City of Miami Beach - City Commission Meeting
Commission Chambers, 3rd Floor, City Hall
1700 Convention Center Drive
May 18, 2005

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

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

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ATTENTION ALL LOBBYISTS

Chapter 2, Article VII, Division 3 of the City Code of Miami Beach entitled "Lobbyists" requires the registration of all lobbyists with the City Clerk prior to engaging in any lobbying activity with the City Commission, any City Board or Committee, or any personnel as defined in the subject Code sections. Copies of the City Code sections on lobbyists laws are available in the City Clerk's office. Questions regarding the provisions of the Ordinance should be directed to the Office of the City Attorney.

REGULAR AGENDA

R5 - Ordinances

R5A An Ordinance Amending Chapter 70 Of The Code Of The City Of Miami Beach, Entitled "Miscellaneous Offenses," To Create Article VI, To Be Entitled "Sexual Offenders And Sexual Predators" And Creating Sections 70-400, Entitled "Findings And Intent," 70-401, Entitled "Definitions," 70-402, Entitled "Sexual Offender And Sexual Predator Residence Prohibition; Penalties; Exceptions," Providing For A Prohibition For Sexual Offenders And Sexual Predators Convicted Of Crimes Under Certain Florida Statutes From Living Within 2500 Feet Of Specified Locations Within The City Of Miami Beach And Creating Section 70-403, Entitled "Property Owners Prohibited From Renting Real Property To Certain Sexual Offenders And Sexual Predators; Penalties," Prohibiting Owners Of Real Property From Renting Or Leasing Any Place, Structure, Or Part Thereof, Trailer Or Other Conveyance Located Within 2500 Feet Of Specified Locations Within The City Of Miami Beach To Sexual Offenders And Sexual Predators Convicted Of Crimes Under Certain Florida Statutes; Providing For Codification, Repealer, Severability, And An Effective Date.
10:15 a.m. Second Reading, Public Hearing (Page 347)
(Requested by Mayor David Dermer)
(First Reading on April 20, 2005)

R5 - Ordinances (Continued)

R5B Demolition Procedures For Non-Designated Structures
An Ordinance Amending The Land Development Regulations Of The City, By Amending Chapter 118, "Administration And Review Procedures," Article X, "Historic Preservation," Division 4, "Designation," Section 118-591, By Amending The Procedures For Instructions To The Planning Department For Designation Of Historic Structures And The Issuance Of Demolition Permits; Providing For Repealer, Severability, Codification And An Effective Date. **10:20 a.m. Second Reading, Public Hearing** (Page 353)

(Planning Department)
(First Reading on April 20, 2005)

R5C An Ordinance Amending The Code Of The City Of Miami Beach, By Amending Chapter 142 "Zoning Districts And Regulations," By Amending Article IV, "Supplementary District Regulations," By Creating Division 6 "Housing For Low And/Or Moderate Income Elderly," Creating Section 142-1181, "Purpose," Section 142-1182 "Definitions," Section 142-1183, "Unit Size," And Section 142-1184 "Mandatory Criteria;" Amending Division 3, "Residential Multifamily Districts," Subdivision II "RM-1 Residential Multifamily Low Intensity," Subdivision IV, "RM-2 Residential Multifamily, Medium Intensity," Subdivision V, "RM-3 Residential Multifamily, High Intensity," Division 4 "CD-1 Commercial, Low Intensity District," Division 5, "CD-2 Commercial, Medium Intensity District," Division 6, "CD-3 Commercial, High Intensity District," And Division 18, "PS Performance Standard District," By Including References To Division 6, "Housing For Low And/Or Moderate Income Elderly"; Providing For Repealer, Severability, Codification And An Effective Date. **10:30 a.m. Second Reading, Public Hearing** (Page 362)

(Planning Department)
(First Reading on April 20, 2005)

R5D An Ordinance Relating To Watercraft; Amending Chapter 66 By Enacting A New Section 66-8 Regulating The Anchoring And Mooring Of Watercraft Within The Boundaries Of The City; Regulating Anchoring Or Mooring For Nonnavigational, Live-Aboard, And Other Purposes; Defining Nonnavigational Purposes And Exceptions, And Live-Aboard; Establishing Penalties For Violation; Providing For Repealer Of All Conflicting Ordinances, Rules And Regulations; Providing For Codification And A Severance Clause; And Setting An Effective Date. **5:20 p.m. Second Reading, Public Hearing** (Page 377)

(Requested by Commissioner Jose Smith)
(First Reading on April 20, 2005)

R5E An Ordinance Amending Miami Beach City Code Chapter 2, Article VII, Division 5 Thereof Entitled "Campaign Finance Reform" By Amending Code Sections 2-487 "Prohibited Campaign Contributions By Vendors", 2-488 "Prohibited Campaign Contributions By Lobbyists On Procurement Issues", 2-489 "Prohibited Campaign Contributions By Real Estate Developers", And 2-490 "Prohibited Campaign Contributions By Lobbyists On Real Estate Development Issues", By Adding Language Providing That The 12 Month Period In Which A Prohibited Donor Of A Campaign Contribution Is Disqualified From Certain Specified Associations With The City Shall Commence Upon A Final Finding Of Violation, Or If Applicable, Upon Miami Beach City Commission Action On A Waiver Request, And Establishing Effects Of Waiver; Further Amending Code Section 2-487(B) By Providing For A Limited Waiver Of Existing Contracts; Providing For Repealer, Severability, Codification, And An Effective Date.
First Reading (Page 390)

(Requested by Mayor David Dermer & Commissioner Jose Smith)

R5 - Ordinances (Continued)

R5F An Ordinance Amending Ordinance No. 92-2813, The Defined Contribution Retirement Plan 401(A), By Amending The Provisions Of Section 1, Article 5, Subsection 5.03 To Increase The Maximum Monthly Retirement Disability Benefit To Reflect Annual Cost Of Living Increases; Providing For A Repealer, Severability, Codification, And An Effective Date. **First Reading** (Page 398)
(Human Resources)

R5G An Ordinance Amending Chapter 82, Article V, Division 1, Section 82-438 Of The City Code, Entitled "Prohibiting Wheeled Conveyances On Beachfront Promenade Boardwalk Except Those Required By The Handicapped," To Provide For Certain Exceptions To The Prohibition Of Wheeled Conveyances On The Boardwalk; Providing For Codification, Repealer, Severability, And An Effective Date. **First Reading** (Page 403)
(Police Department)

R7 - Resolutions

R7A A Resolution To Waive By 5/7ths Vote Of The City Commission Certain Development Regulations Pursuant To Section 142-425 (D) Of The City Code For The Proposed Surface Parking Lot At 137 Washington Avenue. **10:40 a.m. Public Hearing** (Page 409)
(Capital Improvements Office)

R7B A Resolution In Accordance With The Requirements Of Sections 163.3220 - 163.3243, Florida Statutes, Also Referred To As The "Florida Local Government Development Agreement Act," Approving, On Second Reading, A 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; A Supermarket; An Approximately 1081 Space Parking Garage; Park-And-Ride Transit Facility, Including An Intermodal/Transportation Component; 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. **5:00 p.m. Second Public Hearing** (Page 416)
(City Manager's Office)
(First Public Hearing on April 20, 2005)

R7 - Resolutions (Continued)

R7C A Resolution Waiving The Required Art In Public Places Appropriation, Finding Such Waiver To Be In The Best Interest Of The City, For The Project, Presently Referred To As "Fifth And Alton", Containing Approximately 179,000 Square Feet Of Retail Area; A Supermarket; An Approximately 1,081 Space Parking Garage; Park And Ride Transit Facility, Including An Intermodal/Transportation Component; 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 Fifth Street On The South, In Miami Beach; Further Making Said Waiver Subject To And Contingent Upon The Developer's Agreement And Commitment To Install A Major Piece Of Art At The Entrance Of The Project By Artist Romero Britto, Which The Developer Has Valued At $500,000; And, As Further Consideration For The Waiver, Taking Into Consideration A Representation By Mr. And Mrs. Alan Potamkin That They Had Previously Promised Gifts To The Bass Museum Of Art, (Which Donated Works The Developer Requested Be Considered In The Request For Waiver). (Page 447)
(Economic Development)

R7D A Resolution Following A Duly Noticed Preliminary Public Hearing Pursuant To City Code Section 118-705, Evaluating The Merits Of The Proposed Gilbert M. Fein Neighborhood Conservation District, And Directing The Planning Department To Continue The NCD Designation Process And Imposing The Temporary Development Review Controls Pursuant To City Code Section 118-708. **5:15 p.m. Public Hearing** (Page 456)
(Planning Department)

R7E A Resolution Awarding A Professional Services Agreement To Chen And Associates In The Amount Of $2,017,009 To Provide Urban Design, Architecture, Landscape Architecture, Engineering, And Construction Administration Services Necessary To Complete The Planning, Design, And Construction Of The Phases III, IV, And V Of The South Pointe Streetscape Project. **Joint City Commission And Redevelopment Agency** (Page 507)
(Capital Improvement Projects)

R7F A Resolution Accepting The Recommendation Of The City Manager Relative To The Ranking Of The Proposals Received For Group Employee Long Term Disability Coverage For Participants In The City's Defined Contribution 401(A) Plan, Pursuant To The Request For Proposals Issued On January 14, 2005, By Arthur J. Gallagher And Co., The City's Broker For Group Employee Benefits; Authorizing The Administration To Enter Into Negotiations With The Top Ranked Firm, Jefferson Pilot Financial Insurance Company; And, Should Such Negotiations Be Successful, Authorizing The Mayor And City Clerk To Execute An Agreement With Said Firm, Not To Exceed An Estimated Annual Premium Of $75,000, Effective June 1, 2005, For A Period Of Two Years. (Page 556)
(Human Resources)

R7 - Resolutions (Continued)

R7G A Resolution Authorizing The Mayor And City Clerk To Execute A Modification To The Sovereignty Submerged Land Lease No. 130765469 Among The City Of Miami Beach, The Miami Beach Redevelopment Agency And The Trustees Of The Internal Improvement Trust Fund Of The State Of Florida For The Miami Beach Marina, Pursuant To The Request Of The State Of Florida Department Of Environmental Protection To Clarify The Existing Uses At The Miami Beach Marina. **Joint City Commission And Redevelopment Agency** (Page 563)
(Asset Management)

R7H A Resolution Accepting The Recommendation Of The City Manager Pertaining To The Ranking Of Proposals Pursuant To Request For Proposals (RFP) No. 06-04/05, For The Development And Implementation Of A Citywide Corporate Marketing And Sponsorship Program; Authorizing The Administration To Enter Into Negotiations With International Merchandising Corporation D/B/A IMG; And Should The Administration Not Be Able To Negotiate An Agreement With International Merchandising Corporation D/B/A IMG; Authorizing The Administration To Negotiate With The Superlative Group, Inc.; And Further Authorizing The Mayor And City Clerk To Execute An Agreement Upon Completion Of Successful Negotiations By The Administration. (Page 574)
(City Manager's Office)

R7I 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 Not To Exceed $2,406,377.00 (Net Of Broker Commissions), For A One-Year Period As Proposed By Arthur J. Gallagher & Co., The City's Broker Of Record. (Page 589)
(Risk Management)

R7J A Resolution Appropriating Funds, In The Amount Of $1,152,260, From Middle Beach Quality Of Life Funds, Of Which Up To $750,000 Are Anticipated To Be Reimbursed By Miami-Dade County General Obligation Bond Funds, For Construction Of The 41st Street Bridges Project. (Page 612)
(Capital Improvement Projects)

R7K A Resolution Approving And Authorizing The City Manager To Issue A Certification Of Consistency With The City's Consolidated Plan To The Miami Beach Community Development Corporation, For Its Proposed Project To Create (30) Units Of Supportive Housing For Very Low Income Elders, To Be Located In The Vacant Parcel Adjacent To And Part Of The Villa Maria Apartment Project, Located At 2800 Collins Avenue, Miami Beach, Florida. (Page 619)
(Neighborhood Services)

R7 - Resolutions (Continued)

R7L A Resolution Approving And Authorizing The City Manager To Issue Five (5) Certifications Of Consistency With The City's Consolidated Plan To Douglas Gardens Community Mental Health Center Of Miami Beach, Inc., To Utilize Funds Provided Directly By The U.S. Department Of Housing And Urban Development To: Continue Providing Housing To Formerly Homeless Persons With Disabilities At The Mayfair Hotel, 1960 Park Avenue, Miami Beach; Continue Providing Case Management Services And Transitional Housing To Victims Of Domestic Violence Who Have Become Homeless; To Continue To Operate And Enhance Two Scattered Site Housing Programs; And To Enhance Supportive Services For Formerly Homeless Persons In Miami Beach With A New Scattered Site, Shelter Plus Care (S+C) Program. (Page 624)
(Neighborhood Services)

R7M A Resolution Approving And Authorizing The City Manager To Issue A Certification Of Consistency With The City's Consolidated Plan To The City's Neighborhood Services Department Office Of Homeless Coordination To Utilize Funds Provided Directly By The U.S. Department Of Housing And Urban Development To Provide Outreach And Case Management Services To Homeless Individuals In Miami Beach. (Page 629)
(Neighborhood Services)

R7N A Resolution Approving And Authorizing The City Manager To Issue Two (2) Certifications Of Consistency With The City's Consolidated Plan To Carrfour Supportive Housing, To Renew The Awarded Funds Provided Directly By The U.S. Department Of Housing And Urban Development, To Provide Supportive Housing In The Form Of Twenty-Four (24) Units Of Transitional And Forty-Eight (48) Units Of Permanent Housing For Formerly Homeless Individuals At 8540 Harding Avenue, Miami Beach, Florida. (Page 634)
(Neighborhood Services)

R7O A Resolution Authorizing Appropriation Of $1,466,762 From The Water And Sewer Revenue Series 2000 Bond Fund 424 For Construction And Maintenance Projects, To Fund Work Orders For Water And Sewer Construction Projects. (Page 691)
(Public Works)

R7P A Resolution Approving And Officially Adopting The Basis Of Design Report (BODR) For The Multi-Purpose Municipal Parking Facility (MPMPF). (Page 696)
(Capital Improvement Projects)

R9 - New Business and Commission Requests

R9A Board And Committee Appointments. (Page 704)
(City Clerk's Office)

R9A1 Appointment To The Board Of Adjustments. (Page 710)
(City Clerk's Office)

R9A2 Appointment To The Performing Arts Center Trust. (Page 712)
(Requested by Mayor David Dermer)

R9B(1) Dr. Stanley Sutnick Citizen's Forum. (1:30 p.m.) (Page 714)
R9B(2) Dr. Stanley Sutnick Citizen's Forum. (5:30 p.m.)

R9C Discussion Regarding A Referral Of The Harding Village Supportive Housing Project To The Planning Board And/Or Board Of Adjustment. (Page 716)
(Requested by Vice-Mayor Luis R. Garcia, Jr.)

R9C1 Discussion Regarding The Carrfour Facility Being Established On North Beach. (Page 784)
(Requested by Vice-Mayor Luis R. Garcia, Jr.)

R9D Report On Memorial Day Weekend 2005 (Thursday, May 26, 2005 - Monday, May 30, 2005). (Page 786)
(Tourism & Cultural Development)

R9E Presentation By Michael Kosnitky On Behalf Of The Orange Bowl Committee. (Page 790)
(Requested by Mayor David Dermer)

R9F Discussion Regarding The Rules And Regulations Governing Dogs, Bicycles, And Skateboards At The New Beach Walk. (Page 792)
(Requested by Commissioner Jose Smith)

R9G Discussion Regarding The Maintenance Of The Bark Park Area And Enforcement Of The Leash Law At Pinetree Park. (Page 794)
(Requested by Vice-Mayor Luis R. Garcia, Jr.)

R9H Discussion Regarding A Resolution Urging Governor Bush, To Support The City's Grant Appropriation For The Byron Carlyle Theater. (Page 796)
(Requested by Commissioner Jose Smith)

Reports and Informational Items

A Status Report On The Rehabilitation Of The Existing Building And Construction Of The New Fire Station No. 2. (Page 799)
(Capital Improvement Projects)

B Status Report On The Construction Of Fire Station No. 4. (Page 801)
(Capital Improvement Projects)

C Informational Report To The Mayor And City Commission, On Federal, State, Miami-Dade County, U.S. Communities, And All Existing City Contracts For Renewal Or Extensions In The Next 180 Days. (Page 803)
(Procurement)

D Non-City Entities Represented By City Commission:
1. Minutes From The Performing Arts Center Trust Board Meeting Of March 8, 2005 And Agenda For The May 10, 2005 Meeting. (Page 809)
(Requested by Commissioner Matti Herrera Bower)

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

2005 CITY COMMISSION AND REDEVELOPMENT AGENCY MEETINGS

Commission Meetings	**"*Alternate*" Commission Meetings**
January 12 (Wednesday)	
February 2 (Wednesday)	
February 23 (Wednesday)	
March 16 (Wednesday)	
April 20 (Wednesday)	
May 18 (Wednesday)	*May 25 (Wednesday)*
June 8 (Wednesday)	
July 6 (Wednesday)	
July 27 (Wednesday)	
September 7 (Wednesday)	*September 14 (Wednesday)*
October 19 (Wednesday)	*October 26 (Wednesday)*
November 2* (Wednesday)	
November 16* (Wednesday)	
December 7 (Wednesday)	*December 14 (Wednesday)*

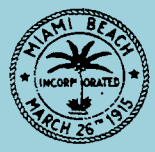
* Election related items only.

The "alternate" City Commission meeting date have been reserved to give the Mayor and City Commission the flexibility to carry over a Commission Agenda item(s) to the "alternate" meeting date, if necessary. Any Agenda item(s) carried over will be posted on the City's website, aired on Government Channel 20, or you may call the City Clerk's at (305)673-7411.

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**

MEMORANDUM

To: **Mayor and City Commission** **Date:** **May 18, 2005**

From: **Jean Olin, Deputy City Attorney**
Robert Datorre, Assistant City Attorney

Subject: **Sex Offender Residence Prohibition Ordinance**

Attached, please find the most recent version of the proposed ordinance relating to the residence prohibition for sex offenders. This Ordinance passed on First Reading at the April 20, 2005 Commission Meeting, and is advertised for a public hearing Second Reading for the May 18 Commission Meeting.

However, inasmuch as substantive changes have been made to the proposed legislation since first reading, if the City Commission approves this matter on May 18, an additional reading at public hearing on June 8 must be scheduled.

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

Agenda Item R5A
Date 5-18-05

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 70 OF THE CODE OF THE CITY OF MIAMI BEACH, ENTITLED "MISCELLANEOUS OFFENSES," TO CREATE ARTICLE VI, TO BE ENTITLED "SEXUAL OFFENDERS AND SEXUAL PREDATORS" AND CREATING SECTIONS 70-400, ENTITLED "FINDINGS AND INTENT," 70-401, ENTITLED "DEFINITIONS," 70-402, ENTITLED "SEXUAL OFFENDER AND SEXUAL PREDATOR RESIDENCE PROHIBITION; PENALTIES; EXCEPTIONS," PROVIDING FOR A PROHIBITION FOR SEXUAL OFFENDERS AND SEXUAL PREDATORS CONVICTED OF CRIMES UNDER CERTAIN FLORIDA STATUTES FROM LIVING WITHIN 2500 FEET OF SPECIFIED LOCATIONS WITHIN THE CITY OF MIAMI BEACH AND CREATING SECTION 70-403, ENTITLED "PROPERTY OWNERS PROHIBITED FROM RENTING REAL PROPERTY TO CERTAIN SEXUAL OFFENDERS AND SEXUAL PREDATORS; PENALTIES," PROHIBITING OWNERS OF REAL PROPERTY FROM RENTING OR LEASING ANY PLACE, STRUCTURE, OR PART THEREOF, TRAILER OR OTHER CONVEYANCE LOCATED WITHIN 2500 FEET OF SPECIFIED LOCATIONS WITHIN THE CITY OF MIAMI BEACH TO SEXUAL OFFENDERS AND SEXUAL PREDATORS CONVICTED OF CRIMES UNDER CERTAIN FLORIDA STATUTES; PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the Mayor and City Commission of the City of Miami Beach are deeply concerned about the numerous recent occurrences in our state and elsewhere, whereby convicted sex offenders who have been released from custody repeat the unlawful acts for which they had originally been convicted; and,

WHEREAS, the Mayor and City Commission of the City of Miami Beach find from the evidence the recidivism rate for released sex offenders is alarmingly high, especially for those who commit their crimes on children; and,

WHEREAS, the City is becoming an increasingly attractive place of residence for younger families with small children; and,

WHEREAS, the Mayor and City Commission of the City of Miami Beach desire to

establish policy which provides the maximum protection of the lives and persons in the City of Miami Beach; and,

WHEREAS, §§794.065 and 947.1405, Fla. Stat., provide for one thousand (1000) foot residence prohibitions from specified location for certain sexual offenders and sexual predators; and,

WHEREAS, §847.0134, Fla. Stat., provides that certain adult entertainment venues may not be located within two thousand five hundred (2,500) feet of the real property that comprises a public or private elementary school, middle school, or secondary school; and,

WHEREAS, Article VIII, Section 2(b), Florida Constitution and §166.021, Fla. Stat., provide the City authority to protect the health, safety and welfare of its residents;

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

SECTION 1. That Chapter 70 of the Code of the City of Miami Beach entitled "Miscellaneous Offenses" be amended to read:

ARTICLE VI. SEXUAL OFFENDERS AND SEXUAL PREDATORS

Sec. 70-400. Findings and Intent.

(a) Repeat sexual offenders, sexual offenders who use physical violence, and sexual offenders who prey on children are sexual predators who present an extreme threat to the public safety. Sexual offenders are extremely likely to use physical violence and to repeat their offenses, and most sexual offenders commit many offenses, have many more victims than are ever reported, and are prosecuted for only a fraction of their crimes. This makes the cost of sexual offender victimization to society at large, while incalculable, clearly exorbitant.

(b) It is the intent of this Article to serve the city's compelling interest to promote, protect and improve the health, safety and welfare of the citizens of the City by creating areas around locations where children regularly congregate in concentrated numbers wherein certain sexual offenders and sexual predators are prohibited from establishing temporary or permanent residence.

Sec. 70-401. 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:

"Permanent residence" means a place where the person abides, lodges, or resides for 14 or more consecutive days.

"Temporary residence" means a place where the person abides, lodges, or resides for a period of 14 or more days in the aggregate during any calendar year and which is not the person's permanent address, or a place where the person routinely abides, lodges, or resides for a period of 4 or more consecutive or nonconsecutive days in any month and which is not the person's permanent residence.

Sec. 70-402 Sexual Offender and Sexual Predator Residence Prohibition; Penalties; Exceptions.

(a) It is unlawful for any person who has been convicted of a violation of §§794.011, 800.04, 827.071, or 847.0145, Fla. Stat., regardless of whether adjudication has been withheld, in which the victim of the offense was less than 16 years of age, to establish a permanent residence or temporary residence within 2500 feet of any school, designated public school bus stop, day care center, park, playground, or other place where children regularly congregate.

(b) For purposes of determining the minimum distance separation, the requirement shall be measured by following a straight line from the outer property line of the permanent residence or temporary residence to nearest outer property line of a school, designated public school bus stop, day care center, park, playground, or other place where children regularly congregate.

(c) *Penalties.* A person who violates this section shall be punished by a fine not exceeding $500.00 or by imprisonment for a term not exceeding 60 days, or by both such fine and imprisonment; for a second or subsequent conviction of a violation of this section, such person shall be punished by a fine not to exceed $1,000.00 or imprisonment in the county jail not more than 12 months, or by both such fine and imprisonment.

