Golf Course Clubhouse Project.

ACTION

The item was moved to the full Commission without a recommendation.

Mr. Gonzalez introduced and summarized the item. Mr. Gonzalez corrected a typo on the item's memorandum title. Said title should read ".... from Resort Tax Funds....", instead of "....from Middle Beach Quality of Life Funds...."

Acting Assistant City Manager Tim Hemstreet elaborated on the historical events of the project. Mr. Hemstreet described the situation at the Golf Course where soil reports led to recommendations for the removal and replacement of muck (unsuitable soils) with adequate soils; and, unforeseen conditions led to additional project costs.

Mr. Hemstreet stated that TRAN Construction, Inc. (TRAN) stated that the soils reports were not part of the contract documents, and any work required to remove the unsuitable soils would be performed as a change order. The City took the position that soils report was clearly referenced in the plans and the specifications, and that it would be TRAN's responsibility to remove the unsuitable soils.

Mr. Hemstreet added that the construction contract with TRAN obligates the Contractor to adhere to the project schedule during all disputes and disagreements concerning requests for change orders. TRAN proceeded with their work and began submitting change orders.

Chairman Smith stated that he was impressed with the analysis done on this referral item, examining the change order requests and finding discrepancies in the supportive materials submitted by TRAN; yet, he questioned why the Administration is recommending such a high settlement in favor of the contractor.

Mr. Hemstreet stated that the Administration is requesting funding to provide for mediated change orders, additional services, and project contingency in order to complete the Miami Beach Golf Course Clubhouse Project.

First Assistant City Attorney Rhonda M. Hasan stated that what transpired during the mediation hearings is required to remain private because of the mediated agreement reached between the City and TRAN; unless TRAN waives certain rights.

Chairman Smith stated that how can the Committee know whether this is a good settlement and recommend an approval if the Committee is not privy to materials presented and recommendations made through the mediator.

Barring any full disclosure, Chairman Smith stated that he is not prepared to make a recommendation at this time.

6. Discussion regarding the Vending Machines and Corporate Sponsorship Program Request for Proposals (RFP).

ACTION

The Committee recommended the City reject all previously received Corporate Sponsorship RFP's; and, referred to a future Finance and Citywide Projects Committee a discussion on a Sponsorship Program.

The Committee recommended the City issue an RFP for a vending and snack machine agreement.

Mr. Middaugh introduced and summarized the item. Mr. Middaugh gave a brief history of the Corporate Sponsorship Program RFP.

Mr. Middaugh stated that the Corporate Sponsorship Program was intended to market the City of Miami Beach and to attract revenues to the City by allowing corporate sponsoring entities to identify with the City. Mr. Middaugh added that the Corporate Sponsorship Program envisioned the City developing a comprehensive program that embraced all of the assets which the City had available to market or offer to potential sponsors.

Mr. Middaugh added that as the City did preparatory work for the Corporate Sponsorship Program RFP, a decision was made to place the existing and expiring vending and snack machine contract on a month-to-month basis with the expectation that a broader Corporate Sponsorship Program would replace it.

Mr. Middaugh added that the Administration is recommending the rejection of all previously received Corporate Sponsorship RFP's, as the City has held the original RFP's for nearly a one-year period. Mr. Middaugh additionally stated that since the vending and snack machine contract is currently on a month-to-month basis, the Administration is recommending the City issue an RFP for a vending and snack machine agreement.

Commissioner Bower stated that she would like to see revenues generated for the vending and snack machine agreement earmarked for City Parks and Recreation programs.

JMG/PDW/mim

T:\AGENDA\2005\February 23, 2005\CONSENT\Fin & CW 01-27-05

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ATTENDANCE SHEET

JOINT MEETING OF THE FINANCE AND CITYWIDE PROJECTS COMMISSION COMMITTEE

DATE: - JANUARY 27, 2005 TIME: - 2:30 P.M.

PLEASE STATE YOUR NAME WHEN SPEAKING TO THE COMMITTEE - THANK YOU

PLEASE PRINT NAME	BUSINESS NAME & PHONE
Michelle White - Herald	→
Dan Ricker	Watchdog Report
Kurt Boone	CMB-NDA #6363
Jorge Gomez	CMB Planning Dept 7550
EDWARD VILLELLA	MeB 305 929-7000
Robert Gattler	" " " "
Sandra Breckerman	citizen " " " "
JOE FONTANA	CTAC
Hank [unclear]	resident
Pete Nepton	Miami City Ballet 929-7000
John L. Saffranek	Miami city Ballet 929-7000
Maria Bernards	
EVE DA URR A	
Viviana Suarez	
Erick Vega	
Rose Dominguez	
David VAUGHAN	(305) 672 4374

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PLEASE PRINT NAME	BUSINESS NAME & PHONE
Bob Pearsall	Miami-Dade Transit 305-637-3741
COLIN PRICE	REG ARCHITECTS, INC (561) 659 2383
CITIZ LEONARD	KISIK MARKET (407)
BOUCE KUSEW	AED Technologies 805-945-7330
BRANDON DINE	SUNPOST 305.538.9700 x217
CARL FILER	FDOT 1000 NW 111 AVE ³⁰⁵ 490-5137
KEVIN TAYLOR	TRAN CONST. 954-774-9115 ADG -
ELLIOT FISCH	AED Now! 888-241-9277
JUDY EVANS	MBTMA 305-535-9160
DAVID HONES	FIRST TRANSIT 704 643 6080
DERRICK HALL	FIRST TRANSIT 305-673-7688
REBECCA SCHWARTZ	MBTMA 305-535-9160
OLGA R. RIVERA	
DAIANE THOMPSON	65 Washington
JO MANNING	1460 Ocean Drive & NODAGA
DENNIS MATVEYEV	RESIDENT 1441 LINDEN ST 417 th 313-274 7775
ERIKA BRICHMAN	735 2ND ST 305 531 6363 TMA (30520) / TFC COMMITTEE

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PLEASE PRINT NAME	BUSINESS NAME & PHONE
LUIA KILLGORE-REBECCA-6125	Tel: 305-531-3899
Estrelita SALVAREZ <small>REBEKA 715,5</small>	305-538-1632
W. Bötzel	
Andrés Aguilar	305) 532 418 39.
Christina Alvo	673-7010
Gus Lopez	305) 673-7495
Max Escar	673-7577
Matt Gomez	673-7030
Richard Steinberg	673-7103
Robert McLaughlin	CMB - 6143
PATRICIA WALKER	CMB-FIN. X 7466
MANNY MARQUEZ	" " X6383
FLOYD JORDAN	CMB - FIRE CHIEF
CHRISTOPHER PARRINO	" - FIRE RESCUE
FRED BECKMANN	" - PUBLIC WORKS
JORGE M. GONZALEZ	CMB- CMO
DOUG TOBER	SMG

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PLEASE PRINT NAME	BUSINESS NAME & PHONE
TIM HEMSTREET	CMB- CIP 7071
JORGE CHARTRAND	
MAURO BURGIO	
JOSE SMITH	CMB - COMM.
LUIS R. GARCIA, JR.	
SIMON CRUZ	