



# MIAMI BEACH

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## COMMISSION MEMORANDUM

TO: Mayor Matti Herrera Bower and Members of the City Commission

FROM: City Manager Jorge M. Gonzalez

DATE: April 16, 2008

SUBJECT: **REPORT OF THE FINANCE AND CITYWIDE PROJECTS COMMITTEE ON MARCH 6, 2008.**

### OLD BUSINESS

1. Discussion and update regarding Artist Paul Fullerton's Corona Del Mar public art project.

### ACTION

Staff recommends the City's Legal Department pursue all avenues of recourse to collect the \$70,000 that has been paid to Mr. Fullerton, and that the remaining \$30,000 is used to conduct a new Call to Artists to screen the electrical boxes at the Third Street and Washington Avenue Plaza.

Max Sklar, Cultural Arts and Tourism Development Director presented the item regarding the termination of artist agreement for art in public places project, named "Corona del Mar". He went on to give a brief history of the project since its inception.

Mr. Sklar stated that the Administration recommends the City's Legal Department pursue all avenues of recourse to collect the \$70,000 that has been paid to Mr. Fullerton; that the remaining \$30,000 is used to conduct a new Call-to-Artists to screen the electrical boxes at the Third Street and Washington Avenue Plaza.

Motion made by Commissioner Ed Tobin to accept the Administration's recommendation which was seconded by Commissioner Deede Weithorn.

2. Update discussion to determine, within 30-days, if it is in the City's best interest to continue with the rehabilitation of the Normandy Shores Golf Course Clubhouse or construct a new facility.

### ACTION

Commissioner Ed Tobin, City Manager Jorge Gonzalez, and CIP Director Jorge Chartrand will meet with Architektnics to negotiate a reduction in the fee being charged for the Normandy Shores Golf Course Club House.

City Manager Jorge Gonzalez presented the item and gave a brief synopsis of the status of the Normandy Shores Golf Course Club House. He stated that the City Commission approved the new replication scope of work, which is currently estimated to cost approximately \$3,650,000 for construction costs and additional soft costs. Based on the recent discussions and presentations to the Design Review Board (DRB) and the City Commission, staff has been directed to pursue the total demolition and replication of the existing facility.

Both Coastal and Architektnics require additional fees for their services to accomplish the new scope of work which was approved at the February 13, 2008 City Commission Meeting at a not-to-exceed limit of \$145,500 for Architektnics and \$130,000 for Coastal. These additional fees have been negotiated by the CIP Office with both parties and have been reduced to \$138,175 for Architektnics and to \$88,000 for Coastal.

Construction value of the replica, including site work and kitchen build out, is estimated at this time to be approximately \$3,200,000 with completion of the facility to be roughly 16 months from the commencement

Commissioner Tobin questioned the use of the additional funding.

CIP Director Jorge Chartrand stated that it would be used for demolition, changes in the scope of work, additional materials, further exploratory testing, constructability review, and value engineering. He added, that they will either attempt to use the same piles that are currently present, or abandon the existing piles in place and shift the location of the new building.

Chairman, Saul Gross agreed that it was a good idea to keep the pilings.

Commissioner Tobin questioned what the delay would be if we went out to bid or if a Job Order Contractor (JOC) was used.

Chairman Gross asked if the project could be done as a design build.

Assistant City Manager Tim Hemstreet stated that an RFP could delay the project by approximately one year. He also went on to say that the cost could be more if we go out and re-bid the project.

Chairman Gross asked Commissioner Tobin if he wanted to re-bid the project for construction. Commissioner Tobin stated that given the circumstances the project should move forward and not put out an RFP.

Commissioner Tobin expressed continuing concern about the additional fee for Architektnics.

Mayor Matti Herrera Bower stated that she would like to see how we could improve the process so that this does not happen in the future.

Commissioner Tobin, City Manager Jorge Gonzalez and CIP Director Jorge Chartrand will meet with Architektnics to further negotiate a reduction in the additional services fee being charged for the Normandy Shores Golf Course Club House.

### **3. Discussion regarding the Professional Services Agreement for State Legislative Services.**

#### **ACTION**

#### **Issue Request for Proposal (RFP) for a two year contract with two, two year renewal options.**

Kevin Crowder, Economic Development Division Director presented the item to discuss the City's state legislative options, including whether a Request for Qualifications (RFQ) should be issued, or a new agreement be negotiated with the Consultant.

Mr. Crowder went on to explain that on September 8, 1994, the Mayor and City Commission awarded RFP No. 122-93/95 to Rutledge, Ecenia, Underwood, Purnell & Hoffman, P.A., and Gomez Barker Associates, Inc., and Robert M. Levy & Associates, Inc. (jointly, "the Consultant") for lobbying at the State level and consulting services on the City's behalf, and to represent the City before State agencies located in Tallahassee, Florida. The last extension was issued on November 25, 2003, when the Mayor and City Commission approved a new professional services agreement for State Legislative Services, for a period of three (3) years with two (2), one-year options to renew, in the amount of \$95,000 for the first year, with a CPI escalator each subsequent year, including the option years. The two year option of the contract was executed by the Mayor and City Commission, and the agreement will expire on September 30, 2008.