(d) *Exceptions.* A person residing within 2500 feet of any school, designated public school bus stop, day care center, park, playground, or other place where children regularly congregate does not commit a violation of this section if any of the following apply:

(i) The person established the permanent residence prior to July 1, 2005.

(ii) The person was a minor when he/she committed the offense and was not convicted as an adult.

(iii) The person is a minor.

(iv) The school, designated public school bus stop or day care center within 2500 feet of the persons permanent residence was opened after the person established the permanent residence.

Sec. 70-403. Property Owners Prohibited from Renting Real Property to Certain Sexual Offenders and Sexual Predators; Penalties.

(a) It is unlawful to let or rent any place, structure, or part thereof, trailer or other conveyance, with the knowledge that it will be used as a permanent residence or temporary residence by any person prohibited from establishing such permanent residence of temporary residence pursuant to s. 70-402 of this Code, if such place, structure, or part thereof, trailer or other conveyance, is located within two thousand five hundred (2500) feet of any school, designated public school bus stop, day care center, park, playground, or other place where children regularly congregate.

(b) A property owner's failure to comply with provisions of this section shall constitute a violation of this section, and shall subject the property owner to the code enforcement provisions and procedures as provided in chapter 30 of this Code, including the provisions of chapter 30 that allow the city to seek relief as otherwise provided by law.

SECTION 2. REPEALER

All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

SECTION 3. SEVERABILITY

If any section, subsection or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

SECTION 4. CODIFICATION

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

SECTION 5. EFFECTIVE DATE

This ordinance shall take effect on the _____ day of _____, 2005.

PASSED AND ADOPTED this _____ day of _____, 2005.

_____
MAYOR

ATTEST:

_____
CITY CLERK

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION:

_____ 5/12/05
City Attorney RTD Date

CITY OF MIAMI BEACH
NOTICE OF PUBLIC HEARING

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 18, 2005**, to consider the following:

10:15 A.M.
An Ordinance Amending Chapter 70 Of The Code Of The City Of Miami Beach, Entitled "Miscellaneous Offenses," To Create Article VI, To Be Entitled "Sex Offenders" And Creating Section 70-400, Entitled "Sex Offender Residency Prohibition," Providing For A Prohibition From Sex Offenders Convicted Of Crimes Under Certain Florida Statutes From Living Within 2500 Feet Of Specified Locations Within The City Of Miami Beach

Inquiries may be directed to the City Manager's Office at (305) 673-7010.

10:20 A.M.
An Ordinance Amending The Land Development Regulations Of The City, By Amending Chapter 118, "Administration And Review Procedures," Article X, "Historic Preservation," Division 4, "Designation," Section 118-591, By Amending The Procedures For Instructions To The Planning Department For Designation Of Historic Structures And The Issuance Of Demolition Permits

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

10:30 A.M.
An Ordinance Amending The Code Of The City Of Miami Beach, By Amending Chapter 142 "Zoning Districts And Regulations," By Amending Article IV, "Supplementary District Regulations," By Creating Division 6 "Housing For Low And/Or Moderate Income Elderly," Creating Section 142-1181, "Purpose," Section 142-1182 "Definitions," Section 142-1183, "Unit Size," And Section 142-1184 "Mandatory Criteria;" Amending Division 3, "Residential Multifamily Districts," Subdivision II "RM-1 Residential Multifamily Low Intensity," Subdivision IV, "RM-2 Residential Multifamily, Medium Intensity," Subdivision V, "RM-3 Residential Multifamily, High Intensity," Division 4 "CD-1 Commercial, Low Intensity District," Division 5, "CD-2 Commercial, Medium Intensity District," Division 6, "CD-3 Commercial, High Intensity District," And Division 18, "PS Performance Standard District," By Including References To Division 6, "Housing For Low And/Or Moderate Income Elderly"

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

5:20 P.M.
An Ordinance Relating To Watercraft; Amending Chapter 66 By Enacting A New Section 66-8 Regulating The Anchoring And Mooring Of Watercraft Within The Boundaries Of The City; Regulating Anchoring Or Mooring For Nonnavigational, Live-Aboard, And Other Purposes; Defining Nonnavigational Purposes And Exceptions, And Live-Aboard; Establishing A Penalty For Violation;

Inquiries may be directed to the City Manager's Office at (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. 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 #305

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CITY OF MIAMI BEACH
COMMISSION ITEM SUMMARY

Condensed Title:

Ordinance amending the Designation Procedures Section of the City Code.

Issue:

Amendment to the Designation Procedures Section of the City Code, to create an interim procedure for the designation of structures in order to allow for a public hearing prior to the issuance of a demolition permit.

Item Summary/Recommendation:

Under the existing designation section of the City Code, a property must go through at least one advertised public hearing (30 day minimum) before consideration of the designation of a structure or district, and protection from demolition. In order to address this issue, an interim process for demolition permits, where the designation process is initiated with the initial 30 day mail notice requirement replaced with a 5 day published notice, has been developed. This new process will allow for the planning department, at the request of an authorized entity, to prepare a designation report and implement interim procedures for demolition permits, and provide protection for a structure from demolition, in a much shorter timeframe.

On April 20, 2005 the City Commission approved the proposed Ordinance on First Reading. The Administration recommends that the City Commission adopt the proposed Ordinance on Second Reading.

Advisory Board Recommendation:

The Planning Board transmitted the proposed Ordinance, with a favorable recommendation, to the City Commission on February 22, 2005. The Historic Preservation Board reviewed the Ordinance on February 8, 2005 and recommended approval. On March 16, 2005, the City Commission referred the proposed Ordinance to the Land Use and Development Committee for further study. On March 28, 2005, the Land Use and Development Committee recommended approval of the Ordinance, with certain modifications.

Financial Information:

Source of Funds:

Finance Dept.

	Amount	Account	Approved
1			
2			
3			
4			
Total			

City Clerk's Office Legislative Tracking:

Jorge Gomez or Thomas Mooney

Sign-Offs:

Department Director	Assistant City Manager	City Manager

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AGENDA ITEM R5B

DATE 5-18-05

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 18, 2005

From: Jorge M. Gonzalez City Manager

SECOND READING

Subject: **AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CITY, BY AMENDING CHAPTER 118, "ADMINISTRATION AND REVIEW PROCEDURES," ARTICLE X, "HISTORIC PRESERVATION", DIVISION 4, "DESIGNATION," SECTION 118-591, BY AMENDING THE PROCEDURES FOR INSTRUCTIONS TO THE PLANNING DEPARTMENT FOR DESIGNATION OF HISTORIC STRUCTURES AND THE ISSUANCE OF DEMOLITION PERMITS; PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.**

ADMINISTRATION RECOMMENDATION

Adopt the proposed Ordinance.

OVERVIEW

Under the existing designation section of the City Code, a property must go through at least one advertised public hearing before consideration of designation, and protection from demolition. Often times it takes at least two months to get to this point when a structure is identified as potentially historically significant; in this intervening period the property owner can pull a demolition permit. Pursuant to a referral from the City Commission, as well as a Resolution from the Miami-Dade County Historic Preservation Board encouraging the City to take action, an Ordinance amendment was drafted to narrow the timeframe for providing protection from demolition to structures being considered for designation.

ANALYSIS

In order to better protect architecturally and historically significant structures that have not been designated, an interim process for demolition permits where the designation process is initiated without notice to the property owner have been developed. This new process will allow for the planning department, at the request of an authorized entity, to prepare

a designation report and implement interim procedures for demolition permits, without notice to the property owner.

The planning department would then prepare an evaluation and recommendation that determines whether the property meets the criteria of the Land Development Regulations for designation. This report would be submitted to the Historic Preservation Board at a meeting noticed in accordance with the Florida Sunshine Law, Section 286.011, Florida Statutes, which essentially means "adequate public notice". If the Historic Preservation Board finds that the evaluation and recommendation satisfies the criteria of the code, it may vote to instruct the department to prepare a designation report, and the existing procedures for the issuance of a demolition permit would be applicable for sixty days from the date of the vote.

These interim procedures would continue to apply thereafter only by a vote by the Historic Preservation Board at a public hearing with a 30 day notice to the property owner and property owners within 375 feet, or by agreement in writing of the property owner.

On February 8, 2005, the Historic Preservation Board reviewed the subject Ordinance and recommended approval. On February 22, 2005, the Planning Board considered the proposed Ordinance Amendment and transmitted it to the City Commission with a favorable recommendation.

On March 16, 2005, the City Commission referred the item to the Land Use and Development Committee for further study. On March 28, 2005, the Land Use and Development Committee endorsed the proposed Ordinance, with the following modifications:

- In the event the historic preservation board is requested to instruct the planning department to prepare a designation report and/or implement interim procedures for demolition permits, the property owner shall be immediately notified in writing.

- The City Commission shall be advised, via an LTC, of any action of the Historic Preservation Board directing the Planning Department to prepare a designation report. A copy of the proposed initial boundaries, as well as the preliminary evaluation, shall be attached to the LTC.

- The planning director, or designee, may prepare and submit to the historic preservation board an evaluation and recommendation for designation at a meeting noticed in a newspaper of general circulation at least five (5) days in advance of the hearing.

- The interim procedures shall not be applicable to the individual designation of single-family homes located in single-family zoning districts.

- The City Commission may, by a 5/7 vote, either modify or deny a request for designation, within 60 days from the date of the vote of the historic preservation board instructing staff to prepare a designation report.

On April 20, 2005 the City Commission adopted the proposed Ordinance on First Reading.

CONCLUSION:

The Administration recommends that the Mayor and City Commission adopt the proposed Ordinance.

Pursuant to Section 118-164(4) of the City Code, an affirmative vote of five-sevenths shall be necessary in order to enact any amendments to the Land Development Regulations.

JMG:TH:JGG:TRM
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DEMOLITION PROCEDURESFOR NON-DESIGNATED STRUCTURES

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CITY, BY AMENDING CHAPTER 118, "ADMINISTRATION AND REVIEW PROCEDURES," ARTICLE X, "HISTORIC PRESERVATION", DIVISION 4, "DESIGNATION," SECTION 118-591, BY AMENDING THE PROCEDURES FOR INSTRUCTIONS TO THE PLANNING DEPARTMENT FOR DESIGNATION OF HISTORIC STRUCTURES AND THE ISSUANCE OF DEMOLITION PERMITS; PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

WHEREAS, the City of Miami Beach (City) places a strong emphasis on the protection and retention of all architecturally and historically significant structures in the City; and

WHEREAS, the City Commission has deemed it in the best interest and welfare of the City to have procedures for the review of non-designated structures that may be proposed for demolition, as well as procedures for the designation of historically and architecturally significant structures as individual historic structures; and

WHEREAS, the City Commission has deemed it in the best interest and welfare of the City to adopt procedures to preserve and protect the unique architectural history of Miami Beach; and

WHERAS, the City Commission and the Historic Preservation Board have deemed it necessary to amend the procedures and requirements for the demolition of non-designated structures in order to promote their preservation and protection; and

WHEREAS, The City of Miami Beach Historic Preservation and Planning Boards strongly endorse the proposed amendments to the Historic Preservation Section of the Code; and

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

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

SECTION 1. That Chapter 118, "Administration And Review Procedures," Article X, "Historic Preservation," Division 4, "Designation," of the Land Development Regulations of the Code of the City of Miami Beach, Florida is hereby amended as follows:

DIVISION 4. DESIGNATION

Sec. 118-591. Historic designation procedure.

(a) Requests for designation.

(1) Requests for designation of an individual historic site or district may be made to the historic preservation board by motion of the board, the city manager, by resolution of the planning board or city commission, by any property owner in respect to his own property, by a majority of property owners of record within a proposed district, by resolution of the county historic preservation board, or by resolution of any organization whose purpose is to promote the preservation of historic sites.

(2) Proposals for designation shall include a completed application form available from the planning department.

(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 118-591(a)(1) for site designation shall include an application fee as provided in appendix A.

b. A request initiated by any entity other than the city commission, a city board or other city official as set out in subsection 118-591(a)(1) for district designation shall include an application fee per platted lot as provided in appendix A.

(b) Preliminary review. Upon receipt of a completed application and fees, if applicable, the planning department shall prepare an evaluation and recommendation for consideration by the board. After considering the department's recommendation, a majority vote of the board shall be necessary to direct the department to prepare a designation report. <u>The City Commission shall be notified of the board's decision and the initial boundaries proposed for designation. Within 60 days of the vote of the historic preservation board to direct the planning department to prepare a designation report, the City Commission may, by a 5/7 vote, deny or modify the proposed request for designation.</u>

(c) Requests for demolition permits. If, following a vote of the historic preservation board, after a public hearing noticed according to the requirements of section 118-164, to <u>(i)</u> instruct the planning department to prepare a request for the designation of an individual historic site or district and an evaluation and recommendation in accordance with section 118-591, <u>or (ii) to extend the interim procedures imposed under section (d) below, and</u> a permit is sought for demolition affecting the subject structure, or any property within the proposed designation site or district, that permit shall not be issued until one of the following occurs:

(1) The proposed historic preservation designation is approved by the city commission and a certificate of appropriateness is awarded by the board pursuant to division 3 of this article;

(2) The proposed historic preservation designation is denied by the city commission; or

(3) The applicant applies for an accelerated approval of a certificate of appropriateness prior to the final enactment of the historic preservation designation for the proposed site; and such certificate of appropriateness has been issued under the provisions of division 3 of this article. The planning department shall place an application for an accelerated approval of a certificate of appropriateness upon the next available agenda of the historic preservation board.

The applicant or the planning department shall have up to one year, from the date the historic preservation board votes to instruct staff to prepare a designation report, to prepare such report and

present it to the board for consideration. If the designation report is not completed within such one-year period, the applicant or the planning department may request approval from the historic preservation board for additional periods of six months or less within which to complete the report.
(d) Interim procedures for demolition permits. The persons or entities listed in (a)(1) above, may request the board to instruct the planning department to prepare a designation report and implement interim procedures for demolition permits. The planning director, or designee, may prepare and submit to the historic preservation board an evaluation and recommendation for designation at a meeting noticed in a newspaper of general circulation at least five (5) days in advance of the hearing. The property owner shall be notified in writing, by regular mail sent to the address of the owner on the Miami-Dade County Property Appraiser's tax records, and postmarked at least five (5) days in advance of the hearing. The City Commission shall also then be notified. If the historic preservation board finds that the evaluation and recommendation presents a prima facie case that the property meets the criteria of the land development regulations for designation, it shall instruct the planning department to prepare a designation report, in which case the procedures for the issuance of a demolition permit set forth in subsection (c) above, shall be applicable for sixty (60) days from the date of such vote. Within sixty (60) days of the vote by the historic preservation board to instruct the planning department to prepare a designation report the City Commission may, by a 5/7 vote, deny or modify the proposed request for designation. The interim procedures shall continue to apply after the sixty (60) days expires only by a vote of the historic preservation board to proceed with the designation process at a public hearing with notice as provided in subsection (c) above, or by agreement in writing of the property owner. Application and fees, if applicable, shall be filed within ten days of the board's vote at the initial public hearing, but shall not delay commencement of the interim procedures. The interim procedures herein shall not be applicable to the individual designation of single family homes located in single family zoning districts.
(e) ~~(d)~~ Designation report. The designation report shall describe the historic, architectural and/or archeological significance of the property proposed for historical site or district designation, and recommend evaluation guidelines to be used by the board to evaluate the appropriateness and compatibility of proposed developments affecting the designated site or district. The designation report shall be presented to the board at a public hearing held during a regularly scheduled meeting.
(f) ~~(e)~~ Public hearing; notification. A public hearing on a proposed historic preservation designation shall be conducted by the historic preservation board after the date a designation report has been filed. The property owners of record within 375 feet of the property proposed for designation shall be notified by mail of the public hearing at least 15 days in advance of the hearing. This notification requirement shall be the responsibility of the applicant.

SECTION 2. 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 3. REPEALER.

All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

SECTION 4. SEVERABILITY.

If any section, subsection, clause or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

SECTION 5. EFFECTIVE DATE.

This Ordinance shall take effect ten days following adoption.

PASSED AND ADOPTED this _____ day of _____, 2005.

_____
MAYOR

ATTEST:

_____
CITY CLERK

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

City Attorney 4-28-05 Date

First Reading: April 20, 2005
Second Reading: May 18, 2005

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

Underscore denotes new language
4/28/2005

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CITY OF MIAMI BEACH
NOTICE OF PUBLIC HEARING

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 18, 2005**, to consider the following:

10:15 A.M.
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5:20 P.M.
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Inquiries may be directed to the City Manager's Office at (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. 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

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Ad #305

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CITY OF MIAMI BEACH
COMMISSION ITEM SUMMARY

Condensed Title:

Housing for low and moderate income elderly: Creating Division 6, "Housing for low and/or moderate income elderly," Chapter 142, by establishing a purpose, definitions, minimum and maximum unit size of 550 square feet, and mandatory criteria for new construction or rehabilitation of housing units for the elderly

Issue:

Should the development regulations for low and moderate income elderly be amended?

Item Summary/Recommendation:

The Administration recommends that the City Commission adopt the ordinance.

Advisory Board Recommendation:

At the March 29, 2005 meeting of the Planning Board, a motion was made and approved by a vote of 6-0 to recommend to the City Commission approval of the ordinance.

Financial Information:

Source of Funds:

Finance Dept.

	Amount	Account	Approved
1			
2			
3			
4			
Total			

City Clerk's Office Legislative Tracking:

Mercy Lamazares/Jorge Gomez

Sign-Offs:

Department Director	Assistant City Manager	City Manager

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AGENDA ITEM RSC

DATE 5-18-05

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 18, 2005

From: Jorge M. Gonzalez
City Manager

Second Reading Public Hearing

Subject: **Elderly Housing**

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE CODE OF THE CITY OF MIAMI BEACH, BY AMENDING CHAPTER 142 "ZONING DISTRICTS AND REGULATIONS," BY AMENDING ARTICLE IV. "SUPPLEMENTARY DISTRICT REGULATIONS," BY CREATING DIVISION 6. "HOUSING FOR LOW AND/OR MODERATE INCOME ELDERLY," CREATING SECTION. 142-1181, "PURPOSE," SECTION 142-1182 "DEFINITIONS," SECTION 142-1183, "UNIT SIZE," AND SECTION 142-1184 "MANDATORY CRITERIA;" AMENDING DIVISION 3. "RESIDENTIAL MULTIFAMILY DISTRICTS," SUBDIVISION II. "RM-1 RESIDENTIAL MULTIFAMILY LOW INTENSITY," SUBDIVISION IV. "RM-2 RESIDENTIAL MULTIFAMILY, MEDIUM INTENSITY," SUBDIVISION V. "RM-3 RESIDENTIAL MULTIFAMILY, HIGH INTENSITY," DIVISION 4. "CD-1 COMMERCIAL, LOW INTENSITY DISTRICT," DIVISION 5. "CD-2 COMMERCIAL, MEDIUM INTENSITY DISTRICT," DIVISION 6. "CD-3 COMMERCIAL, HIGH INTENSITY DISTRICT," AND DIVISION 18. "PS PERFORMANCE STANDARD DISTRICT," BY INCLUDING REFERENCES TO DIVISION 6. "HOUSING FOR LOW AND/OR MODERATE INCOME ELDERLY." PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

ADMINISTRATION RECOMMENDATION

The Administration recommends that the City Commission adopt the proposed ordinance.

BACKGROUND

The Housing Authority of the City of Miami Beach requested that the City Commission look at the issue of housing for low and moderate income elderly, and how by revising the Land Development Regulations of the City Code as it pertains to minimum and average unit size could help facilitate this type of development. At the January 12, 2005 meeting the Commission referred this issue to the Land Use and Development Committee (LUDC) for discussion. At its February 14, 2005, the LUDC discussed this issue and approved in concept the ordinance presented for review and by a 3-0 vote, and to send it to the

Planning Board for review and recommendation; this item was formally referred to the Planning Board at the February 23, 2005 Commission meeting.

ANALYSIS

This ordinance will facilitate new construction or rehabilitated housing units and provide for clean, secure and dignified housing for low and/or moderate income elderly. In this regard, and to include safeguards for this type of development, the proposed ordinance consists of the following sections: Purpose, Definitions, Unit Size, and Mandatory Criteria. These sections are further explained below.

Currently, the City Code does not have any provisions for new construction of residential units that are intended for specific groups such as the low/moderate income elderly. The existing requirement applies to all residential developments and makes no distinction for these specific groups - all new construction must meet a minimum unit size of 550 square feet and an average unit size of 800 square feet. In the area south of 6th Street, the minimum requirements range from 550 square feet to 700 square feet and the average range from 800 to 900 square feet for new construction. The minimum and average unit size for rehabilitated buildings is 400 and 550 respectively throughout the City. This proposal amends the minimum and average unit size for new construction to 550 square feet; however the existing regulations for rehabilitated buildings remain as they are. The number of units that could be built under the proposed amendment would increase approximately 30-40% depending on the zoning district; more in the area south of 6th Street because of the larger minimum and maximum unit size requirement currently existing in the City Code.

Similar to the reduced parking requirements for elderly housing (approved by the Commission in May 2003), one of the concerns is to ensure that this type of development remains targeted to the elderly and does not become an open door for developers to avail themselves of these proposed regulations and abandon the specific targeted population. In this regard, the stated purpose of this regulation is to provide clean, secure and dignified housing for the elderly. Definitions that clarify the targeted population age, household and low and moderate income limits based on HUD regulations have been incorporated (some of these definitions appear in Chapter 420.503 of the Florida Statutes).

Any amendment to the City Code with regard to elderly housing developments would have to require some type of restrictive covenant to ensure the intended use is provided for a significant period of time. To that effect, mandatory criteria have been incorporated into the ordinance that requires, among other things, a covenant running with the land restricting the use of the property for housing for low and/or moderate income elderly for a period of no less than 30 years. This covenant is to be executed by the owner of the property, approved as to form and content by the city attorney, and recorded in the public records of Miami-Dade County.

With regard to concerns of discrimination, Chapter 760, FS provides for exemption of housing intended for, and solely occupied by persons 62 years of age or older. U. S. HUD

prohibits discrimination based on your race, color, national origin, religion, sex, family status, or disability and proclaims this illegal by federal law; however, housing for the elderly is not affected.

PLANNING BOARD ACTION

At the March 29, 2005 meeting of the Planning Board, a motion was made and approved by a vote of 6-0 to recommend to the City Commission approval of the ordinance with a minor modification to the language relative to the change to other use after 30 years. The modification clarifies the existing language and has been incorporated in the ordinance.

FISCAL IMPACT

This proposal has no associated negative fiscal impact upon enactment.

CITY COMMISSION ACTION

At the April 20, 2005 meeting, the City Commission approved the proposed ordinance on first reading with a minor modification to Section 142-1184 (5), (in bold letters) which reads "Should the property change from housing for low and moderate income elderly **during the covenant period or thereafter.**" This modification has been incorporated into the proposed ordinance for the second reading public hearing set for May 18, 2005.

CONCLUSION

Pursuant to Section 118-164(3), when a request to amend the Land Development Regulations of the City Code does not change the actual list of permitted, conditional or prohibited uses in a zoning category, the proposed ordinance may be read by title or in full on at least two separate days and shall, at least ten days prior to adoption, be noticed once in a newspaper of general circulation in the city.

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

JMG/TH/JGG/ML

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ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE CODE OF THE CITY OF MIAMI BEACH, BY AMENDING CHAPTER 142 "ZONING DISTRICTS AND REGULATIONS," BY AMENDING ARTICLE IV. "SUPPLEMENTARY DISTRICT REGULATIONS," BY CREATING DIVISION 6. "HOUSING FOR LOW AND/OR MODERATE INCOME ELDERLY," CREATING SECTION. 142-1181, "PURPOSE," SECTION 142-1182 "DEFINITIONS," SECTION 142-1183, "UNIT SIZE," AND SECTION 142-1184 "MANDATORY CRITERIA;" AMENDING DIVISION 3. "RESIDENTIAL MULTIFAMILY DISTRICTS," SUBDIVISION II. "RM-1 RESIDENTIAL MULTIFAMILY LOW INTENSITY," SUBDIVISION IV. "RM-2 RESIDENTIAL MULTIFAMILY, MEDIUM INTENSITY," SUBDIVISION V. "RM-3 RESIDENTIAL MULTIFAMILY, HIGH INTENSITY," DIVISION 4. "CD-1 COMMERCIAL, LOW INTENSITY DISTRICT," DIVISION 5. "CD-2 COMMERCIAL, MEDIUM INTENSITY DISTRICT," DIVISION 6. "CD-3 COMMERCIAL, HIGH INTENSITY DISTRICT," AND DIVISION 18. "PS PERFORMANCE STANDARD DISTRICT," BY INCLUDING REFERENCES TO DIVISION 6. "HOUSING FOR LOW AND/OR MODERATE INCOME ELDERLY." PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

WHEREAS, it is necessary to review development regulations from time to time and adapt those regulations to changing needs; and

WHEREAS, there is a need to facilitate and provide for clean, secure and dignified housing for low and/or moderate income elderly; and

WHEREAS, the current development regulations may hinder the availability of low or moderate income housing for the elderly; and

WHEREAS, the Land Development Regulations of the City Code do not contain any references to housing regulations of the elderly; and

WHEREAS, the proposed regulations would facilitate new construction or rehabilitated housing units for this type of development; and

WHEREAS, these proposed regulations will not affect the general health, safety and welfare of the residents of the City.

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

SECTION 1. That Article IV. "Supplementary District Regulations," is hereby amended as follows:

Division 6. ~~Reserved*~~ Housing For Low And/Or Moderate Income Elderly

Section 142-1181. Purpose.

The purpose of this division is to create definitions and mandatory requirements for new construction or rehabilitation of housing units for low and/or moderate income elderly in order to facilitate and provide for clean, secure and dignified housing.

Section 142-1182. Definitions

For purposes of these regulations, the following definitions shall apply:

- *Elderly Person* is a person who is at least 62 years of age.
- *Elderly Household:* a one or two person household in which the head of the household or spouse is at least 62 years of age.
- *Low Income*: Households whose incomes do not exceed 50 percent of the median income for the area as determined by U. S. Department of Housing and Urban Development.
- *Moderate Income*: Households whose incomes are between 51 percent and 80 percent of the median income for the area as determined by U. S. Department of Housing and Urban Development.
- *Housing for low and/or moderate income elderly* **is not:** homes or institutions for the aged, which are primarily assisted living facilities, convalescent or nursing homes.

Section 142-1183. Unit Size.

The minimum and average unit size for new construction for low and/or moderate income elderly housing meeting the mandatory criteria of Section 142-1184 shall be 550 square feet in all multifamily and commercial districts. The minimum and average unit size for rehabilitated buildings for this type of development shall be 400 square feet in all multifamily and commercial districts. Nonconforming buildings shall comply with the regulations set forth in Section 118-395, "Destruction, Repair and/or Renovation of Nonconforming Buildings and Uses," with the exception of unit size, which shall be governed by this section.

Sec. 142-1184. Mandatory Criteria

Developments qualifying for the minimum and average unit size under this Division shall meet all of the following mandatory criteria:

1. The development shall be publicly owned or nonprofit sponsored and owned, or developed by for-profit organizations utilizing public funds.
2. The applicant shall submit written certification from the corresponding state or federal agency in charge of the program.

3. At the time of development review, the property owner shall submit a statement of intent to construct housing for low and/or moderate income elderly in accordance with this section.

4. A covenant running with the land restricting the use of the property for housing for low and/or moderate income elderly for a period of no less than 30 years shall be executed by the owner of the property, approved as to form and content by the city attorney, recorded in the public records of Miami-Dade County and shall be submitted prior to the issuance of a building permit. The declarations within the covenant are not severable. If a subsequent judicial determination invalidates the age restriction, or the covenant, the city shall not issue a certificate of use and occupancy for a new use until the property owner satisfies the then applicable unit size regulations under this Code.

5. Should the property change from housing for low and moderate income elderly during the covenant period or thereafter, the property shall comply with all applicable development regulations existing at the time of the proposed change, including but not limited to minimum and average unit sizes and parking requirements.

SECTION 2. That Subdivision II. RM-1 Residential Multifamily Low Intensity is hereby amended as follows:

Sec. 142-155. Development regulations and area requirements.

* * *

(b) The lot area, lot width, unit size and building height requirements for the RM-1 residential multifamily, low density district are as follows:

Minimum Lot Area (Square Feet)	Minimum Lot Width (Feet)	Minimum Unit Size (Square Feet)	Average Unit Size (Square Feet)	Maximum Building Height (Feet)	Maximum Number of Stories
5,600	50	New construction—550; Elderly housing: See Section 142-1183 Rehabilitated buildings—400	New construction—800; Elderly housing: See Section 142-1183 Rehabilitated buildings—550	Historic district—40 (except as provided in section 142-1161) Otherwise—50	Historic district—4 (except as provided in section 142-1161) Otherwise—5

SECTION 3. That Subdivision IV. RM-2 Residential Multifamily, Medium Intensity is hereby amended as follows:

Sec. 142-217. Area requirements.

The area requirements in the RM-2 residential multifamily, medium intensity district are as follows:

Minimum Lot Area (Square Feet)	Minimum Lot Width (Feet)	Minimum Unit Size (Square Feet)	Average Unit Size (Square Feet)	Maximum Building Height (Feet)	Maximum Number of Stories
7,000	50	New construction—550; Elderly housing - See Section 142-1183 Rehabilitated buildings—400 Hotel unit: 15%: 300--335 85%: 335+	New construction--800; Elderly housing - See Section 142-1183 Rehabilitated buildings--550 Hotel units--N/A	Historic district--50 (except as provided in section 142-1161) Area bounded by Indian Creek Dr., Collins Ave., 26th St., and 44th St.--75 Area fronting west side of Collins Ave. btwn. 76th St. and 79 St.--75 Otherwise--60 Lots fronting Biscayne Bay less than 45,000 s.f.--100 Lots fronting Biscayne Bay over 45,000 sq. ft.--140 Lots fronting Atlantic Ocean over 100,000 sq. ft.--140	Historic district--5 (except as provided in section 142-1161) Area bounded by Indian Creek Dr., Collins Ave., 26th St., and 44th St.--8 Area fronting west side of Collins Ave. btwn. 76th St. and 79 St.--8 Otherwise--6; Lots fronting Biscayne Bay less than 45,000 s.f.—11 Lots fronting Biscayne Bay over 45,000 sq. ft.--15 Lots fronting Atlantic Ocean over 100,000 sq. ft.--15

SECTION 4. That Subdivision V. RM-3 Residential Multifamily, High Intensity is hereby amended as follows:

Sec. 142-246. Development regulations and area requirements.

* * *

(b) The lot area, lot width, unit size and building height requirements for the RM-3 residential multifamily, high intensity district are as follows:

Minimum Lot Area (Square Feet)	Minimum Lot Width (Feet)	Minimum Unit Size (Square Feet)	Average Unit Size (Square Feet)	Maximum Building Height (Feet)	Maximum Number of Stories
7,000	50	New construction—550; Elderly housing - See Section 142-1183 Rehabilitated buildings--400 Hotel unit: 15%: 300--335 85%: 335+	New construction—800; Elderly housing - See Section 142-1183 Rehabilitated buildings--550 Hotel units--N/A	150 Oceanfront lots--200 Architectural dist.: New construction--120; ground floor additions (whether attached or detached) to existing structures on oceanfront lots--50 (except as provided in section 142-1161)	16 Oceanfront lots--22 Architectural dist: New construction--13; ground floor additions (whether attached or detached) to existing structures on oceanfront lots--

Minimum Lot Area (Square Feet)	Minimum Lot Width (Feet)	Minimum Unit Size (Square Feet)	Average Unit Size (Square Feet)	Maximum Building Height (Feet)	Maximum Number of Stories
					5 (except as provided in section 142-1161)

SECTION 5. That Division IV. CD-1 Commercial, Low Intensity District is hereby amended as follows:

Sec. 142-276. Development regulations.

The development regulations in the CD-1 commercial, low intensity district are as follows:

Maximum Floor Area Ratio	Minimum Lot Area (Square Feet)	Minimum Lot Width (Feet)	Minimum Apartment Unit Size (Square Feet)	Average Apartment Unit Size (Square Feet)	Maximum Building Height (Feet)	Maximum Number of Stories
1.0	Commercial--None Residential--5,600	Commercial--None Residential--50	Commercial--N/A New construction—550 Rehabilitated buildings—400 <u>Elderly housing - See Section 142-1183</u> Hotel unit: 15%: 300--335 85%: 335+	Commercial--N/A New construction—800 Rehabilitated buildings—550 <u>Elderly housing - See Section 142-1183</u> Hotel units--N/A	40 (except as provided in section 142-1161)	4 (except as provided in section 142-1161)

SECTION 6. That Division V. CD-2 Commercial, Medium Intensity District is hereby amended as follows:

Sec. 142-306. Development regulations.

The development regulations in the CD-2 commercial, medium intensity district are as follows:

Maximum Floor Area Ratio	Minimum Lot Area (Square Feet)	Minimum Lot Width (Feet)	Minimum Apartment Unit Size (Square Feet)	Average Apartment Unit Size (Square Feet)	Maximum Building Height (Feet)	Maximum Number of Stories
1.5	Commercial--None Residential--7,000	Commercial--None Residential--50	Commercial--N/A New construction—550	Commercial--N/A New construction—800	50 (Except as provided in section 142-1161)	5 (Except as provided in section 142-1161)

Maximum Floor Area Ratio	Minimum Lot Area (Square Feet)	Minimum Lot Width (Feet)	Minimum Apartment Unit Size (Square Feet)	Average Apartment Unit Size (Square Feet)	Maximum Building Height (Feet)	Maximum Number of Stories
			Rehabilitated buildings—400 Elderly housing - See Section 142-1183 Hotel unit: 15%: 300--335 85%: 335+	Rehabilitated buildings—550 Elderly housing - See Section 142-1183 Hotel units--N/A		

SECTION 7. That Division VI. CD-3 Commercial, High Intensity District is hereby amended as follows:

Sec. 142-337. Development regulations and area requirements.

* * *

(c) The development regulations in the CD-3 commercial, high intensity district are as follows:

Minimum Lot Area (Square Feet)	Minimum Lot Width (Feet)	Minimum Unit Size (Square Feet)	Average Unit Size (Square Feet)	Maximum Building Height (Feet)	Maximum Number of Stories
Commercial--None Residential--7,000	Commercial--None Residential--50	Commercial--N/A New Construction—550 Rehabilitated buildings—400 Elderly housing - See Section 142-1183 Hotel unit: 15%: 300--335 85%: 335+	Commercial--N/A New construction—800 Rehabilitated buildings—550 Elderly housing - See Section 142-1183 Hotel units--N/A	75 Oceanfront lots—200; Oceanfront lots within the architectural dist., new construction--120; ground floor additions to existing structures on oceanfront lots—50; 80 – Lots fronting on 17th Street; 50 - Non-oceanfront lots within the architectural district; 100-City Center Area (bounded by Drexel Ave., 16th St., Collins Ave., the south property line of lots fronting on the south side of Lincoln Rd., Washington Rd., and Lincoln Rd.);	Oceanfront lots--22 Oceanfront lots within the architectural dist., new construction--13; ground floor additions to existing structures on oceanfront lots--5 7 Lots fronting on 17th Street 5 Non-oceanfront lots within the architectural dist. 11 City Center Area (bounded by Drexel Ave., 16th St., Collins Ave., the south property line of lots fronting on the south side of Lincoln Rd., Washington Ave., and Lincoln Rd.), subject to the applicable height restrictions (except as provided in section 142-1161)

Minimum Lot Area (Square Feet)	Minimum Lot Width (Feet)	Minimum Unit Size (Square Feet)	Average Unit Size (Square Feet)	Maximum Building Height (Feet)	Maximum Number of Stories
				except the height for lots fronting on Lincoln Rd. and 16th St. between Drexel and Washington are limited to 50' for the first 50' of lot depth; and except the height for lots fronting on Drexel Avenue are limited to 50' for the first 25' of lot depth (except as provided in section 142-1161) - 7	

SECTION 8. That Division 18, "PS Performance Standard District," is hereby amended as follows:

Sec. 142-696. Residential Performance Standard Area Requirements.

The residential performance standard area requirements are as follows:

Performance Standard	Residential Subdistricts			
	P-PS1	R-PS2	R-PS3	R-PS4
Minimum lot area	5,750 square feet	5,750 square feet	5,750 square feet	5,750 square feet
Minimum lot width	50 feet	50 feet	50 feet	50 feet
Required open space ratio	0.60, See section 142-704	0.65, See section 142-704	0.70, See section 142-704	0.70, See section 142-704
Maximum building height*	45 feet Lots 50 feet wide or less--35 feet	45 feet Lots 50 feet wide or less--35 feet	50 feet Lots 50 feet wide or less--35 feet	Non-oceanfront--80 feet; Oceanfront--100 feet; except that in the Ocean Beach Historic District--35 feet for the first 60 feet of lot depth, 75 feet thereafter, subject to the line-of-sight analysis of Sec. 142-697(d) Lots 50 feet wide or less--35 feet
Maximum number of stories	5 Lots 50 feet wide or less--4	5 Lots 50 feet wide or less--4	5 Lots 50 feet wide or less--4	Non-oceanfront--8 Oceanfront--11 Lots 50 feet wide or less--4 In the Ocean Beach Historic District--7

Performance Standard	Residential Subdistricts			
	P-PS1	R-PS2	R-PS3	R-PS4
Maximum floor area ratio	1.25	1.50	1.75	2.0
Minimum floor area per apartment unit (square feet); except as provided in 142-1183 for elderly housing.	New construction—700; Rehabilitated buildings--400	New construction—650; Rehabilitated buildings--400	New construction—600; Rehabilitated buildings--400	New construction—550; Rehabilitated buildings--400
Minimum average floor area per apartment unit (square feet); except as provided in 142-1183 for elderly housing.	New construction – 900; Rehabilitated buildings--550	New construction--900; Rehabilitated buildings--550	New construction--850; Rehabilitated buildings--550	New construction--800; Rehabilitated buildings--550
Minimum floor area per hotel unit (square feet)	N/A	N/A	15% = 300--335 square feet 85% = 335+ square feet	15% = 300--335 square feet 85% = 335+ square feet
Minimum parking	Pursuant to chapter 130 and section 142-705 requirement			
Minimum off-street loading	Pursuant to chapter 130, article III.			
Signs	Pursuant to chapter 138.			
Suites hotel	Pursuant to article IV, division 3 of this chapter.			

SECTION 9. 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 10. 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 11. Severability.

If any section, subsection, clause or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

SECTION 12. Effective Date.

This Ordinance shall take effect ten days following adoption.

PASSED and **ADOPTED** this _____ day of _____, 2005.

ATTEST:

_____
MAYOR

_____
CITY CLERK

First Reading:
Second Reading:

APPROVED AS TO
FORM AND LANGUAGE
& FOR EXECUTION

4-27-05
City Attorney Date

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 HEARING

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 18, 2005**, to consider the following:

10:15 A.M.
An Ordinance Amending Chapter 70 Of The Code Of The City Of Miami Beach, Entitled "Miscellaneous Offenses," To Create Article VI, To Be Entitled "Sex Offenders" And Creating Section 70-400, Entitled "Sex Offender Residency Prohibition," Providing For A Prohibition From Sex Offenders Convicted Of Crimes Under Certain Florida Statutes From Living Within 2500 Feet Of Specified Locations Within The City Of Miami Beach

Inquiries may be directed to the City Manager's Office at (305) 673-7010.

10:20 A.M.
An Ordinance Amending The Land Development Regulations Of The City, By Amending Chapter 118, "Administration And Review Procedures," Article X, "Historic Preservation," Division 4, "Designation," Section 118-591, By Amending The Procedures For Instructions To The Planning Department For Designation Of Historic Structures And The Issuance Of Demolition Permits

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

10:30 A.M.
An Ordinance Amending The Code Of The City Of Miami Beach, By Amending Chapter 142 "Zoning Districts And Regulations," By Amending Article IV, "Supplementary District Regulations," By Creating Division 6 "Housing For Low And/Or Moderate Income Elderly," Creating Section 142-1181, "Purpose," Section 142-1182 "Definitions," Section 142-1183, "Unit Size," And Section 142-1184 "Mandatory Criteria;" Amending Division 3, "Residential Multifamily Districts," Subdivision II "RM-1 Residential Multifamily Low Intensity," Subdivision IV, "RM-2 Residential Multifamily, Medium Intensity," Subdivision V, "RM-3 Residential Multifamily, High Intensity," Division 4 "CD-1 Commercial, Low Intensity District," Division 5, "CD-2 Commercial, Medium Intensity District," Division 6, "CD-3 Commercial, High Intensity District," And Division 18, "PS Performance Standard District," By Including References To Division 6, "Housing For Low And/Or Moderate Income Elderly"

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

5:20 P.M.
An Ordinance Relating To Watercraft; Amending Chapter 66 By Enacting A New Section 66-8 Regulating The Anchoring And Mooring Of Watercraft Within The Boundaries Of The City; Regulating Anchoring Or Mooring For Nonnavigational, Live-Aboard, And Other Purposes; Defining Nonnavigational Purposes And Exceptions, And Live-Aboard; Establishing A Penalty For Violation;

Inquiries may be directed to the City Manager's Office at (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. 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 #305

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CITY OF MIAMI BEACH
COMMISSION ITEM SUMMARY

Condensed Title:

An Ordinance establishing an anchoring and mooring time limit in the waters of the City of Miami Beach for nonnavigational and live-aboard vessels.

Issue:

Shall the Mayor and City Commission approve the Ordinance establishing an anchoring and mooring time limit in the City of Miami Beach?

Item Summary/Recommendation:

The Ordinance was prepared as a result of concerns expressed by residents about water pollution, navigational hazards and visual intrusions associated with vessels that anchor and moor for long periods of time in the waters of the City.

The Ordinance regulating anchoring and mooring of vessels within the City limits was discussed at the Neighborhood/Community Affairs Committee meeting on March 29, 2005. The Committee recommended that the Ordinance be forwarded to the City Commission for its review and consideration on First Reading.
After First Reading, the Ordinance was discussed at the April 27, 2005 Finance and Citywide Projects Committee Meeting. The Committee discussion focused on the costs and expectations for enforcement of the Ordinance and discussed several language amendments. During the Committee discussion it was made clear that the enforcement response, while always seeking compliance could be more flexible than originally anticipated. The Committee indicated that only in required circumstances would towing and storage be necessary rather than in every instance of non-compliance. The costs of enforcement are significantly impacted by this expectation and reflected as such in the revised budget projection.

The vessel anchoring and mooring Ordinance establishes a time limit that any vessel may be anchored or moored within the waters of the City of Miami Beach. State maritime law allows municipalities only to regulate or to limit the anchoring or mooring of non live-aboard vessels when such vessels are not considered to be in-navigation. Technically, in- navigation means the time period in which a vessel is moving from one location to another, including any layovers or temporary anchorages in that time. State law also allows municipalities to regulate live-aboard vessels, which include vessels used as a primary or legal residence. The attached Ordinance defines and establishes a local time limit for when a vessel is, in or not in, navigation and applies that time limit as well to vessels used as a primary or legal residence. The Ordinance limits to a seven (7) day period of time for which it might be anchored within the boundaries of the City in a 30 day period.

The Administration recommends if this Ordinance is approved on Second Reading, to refer the Ordinance to the Finance and Citywide Projects Committee, to discuss funding sources for the desired levels of enforcement.

Advisory Board Recommendation:

N/A

Financial Information:

Source of Funds:		Amount	Account	Approved
	1			
	4			
Finance Dept.	Total			

City Clerk's Office Legislative Tracking:

Robert C. Middaugh

Sign-Offs:

Department Director	Assistant City Manager	City Manager

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AGENDA ITEM RSD

DATE 5-18-05

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 18, 2005

From: Jorge M. Gonzalez City Manager

SECOND READING

Subject: **AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, RELATING TO WATERCRAFT; AMENDING CHAPTER 66 BY ENACTING A NEW SECTION 66-8 REGULATING THE MOORING AND ANCHORING OF WATERCRAFT WITHIN THE BOUNDARIES OF THE CITY; REGULATING ANCHORING OR MOORING FOR NONNAVIGATIONAL, LIVE-ABOARD, AND OTHER PURPOSES; DEFINING NONNAVIGATIONAL PURPOSES AND EXCEPTIONS, AND LIVE-ABOARD; ESTABLISHING A PENALTY FOR VIOLATION; PROVIDING FOR REPEALER OF ALL CONFLICTING ORDINANCES, RULES AND REGULATIONS; PROVIDING FOR CODIFICATION AND A SEVERANCE CLAUSE; AND SETTING AN EFFECTIVE DATE.**

ADMINISTRATION RECOMMENDATION

If approved on Second Reading, refer the Ordinance to the Finance and Citywide Projects Committee, to discuss and recommend funding sources for enforcement costs.

BACKGROUND

Attached please find a copy of an Ordinance for consideration of the City Commission on Second Reading which deals with the subject of mooring or anchoring of vessels within the City limits.

The Ordinance was prepared as a result of concerns expressed by residents about water pollution, navigational hazards and visual intrusions associated with vessels that anchor or moor for long periods of time in the waters of the City.

The Ordinance regulating anchoring or mooring of vessels within the City limits was discussed at the Neighborhood/Community Affairs Committee meeting on March 29, 2005. The Committee recommended that the Ordinance be forwarded to the City Commission for its review and consideration on First Reading.

After First Reading, the Ordinance was discussed at the April 27, 2005 Finance and Citywide Projects Committee meeting. The Committee discussion focused on the costs and expectations for enforcement of the Ordinance and discussed several language amendments.

During the Committee discussion it was made clear that the enforcement response, while always seeking compliance could be more flexible than originally anticipated. The Committee indicated that only in required circumstances would towing and storage be necessary rather than in every instance of non-compliance. The costs of enforcement are significantly impacted by this expectation and reflected as such in the revised budget projection. The original estimate for enforcement was $1,128,250 and the revised budget as adjusted for different enforcement is $ 391,500.

The Administration was also asked to review other methods of enforcement that might minimize the program costs. This review is also incorporated in the revised budget projection. The Committee also discussed language to better describe the enforcement portion of the Ordinance and most significantly the time limit to be applied to vessels anchoring in City waters. New language relative to violations and penalties is found in section 66-8 (g).

In the Committee discussion regarding the mooring and anchoring Ordinance, the Committee members were informed that there is a division in case law as to what constitutes a reasonable definition of the time for which a vessel could be considered in or out of navigation. As the 72 hour standard that was embodied in the Ordinance presented for initial Commission review and consideration was on the more stringent side of those definitions that are used by other municipalities within the State, the Committee has suggested that a seven (7) day standard be applied. The seven (7) day standard is incorporated into the Ordinance. The new time limit for mooring and anchoring is found in section 66-8 (a) (6).