Chairman Saul Gross and Commissioner Richard Steinberg agreed that due to the length of the past agreement that a formal bid be issued.

City Manager Jorge Gonzalez acknowledged that a Request for Qualification (RFQ) should be issued.

Chairman Gross questioned why not issue a Request for Proposal (RFP) seeing that he wanted to put some downward pressure on the price.

Commissioner Deede Weithorn suggested issuing a Request for Proposal (RFP) for a two year contract with two, two year renewal options. She stated that the leadership changes in Tallahassee every two years therefore the City should have the option to change their lobbyist based on the leadership changes. Motion seconded by Commissioner Tobin all in favor motion passed unanimously.

### **4. Discussion of a parking garage in the area of Maurice Gibb Park and Sunset Harbor.**

#### **ACTION**

#### **Move forward with the analysis of the project and spend no more than fifty thousand dollars and bring it back to the Finance and Citywide Projects Committee in 90 days with a more structured agreement.**

Jorge Gonzalez, City Manager presented the item stating that the City has recently been approached by representatives of The Scott Robins Companies ("SRC") with a proposal for a joint development agreement to locate a parking garage in the area of Maurice Gibb Park and Sunset Harbor.

Scott Robins went on to say that one of the parcels is currently under contract, which

expires in June 2008, if the City and SRC do not move forward with a planned transaction this will no longer be a viable option.

The City Manager went on to say that initial concept discussions have taken place with staff. These conversations have centered on accomplishing several objectives, including relocation of Property Management from Flamingo Park, adding parking inventory to this area, and additional retail/restaurant amenities. The initial economics of the potential transaction include consideration for land costs and transfer of title for either the land or air rights to the City, a continuing arrangement for SRC to operate the retail/restaurant space (most likely through continuing fee ownership of the ground), and City performance of the construction.

Chairman Gross asked Mr. Robins if he was interested in building the parking garage. Mr. Robins stated that SRC would like to have the City purchase the air rights for the garage. SRC has valued those air rights at 50% of the total land costs incurred by it. The City, at its sole cost and expense, would then construct the garage and the shell for the ground floor retail/restaurant space. SRC would continue to own the ground in fee and would also own and lease/operate the retail/restaurant operation, including the build-out of this space.

City Manager Gonzalez noted that the City has an expressed interest in relocating the Property Management Facility out of its current location within Flamingo Park. The City currently owns three parcels at 1833 Bay Road, which is across the street from the proposed garage. In previous discussions and proposals to potentially move Property Management to the 1833 Bay Road site, one of the main limiting factors has been the availability of sufficient parking. The Property Management operation has about 75 vehicles and the 1833 Bay Road site is simply not large enough to accommodate the operation and the parking for the operation.

Mayor Bower stated that when making the decision if the project was viable to take into consideration the impact of the relocation of Property Management out of Flamingo Park.

Jorge Gomez, Planning Director stated that with the new garage being built there could be the opportunity of charging a parking impact fee.

Commissioner Steinberg has a hesitation as to the size of the parking garage being built and stated that he would like to see what the parking necessity is for that area.

Jack Johnson, Flamingo Park Neighborhood Association favored the project.

Chairman Gross questioned who was going to do the due diligence and how much was it going to cost.

City Manager Gonzalez stated that the City would need to spend approximately \$50,000 to do the due diligence work. He said the money would be used for architectural services for the most efficient layout of the garage, appraisals to help with pricing and valuation of the property, utilization study and some type of financial model.

Commissioner Weithorn moved the item and stated to spend no more than fifty thousand dollars and bring it back to the Finance and Citywide Projects Committee in 90 days with a more structured plan, seconded by Commissioner Steinberg.

## 5. Proposed E-Governance and accountability task force.

### **ACTION**

**The Mayor's office to form an ad-hoc committee for E-Governance allowing them one month to form the committee and three months to come back with recommendations.**

Commissioner Weithorn presented the item for discussion on E-Governance. She stated that E-Governance is the use of government web-based internet applications and other information technologies, combined with processes that implement these technologies, to enhance the access to, and delivery of government information and services to the public, other agencies and other government entities; or bring about improvements in government applications that may include effectiveness, efficiency, service quality or transformation. In layman's terms it is just putting the information out there.

Chairman Gross asked what format would that take as far as putting a committee together.

Mayor Bower stated that the Mayor's Office would have to form an ad-hoc committee.

Commissioner Weithorn stated that she wanted to form a group of 5 to 7 people on the committee. She went on to say that most of the information is already there and it is just a matter of making it easier to access the information.

City Manager Gonzalez stated that anything that puts more information into the hands of residents the better.

Commissioner Steinberg made a motion to allow one month for the committee to form and allow three months to execute. Motion passed unanimously.

JMG/PDW/rs