ANALYSIS

The vessel mooring and anchoring Ordinance establishes a time limit that any vessel may be moored within the waters of the City of Miami Beach. State maritime law allows municipalities only to regulate or to limit the anchoring or mooring of non-live aboard vessels when such vessels are not considered to be in navigation. Technically, in navigation means the time period in which a vessel is moving from one location to another, including any layovers or temporary anchorages in that time. State law also allows municipalities to regulate live aboard vessels, which include vessels used as a primary or legal residence. The attached Ordinance defines and establishes a local time limit for when a vessel is in or not in navigation, and applies that time limit as well to vessels used as a primary or legal residence. The Ordinance limits vessels to a seven (7) day period of time for which it might be anchored within the boundaries of the City in a 30 day period.

The Ordinance also incorporates a provision that would allow the City Commission to designate a public anchoring and mooring area subject to rules, regulations and permitting procedures by the City Manager and any other local, state or federal agencies that have jurisdiction. The creation of a designated mooring area was included in the Ordinance in order to provide vessel operators with an alternative in the event they wish to stay anchored in waters in Miami Beach for more than a seven (7) day period. This provision has been discussed as an appropriate amenity in the event that the Ordinance passes. It has also been recognized in Committee that the creation of any designated mooring area would require a through analysis and public involvement process before proceeding.

The Ordinance also makes provisions for exceptions to the seven (7) day anchoring limit for a bona fide emergency. Vessels that declare an emergency, which would include weather conditions, are required to notify the City's Marine Patrol upon arrival in the City jurisdictional area and upon correction of the emergency the seven (7) day time limit would then apply.

FISCAL IMPACT

During the Committee's discussion of this particular Ordinance a concern was expressed and the Committee requested that the potential costs of enforcement be clearly identified for Commission consideration together with the Ordinance. One of the concerns expressed by Committee members as well as citizens present for the discussion item was that if the Ordinance were to be approved the necessary resources should be provided by the City to actually undertake enforcement of the Ordinance in an effective manner.

An initial survey of vessels before the first reading of the Ordinance established that there were approximately 85 boats anchored within waters of the City of Miami Beach. Of that number approximately 20 gave the exterior appearance of being lived upon or in some form of navigable capacity, while approximately 65 were clearly not occupied and essentially in storage. A more recent survey has indicated that 82 vessels are anchored in City waters, of which 50 appeared to have persons on board while 32 appeared to be unoccupied. Both surveys were visual and confirmation of occupancy was not attempted by individual inspection. The number of boats currently anchored in the City is lower than normally would be expected in the winter season when the total boat count would increase by an additional 100 to 150 boats, which traditionally anchor within the waters of the City of Miami Beach during that season.

In establishing costs associated with enforcement of the mooring Ordinance, some assumptions had to be made relative to the number of vessels that not only would be tracked and or cited but also might be impounded and stored by the City in the enforcement of the Ordinance. The single largest potential expense of the City is boat storage costs associated with enforcement of this Ordinance. Based on Committee discussion, this cost has been revised downward to reflect significantly fewer vessels being towed and stored.

For purposes of this evaluation, it has been assumed that approximately 10 boats would need to be impounded and stored by the City of Miami Beach in the initial year of the program. This number represents a much smaller percentage of the established inventory that would be addressed during the course of the year. In subsequent years, it would be anticipated this number would drop further and an assumption of five (5) boats to be towed and stored by the City could be anticipated.

The enforcement assumption for the projected budget is that most of the vessels that have persons on board will comply rather than receive a citation or be towed to a holding area. It is also assumed that a large percentage of vessels that are anchored for long periods with no one aboard will also comply when the enforcement procedure and posted notice is placed on the vessel. All efforts will be made to achieve compliance without taking possession of the vessels. The budget of $120,000 for first year expenses assumes that only 10 vessels are stored for some period of time. The original estimate was for $840,000, assuming different enforcement parameters, which accounts for the largest single change in the budget estimate.

single change in the budget estimate. The number of vessels towed and stored may in reality be slightly higher, however a lower number was used expecting some revenue off set for some of the vessels stored.

The Police Department Marine Patrol would be the primary enforcement agency for the ordinance if adopted. The current staffing assigned to the Marine Patrol is one sergeant and two police officers. The Marine Patrol operates two vessels and in typical deployment one boat is in service and available for response to calls and to patrol on a seven day a week basis. The principal work of the current Marine Patrol officers is to monitor and control speed, to assist with investigations, burglaries and other crimes which have a water orientation. Under the present deployment with one boat, no backup vessel is available to the Marine Patrol in the event such is needed in the course of an enforcement effort.

The Marine Patrol has estimated that in order to enforce the provisions of the Ordinance, two additional full time officers would need to be assigned to the Marine Patrol. The assignment of the two new officers would allow the current contingent of Marine Patrol officers to continue with their current full time duties while the two newly assigned officers would spend full time enforcing the provisions of this Ordinance. The annualized cost of two entry level police officers is approximately $150,000, with the cost of a Police vehicle that would also be provided, the total is $200,000.

The Police Department has analyzed other methods of enforcement per the Committee discussion, including the use of mutual aid, overtime assignments and use of reserve officers. The cost, the specialized training necessary for a Marine Patrol Officer and that the enforcement work is necessary on year round basis made each of these options impractical and enforcement efforts inconsistent with the desired pro-active approach requested. The addition of two officers at the cost specified is the most practical manner to pursue enforcement of the Ordinance, if adopted.

Violations of the Ordinance are non-criminal infractions that would be heard in County Court. As a Police Department citation, these infractions would not be within the purview of the City Special Master system that is used for a variety of municipal code violations.

While a new vessel is not absolutely required to enable the Marine Patrol to provide an enforcement response under this Ordinance, it would improve their abilities and allow greater support to this Ordinance and to ongoing duties already pursued by the members of the Marine Patrol. No vessel purchase is anticipated in the budget estimate at this time.

In order to enforce the provisions of the Ordinance, much like other regulatory efforts, signage is suggested to advise vessel operators of the mooring regulations enforced by the City of Miami Beach. Only the principal navigational channels that access the waters of the City of Miami Beach, approximately 10 locations, would need to be signed with an estimated cost of sign installation of approximately $20,000.00. A key issue in establishing the signing is that each sign must receive a permit and approval by the Florida Fish and Wildlife Commission in order to be installed by the City. In the event the Florida Fish and Wildlife Commission and or other regulatory agencies such as the Coast Guard had issues or concerns with the Ordinance, or the placements of the City's advisory signs, the signing might not be possible and the expense not incurred.

Below is a summary of the annualized cost in the first year and second year of enforcement efforts associated with this Ordinance. Only the principal charges have been described in the narrative while all other charges such as fuel and boat tow charges are also included in the budget workup.

	First Year Revised	First Yr. Original	Second Year Revised	Second Yr. Original
Tow Charges	$ 10,000	36,750	5,000	15,750
Vessel Storage	120,000	840,000	60,000	360,000
Signage Installation	20,000	20,000	0	0
Signage Maintenance	10,000	10,000	10,000	10,000
Supplies	10,000	0	10,000	0
Fuel	11,500	11,500	11,500	11,500
Boat Maintenance	10,000	10,000	10,000	10,000
Personnel	200,000	200,000	212,000	210,000
TOTAL	**$391,500**	**1,128,250**	**318,500**	**617,250**

While the actual budget numbers will fluctuate up or down depending upon actual experience and costs encountered, it would not be anticipated to vary significantly from the number presented in the budget estimate in enforcing the ordinance as presented. As such, as a stand alone program, this is a relatively significant undertaking for the City of Miami Beach in pursuing enforcement at the service level discussed by the Committee members in the consideration of this Ordinance.

CONCLUSION

The Administration recommends that if adopted on Second Reading, the Ordinance again be referred to the Finance and Citywide Projects Committee to consider funding sources to address the costs identified in the revised enforcement budget.

JMG\RCM\sam
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ORDINANCE NO._____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, RELATING TO WATERCRAFT; AMENDING CHAPTER 66 BY ENACTING A NEW SECTION 66-8 REGULATING THE ANCHORING AND MOORING OF WATERCRAFT WITHIN THE BOUNDARIES OF THE CITY; REGULATING ANCHORING OR MOORING FOR NONNAVIGATIONAL, LIVE-ABOARD, AND OTHER PURPOSES; DEFINING NONNAVIGATIONAL PURPOSES AND EXCEPTIONS, AND LIVE-ABOARD; ESTABLISHING PENALTIES FOR VIOLATION; PROVIDING FOR REPEALER OF ALL CONFLICTING ORDINANCES, RULES AND REGULATIONS; PROVIDING FOR CODIFICATION AND A SEVERANCE CLAUSE; AND SETTING AN EFFECTIVE DATE.

WHEREAS, the City Commission finds and declares that the proliferation of watercraft in use for residential purposes or otherwise stored in the waters of Biscayne Bay within the boundaries of the City have had and have a deleterious effect upon the health, safety and welfare of the residents of the City in that they potentially serve as a source for pollution and contamination through discharge of human waste as well as garbage, refuse, debris, oil and other obnoxious products; constitute aesthetic pollution, being unsightly and interfering with views and enjoyment by the public of the beautiful vistas of Biscayne Bay; constitute nuisance and invasions of the privacy of homeowners and other residents of property adjacent or proximate to the Bay and other waterbodies; constitute a threat to the safety, health and welfare of residents of the City through unregulated activity upon and aboard such watercraft; and numerous other problems and disadvantages which adversely affect the quality of life of the residents and visitors to the City; and

WHEREAS, it is the intent of the City to mitigate the adverse impacts of anchored or moored watercraft, recognizing that the State of Florida has established a preemption of certain functions under Section 327.60 Florida Statutes and the Florida Administrative Code 68D-23.101(3), which address vessels in navigation but permit local regulation of vessels not "in navigation"; and

WHEREAS, the Attorney General has opined, AGO 85-45, that "vessels which are used as a person's primary residence may be 'live-aboard vessels' for purposes of municipal regulation permitted by Section 327.60(2), F.S., even though they are not used solely as a residence but are also used for recreational purposes, if such vessels are represented as such person's 'legal residence' pursuant to § 327.02[(16)](b), F.S. [] , and that the determination of whether such vessels are represented as a person's legal residence may be based on a combination of the person's subjective intent and objective facts," and

WHEREAS, the City has conducted studies and observed the advent of vessels not in navigation and of vessels upon which persons are residing; and

WHEREAS, the City has determined that vessels anchored or moored within the jurisdictional waters of the City on which persons are residing as their primary residence for more than seven (7) days, or that the person has or persons have no other arrangements for residence in the area, constitutes a legal residence for purposes of this ordinance, and such vessels are "live-aboards" within the jurisdiction of the City to regulate; and

WHEREAS, the City has determined that evidence that vessels anchored or moored within the jurisdictional waters of the City for more than seven (7) days constitutes prima facie evidence that such vessels are no longer exercising rights of navigation, and within the jurisdiction of the City to regulate; and

WHEREAS, the City has observed the use of anchoring or mooring of vessels within the jurisdictional waters of the City for purposes of storage or avoiding fees associated with marinas or anchorages that are or may be available for their use, and such vessels fall within the jurisdiction of the City to regulate.

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

SECTION ONE.

Chapter 66 of the Code of Ordinances of the City is hereby amended by the addition of a new section 66-8 to read:

Sec. 66-8 Limitations on anchoring or mooring within city limits.

(a) Purpose. This ordinance is adopted for the following purposes and reasons:

(1) The City Commission finds and declares that the proliferation of watercraft in use for residential purposes or otherwise stored in the waters of Biscayne Bay within the boundaries of the City have had and have a deleterious effect upon the health, safety and welfare of the residents of the City in that they potentially serve as a source for pollution and contamination though discharge of human waste as well as garbage, refuse, debris, oil and other obnoxious products; constitute aesthetic pollution, being unsightly and interfering with views and enjoyment by the public of the beautiful vistas of Biscayne Bay; constitute nuisance and invasions of the privacy of homeowners and other residents of property adjacent or proximate to the Bay; constitute a threat to the safety, health and welfare of residents of the City through unregulated activity upon and aboard such watercraft; and numerous other problems and disadvantages which adversely affect the quality of life of the residents and visitors to the City; and

(2) It is the intent of the City to mitigate the adverse impact of anchored or moored watercraft, recognizing that the State of Florida has established a preemption of certain functions under Section 327.60 Florida Statutes and the

Florida Administrative Code 68D-23.101(3), which address vessels in navigation but permit local regulation of vessels not "in navigation"; and

(3) The City has conducted studies and observed the advent of vessels not in navigation and of vessels upon which persons are residing.

(4) The Attorney General has opined, AGO 85-45, that "vessels which are used as a person's primary residence may be 'live-aboard vessels' for purposes of municipal regulation permitted by Section 327.60(2), F.S., even though they are not used solely as a residence but are also used for recreational purposes, if such vessels are represented as such person's 'legal residence' pursuant to § 327.02[(16)](b), F.S. [] , and that the determination of whether such vessels are represented as a person's legal residence may be based on a combination of the person's subjective intent and objective facts,"

(5) The City has determined that vessels anchored or moored within the jurisdictional waters of the City on which persons are residing as their primary residence or for more than seven (7) consecutive or cumulative days within a thirty-day period constitutes a legal residence for purposes of this ordinance, and such vessels are "live-aboards" within the jurisdiction of the City to regulate.

(6) The City has determined that evidence that vessels anchored or moored within the jurisdictional waters of the City for more than seven (7) consecutive or cumulative days within a thirty-day period constitutes prima facie evidence that such vessels are no longer exercising rights of navigation, and within the jurisdiction of the City to regulate.

(b) Definitions. For purposes of this section, the following definitions shall apply:

(1) A vessel not "in navigation," or "not engaged in the exercise of the rights of navigation," is defined as one that evidences, through a case-by-case review of applicable factors, an abandonment, either temporary or permanent, of the exercise of rights of navigation. Factors to consider as evidence of such abandonment include but are not limited to, how long a vessel has been anchored within the boundaries of the city within a thirty-day period, or whether a vessel has a current registration as required by applicable law, or whether a vessel is being anchored or stored on the water to avoid dockage or storage fees, sometimes evidenced for example by a sailboat that has removed its sails. A vessel anchored or moored within the jurisdictional waters of the City for more than seven (7) consecutive or cumulative days within a thirty-day period, constitutes prima facie evidence that such vessel is not "in navigation" or is "not engaged in the exercise of the rights of navigation."

(2) A "non-live aboard vessel" shall be a vessel that does not fall within the definition of live-aboard vessel as set forth in section 327.02(16), Florida

Statutes, namely: "Live-aboard vessel" means: (a) Any vessel used solely as a residence; or (b) Any vessel represented as a place of business, a professional or other commercial enterprise, or a legal residence. A commercial fishing boat is expressly excluded from the term "live-aboard vessel."

(3) The fact of whether a vessel is a person's or persons' "legal residence," and therefore a "live-aboard vessel" under this ordinance may be established by evidence that the person is or persons are using the vessel as his, her or their primary residence, including evidence of a combination of the person's or persons' subjective intent and objective facts, including the fact that the vessel on which the person is or persons are residing has been anchored or moored within City limits for seven (7) consecutive or cumulative days within a thirty-day period, or that the person has or persons have no other arrangements for residence in the area.

(c) The following vessels are prohibited from anchoring or mooring within the boundaries of the city, except as hereinbefore and hereinafter provided:
(1) Non-live aboard vessels not in navigation, or not engaged in the exercise of the rights of navigation; and
(2) Live-aboard vessels being used as a person's legal residence.

(d) This section shall not apply to non-live-aboard vessels exercising rights of navigation, or vessels (whether non-live-aboard or live-aboard): (i) responding to a bona-fide emergency on their vessel, such as failure of the vehicle to operate, or injury or illness suffered by the vessel's operator, or during the period when a hurricane warning watch or warning or other dangerous weather condition is in effect, either in the city, or in the next immediate destination of the vessel; (ii) located within designated anchoring and mooring areas; or (iii) moored to or docked at private property with the consent of the property owner, whether or not also anchored to secure the vessel.

(e) In the event of an emergency, or dangerous weather condition in effect in the City or the next immediate destination of the vessel, as provided for in subsection (d) above, the owner or occupant of the vessel shall immediately contact the city's marine patrol, and inform them of the nature of the emergency or weather condition, and the amount of time required to remedy the situation. Upon the abatement of the emergency or weather condition, compliance with this ordinance is required.

(f) The city commission, or designee, may designate public anchoring and mooring areas, subject to rules, regulations and permitting procedures by the city manager and such other local, state or federal agencies with jurisdiction.

(g) Violations and Penalties.

(1) Any violation of the provisions of this section shall be a violation of the City Code as well as Chapter 327 Florida Statutes. Any person who owns, operates or is otherwise in control of a vessel and who violates any of the provisions of this Section, or the provisions of Chapter 327 Florida Statutes, may be charged with a non criminal (civil) infraction and shall be subject to the enforcement and penalty provisions and procedure of Code Chapter 30 as well as Chapter 327, Florida Statutes. Any vessel that is in violation of this law may also be subject to the provisions of Code Sections 66-221 through 66-229.

(2) In addition, any vessel violating this section shall be subject to removal and impoundment, and operators of such vessels may be charged with a non-criminal (civil) infraction pursuant to section 327.73, Florida Statutes, by any law enforcement agency with jurisdiction to enforce this ordinance (enforcing agency). The City's marine patrol will regularly document the arrival and location of vessels, at which time it will provide the vessel operator with written notice about this ordinance. If no vessel operator is located on or about the vessel at the time of documenting its arrival and location, the marine patrol will post such notice on the vessel, and send notice by certified mail to the last registered owner of the vessel informing such owner of the seven day limitation and forty-eight hour warning period prior to impounding. Failure to provide this arrival notice by posting or mail shall not affect enforcement proceedings. Forty-eight hours prior to removal and impoundment the enforcing agency shall post notice of violation on the vessel to be impounded, to afford the owner or operator the opportunity to move the vessel from city limits or to a lawful location. Within five days following removal, the enforcing agency shall provide written notice by certified or registered mail return receipt requested to the registered or documented owner at his, her or its address of record as to where and how the vessel can be recovered. If the vessel is not repossessed by the owner within 20 days after mailing of such notice, the vessel shall be disposed of in the manner and under the provisions of Sections 66-223 through 227, or other applicable law. The owner of the vessel shall be responsible for all costs for removal and impoundment of the vessel, which shall become a lien upon and against the vessel and which shall be paid prior to release of the vessel to the owner or agent.

(3) Nothing herein shall be deemed to abrogate the handling of derelict vessels as provided by Section 66-228 and 66-229 of the Code.

SECTION TWO. 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 THREE. 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 FOUR. SEVERABILITY.

If any section, subsection, clause or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

SECTION FIVE. EFFECTIVE DATE.

This Ordinance shall take effect ten days following adoption.

PASSED and **ADOPTED** this _____ day of _____, 2005.

ATTEST:

_____
MAYOR

_____
CITY CLERK

APPROVED AS TO
FORM AND LANGUAGE
& FOR EXECUTION

_____ 5-11-05
City Attorney Date

First Reading: April 20, 2005
Second Reading:

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CITY OF MIAMI BEACH
NOTICE OF PUBLIC HEARING

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 18, 2005**, to consider the following:

10:15 A.M.
An Ordinance Amending Chapter 70 Of The Code Of The City Of Miami Beach, Entitled "Miscellaneous Offenses," To Create Article VI, To Be Entitled "Sex Offenders" And Creating Section 70-400, Entitled "Sex Offender Residency Prohibition," Providing For A Prohibition From Sex Offenders Convicted Of Crimes Under Certain Florida Statutes From Living Within 2500 Feet Of Specified Locations Within The City Of Miami Beach

Inquiries may be directed to the City Manager's Office at (305) 673-7010.

10:20 A.M.
An Ordinance Amending The Land Development Regulations Of The City, By Amending Chapter 118, "Administration And Review Procedures," Article X, "Historic Preservation," Division 4, "Designation," Section 118-591, By Amending The Procedures For Instructions To The Planning Department For Designation Of Historic Structures And The Issuance Of Demolition Permits

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

10:30 A.M.
An Ordinance Amending The Code Of The City Of Miami Beach, By Amending Chapter 142 "Zoning Districts And Regulations," By Amending Article IV, "Supplementary District Regulations," By Creating Division 6 "Housing For Low And/Or Moderate Income Elderly," Creating Section 142-1181, "Purpose," Section 142-1182 "Definitions," Section 142-1183, "Unit Size," And Section 142-1184 "Mandatory Criteria;" Amending Division 3, "Residential Multifamily Districts," Subdivision II "RM-1 Residential Multifamily Low Intensity," Subdivision IV, "RM-2 Residential Multifamily, Medium Intensity," Subdivision V, "RM-3 Residential Multifamily, High Intensity," Division 4 "CD-1 Commercial, Low Intensity District," Division 5, "CD-2 Commercial, Medium Intensity District," Division 6, "CD-3 Commercial, High Intensity District," And Division 18, "PS Performance Standard District," By Including References To Division 6, "Housing For Low And/Or Moderate Income Elderly"

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

5:20 P.M.
An Ordinance Relating To Watercraft; Amending Chapter 66 By Enacting A New Section 66-8 Regulating The Anchoring And Mooring Of Watercraft Within The Boundaries Of The City; Regulating Anchoring Or Mooring For Nonnavigational, Live-Aboard, And Other Purposes; Defining Nonnavigational Purposes And Exceptions, And Live-Aboard; Establishing A Penalty For Violation;

Inquiries may be directed to the City Manager's Office at (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. 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).

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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 18, 2005

FROM: Murray H. Dubbin
City Attorney

SUBJECT: **Amending City Code Chapter 2, Sections 2-487, 2-488, 2-489 and 2-490 governing "Campaign Finance Reform".**

Miami Beach City Code Chapter 2, Article VII, Division 5 thereof entitled "Campaign Finance Reform" establishes City law regarding prohibited campaign contributions by vendors (Code section 2-487), lobbyists on procurement issues (Code section 2-488), real estate developers (Code section 2-489), and lobbyists on real estate development issues (Code section 2-490). Each of these code sections provide that a **"...person or entity who directly or indirectly makes a contribution to a candidate who is elected to the office of mayor or commissioner shall be disqualified for a period of 12 months following the swearing in of the subject elected official from serving as a vendor [or real estate developer, or lobbyist on a procurement matter, or real estate development matter]".**

An assessment of the past two City General Election cycles reveals that complaints alleging violations by prohibited donors of the City's Campaign Finance laws are not filed until well after the subject 12 month disqualification period has begun to run—accordingly, given the amount of time necessary to resolve such a complaint, the violator's penalty is usually much less than the intended 12 month period. Accordingly, the proposed amendments as requested by Mayor Dermer and Commissioner Smith suggest that the 12 month disqualification period for prohibited donors commence upon a final order of violation, or from action by the City Commission on a waiver request in the event a waiver of the violation is sought.

Also proposed is language concerning the effect of a waiver request on the disqualification of a City vendor. Finally, in those situations in which a waiver has been denied on an existing contract, but due to the health safety and welfare of the citizens, temporary continuation of said contract is necessary in order to find a replacement vendor, a "Limited Waiver" is proposed as an amendment to Code section 2-487.

Agenda Item R5E
Date 5-18-05

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 CHAPTER 2, ARTICLE VII, DIVISION 5 THEREOF ENTITLED "CAMPAIGN FINANCE REFORM" BY AMENDING CODE SECTIONS 2-487 "PROHIBITED CAMPAIGN CONTRIBUTIONS BY VENDORS", 2-488 "PROHIBITED CAMPAIGN CONTRIBUTIONS BY LOBBYISTS ON PROCUREMENT ISSUES", 2-489 "PROHIBITED CAMPAIGN CONTRIBUTIONS BY REAL ESTATE DEVELOPERS", AND 2-490 "PROHIBITED CAMPAIGN CONTRIBUTIONS BY LOBBYISTS ON REAL ESTATE DEVELOPMENT ISSUES", BY ADDING LANGUAGE PROVIDING THAT THE 12 MONTH PERIOD IN WHICH A PROHIBITED DONOR OF A CAMPAIGN CONTRIBUTION IS DISQUALIFIED FROM CERTAIN SPECIFIED ASSOCIATIONS WITH THE CITY SHALL COMMENCE UPON A FINAL FINDING OF VIOLATION, OR IF APPLICABLE, UPON MIAMI BEACH CITY COMMISSION ACTION ON A WAIVER REQUEST, AND ESTABLISHING EFFECTS OF WAIVER; FURTHER AMENDING CODE SECTION 2-487(B) BY PROVIDING FOR A LIMITED WAIVER OF EXISTING CONTRACTS; 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", sections A(3) and B thereof are hereby amended to read as follows:

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

A. General

* * *

(3) (a) 1. A person or entity other than a vendor who directly or indirectly makes a contribution to a candidate who is elected to the office of mayor or commissioner shall be disqualified for a period of 12 months following the swearing in of the subject elected official from serving as a vendor with the city.

2. i) A vendor who directly or indirectly makes a contribution to a candidate who is elected to the office of mayor or commissioner shall be disqualified from serving as a vendor with the city for a period of 12 months from a final finding of violation, or from action on a waiver request by the Miami Beach City Commission (per subsection B herein below) in the event a waiver of said violation is sought.

ii) In the event such waiver request for a particular transaction is granted, the affected vendor shall nonetheless be disqualified from serving as a vendor with the city as to all other vendor projects for the stated 12 month period. In the event such waiver request is denied for a particular transaction, the 12 month disqualification period shall apply to both the particular transaction which was the subject of the waiver request, as well as all other vendor projects during that 12 month period.

(b) For purposes of this section, 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 subsections B(I)(4) and B(II) 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(I)(1)(2) and (3) herein.

* * *

B. ~~Conditions for~~ Waiver of Prohibition

I. Conditions for Waiver.

The requirements of this section may be waived by a five-sevenths vote for a particular transaction by city commission vote after public hearing upon finding that:

(1) The goods, equipment or services to be involved in the proposed transaction are unique and the city cannot avail itself of such goods, equipment or services without entering into a transaction which would violate this section but for waiver of its requirements; or

(2) The business entity involved in the proposed transaction is the sole source of supply as determined by the city's procurement director in accordance with procedures established in subsection 2-367(c) of this Code; or

(3) An emergency contract (as authorized by the city manager pursuant to section 2-396 of this Code) must be made in order to protect the health, safety or welfare of the citizens of the city, as determined by a five-sevenths vote of the city commission; or

(4) A contract for the provision of goods, equipment or services exists which, if terminated by the city, would be adverse to the best economic interests of the city.

II. Conditions for Limited Waiver.

Notwithstanding the denial by the city commission of a waiver request regarding an existing contract per B(I)(4) above, upon a 5/7ths vote of the city commission at a public hearing, a Limited Waiver may be granted on an existing contract upon a finding that in order to protect the health, safety and welfare of the citizens of the city, continuation of said contract for a limited period of time (not to exceed 6 months) is necessary in order for the city to obtain a replacement vendor.

III. Full Disclosure.

Any grant of waiver by the city commission must be supported with a full disclosure of the subject campaign contribution.

* * *

SECTION 2. That Miami Beach City Code section 2-488 entitled "Prohibited Campaign Contributions by Lobbyists on Procurements Issues", subsection (2) thereof, is hereby amended to read as follows:

Sec. 2-488. Prohibited Campaign Contributions by Lobbyists on Procurement Issues.

* * *

(2) (a) A person other than a lobbyist on a procurement issue as set forth in (1) above, who directly or indirectly solicits for or 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 lobbying the city commission in connection with a present or pending bid for goods, equipment or services or on a present or pending award for goods, equipment or services.

(b) A lobbyist on a procurement issue as set forth in (1) above, who directly or indirectly makes a contribution to a candidate who is elected to the office of mayor or commissioner shall be disqualified from lobbying the city commission in connection with a present or pending bid for goods, equipment or services or on a present or pending award for goods, equipment or services for a period of 12 months from a final finding of violation.

* * *

SECTION 3. That Miami Beach City Code section 2-489 entitled "Prohibited Campaign Contributions by Real Estate Developers", subsection A(3) thereof, is hereby amended to read as follows:

Sec. 2-489. Prohibited Campaign Contributions by Real Estate Developers.

A. General.

* * *

(3) (a) A person or entity other than a real estate developer 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 becoming a real estate developer.

(b) 1. A real estate developer who directly or indirectly makes a contribution to a candidate who is elected to the office of mayor or commissioner shall be disqualified from becoming a real estate developer for a period of 12 months from a final finding of violation, or from action on a waiver request by the Miami Beach City Commission in the event a waiver of said violation is sought.

2. In the event such waiver request for a particular real estate project and/or land use application is granted, the affected real estate developer shall nonetheless be disqualified from serving as a real estate developer with the city as to all other relevant real estate projects and/or applications for land use relief referred to in subsection A(4)(a)(1) below for the stated 12 month period. In the event such waiver request is denied for a particular real estate project and/or land use application, the 12 month disqualification period for the affected real estate developer shall apply to both the particular real estate project and/or land use application which was the subject of the waiver request, as well as all other relevant real estate projects and/or applications for land use relief referred to in subsection A(4)(a)(1) below during that 12 month period.

~~(b)~~ (c) A real estate developer shall not make a contribution within 12 months after termination of its status as a real estate developer.

* * *

SECTION 4. That Miami Beach City Code section 2-490 entitled "Prohibited Campaign Contributions by Lobbyists on Real Estate Development Issues", subsection (2) thereof, is hereby amended to read as follows:

Sec. 2-490. Prohibited Campaign Contributions by Lobbyists on Real Estate Development Issues.

* * *

(2) (a) A person other than a lobbyist on a real estate development issue as set forth in (1) above, who directly or indirectly solicits for or 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 lobbying the city commission in connection with a present development agreement, in connection with a development agreement that is currently being negotiated, or in connection with a present or pending application with the city for a change of zoning map designation or a change to the city's future land use map.

(b) A lobbyist on a real estate development issue as set forth in (1) above, who directly or indirectly makes a contribution to a candidate who is elected to the office of mayor or commissioner shall be disqualified from lobbying the city commission in connection with a present development agreement, in connection with a development agreement that is currently being negotiated, or in connection with a present or pending application with the city for a change of zoning map designation or a change to the city's future land use map for a period of 12 months from a final finding of violation.

* * *

SECTION 5. REPEALER

All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

SECTION 6. 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 7. 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 8. EFFECTIVE DATE

This Ordinance shall take effect the _____ day of _____, 2005.

PASSED and ADOPTED this _____ day of _____, 2005.

ATTEST:

_____
MAYOR

_____
CITY CLERK

(Requested by Mayor David Dermer & Commissioner Jose Smith)

JKO\ed
F:\atto\OLIJ\RES-ORD\2-487; 2-488; 2-489; 2-490 (Amendments to Subsections (2 and 3).doc

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

City Attorney Date

CITY OF MIAMI BEACH
COMMISSION ITEM SUMMARY

Condensed Title:

Ordinance amending Ordinance No. 92-2813, the Defined Contribution Retirement Plan 401(a) to increase the maximum monthly retirement benefit to reflect annual cost of living increases.

Issue:

Shall the City amend the 401(a) Defined Contribution Retirement Plan Ordinance to allow for the maximum monthly retirement disability benefit to changed from a maximum of $5,000 to $10,000 to allow for annual cost of living increases since inception of the plan and going forward?

Item Summary/Recommendation:

Approve the Ordinance on first reading and schedule a second reading, public hearing to amend the 401(a) Defined Contribution Retirement Plan Ordinance No. 92-2813 to increase the maximum monthly retirement benefit to $10,000 to reflect annual cost of living increases.

The Administration recommends approving the resolution.

Advisory Board Recommendation:

N/A

Financial Information:

Source of Funds:

Finance Dept.

	Amount	Account	Approved
1	$75,000	011.9611.000375	
2			
3			
4			
Total			

City Clerk's Office Legislative Tracking:

Mayra D. Buttacavoli, Director of Human Resources & Risk Management

Sign-Offs:

Department Director	Assistant City Manager	City Manager
Mayra D. Buttacavoli		MH for JMG

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AGENDA ITEM R5F

DATE 5-18-05

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 18, 2005

From: Jorge M. Gonzalez
City Manager

FIRST READING

Subject: **AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING ORDINANCE NO. 92-2813, THE DEFINED CONTRIBUTION RETIREMENT PLAN 401(A), BY AMENDING THE PROVISIONS OF SECTION 1, ARTICLE 5, SUBSECTION 5.03 TO INCREASE THE MAXIMUM MONTHLY RETIREMENT DISABILITY BENEFIT TO REFLECT ANNUAL COST OF LIVING INCREASES; PROVIDING FOR A REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.**

ADMINISTRATION RECOMMENDATION

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

ANALYSIS

Ordinance No. 92-2813 that created the Defined Contribution Retirement Plan under section 401(a) of the Internal Revenue Code, was written in 1992 and included a maximum monthly retirement benefit that was equal to two-thirds of an employee's annual earnings, with a maximum monthly benefit of $5,000. This maximum benefit amount covers a salary up to $90,000. No provision was made in the Ordinance to increase this maximum covered amount.

Since 1993 the City has provided several cost of living increases, ranging between 2% and 6%, based on amounts given to Unclassified employees. If these cost of living increases, including 2005, had been applied to the maximum covered salary of $90,000, that covered amount would now be $140,000, or a monthly benefit not to exceed $7,700. Insurance companies quote long term disability premiums based on increments of $1,000 for covered benefit amounts.

The Administration recommends that the Ordinance be changed to allow for past cost of living increases, a projected 3.5% increase for 2006, estimated increases between 3.0 and 3.5% for the next two years, thereby establishing a new monthly benefit maximum of $10,000 (covered salary of up to $180,000). The Administration also recommends that the Ordinance include language so that the maximum monthly amount may be updated to include future cost of living increases whenever the Long Term Disability contract for coverage is renewed or awarded.

CONCLUSION

The Administration recommends the City Commission approve the first reading and schedule a second reading, public hearing.

JMG:MDB:ph

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ORDINANCE NO._____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING ORDINANCE NO. 92-2813, THE DEFINED CONTRIBUTION RETIREMENT PLAN 401(A), BY AMENDING THE PROVISIONS OF SECTION 1, ARTICLE 5, SUBSECTION 5.03 TO INCREASE THE MAXIMUM MONTHLY RETIREMENT DISABILITY BENEFIT TO REFLECT ANNUAL COST OF LIVING INCREASES ; PROVIDING FOR A 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 Section 1, Establishment of a Defined Contribution Retirement Plan for the City, Article 5, Subsection 5.03 of the Defined Contribution Retirement Plan 401(a) Ordinance No. 92-2813 shall be amended to read as follows:

* * *

ARTICLE 5: Retirement

* * *

Subsection 5.03 Any employee who is totally and permanently disabled and unable to carryout the requirements of their position in City Service shall be entitled to a disability retirement. Such disability retirement benefit shall be equal to two-thirds of the employee's annual earnings, adjusted to include cost of living increases provided to employees, based on the percent increase given to Unclassified Employees, provided that such benefit shall not exceed ~~$5,000~~ $10,000 a month. This maximum monthly amount will be updated to include future cost of living percent increases, based on the amount given to Unclassified employees, whenever the Long Term Disability contract for coverage is renewed or awarded. This disability payment will commence upon the completion of the sixth month of such disability and continue throughout the life of the disabled employee. The City shall be obligated to purchase an insurance policy for employees in this System which shall provide this benefit. An offset to the fullest extent allowed by law for all payments made to the disability retiree for worker's compensation payments, shall be taken by the Board of Trustees. The Board of Trustees shall consider all requests for total and permanent disability, and shall make positive recommendations to the insurer of all employees whom it determines meet the insurer's criteria for the total and permanent disability. The final determination of disability shall be made by the insurer.

* * *

SECTION 2: REPEALER.

That all ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

SECTION 3: SEVERABILITY.

If any section, sentence, clause, or provision 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 DATES.

This Ordinance shall take effect the _____ day of _____, 2005.

PASSED and ADOPTED this _____ day of _____, 2005.

_____
MAYOR

ATTEST:

_____
CITY CLERK

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APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

City Attorney 4-29-05 Date

CITY OF MIAMI BEACH
COMMISSION ITEM SUMMARY

Condensed Title:

An Ordinance of the Mayor and City Commission of the City of Miami Beach, Florida, Amending Chapter 82, Article V, Division 1, Section 82-438, entitled "Prohibiting Wheeled Conveyances on Beachfront Promenade Boardwalk Except those Required by the Handicapped," to provide for certain exceptions to the prohibition for wheeled conveyances required by the disabled; strollers; Fire, Police, Beach Patrol personnel or maintenance wheeled conveyances operated by or for the City; or, such wheeled conveyances or vehicles authorized by the City Manager.

Issue:

Shall the City of Miami Beach Commission enact an amendment to Sec. 82-438 Prohibiting wheeled conveyances on Beachfront Promenade Boardwalk to create certain exceptions to the prohibition?

Item Summary/Recommendation:

The Beachfront Promenade Boardwalk ("Boardwalk") is a pedestrian walkway used by resident and tourists alike and is considered a primary access route for beach goers and tourists. Recently, the City has intensified its patrol and enforcement efforts on the Boardwalk, including contracting with a private security service for additional visibility and security on the Boardwalk.

In order to increase the effectiveness of Police and security patrols on the Boardwalk, the City's Police Department and the private security service wish to be permitted to utilize bicycles and other wheeled conveyances on the Boardwalk. To facilitate public safety, access must be limited to: pedestrians; wheeled conveyances required by the disabled; strollers; Fire, Police, Beach Patrol personnel or maintenance wheeled conveyances operated by or for the City; or, such wheeled conveyances or vehicles authorized by the City Manager. In order to clarify that certain exceptions exist to the prohibition of wheeled conveyances on the Boardwalk, it is recommended that the exception be codified.

In an effort to ensure public safety along the Beachfront Promenade Boardwalk east of Collins Avenue, between 21st Street and 46th Street the above amended ordinance should be enacted.

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:

Sign-Offs:

Department Director	Assistant City Manager	City Manager

AGENDA ITEM R5G

DATE 5-18-05

CITY OF MIAMI BEACH
CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 3313
www.miamibeachfl.gov

COMMISSION MEMORANDUM

To: Mayor David Dermer and Members of the City Commission

Date: May 18, 2005

From: Jorge M. Gonzalez
City Manager

Subject: **AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 82, ARTICLE V, DIVISION 1, SECTION 82-438 OF THE CITY CODE, ENTITLED "PROHIBITING WHEELED CONVEYANCES ON BEACHFRONT PROMENADE BOARDWALK EXCEPT THOSE REQUIRED BY THE HANDICAPPED,"; TO PROVIDE FOR CERTAIN EXCEPTIONS TO THE PROHIBITION OF WHEELED CONVEYANCES ON THE BOARDWALK; PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.**

ADMINISTRATION RECOMMENDATION

Enact the proposed ordinance.

ANALYSIS

In an effort to ensure public safety along the Beachfront Promenade Boardwalk ("Boardwalk") east of Collins Avenue, between 21st Street and 46th Street the above proposed ordinance should be enacted. The Boardwalk area is a pedestrian walkway used by residents and tourists alike and is considered a primary access route for beach goers and tourists.

Recently, the City has intensified its patrol and enforcement efforts on the Boardwalk, including contracting with a private security service for additional visibility and security on the Boardwalk. In order to increase the effectiveness of these efforts, the City's Police Department and the private security service wish to be permitted to utilize bicycles and other wheeled conveyances on the Boardwalk. In order to clarify that certain exceptions exist to the prohibition of wheeled conveyances on the Boardwalk, it is recommended that the exception be codified.

Accordingly, in order to prevent the commission of crime and facilitate public safety, access must be limited to: pedestrians, wheeled conveyances or vehicles required by the disabled; strollers; fire, police, beach patrol or maintenance vehicles operated by or for the City; or, such other wheeled conveyances or vehicles as may be authorized by the City Manager vehicles required.

DD/MG

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ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 82, ARTICLE V, DIVISION 1, SECTION 82-438 OF THE CITY CODE, ENTITLED "PROHIBITING WHEELED CONVEYANCES ON BEACHFRONT PROMENADE BOARDWALK EXCEPT THOSE REQUIRED BY THE HANDICAPPED," TO PROVIDE FOR CERTAIN EXCEPTIONS TO THE PROHIBITION OF WHEELED CONVEYANCES ON THE BOARDWALK; PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the Mayor and City Commission of the City of Miami Beach finds the Boardwalk area is a pedestrian walkway used by residents and tourists alike and are considered primary access routes for beach goers and tourists, and in order to prevent the commission of crime and facilitate public safety, access by wheeled conveyances must be limited.

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

SECTION 1. That Chapter 82, Article V, Division 1, Section 82-438 of the Code of the City of Miami Beach entitled "Prohibiting wheeled conveyances on Beachfront Promenade Boardwalk except those required by handicapped" be amended to read:

Sec. 82-438. Prohibiting wheeled conveyances on Beachfront Promenade Boardwalk; Exceptions. ~~except those required by handicapped~~.

(a) It shall be unlawful for any person to operate any wheeled conveyance ~~except those required by handicapped,~~ in, on or upon any portion of the Beachfront Promenade Boardwalk lying east of Collins Avenue and between 21st Street and 46th Street.

(b) This section shall not apply to: wheeled conveyances required by the disabled; strollers; fire, police, beach patrol or maintenance wheeled conveyances operated by or for the city; or, such other wheeled conveyances as may be authorized by the city manager.

SECTION 2. REPEALER

All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

SECTION 3. SEVERABILITY

If any section, subsection or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

SECTION 4. CODIFICATION

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

SECTION 5. EFFECTIVE DATE

This ordinance shall take effect on the _____ day of _____, 2005.

PASSED AND ADOPTED this _____ day of _____, 2005.

_____
MAYOR

ATTEST:

_____
CITY CLERK

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION:

_____ 5-11-05
City Attorney RTD Date

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R7
Resolutions

CITY OF MIAMI BEACH
COMMISSION ITEM SUMMARY

Condensed Title:

A Resolution to waive by a five-sevenths vote of the City Commission certain development regulations pursuant to section 142-425 (d) of the City Code for the proposed surface parking lot at 137 Washington Avenue.

Issue:

Shall the Commission waive by a five-sevenths vote certain provisions of the City Code for the surface lot located at 137 Washington Avenue?

Item Summary/Recommendation:

On December 6, 2001 the South Pointe Advisory Board recommended the relocation of the Community Garden, now known as the Victory Garden. The relocation of the Community Garden from 137 Washington Avenue to 226 Collins Avenue, and the subsequent construction of a surface parking lot at 137 Washington Avenue was confirmed by the Land Use and Development Committee on December 17, 2001 and approved on December 19, 2001 by the City Commission of the City of Miami Beach.

The Parking Department retained Bermello, Ajamil Architects (B&A) from the City's A/E rotational list to design and prepare construction documents for the new surface lot at 137 Washington Avenue. Since the lot is within the Historic District, a presentation to the Historic Preservation Board (HPB) was required. The HPB approved the design of the parking surface parking lot on February 10, 2004.

On May 5, 2004 Resolution No. 471-2004 appropriated $335,500 including a 10% contingency from the South Pointe Redevelopment Agency TIF Funds in order to construct the parking lot at 137 Washington Avenue.

Increased construction costs, and other necessary items to complete the permit for the Department of Environmental Protection elevated the price to $410,454 including all fees. The original amount appropriated was $335,500 leaving a deficit of approximately $75,000. Resolution No. 497-2005 was approved on February 23, 2005 appropriating $75,000 from the South Pointe Redevelopment Agency TIF Funds in order to complete the funding necessary to construct the surface lot.

However, the parking lot plans are slightly nonconforming with respect to certain setbacks required by the City Code. A privately owned property would seek a variance from the Board of Adjustment to modify these requirements; the process for waiver of certain land development regulations regarding developments pertaining to governmental owned uses and sites which are open to the public is set forth within Section 142-425 (d) of the City Code.

- Variance requested from:

Section 142-699. Setback requirements in the C-PS1, 2, 3, 4 districts.
Section 130-69. Commercial and noncommercial parking lots.
Section 130-63. Interior aisles.
Section 142-1132. Allowable encroachments within required yards.

The Administration recommends the adoption of a resolution to waive by a five-sevenths vote of the City Commission certain development regulations pursuant to section 142-425 (d) of the City Code for the proposed surface parking lot at 137 Washington Avenue.

Advisory Board Recommendation:

N/A

Financial Information:

Source of Funds:

	Amount	Account	Approved

City Clerk's Office Legislative Tracking:

Camilo Arca ext 6962

Sign-Offs:

Department Director	Assistant City Manager	City Manager
JEC	RCM TH	

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C-PKL137Wash-02-05182005-CA

AGENDA ITEM R7A

DATE 5-18-05

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 18, 2005

From: Jorge M. Gonzalez
City Manager

Subject: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, TO WAIVE BY A FIVE-SEVENTHS VOTE OF THE CITY COMMISSION CERTAIN DEVELOPMENT REGULATIONS PURSUANT TO SECTION 142-425 (d) OF THE CITY CODE FOR THE PROPOSED SURFACE PARKING LOT AT 137 WASHINGTON AVENUE.**

ADMINISTRATION RECOMMENDATION

Adopt the Resolution.

ANALYSIS

On December 6, 2001 the South Pointe Advisory Board recommended the relocation of the Community Garden now known as the Victory Garden. The relocation of the Community Garden from 137 Washington Avenue to 226 Collins Avenue, and the subsequent construction of a surface parking lot at 137 Washington Avenue, was confirmed by the Land Use and Development Committee on December 17, 2001 and approved on December 19, 2001 by the City Commission of the City of Miami Beach.

The Parking Department retained Bermello, Ajamil Architects (B&A) from the City's A/E rotational list to design and prepare construction documents for the new surface lot at 137 Washington Avenue with the direction to maximize the number of parking spaces in the lot. Since the lot is within the Historic District, a presentation to the Historic Preservation Board (HPB) was required. The HPB approved the design of the surface parking lot on February 10, 2004.

On May 5, 2004 Resolution No. 471-2004 appropriated $335,500 including a 10% contingency from the South Pointe Redevelopment Agency TIF Funds in order to construct the parking lot at 137 Washington Avenue.

Increased construction costs, and other necessary items to complete the permit for the Department of Environmental Protection elevated the price to $410,454 including all fees. The original amount appropriated was $335,500 leaving a deficit of approximately $75,000. Resolution No. 497-2005 was approved on February 23, 2005 appropriating $75,000 from the South Pointe Redevelopment Agency TIF Funds in order to complete the funding necessary to construct the surface lot.

However, the parking lot plans are slightly nonconforming with respect to certain setbacks required by the City Code as currently designed. The design calls for thirty-one (31) parking spaces on the lot, maximizing the number of spaces possible. A privately owned property would seek a variance from the Board of Adjustment to modify these requirements; the process for waiver of certain land development regulations regarding developments pertaining to governmental owned uses and sites which are open to the public is set forth within Section 142-425 (d) of the City Code.

The following items require waiver by a five-sevenths vote at a public hearing of certain development regulations in order to construct the lot as presently designed:

1. Waive 3'-4" of the minimum required 5'-0" interior side yard setback in order to permit the construction of the parking lot 1'-8" from the north property line.
2. Waive 1'-7" of the minimum required 5'-0" interior side yard setback in order to permit the construction of the parking lot 3'-5" from the south property line.
3. Waive 1'-0" of the minimum required 11'-0" interior isle one-way traffic in order to permit the construction of the parking lot with 10'-0" interior isles driveway width.
4. Waive 1'-7" of the minimum required 18'-10" for a forty-five degree angle parking row width in order to permit the construction of a parking lot with 17'-3" forty-five degree angle parking row width.

- Variance requested from:

Section 142-699. Setback requirements in the C-PS1, 2, 3, 4 districts.
(a) The setback requirements in the C-PS1, 2, 3, 4 districts are as follows:
Parking lots and garages – if located on the same lot as the main structure the above setbacks shall apply, if primary use the setbacks are listed in section 142-1132(n).
(referenced correction: 130-69)

Section 130-69. Commercial and noncommercial parking lots.
Commercial and noncommercial parking lots as a main use on a separate lot shall be subject to the following regulations, in addition to the other regulations of this article:
(1) The required front and rear yards shall be those of the underlying district.
(2) The required side yards shall be as follows:
Between 56 and 100 feet, inclusive – Five feet

Section 130-63. Interior aisles.
Interior aisles shall meet or exceed the following minimum dimensions permitted:
Forty-five degree parking – 11 feet / parking row width: 18'-10"

5. Waive a range of 3'-6" and 6'-6" of the minimum required interior side setbacks in order to permit three (3) lightpoles to be set back between 1'-0" and 4'-0" from the south property line and to exceed the maximum permitted height of 10'-0" by 2'-0" in order to permit an overall height of 12'-0".

6. Waive 6'-6" of the minimum required interior side setbacks in order to permit three (3) lightpoles to be set back between 1'0" from the north property line and to exceed the maximum permitted height of 10'-0" by 2'-0" in order to permit an overall height of 12'-0".

- Variance requested from:

Section 142-1132. Allowable encroachments within required yards.
(k) Lightpoles. In all districts:
(l) Lightpoles shall have a maximum height of ten (10) feet. Lightpoles shall be located 7 ½ feet from any property line except that when such property line abuts a public right-of-way, or waterway there shall be no required setback.
(2) All light from lightpoles shall be contained on-site or on any public right-of-way as required by the City Code.

Without the waiver of these sections of the City Code, the parking lot will have to be redesigned, resulting in fewer parking spaces. The design currently includes thirty-one (31) parking spaces. If the waivers outlined above are not granted, the number of parking spaces will have to be reduced to nineteen (19), resulting in a loss of twelve (12) spaces. Whereas this area of the City has so few public parking opportunities, the Administration recommends the waiver of the outlined sections of the City Code in order to maximize the parking availability in this area of the City.

CONCLUSION

The Administration recommends the adoption of a resolution to waive by five-sevenths vote at a public hearing certain development regulations pursuant to section 142-425 (d) of the City Code for the purpose of constructing the proposed surface parking lot at 137 Washington Avenue.

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RESOLUTION NO._____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, TO WAIVE BY A FIVE-SEVENTHS VOTE OF THE CITY COMMISSION CERTAIN DEVELOPMENT REGULATIONS PURSUANT TO SECTION 142-425 (d) OF THE CITY CODE FOR THE PROPOSED SURFACE PARKING LOT AT 137 WASHINGTON AVENUE.

WHEREAS, on December 6, 2001, the South Pointe Advisory Board recommended the relocation of the Community Garden, now known as the Victory Garden; and

WHEREAS, the relocation of the Community Garden, from 137 Washington Avenue to 226 Collins Avenue, and the subsequent construction of a surface parking lot at 137 Washington Avenue, was confirmed by the Land Use and Development Committee on December 17, 2001, and approved by the City Commission on December 19, 2001; and

WHEREAS, the City retained Bermello, Ajamil Architects (Consultant) (from the City's A/E rotational list) to design and prepare construction documents for the new surface lot at 137 Washington Avenue; and

WHEREAS, the City gave the Consultant the direction to maximize the number of parking spaces in the lot to provide for greater public parking opportunities in the area; and

WHEREAS, since the lot is within a Historic District, a presentation to the Historic Preservation Board (HPB) was required; the HPB approved the design of the proposed surface parking lot at it's meeting on February 10, 2004; and

WHEREAS, on May 5, 2004, Resolution No. 471-2004 appropriated $335,500 (including a 10% contingency) from the South Pointe Redevelopment Area TIF Funds in order to construct the parking lot at 137 Washington Avenue; and

WHEREAS, increased construction costs, and other necessary items to complete the permit for the Department of Environmental Protection elevated the price to $410,454, including all fees; and

WHEREAS, as the original amount appropriated was $335,500, Resolution No. 497-2005 was approved on February 23, 2005 appropriating $75,000 from the South Pointe Redevelopment Area TIF Funds, in order to complete the funding necessary to construct the surface lot; and

WHEREAS, the parking lot plans are slightly nonconforming with respect to certain setbacks required by the City Code; the process for waiver of certain land development regulations regarding developments pertaining to governmental owned uses and sites which are open to the public is set forth within Section 142-425 (d) of the City Code; and

WHEREAS, pursuant to Code Section 142-425 (d), the Administration is seeking that the City Commission waive by a five-sevenths vote at a public hearing the following sections of the City Code in order to construct the parking lot in order to maximize the public parking opportunities in this area of the City: Section 142-699 (Setback requirements), Section 130-69 (Commercial and noncommercial parking lots), Section 130-63 (Interior aisles) and Section 142-1132 (Allowable encroachments within required yards).

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Mayor and Commission hereby waive by five-sevenths vote at a public hearing certain development regulations pursuant to Section 142-425 (d) of the City Code for the purpose of constructing the proposed surface parking lot at 137 Washington Avenue.

PASSED AND ADOPTED THIS _____DAY OF _____, 2005

ATTEST:

_____ _____

CITY CLERK MAYOR

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APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

City Attorney 5/18/05
Date

CITY OF MIAMI BEACH
NOTICE OF A PUBLIC HEARING

NOTICE IS HEREBY given that a public hearing will be held by the City Commission of the City of Miami Beach, in the Commission Chambers, 3rd floor, City Hall, 1700 Convention Center Drive, Miami Beach, Florida on **Wednesday, May 18, 2005 at or no earlier than 10:40 a.m.**, to consider certain waivers of the Land Development Regulations pursuant to Section 142-425 (d), Miami Beach City Code, to reduce the width of parking lot interior driveway aisles, to reduce set backs from property lines, to increase the permitted height of lightpoles, all for the proposed City surface parking lot at 137 Washington Avenue; said waivers under Sections 142-699, 130-60, 130-63 and 142-1132 of the Land Development Regulations.

INQUIRIES may be directed to the City Manager's office at (305) 673-7010.

ALL INTERESTED PARTIES are invited to appear at this hearing 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 33130. This meeting may be continued and under such circumstances additional legal notices 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 this Board with respect to any matter considered at its meeting or hearing, such person will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. This notice does not constitute consent by the City for the introduction or admission of otherwise inadmissible or irrelevant evidence, nor does it authorize challenges or appeals not otherwise allowed by law.

In accordance with the Americans with Disabilities Act of 1990, persons needing special accommodation to participate in this proceeding or to request information on access for persons with disabilities, or to request this publication in accessible format, or to request sign language interpreters, should contact the City Clerk's Office at (305) 673-7411 for assistance, no later than four (4) days prior to the proceeding. If hearing impaired, telephone the Florida Relay Service numbers, (800) 955-8771 (TDD) or (800) 955-8770 (Voice), for assistance.

Ad #308

CITY OF MIAMI BEACH
COMMISSION ITEM SUMMARY

Condensed Title:

In accordance with the requirements of Sections 163.3220 - 163.3243, Florida Statutes, also referred to as the "Florida Local Government Development Agreement Act", it is recommended that the Mayor and City Commission approve at the second of two duly noticed Public Hearings, a 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, a supermarket and an approximate 1081 space parking garage and associated transit facility, including a transit dedicated 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.

Issue:

Shall the Mayor and City Commission approve the Development Agreement, upon second and final public hearing?

Item Summary/Recommendation:

Concurrent with the negotiations, the Potamkin/Berkowitz group has received approval to implement a signage overlay district to permit effective signage for the Supermarket and for the retail tenants within the Project and the project has also received DRB/HP approval. While support for the Project is generally widespread, comments have been made concerning the economic viability of the parking operation and ingress/egress challenges to the site. The parties will continue to seek further community outreach with area businesses/residents as part of the FTA Environmental Assessment process. A Resolution to vacate the alley located on the site was approved by the City Commission on February 23, 2005.

Related to the Development Agreement, is the required contribution from the Project to Art in Public Places (AiPP). The present AiPP Ordinance requires all City projects to make a financial contribution to support ongoing and future operations and acquisitions of the City's AiPP program. The most common application for the Ordinance has been to City projects that are City-owned and constructed, however, the Ordinance also pertains to Capital Construction Projects where the City is a partner, therefore this project falls under the Ordinance. A decision will need to be made as to whether or not to waive the Project's AiPP contribution. The Developer has continually maintained that he will not entertain funding any portion of the AiPP fee, if a waiver is not granted. Instead, Developer has committed to install a major piece of art at the entrance of the project, and Mr. and Mrs. Alan Potamkin have represented that they have promised gifts to the Bass Museum.

Other salient points further addressed in the memo, listed here, include the following: the Developer has the right to terminate the Agreement, City staff analysis indicate the Garage will likely require operational subsidies from the Parking Enterprise in the first few years, the Project may have difficulty in securing full funding from the FTA, Developer has the right to lease up to 150 "City" spaces for its operational requirements, City is purchasing 535 parking spaces, of which, 438 are considered excess parking. In the event of a restaurant locating in the project, the City and Developer have agreed to Joint Ownership of approximately 14 spaces for Code purposes. All other issues raised at 1st Reading have been addressed.

The Administration recommends that the Mayor and City Commission approve the Development Agreement on second and final public hearing.

Advisory Board Recommendation:

Finance & Citywide Projects Committee: December 22, 2003; September 14, 2004 - engage the City's own consultant to review and analyze the newly submitted construction costs estimates; October 26, 2004 – due to rising construction costs, modify the City's capital cost contribution accordingly, due to the Developer's guarantee to assume any construction cost overruns; February 14, 2005 – recommendation to proceed in finalizing the Development Agreement.
Transportation and Parking Committee – February 2, 2004, March 1, 2004, September 27, 2004
Design Review Board & Historic Preservation Board – August 17, 2004 – Project Approved
AiPP - January 18, 2005 – motion to grant the requested waiver; February 15, 2005 – motion granting the waiver was reconsidered and the Committee recommended that the requested waiver not be granted.

Financial Information:

Source of Funds:		Amount	Account	Approved
	1			
	2			
Finance Dept.	Total			

City Clerk's Office Legislative Tracking:

Tim Hemstreet

Sign-Offs:

Department Director	Assistant City Manager	City Manager
	DB	Not for JMG

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AGENDA ITEM R7B

DATE 5-18-05

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 18, 2005

From: Jorge M. Gonzalez by [illegible] for
City Manager

Subject: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, IN ACCORDANCE WITH THE REQUIREMENTS OF SECTIONS 163.3220 - 163.3243, FLORIDA STATUTES, ALSO REFERRED TO AS THE "FLORIDA LOCAL GOVERNMENT DEVELOPMENT AGREEMENT ACT", APPROVING, ON SECOND READING, A 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; A SUPERMARKET; AN APPROXIMATELY 1081 SPACE PARKING GARAGE; PARK-AND-RIDE TRANSIT FACILITY, INCLUDING AN INTERMODAL/ TRANSPORTATION COMPONENT; 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.**

ADMINISTRATION RECOMMENDATION

Adopt the Resolution.

Changes Based on Comments at First Reading

On April 20, 2005, the Mayor and City Commission heard and considered testimony related to this Development Agreement, and further, approved the Development Agreement on first reading. During the discussion, a number of issues were raised, that the City Commission directed the Administration to resolve with the Developer before second reading. These issues and their resolution are as follows:

- The Developer will pay for the removal of metered parking as necessary to accommodate the design and operation of the facility, and the City will pay for the condominium costs as an offset.

- A small number of parking spaces will be retained in joint ownership between the City and Developer in order to address any Code Required Parking issue that may arise in the event of a change of use that increases the parking requirement.

- Language has been added to clarify the intent of the parties that Developer is to execute/issue checks in accordance with the mutually approved budget.

- Developer currently has a Right of First Refusal. Language has been added to provide an option that defines Market Value as the price offered by the prospective buyer.

- The Supermarket is limited to ten years even though all parties have indicated that if a supermarket/grocery comes into the project the lease would most likely be for a longer term. Language has been added that allows for a longer term should the City bring a grocery into the project subsequent to the failure of the initial grocery.

- The Developer has agreed to provide a letter specifying its commitment to not attempt to require the City to provide a "shuttle service" to and from the garage.

- The following language has been added to the definition of Fair Market Value: "The Fair Market Value of the City Spaces shall first be determined by including land value, and then, as provided in the Agreement, such value shall be multiplied by the Fraction to adjust for the fact that the City does not have an interest in fee title to the Land".

- The language in section 2.6 (d) has been reworked to make it easier to follow.

- The "Completion Deadline" date has been extended from September 1, 2007 to March 1, 2008 to reflect the passage of time since the date was originally agreed upon. This was an oversight and should have been revised prior to First Reading.

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 (also known as the "Potamkin Site"), as a Brownfield area to promote the environmental restoration and economic redevelopment of the area.

Since July 2002, the Administration has been meeting with representatives of the site generally located on 5th Street and Alton Road, owned by the Potamkin family, to address a joint development opportunity and to review a preliminary site plan for a five (5) level mixed-use retail complex, including over 900 parking spaces and a supermarket. 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 entryways.

Over the past two (2) years, the proposed project has been reviewed on several occasions by various City Committees including Finance and Citywide Projects Committee, Transportation and Parking Committee, Design Review Board and Historic Preservation Board. With the recommendations from these meetings, the parties have reached agreement on the substantive terms and conditions that would govern the City's joint participation, including the identification of Federal Transit Administration (FTA) funding, as a potential contributing source, for the City's capital contribution to the project.

While support for the Project is generally widespread, at both the Transportation and Parking, and Finance and Citywide Projects Committee, the public raised some concerns on the economic viability of the parking operation and ingress/egress challenges to the site. The parties will continue to seek further community outreach with area businesses/ residents as part of the FTA Environmental Assessment process. It should be noted, however, that a Pro Forma done by the City's Parking Department (discussed below) does indicate that the garage will likely require operating subsidies in its first few years.

Concurrent with the negotiations, the Potamkin/Berkowitz group has received approval to implement a signage overlay district to permit effective signage for the Supermarket and for the retail tenants within the Project and the project has also received DRB/HP approval.

As reported in May 2004 to the City Commission, the City and Developer have continued to address other issues including: Floor Area Ratio (FAR), Alley Vacation, Termination Rights, Park and Ride Transit Facility components, Art in Public Places, Planning Board – Conditional Use, FTA funding eligibility and rising construction costs.

Due to the extended negotiations regarding the terms of the Development Agreement, the Alley vacation (Resolution No. 2005-25827) was considered and approved by the City Commission on February 23, 2005 independent of the Development Agreement (Attachment "A"). The City does retain an option to obligate Developer to include the Transit Facility Dedication area and finishes, at City expense, in the event the Development Agreement is not approved. The Alley vacation contains the following reverter conditions:

i. In the event Developer does not enter into a supermarket lease (as defined in the proposed Development Agreement) on or before eighteen (18) months after the Effective Date of the Agreement or Construction Commencement, whichever comes first;

ii. In the event Developer does not commence construction of the Project on or before September 1, 2006;

iii. In the event the Project is substantially modified from the Project approved by the Historic Preservation Board and Design Review Board, as referenced in the respective Board Orders issued in August 2004; and

As part of the ongoing negotiations, 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. These issues were discussed by the Finance and Citywide Projects Committee on October 26, 2004 and resolved as set forth below:

Major Issues:

Federal Transit Administration (FTA)

On April 5, 2004, the Developer and its project team, and the Administration 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 would need to 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.

To address the FTA issues, it was deemed to be in the parties' mutual best interest to commence and conduct the required FTA Environmental Assessment (EA). On May 26, 2004 the Mayor and City Commission passed Resolution No. 2004-25574 to establish an RFQ for the professional architectural and engineering services related to the preparation of the Environmental Assessment report, as required by the Federal Transit Administration.

RFQ 38-03/04 was issued on July 30, 2004. Only one response was received and the Evaluation Committee met on October 26, 2004 and recommended rejecting all bids and re-advertising a new RFQ. The new RFQ received three proposals. On January 26, 2005 the Evaluation Committee reviewed the new responses and ranked the firm of HDR Engineering first, URS Corporation second and Geotech Environmental third. On April 20, 2005, subsequent to approval of the Development Agreement at First Reading, the City Commission authorized the administration to proceed with negotiations with the top ranked firm.

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 Street), safety and security equipment, vertical access links (i.e. elevators and ramps), transit information center, signage, etc.

While the City has incorporated the aforementioned transit elements, FTA will review the Agreement and assess the City's control and availability of the transit facility to render an eligibility decision. The Development Agreement, on file in the City Clerk's Office, reflects the Developer's required restrictions on the use of the garage to assure sufficient parking for the retail area. As such, FTA will scrutinize the ultimate control and availability of

parking for transit users to determine eligibility for federal funding. With the additional language incorporated by the Developer, FTA funding eligibility may be limited.

Since the outcome of the FTA funding eligibility will not be confirmed until sometime in the future, the Developer faced timing constraints to determine whether or not to proceed with the City, or independently, in the proposed joint venture. The Finance and Citywide Projects Committee recommended that the City should commit to proceed with the project irrespective of FTA funding eligibility. **In other words, if FTA deems the project is not wholly or in part eligible, the City will be committing non FTA funding, preferably South Pointe RDA funds, in order to guarantee the City's participation in the project from the onset.**

We have attempted to incorporate language expressing the intent of the parties to provide public transit parking, to mitigate any such FTA scrutiny. However, by the mere inclusion of any use restrictions, as required by Developer, full FTA funding eligibility for this project can no longer be assured. **Therefore, the Agreement reflects, the City's commitment to proceed with the project, regardless of award of FTA funding for the City's capital participation.**

CONSTRUCTION COST ESTIMATES

As to the rising cost of construction, on August 25, 2004 and September 14, 2004, the Developer submitted a take-off analysis of the estimated construction cost of the parking component of the proposed project, which was prepared by the Developer's consultant Moss and Associates. The Developer also conducted an area analysis and calculated a percentage cost per square foot, which yielded a higher value for the garage. The Developer's analysis reflected a revised construction cost estimate of $20,741/per space (based on percentage allocation) and $18,025/per space based on the Moss Take-off analysis.

The City had previously negotiated a $14,500/per space cost contribution to the project, which represented a $7,250,000 capital contribution based on 500 spaces. The new cost estimates submitted by the Developer represent an over 24-43% increase in the City anticipated contribution to the project.

As a result, these findings were reported informally to the Finance and Citywide Projects Committee on September 15, 2004 and the Committee concurred with the Administration's recommendation to engage the City's own consultant to review and analyze the newly submitted construction costs estimates.

The City engaged URS Corporation to review and perform an independent analysis of the Moss and Associates Take-off analysis and of the construction costs submitted. As a result, URS submitted revised construction cost estimates and reallocations, as deemed necessary, and URS determined the per-space cost, without any alteration to the proposed project design, would be approximately $16,262/per space.

On October 15, 2004, the City and the Developer met to review the revised construction cost estimates and URS' findings. At this meeting, the parties agreed that based on URS' revised estimate of $16,262/per space and the increased number of spaces in the project (i.e. 1070 total spaces at the time of proposal; City allocation is 50%, or 535 spaces), the City's capital contribution to the project would be as follows:

535 spaces @ $16,262/per space	$8,700,170
Additional Transit Components *(elevator pit and shaft to Alton Road and Bus Stop)*	395,327
Lost Value *(due to City requested set back on Alton representing loss of 1,000sf)*	333,333
TOTAL	**$9,428,830**
Developer Request	$9,500,000

The Finance and Citywide Projects Committee discussed the reality of rising construction costs and felt it was appropriate to modify the City's capital cost contribution accordingly, due to the Developer's guarantee to assume any construction cost overruns. The rise in costs is mitigated by the Developer's guarantee to assume the construction risk associated with any future cost increases or construction change orders not dictated by the City and/or any FTA requirement.

Based on the revised construction cost estimates and Developer guarantee, the Finance and Citywide Projects Committee agreed to commit to the revised City capital contribution to the project of $9,500,000 as cited above, which in turn results in a per-space cost of $16,395.

Funding for Park and Ride Transit Facility:

As described above, the City has negotiated to contribute $16,395/space within the garage (i.e. also referred to as Transit Facility). It is anticipated that the Transit Facility will contain approximately 1081 spaces within which the City will own 535 spaces to serve the public transit uses and supermarket, and Developer will own 546 spaces serve the retail and supermarket uses. Additionally, the City will fund an additional amount and own the transit elements referenced above.

Funding for the City's Transit Facility Contribution will be provided by available FTA funding, to the extent eligible ($6,475,000 available and an additional $1.38 million awarded in 2005) and/or South Pointe RDA funds. FTA funding requires a minimum 20% match by the City, for the FTA approved components, if any.

Floor Area Ratio (FAR) and Required Parking

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 an increase in the number of City spaces. A provision in the Development

Agreement has been negotiated giving the City a fixed number of spaces (535 spaces as described below) to purchase within the project, subject to finalizing the ultimate project uses. A potential issue that arose immediately prior to First Reading that is addressed in the Agreement is how to address the required parking in the event that a restaurant (or other more intensive use) locates in the Project. It has been provided for in the current Agreement by allowing for joint-ownership of approximately fourteen (14) of the City's 535 spaces. This would happen only in the situation where a more intensive use enters the project, and only for the purpose of meeting the code required spaces. If this situation does not materialize, then the spaces are owned solely by the City. The Developer has agreed to be responsible for any tax implications that Joint Ownership may cause. Additionally, the Developer has agreed that a restaurant would not be permitted to validate parking. **The Agreement also provides for the Developer to retain a priority right to purchase up to 150 additional spaces on a monthly basis to meet operational parking deficiencies from the City's Excess Parking inventory. Again, this clause may reduce or limit FTA funding eligibility.**

Ownership	Retail Required Parking	Supermarket Required Parking	Excess Parking	Total
Developer	468	78	0	546
City	0	97	424	521
Joint	14	0	0	14
Total	**482**	**175**	**424**	**1081**

Park and Ride Transit Facility Operations and Management:

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 an annual contribution to revenue of approximately $290,000 to offset the retail validation program (# of spaces x 12 months x $55 per month). This amount will escalate at an annual rate of 2.5% beginning after the third year of operation. It is anticipated that additional revenues may be earned through the use of the facility, by the public, decal parkers, valet operators in the evening after retail operating hours, or parking for special events, during peak nighttime hours. A Pro Forma prepared by the Parking Department is included as Attachment "B" to this memorandum.

The Pro Forma prepared by the Parking Department indicates that the Garage operation is projected to require operating subsidies in its first few years. The Pro Forma is based on a reasonable analysis of the information available to us presently and assumes a similar rate structure and usage pattern to other system facilities. As has been discussed with the Developer, there may be alternate rate structures and operating methods that may produce a different result as more experience is gained with this specific facility and operating relationship with the Developer. While early pro forma analysis may predict revenue

shortfalls, a long-term parking shortfall and increased demand in the South Beach and South of Fifth areas is expected.

It is both parties' intent to make maximum and efficient use of the structure. As this facility has very complicated operational characteristics and it has a unique location to best serve as a potential park and ride facility at the entrance to the City, we will need to monitor the operations and revenue and expenses closely, and routinely make the appropriate modifications to the operations and rate structure.

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 (City 49.5%/Developer 50.5%). 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

Related to the Development Agreement, is the required contribution from the Project to Art in Public Places (AiPP). The present AiPP Ordinance requires all City projects to make a financial contribution to support ongoing and future operations and acquisitions of the City's AiPP program. The most common application for the Ordinance has been to City projects that are City-owned and constructed, however, the Ordinance also pertains to Capital Construction Projects where the City is a partner, therefore this project falls under the Ordinance. This project is the first instance where a public/private joint development will come under the AiPP Ordinance, which was revised in 2001 to include such agreements. At the time of the revision, it was contemplated that those projects where the City was the landowner, such as Lincoln Place and The Lincoln, would be affected. In this instance, however, the City is not, and will not be the landowner. The City is essentially acquiring an interest in certain elements of the project through a condominium instrument.

The Developer has requested a waiver of the AiPP obligation pursuant to the provisions of the Ordinance. A decision will need to be made as to whether or not to waive the Project's AiPP contribution. The Developer has continually maintained that he will not entertain funding any portion of the AiPP fee, if a waiver is not granted. In consideration of this request for 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 the Developer has valued at $500,000. Furthermore, Mr. and Mrs. Alan Potamkin have represented that they 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. The estimated AIPP contribution would have been approximately $490,000, based on an estimated $32,000,000 project cost. If the Project were developed without public participation, no Art in Public Places contribution would be required.

As referenced in the Development Agreement and above, 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. If the AIPP is not waived, according to the Developer, it will render this transaction economically infeasible and he has stated that he will not contribute to the fee.

On January 18, 2005, the Developer made a presentation to the AiPP Committee, which adopted a motion approving the waiver conditioned upon the Developer working with the AiPP Committee to select the appropriate artist and location of artwork. On February 4, 2005, the Cultural Arts Council approved a motion requesting that the AiPP Committee reconsider their recommendation to waive the 1.5% AiPP requirement for this project, and further that CAC representatives attend the AiPP Committee's reconsideration. The motion further stated that the Cultural Arts Council opposed waiving the AiPP requirement. This issue was discussed at the February 14, 2005 Finance and Citywide Projects Committee meeting; however, following the Finance and Citywide Projects Committee meeting, the AiPP Committee reconsidered this item on February 15, 2005, pursuant to the request of the Cultural Arts Council, and voted to recommend denial of the waiver and further moved to ask the City Commission to direct the Developer to work with the AiPP Board to select the appropriate artist and location of artwork. The Committee was concerned that the purpose of the revisions to the Ordinance was to build the AiPP fund, and that this request would set a precedent for future requests that would be contrary to the original intent of the revisions. The Developer expressed his intent, as reflected in the attached agreement, to proceed with the Britto artwork and waiver request despite AiPP's motions.

On April 20, 2005, the Mayor and City Commission heard and considered testimony related to the requested waiver of the Art in Public Places contribution during the public hearing for the first reading of the Development Agreement. As part of the resolution approving the Development Agreement on first reading, the Mayor and City Commission directed the Administration to prepare a resolution waiving the AiPP contribution to be considered concurrent with the second reading of the Development Agreement. A resolution approving the AiPP waiver is a companion item on this agenda and is offered for the Commission's consideration.

Development Agreement and Declaration of Condominium

The attached Development Agreement sets forth the parameters and terms and conditions pursuant to which the Developer will proceed with construction of the Project and the City will provide capital contributions. The Declaration of Condominium reflects the terms under which the parties will operate upon completion of the project.

The salient terms of the Development Agreement and the Declaration of Condominium (the "Declaration") negotiated between the parties are summarized below. 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.

The important milestones and aspects in the Development Agreement include:

• Developer	AR&J SOBE, LLC (Limited Liability Company comprised of Jeff Berkowitz, Alan Potamkin and Robert Potamkin)
• City Unit	City Spaces (including City Supermarket Spaces and City Non-Supermarket Spaces, City Elevator, City Common Area and City Transit Dedication Area).
• Developer Unit	Developer spaces (including Developer Retail Spaces and Developer Supermarket Spaces), Retail Area and Developer common areas.
• Project Concept Plan	The project as currently approved by DRB/HPB contains approximately, 179,000 square feet of retail area; a supermarket; an approximately 1081 space parking garage; park-and-ride transit facility, including an intermodal/ transportation component; 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.
• Effective Date	Date Development Agreement is approved and signed.
• Outside Date	Earlier of 18 months from Effective Date or Commencement of Construction.
• Building Permit Application	32 weeks from approval of Development Agreement/Effective Date.
• Construction Commencement	No later than 60 days from issuance of building permit or 18 months from Effective Date.
• Construction Completion	Earlier of 24 months following Construction Commencement date or March 1, 2008, subject to unavoidable delays. *
• Termination Rights (Prior to Construction Commencement)	No later than 18 months from Effective Date, Developer can terminate Agreement if for various reasons project, as designed, is not viable. City can terminate if Developer has not obtained building permit or commenced construction before September 1, 2006. However, once Developer has provided

* *Date modified since First Reading due to the time that has passed since the former date was agreed upon.*

Construction Application Notice (i.e. Developer's notice of procuring loan), City will have 45 days thereafter to exercise such termination.

- AiPP

Developer is requesting a waiver of applicability of City's AiPP Ordinance, as specified in the City Code 82-536 through 82-612. In consideration, the Developer is proposing to provide an entryway art work by Romero Britto valued by the Developer at $500,000 and additional representation by Mr. and Mrs. Alan Potamkin that they have promised gifts with a declared value of $600,000 to the Bass Museum of Art. In accordance with the City's AiPP Ordinance, the Developer presented their request for waiver to the AiPP Board on January 18, 2005. The AiPP Board recommended approval of the waiver conditioned upon the Developer working with the Board to identify an appropriate piece of artwork for this specific site. On February 15, 2005, the AiPP Board reconsidered the item and voted to recommend denial of the waiver. The Developer has stated his intent is to proceed with the Britto artwork despite AiPP's motion. (Section 5.1). On April 20, 2005, the City Commission, as part of the approval of the Development Agreement at First Reading, directed the Administration to prepare a Resolution for consideration at Second Reading to waive the AiPP fee.

- FTA Requirements

An ongoing issue between the City and Developer has been compliance with and determination of eligibility by FTA. On October 26, 2004, one of the key provisions addressed by the Finance and Citywide Projects Committee was whether the City will proceed with the project irrespective of FTA funding eligibility. Therefore, the Agreement provides that City and Developer will cooperate to apply and comply with FTA requirements. **However, the City's obligation to proceed with this Agreement is no longer contingent upon approval by FTA. Therefore, City shall be obligated to commit alternate funds to project (tentatively contemplated to be South Pointe RDA funds).**

- Construction Staging

Staging for the project will be confined to project site and construction workers will park off-site to minimize adverse impacts on neighboring residential areas.

- Alley Vacation

Alley Vacation was approved by the City Commission on February 23, 2005, subject to a reverter in the earlier event that construction does not commence and/or if a supermarket Lease is not secured and a restrictive covenant memorializing same will be recorded by Developer. If City terminates Development Agreement or decides not to proceed with project, but Developer proceeds with substantially the same project, Alley

	Vacation will still be effective in exchange for Public Benefits.
• City's Obligation to Fund	During construction, even if Developer defaults, City is committed to fund project so long as the lender is funding. In the event of foreclosure, lender is obligated to repay City full capital contribution and a return of 4%.
• Condominium	City cover the majority of costs of establishing the project as a condominium in order to ensure City units may be tax exempt. Costs of establishing condo are estimated at total of $30K and documentary stamp costs to be incurred at time of conveyance of City units are estimated at total of $90K.
• Public Benefits	As specified in the Alley Vacation Agreement, Developer agrees to include a grocery store with not less than 40,000 sf with a minimum term of 10 years, which will obligate tenant to initially open for business. If grocery ceases to operate, Developer shall use diligent and good faith efforts to pursue a new lease with a new grocery store and if Developer is unsuccessful, City shall at its option be entitled to locate another grocery tenant subject to same terms and conditions. This provision shall terminate upon expiration of grocery lease but not earlier than 10 years. However, if the initial grocery store fails prior to the end of the 10 year period and the City is successful in attracting a grocery store to occupy the space, the Developer has agreed to honor a lease requirement by the grocery that extends beyond the initial 10 year term.
• Developer Default during Construction	If Developer defaults during construction, City's remedies are: 1) enforce specific performance by Developer, 2) recover damages equal to City's Capital Contribution together with interest.
• City's Transit Facility Contribution	City shall fund a fixed cost of $16,395.03 per parking spaces for 535 parking spaces ("City Spaces") plus an additional amount of $395,327 for the City Elevator and "Transit Facility Dedication Area Finishes" **(a not to exceed 20% contingency is factored into the Agreement Definition)** plus $333,333 for the "Transit Facility Dedication Area", for a total City contribution of $9,500,000. The Developer has assumed all construction risk and is responsible for any cost overruns in connection with the project. **Important to note, the City will fund construction draws concurrent with Developer's Lender Disbursements. The City will have a guarantee from Developer and Owner to complete construction,**

however City will not have a lien or security interest in Project until substantial completion is achieved, at which time Developer will convey City spaces, City Elevator and Transit Facility Dedication Area to City.

- Construction Guarantee — Alan Potamkin, Robert Potamkin and Jeffrey Berkowitz jointly and severally, will guarantee Developer's performance as provided for in the Development Agreement.

- Hazardous Materials — City assumes no liability or obligation pursuant to the Brownfield Site Rehabilitation Agreement. Additionally, City assumes no liability for any environmental contamination associated with the construction of the Project. Liability will only be applied prospectively based on respective parties responsibility.

The important milestones and aspects in the Declaration of Condominium include:

- Condominium Declaration — The Declaration sets forth the intention and understanding of the parties relative to the future operation of the Garage ("the Transit Facility").

  City and Developer agree Garage will be available for public parking purposes, subject to Developer's rights to reserve and/or limit access to Developer Spaces.

- Operation, Maintenance, Repair & Replacement

  - City will operate Garage and Developer will maintain Garage in first class condition.

  - City shall initially purchase and install all parking equipment (estimated cost $646,466 not including security cameras, monitors and recorders) and Developer will reimburse City half of the initial cost, amortized over 10 years utilizing the 10 year T-bill rate, on annual basis over 10 year period.

  - Parking in Garage will be a) validated parking (limited to 2 hours), b) decal/access card parking for retail space employees, c) decal access card parking for transit users and other third parties, d) special event permit parking, and e) timed ticket parking.

  - Parking rates will be established by mutual agreement, on a sliding scale, to discourage long term parking.

- Full Occupancy — 120 days after the earlier of a) one year after substantial completion or b) 90% of the Retail Space is initially occupied.

- Public Passes

Upon Full Occupancy, parties will meet quarterly to determine extent of decal/access cards to be provided based on parking operation experience within Garage.

- Parking Garage Spaces

The Parking Garage will contain approximately 1081 spaces broken down as follows:

Developer	546 spaces
City	535 spaces
	1,081 spaces

Developer	468 required spaces for retail
	78 required Supermarket spaces
	546 Developer spaces

City	438 excess spaces
	97 required supermarket spaces
	535 City spaces

- Required Parking Spaces

As described above, 643 spaces (Developer spaces and City supermarket spaces) are code required parking for the project, as currently contemplated. In the event that a restaurant locates in the project, it is anticipated that the Developer's parking requirement will increase by up to 14 spaces. The parties have agreed to Joint Ownership of these spaces for the purposes of meeting the Code.

Developer	546	spaces
Joint	14	spaces
City	521	spaces
	1081	spaces

The Declaration provides the Developer with a priority right to purchase 150 additional Public Passes (i.e. excess spaces) to satisfy operational needs, at a cost of $55/month, subject to a 2.5% annual adjustment commencing following the third anniversary of Full Occupancy.

- Validated Parking

Customers, employees and occupants of retail space shall be entitled to park in Garage free of charge. Customers will be limited to a two (2) hour validation period. Any restaurant will not be permitted to provide validation to its customers.

The Developer will contribute approximately $290,000/annually (approximately $55/space per month for retail required spaces), subject to a 2.5% annual adjustment commencing following the third anniversary of Full Occupancy in consideration for such use and validation.

- Garage Management & Operation

  City and its subcontractors will manage and operate garage and City cannot delegate this responsibility to another third party unless said third party operates more than ½ of the City garages.

- Termination Rights (After Construction Completion)

  The Agreement also provides the Developer with a Right of Termination Post Construction. This Right is contained in Section 4(c)(viii) of the Exhibit E, Material Provision of Declaration (Page 84 of the attached Development Agreement). During the first 18 months after Full Occupancy, the Developer has the right to terminate the Agreement at his sole discretion and for any reason that the Developer determines is reasonable. Following 18 months, the Developer retains the Right to Terminate the Agreement at his sole discretion, but must follow a specific series of steps aimed at resolving any issues causing the Developer to want to terminate the Agreement. In the end, however, the Developer retains the sole right to determine that the relationship is not working and to terminate the Agreement.

  In the event of termination under this Section, the City will receive its contribution plus four percent (4%) annual simple interest or the FMV of its portion of the project as determined in the Agreement. A schedule showing this payment is attached as Attachment A to the memo.

- Parking Deficiency

  Retail customers are unable to find available parking spaces and the parties are unable to resolve the operational conflict.

- Fair Market Value (FMV)

  The parties have agreed to a formula and process that determines the Project's FMV. Essentially, the City's contribution to the Project comes to fifty-six percent (56%) of the cost of the Garage portion of the Project, including land. In the event the Agreement is Terminated, the FMV of the City's portion, or excess parking spaces, will be determined by a specified appraisal procedure. This "Market" value, as established by the appraisals, will then be multiplied by 56% to determine the FMV due to the City. The FMV formula is referred to in the "Termination Rights", "Right of First Refusal", and "Condemnation" Sections.

- Revenues/Expenses of Garage

  An allocation of operating expenses based on the parties' proportionate ownership of Garage and the expense allocation formula for garage vs. retail has been agreed to by the parties.

  Developer shall establish and submit an annual operating budget 60 days prior to end of each calendar year, subject to City's approval.

• Taxes	Developer shall pay all taxes on Developer Unit (including Joint spaces, if applicable) and City will pay all taxes on City Unit. Developer will cooperate with City to obtain exemption from real estate taxes. If the City Unit or any portion thereof is taxed, the City will be responsible for said payment. **It is anticipated that the City supermarket spaces will be taxed, at the City's expense.** **Developer has agreed that if the supermarket would cease to exist, Developer will pay taxes associated with the required spaces for any alternate proposed use in the supermarket retail area, unless the exemption for the City's non-supermarket spaces is eliminated.**
• City Supermarket Spaces (if supermarket ceases to exist)	City Supermarket Spaces will have a 10 year useful life. If Supermarket ceases to exist prior to 10 years, and a substitute supermarket cannot be located, then for balance of the remaining 10 years, the Landlord/Tenant will be required to (1) pay the monthly $55/fee, as adjusted by CPI, for the number of the parking spaces required by Zoning, or (2) buy back spaces at City's cost plus a return equal to the City's actual earnings over the period of time remaining in the 10 years. (e.g. If the supermarket ceases in the 6th year and can not be replaced, and option #2 is exercised, the Developer would utilize the CMB's average yield for the 1st 6 years (say 6%) and apply it to the last 4 years of the useful life. Example-CMB Cost plus (6% times 4). After the 10 year useful life has expired, if the supermarket use ceases and is not replaced, there are no further obligations on Developer's part to replace/or to pay for the replacement user's code required parking.
• Insurance	Developer will procure insurance and City will share cost of insurance to the facility.
• Condemnation	City shall not be entitled to share in any portion of Condemnation Award, except to the extent of the Fair Market Value (FMV) calculation, as defined above, but not less than the City's Capital Investment. The City does have the right to be present during condemnation proceedings and the right to discuss such with the Developer.
• Developer's Right of First Refusal	City shall offer Developer Right of First Refusal at the greater of 1) the value of the arms length offer multiplied by the FMV fraction or 2) City's Transit Facility Contribution plus 4% return or 3) FMV, as defined above.

	The Right of First Refusal shall not apply to any conveyance by the City to a successor governmental authority.
• City's Right of First Offer	In the event Developer sells property, City shall have **10 business days** to elect in writing whether to pursue transaction, and an additional 30 days to negotiate terms.

Termination Rights

Due to the complex nature of this transaction, the Agreement includes an initial termination date, in which either party may terminate the Development Agreement. This specific Termination Rights are addressed in Articles 2.11 and 2.12 of the Agreement and pertain generally to "pre-construction" issues that arise between the execution of the Development Agreement and the Commencement of Construction. Qualifying events generally relate to economic viability of the project for the Developer, and issues regarding Public Purpose for the City.

The Agreement also provides the Developer with a Right of Termination Post Construction. This Right is contained in Section 4(c)(viii) of the Exhibit E, Material Provision of Declaration (page 84 of the Development Agreement). During the first 18 months after Full Occupancy, the Developer has the right to terminate the Agreement at his sole discretion and for any reason that the Developer determines is reasonable. Following 18 months, the Developer retains the Right to Terminate the Agreement at his sole discretion, but must follow a specific series of steps aimed at resolving any issues causing the Developer to want to terminate the Agreement. These include meetings to discuss operational alternatives, which may include limited ticket parking, increased timed ticket parking rates, and a reduced number of public passes. In the end, however, the Developer retains the sole right to determine that the relationship is not working and to terminate the Agreement, but not before all other options have been attempted, including the developers leasing of 150 public passes for a minimum of 30 days.

The parties have agreed to a formula and process that determines the Project's Fair Market Value (FMV). Essentially, the City's contribution to the Project comes to fifty-six percent (56%) of the cost of the Garage portion of the Project, including land. In the event the Agreement is Terminated, the FMV of the City's portion, or excess parking spaces, will be determined by a specified appraisal procedure. This "Market" value, as established by the appraisals, will then be multiplied by 56% to determine the FMV due to the City. The FMV formula is referred to in the "Termination Rights", "Right of First Refusal", and "Condemnation" Sections.

In the event of termination under this Section, the City will receive its contribution plus four percent (4%) annual simple interest or the Fair Market Value of its portion of the project as determined in the Agreement. A schedule showing this payment is attached as Attachment "C" to the memo. This schedule demonstrates how the City's discount (the portion of value attributable to land) was calculated. Thirty percent (30%) of the project's Floor Area Ration (FAR) is surplus parking, therefore, 30% was applied to the land value.

This value was then applied on a per space basis, resulting in a land value per space of $11,413, and a total per space value of $29,238. Therefore, the City's is contributing 56% of the total value (cost) per space. Additionally, Attachment A shows the value of the City's contribution per year per the "floor" of 4% simple interest and the corresponding per space value for that year after factoring in the City's discount. The Administration has also provided projected market value for an excess parking space, with 6% growth in the first four years and 3% growth subsequently. Based on these estimates it is likely that in the event of termination, the payment to the City will trigger the Fair Market Value calculation rather than the floor of 4%.

Planning Board – Conditional Use

The Potamkin site is 50 feet away from the RM-1 Residential District (600 Lenox) and 70 feet from a residential use (1050 6th Street) and therefore Section 130-69.5 of the City Code will apply, requiring Conditional Use approval by the Planning Board to operate past midnight. The City and Developer will jointly schedule a future item for consideration by the Planning Board to address this issue, as it is contemplated that the Transit Facility will be operational 24/7.

> **Sec. 130-69.5. Additional requirements.**
> In addition to any other requirements regarding parking garages and parking lots contained herein, and except where a parking garage or lot is accessory to a residential use and located on the same lot, all parking garages and lots located within 100 feet of a residential use or district that intend to operate after midnight, shall obtain conditional use approval from the planning board before obtaining a building permit or occupational license.

Finance and Citywide Projects Committee – February 14, 2005

On February 14, 2005, a Special Finance and Citywide Projects Committee meeting was held to review the terms presented herein, the application for alley vacation and the outstanding issues. The Committee recommended the parties proceed to finalize negotiations. At this meeting, the Administration summarized the terms of the Agreement and the Declaration of Condominium, and further discussed the request for the Art in Public Places waiver. There were some concerns raised about the possibility that the project may be deemed ineligible for FTA funding, and discussion of the potential use of South Pointe RDA funds in that instance. Further discussion ensued regarding the Developer's termination rights, including a discussion of the legal issues involved in using public funds for the public purpose of building the proposed garage. There was sentiment from the Committee that there was concern about the termination rights, but that overall the project and Development Agreement appeared to be a "win-win" for both the Developer and the City, given the value obtained in acquiring 535 City-owned public parking spaces without land costs at the entrance to the City.

CONCLUSION

Although this project is based on a complicated Development Agreement, there are many compelling reasons supporting approval on first reading. The City has no land cost associated with the construction of a park and ride facility at the entrance to the City, which represents a discount of 44%, and risk is eliminated by the Developer's Guaranteed Maximum Price. Also, the Developer is constructing the project, rather than the City, and the City will operate the facility. The City expects to utilize a portion of Federal Transit Administration funding that has been awarded to the City. This project will activate the western end of Fifth Street, redevelop a designated brownfield, create over 500 jobs, and attract retail stores that do not currently exist in Miami Beach, as well as secure a five-year community request through the establishment of a supermarket in that neighborhood.

Ultimately, the City will have a facility that accomplishes the items previously listed, with a risk-free investment with secured delivery of the project. If at some point in the future the Developer exercises his termination rights, the end result will be the return of the City's investment plus a minimum of 4% interest, a more likely return based on fair market value, and the facility and the majority of the identified benefits will still be in place.
Therefore, in accordance with the requirements of Sections 163.3220 - 163.3243, Florida Statutes, also referred to as the Florida Local Government Development Agreement Act, it is recommended that the Mayor and City Commission approve at the second of two duly noticed Public Hearings, a 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, a supermarket; an approximate 1081 space parking garage; park-and-ride transit facility, including an intermodal/transportation component, 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.

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Attachments: A – Resolution No. 2005-25827
B – Pro Forma
C – Fair Market Value
D – Development Agreement – Under Separate Cover

RESOLUTION NO._____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, IN ACCORDANCE WITH THE REQUIREMENTS OF SECTIONS 163.3220 - 163.3243, FLORIDA STATUTES, ALSO REFERRED TO AS THE "FLORIDA LOCAL GOVERNMENT DEVELOPMENT AGREEMENT ACT", APPROVING, ON SECOND READING, A 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; A SUPERMARKET; AN APPROXIMATELY 1081 SPACE PARKING GARAGE; PARK-AND-RIDE TRANSIT FACILITY, INCLUDING AN INTERMODAL/ TRANSPORTATION COMPONENT; 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.

WHEREAS, 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; and

WHEREAS, since July 2002, the Administration has been meeting with representatives of the site, generally located on 5th Street and Alton Road, owned by the Potamkin family, to address a joint development opportunity and to review a preliminary site plan for a five (5) level mixed-use retail complex, including a public parking garage and a supermarket (the Project); and

WHEREAS, in accordance with the City Commission's directive and the community's identified needs, the City's interest in the Project's 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 entryways; and

WHEREAS, over the past two (2) years, the Project has been reviewed on several occasions by various City Committees including the Finance & Citywide Projects Committee, Transportation and Parking Committee, Design Review Board and Historic Preservation Board; and

WHEREAS, having taking into consideration the recommendations from these Committees, the parties have reached agreement on a majority of the substantive terms

and conditions that would govern the City's joint participation, including the identification of Federal Transit Administration (FTA) funding, as a potential source for the City's capital contribution to the Project; and

WHEREAS, on April 5, 2004, the Developer, AR&J SOBE, LLC, and its Project team and City staff met with the 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; and

WHEREAS, in addition, as reported in May 2005 to the City Commission, the City and Developer have continued to address other issues including: Floor Area Ratio (FAR), Alley Vacation, Park and Ride Transit Facility components, Art in Public Places, Planning Board – Conditional Use and rising construction costs; and

WHEREAS, as part of the ongoing negotiations, many areas of uncertainty continued to arise, affecting the ongoing Project negotiations; namely: (1) the FTA funding requirements and pending approval by FTA; and (2) the rising cost of construction, and its impact on the City's financial contribution to the Project; and

WHEREAS, these issues were discussed by the Finance Committee on October 26, 2004, and resolved as set forth below:

- FTA: Since the outcome of the FTA funding eligibility will not be confirmed until sometime in the future, the Developer is facing timing constraints to determine whether or not to proceed with the City, or independently, in the proposed Project. The Finance Committee recommended that the City commit to proceed with the Project irrespective of FTA funding eligibility. In other words, if FTA deems the project is not wholly or in part eligible, the City will be committing non FTA funding, preferably South Pointe RDA funds, in order to guarantee the City's participation in the Project from the onset;

- Construction Cost Estimates: As to the rising cost of construction, on August 25, 2004 and September 14, 2004, the Developer submitted a take-off analysis of the estimated construction cost of the parking component of the proposed Project, which was prepared by the Developer's consultant Moss and Associates. The Developer also conducted an area analysis and calculated a percentage cost per square foot, which yielded a higher value for the garage. The Developer's analysis reflected a revised construction cost estimate of $20,741/per space (based on percentage allocation) and $18,025/per space based on the Moss Take-off analysis;

  The City had previously negotiated a $14,500/per space cost contribution to the project, which represented a $7,250,000 capital contribution based on 500 spaces. The new cost estimates submitted by the Developer represent an over 24-43% increase in the City anticipated contribution to the Project;

The City engaged its Program Manager, URS, to review and perform an independent analysis of the Moss and Associates Take-off analysis (submitted by the Developer) and of the construction costs submitted. As a result, URS submitted revised construction cost estimates and reallocations, as deemed necessary, and URS determined the per space cost, without any alteration to the proposed Project design, would be approximately $16,262/per space; and

WHEREAS, the Finance Committee discussed the reality of rising construction costs and felt it was appropriate to modify the City's capital cost contribution accordingly, due to the Developer's guarantee to assume any construction cost overruns; and

WHEREAS, the rise in costs is mitigated by the Developer's guarantee to assume the construction risk associated with any future cost increases or construction change orders not dictated by the City and/or any FTA requirement; and

WHEREAS, based on the revised construction cost estimates and Developer's assumption of the aforestated risks, the Finance Committee recommended committing to the revised City capital contribution to the Project of $9,500,000, as cited above; and

WHEREAS, City and Developer will jointly operate and maintain the Park and Ride Transit Facility; and

WHEREAS, annual operating expenses of the garage will be shared by Developer and City; further, net revenues or operating losses will be shared on a pro-rata basis based on the ownership of spaces; and

WHEREAS, the Agreement contains provisions for post-construction termination by Developer, in which event City shall be reimbursed its contribution plus four percent (4%) annual simple interest or the Fair Market Value of its portion of the Project; and

WHEREAS, City and Developer agree that the City's contribution to the Project is fifty-six percent (56%) of the cost of the Project, and further agree that fifty-six percent (56%) shall be the formula applied to determine Fair Market Value in the event of termination; and

WHEREAS, the Developer has requested a waiver of the Art in Public Places contribution pursuant to the provisions of the Art in Public Places Ordinance; and

WHEREAS, on December 8, 2004 the Mayor and City Commission set the first public hearing to consider the aforestated Development Agreement, on First Reading; and

WHEREAS, on April 20, 2005, the Mayor and City Commission heard and considered testimony at a public hearing and further approved the aforestated Development Agreement on first reading; and

WHEREAS, on April 20, 2005, the Mayor and City Commission set the Second (and final) Public Hearing to consider the Development Agreement for May 18, 2005; and

WHEREAS, the Administration recommends that the Mayor and City Commission approve the Development Agreement on Second Reading.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that in accordance with the requirements of Sections 163.3220 - 163.3243, Florida Statutes, also referred to as the "Florida Local Government Development Agreement Act", the Mayor and City Commission hereby approve, at the second of two duly noticed Public Hearings, the attached 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; a supermarket; an approximately 1070 space parking garage; park-and-ride transit facility, including an intermodal/transportation component; 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.

PASSED AND ADOPTED this _____ day of May, 2005.

ATTEST:

CITY CLERK	MAYOR

JMG/TH/rar
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APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

City Attorney 5/12/05 Date

Attachment "A"

RESOLUTION NO. 2005-25827

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, FOLLOWING A DULY NOTICED PUBLIC HEARING TO HEAR PUBLIC COMMENT ON SAME, APPROVING AND AUTHORIZING THE VACATION OF AN ALLEY, CONTAINING APPROXIMATELY 7,800 SQUARE FEET AND LOCATED ADJACENT TO THE PROPOSED AR & J SOBE, LLC (A/K/A POTAMKIN/BERKOWITZ) PROJECT AT 5TH STREET AND ALTON ROAD, IN FAVOR OF THE APPLICANT (AND DEVELOPER OF THE PROJECT), AR & J SOBE, LLC; WAIVING, BY 5/7THS VOTE, THE COMPETITIVE BIDDING AND APPRAISAL REQUIREMENTS, PURSUANT TO ARTICLE II, SECTION 82-36 THROUGH 82-40 OF THE MIAMI BEACH CITY CODE, FINDING SUCH WAIVER TO BE IN THE BEST INTEREST OF THE CITY; PROVIDED FURTHER THAT THE CITY'S APPROVAL OF THE AFORESTATED VACATION IS SUBJECT TO AND CONTINGENT UPON AR & J SOBE, LLC'S SATISFACTION OF THE CONDITIONS SET FORTH IN THIS RESOLUTION, AND COMPLIANCE WITH THE TERMS AND CONDITIONS OF THE ATTACHED VACATION AGREEMENT; AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE THE ATTACHED VACATION AGREEMENT AND ANY AND ALL DOCUMENTS TO EFFECTUATE THE VACATION, INCLUDING A QUITCLAIM DEED, SUBJECT TO FINAL REVIEW OF SAME BY THE CITY ATTORNEY'S OFFICE.

WHEREAS, 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; and

WHEREAS, since July 2002, the Administration has been meeting with representatives of the site generally located on 5th Street and Alton Road, owned by the Potamkin family, to address a joint development opportunity and to review a preliminary site plan for a five (5) level mixed-use retail complex, including approximately 1081 parking spaces and a supermarket (the Project); and

WHEREAS, in accordance with the City Commission's directive and the community's identified needs, the City's interest in the Project development is primarily focused on achieving the respective public benefits of locating a supermarket, exploring transit and excess parking opportunities, and developing a gateway project, at one of the City's main arterial entryways; and

WHEREAS, over the past two (2) years, the proposed Project has been reviewed on several occasions by various City Committees including Finance & Citywide Projects Committee, Transportation and Parking Committee, Design Review Board, and Historic Preservation Board; and

WHEREAS, the City is the holder of a public right-of-way easement and an alley adjacent to the Project, containing approximately 7,800 square feet (the Alley); and

WHEREAS, in consideration of the public benefits being provided by Developer in the Project, the Developer has made a request and submitted an application, in accordance with the City's Guidelines for Vacation or Abandonment of Streets or Other Rights of Way, and pursuant to Section 82-36 through 82-40 of the City Code (Ordinance No. 92-2783), for vacation of the Alley; and

WHEREAS, pursuant to Resolution No. 2005-25805, and as required by Section 82-37 of the City Code, the Mayor and City Commission held a duly noticed public hearing on February 23, 2005, to hear public comment regarding the proposed Alley vacation; and

WHEREAS, additionally, as required by Section 82-38 of the City Code, a Planning Department Analysis has been prepared with regard to the proposed Alley vacation; said analysis is attached and incorporated as Exhibit "A" to this Resolution; and

WHEREAS, the Administration would recommend that the Mayor and City Commission approve the requested Alley vacation in favor of the Developer, AR & J SOBE, LLC, subject to and contingent upon the Developer's satisfaction of the following conditions:

1) AR & J SOBE, LLC's full compliance with the terms and conditions of the Vacation Agreement, by and between the City and AR & J SOBE, attached and incorporated as Exhibit "B" hereto;
2) In addition to AR & J SOBE's compliance with the terms and conditions of the attached Vacation Agreement, that the proposed Alley Vacation be subject to the following possible reverter and/or reconveyance provisions:
   - (i) In the event Developer does not enter into a supermarket lease (as defined in the attached Vacation Agreement) on or before eighteen (18) months after the Effective Date of the Vacation Agreement or Commencement of Construction, as defined therein, whichever comes first;
   - (ii) In the event Developer does not Commence Construction of the Project on or before September 1, 2006, subject to extension for Unavoidable Delays;
   - (iii) In the event the Project is substantially modified from the Project approved by the Historic Preservation Board and Design Review Board, as referenced in the respective Board Orders issued in August 2004 (interior reconfigurations to change or reduce parking areas and/or add/reconfigure leaseable space shall not be deemed a modification of the Project approved as aforestated, except where any such interior reconfigurations (i) may result in a change to the Project Floor Area Ratio (F.A.R.) beyond that which is permitted as of the Effective Date of the Vacation Agreement, and/or (ii) may result in a modification to the Project exterior façade/elevations from those approved in the attached August 2004 Board orders);
   - (iv) Provided City has timely exercised its option to purchase same, in the event that Developer does not dedicate and convey the Transit Facility Dedication Area to the City on or before the Commencement of Construction.

     The City shall not be obligated to fund any costs of Developer's Project construction costs (hard and/or soft costs) except if it elects to acquire the Transit Facility Dedication Area and have Developer install the Transit Facility Dedication Area Finishes (as defined in the Vacation Agreement) and/or Elevator, as provided in the Vacation Agreement. In the event that the cost of construction of the Transit Facility Dedication Area, Transit Facility Dedication Area Finishes, and (should the City so opt) the Elevator exceed the City's contribution(s) for same, as set forth in this Vacation Agreement, Developer shall be solely responsible for payment of, and shall pay, all excess costs.

     The amount to be paid by City at the time of dedication shall be the maximum amount that Developer could be entitled to, but Developer shall, within thirty (30) days after Substantial Completion of the Project, provide to City a reconciliation of the actual hard and soft costs of the Transit Facility Dedication Area Finishes and Elevator and a check for any refund owed to City on account thereof.

     The City shall fund its contribution to the Transit Facility Dedication

Area, Transit Facility Dedication Finishes, and (should it so opt) the Elevator at the time of the dedication and conveyance of the Transit Facility Dedication Area to the City, which will take place no later than the Commencement of Construction of the Project and the issuance by the City Manager of the recordable instrument(s) stating that the Conditions provided for in Paragraph 4 of the Vacation Agreement have occurred, such that no further reversion of the Alley to the City is possible; and

WHEREAS, the City's Public Works Department has received and reviewed the Developer's application for vacation of the Alley, and has determined that the Developer has complied with the submission requirements therein; and

WHEREAS, additionally, as permitted by Section 82-39 of the City Code, the Administration would recommend that the Mayor and City Commission waive, by 5/7ths vote, the competitive bidding and appraisal requirements, finding that the public interest would be served by such waiver.

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 to hear public comment on same, approve and authorize the vacation of an Alley, containing approximately 7,800 square feet and located adjacent to the proposed AR & J SOBE, LLC (a/k/a Potamkin/Berkowitz) Project at 5th Street and Alton Road, in favor of the Applicant (and Developer of the Project), AR & J SOBE, LLC; waiving, by 5/7ths vote, the competitive bidding and appraisal requirements, pursuant to Article II, Section 82-36 through 82-40 of the Miami Beach City Code, finding such waiver to be in the best interest of the City; provided further that the City's approval of the aforestated Alley vacation is subject to and contingent upon AR & J SOBE, LLC's satisfaction of the conditions set forth in this Resolution, and compliance with the terms and conditions of the attached Vacation Agreement; authorizing the Mayor and City Clerk to execute the attached Vacation Agreement and any and all documents to effectuate the Alley vacation, including a quit claim deed, subject to final review of same by the City Attorney's office.

PASSED and **ADOPTED** this 23rd day of February, 2005

ATTEST:

CITY CLERK **MAYOR**

F:\atto\AGUR\RESOS-ORD\5th and Alton (Potamkin) Vacation Reso (Revised 2-22-05).doc

APPROVED AS TO FORM & LANGUAGE & FOR EXECUTION

City Attorney Date 2/22/05

Attachment "B"

CITY OF MIAMI BEACH
PARKING DEPARTMENT
P&B OPERATING ASSUMPTIONS/COMPARISIONS

		City's Share 49.5%	Developer's Share 50.5%
REVENUE			
TENANT CONTRIBUTION	$ 290,000		
TRANSIENT - 32 X 1.5 @ $1.00 X 365	$ 17,520		
MONTHLY- 138 x $60 x 12	$ 99,360		
VALET -150 spaces x $45 x 12 (11p-7a)	$ 181,000		
VALIDATIONS			
TOTAL REVENUE	**$ 587,880**		
EXPENSES			
PAYROLL			
PAYROLL TAXES			
WORKERS COMP			
HEALTH/WELFARE			
UNIFORMS			
PROF SVS			
SUBTOTAL PARKING ATT/SUPERVISORS	**$ 280,525**	**$ 138,860**	**$ 141,665**
TELEPHONE	$ 3,000	$ 1,485	$ 1,515
UTILITIES/ELECTRICITY	$ 45,600	$ 22,572	$ 23,028
R&M			
MAINT SALARIES	$ -	$ -	$ -
JANITORIAL	$ 60,000	$ 29,700	$ 30,300
LOT SWEEPING	$ 18,000	$ 8,910	$ 9,090
LOT LIGHTING		$ -	$ -
ELEC REPAIRS	$ 5,000	$ 2,475	$ 2,525
CLEANING SUPPLIES	$ 5,000	$ 2,475	$ 2,525
HVAC MAINT/REP	$ 4,500	$ 2,228	$ 2,273
SVS CONTRACTS			
FIRE EXT	$ 1,500	$ 743	$ 758
FIRE ALARM MONITORING	$ 1,800	$ 891	$ 909
EMERGENCY GENERATOR	$ 3,662	$ 1,813	$ 1,849
PRESSURE CLEANING	$ -	$ -	$ -
EQUIPMENT RENTAL & REPAIRS	$ -	$ -	$ -
LICENSE	$ 400	$ 198	$ 202
TICKETS	$ 8,000	$ 3,960	$ 4,040
SIGNAGE	$ 1,000	$ 495	$ 505
COURIER SERVICE	$ 6,716	$ 3,324	$ 3,392
PEST CONTROL	$ 1,000	$ 495	$ 505
STORM WATER	$ 4,600	$ 2,277	$ 2,323
WATER/SEWER	$ 7,200	$ 3,564	$ 3,636
SECURITY	$ 200,000	$ 99,000	$ 101,000
ELEVATOR MAINT	$ 3,000	$ 1,485	$ 1,515
FIRE SAFETY EQIP	$ -	$ -	$ -
TRASH REMOVAL	$ 3,500	$ 1,733	$ 1,768
FIRE ALARM/SPR MONITORING	$ 3,000	$ 1,485	$ 1,515
LIAB INS	$ -	$ -	$ -
PRINTING/TICKETS ETC.	$ 8,000	$ 3,960	$ 4,040
MGT FEES	$ 17,636	$ 8,730	$ 8,906
MARKETING	$ 3,000	$ 1,485	$ 1,515
TOTAL EXPENSE	**$ 695,639**	**$ 344,342**	**$ 351,298**
PROFIT/(LOSS)	**$ (107,759)**	**$ (53,341)**	**$ (54,418)**

LOT LIGHTING INCLUDED IN UTILITIES
EQUIPMENT RENTAL & REPAIRS - N/A
MANAGEMENT FEE 3% OF GROSS

Potamkin Proforma.AttachmentB.xls

Attachment "C"

Fair Market Value Determination

$	19,269,068	Cost for Entire Garage (Moss)
$	8,771,325	CMB Garage Contribution
	1,081	Total Parking Spaces
$	17,825	Cost per Space
	535	City Spaces
	97	City Supermarket Spaces
	438	Surplus Spaces
	546	AR&J Spaces
	248,842	Project FAR
	74,653	Surplus Parking
	30%	Surplus Parking Share of FAR
	2.67	Lot Size (Acres)
	116,305	Lot Size (Sq Ft)
$	175	Boymelgreen Comp Sale PSF
$	20,353,375	Land Value
	30%	Surplus Parking Land Allocation
$	6,106,013	Surplus Parking Land Value
$	11,413	Land Value Per Space
$	16,395	City Contribution per Space
$	29,238	Value per Space
	56%	City Share of Space Value
	44%	City Discount

	Column A	Column B	Column C
Year	CMB Base Value	Total Space Value must exceed this amount for FMV to apply	Projected Value - estimated market value for an excess parking space
2005	$ 16,395	$ 29,277	
2006	$ 17,051	$ 30,448	$ 31,033
2007	$ 17,707	$ 31,619	$ 32,895
2008	$ 18,362	$ 32,790	$ 34,869
2009	$ 19,018	$ 33,961	$ 36,961
2010	$ 19,674	$ 35,132	$ 38,070
2011	$ 20,330	$ 36,303	$ 39,212
2012	$ 20,986	$ 37,474	$ 40,389
2013	$ 21,641	$ 38,645	$ 41,600
2014	$ 22,297	$ 39,816	$ 42,848
2015	$ 22,953	$ 40,988	$ 44,134
2016	$ 23,609	$ 42,159	$ 45,458
2017	$ 24,265	$ 43,330	$ 46,821
2018	$ 24,920	$ 44,501	$ 48,226
2019	$ 25,576	$ 45,672	$ 49,673
2020	$ 26,232	$ 46,843	$ 51,163
2021	$ 26,888	$ 48,014	$ 52,698
2022	$ 27,544	$ 49,185	$ 54,279
2023	$ 28,199	$ 50,356	$ 55,907
2024	$ 28,855	$ 51,527	$ 57,584
2025	$ 29,511	$ 52,698	$ 59,312
2026	$ 30,167	$ 53,869	$ 61,091
2027	$ 30,823	$ 55,040	$ 62,924
2028	$ 31,478	$ 56,211	$ 64,812
2029	$ 32,134	$ 57,383	$ 66,756
2030	$ 32,790	$ 58,554	$ 68,759

Years 1-4	6%
Years 5+	3%

Column A represents the value of the City's investment with 4% annual simple interest.
Column B represents the appraised value that a parking space must exceed to trigger Fair Market Value at the time of termination.
Column C represents the projected market value of an excess parking space.

DEVELOPMENT AGREEMENT

SUBMITTED UNDER A SEPARATE

COVER

CITY OF MIAMI BEACH
NOTICE OF A PUBLIC HEARING

Page 5B

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 18, 2005, at or no earlier than 5:00 p.m.,** to consider approving, on second reading, 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 1081 space parking garage and park-n-ride transit 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.

Inquiries may be directed to the City Manager's Office at (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. Copies of this ordinance are available for public inspection during normal business hours in the City Clerk's Office, 1700 Convention Center Drive, 1st Floor, City Hall, Miami Beach, Florida 33139. This meeting may be continued and under such circumstances additional legal notice would not be provided.

Robert E. Parcher, City Clerk
City of Miami Beach

Pursuant to Section 286.0105, Fla. Stat., the City hereby advises the public that: if a person decides to appeal any decision made by the City Commission with respect to any matter considered at its meeting or its hearing, such person must ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. This notice does not constitute consent by the City for the introduction or admission of otherwise inadmissible or irrelevant evidence, nor does it authorize challenges or appeals not otherwise allowed by law.

In accordance with the Americans with Disabilities Act of 1990, persons needing special accommodation to participate in this proceeding, or to request information on access for persons with disabilities, or to request this publication in accessible format, or to request sign language interpreters, should contact the City Clerk's office at (305) 673-7411, no later than four days prior to the proceeding. If hearing impaired, contact the City Clerk's office via the Florida Relay Service numbers, (800) 955-8771 (TTY) or (800) 955-8770 (VOICE).

Ad No. 307

CITY OF MIAMI BEACH
COMMISSION ITEM SUMMARY

Condensed Title:

A Resolution waiving the required Art in Public Places appropriation, finding such waiver to be in the best interest of the City, for the project commonly known as "Fifth and Alton", making said waiver subject to and contingent upon the developer's agreement and commitment to install a major piece of art which the developer has valued at $500,000.

Issue:

Shall the Mayor and City Commission grant the developer's request for a waiver of the project's required Art in Public Places contribution?

Item Summary/Recommendation:

The City Commission approved on first reading a Development Agreement between the City and AR&J Sobe, for the development of a project known as "Fifth and Alton", containing approximately 179,000 square feet of retail area, a supermarket, a 1,081 space parking garage, a park and ride facility, and surrounding streetscape and public infrastructure to serve the project.

Related to the Development Agreement, is the required contribution from the Project to Art in Public Places (AiPP). The present AiPP Ordinance requires all City projects to make a financial contribution to support ongoing and future operations and acquisitions of the City's AiPP program. The most common application for the Ordinance has been to City projects that are City-owned and constructed, however, the Ordinance also pertains to Capital Construction Projects where the City is a partner, therefore this project falls under the Ordinance. A decision will need to be made as to whether or not to waive the Project's AiPP contribution. The Developer has continually maintained that he will not entertain funding any portion of the AiPP fee, if a waiver is not granted. Instead, Developer has committed to install a major piece of art at the entrance of the project, and Mr. and Mrs. Alan Potamkin have represented that they have promised gifts to the Bass Museum.

The Administration recommends that the Mayor and City Commission resolution granting the requested Art in Public Places waiver.

Advisory Board Recommendation:

Finance & Citywide Projects Committee: February 14, 2005 – recommendation to proceed in finalizing the Development Agreement.

Design Review Board & **Historic Preservation Board** – August 17, 2004 – Project Approved

AiPP - January 18, 2005 – motion to grant the requested waiver; February 15, 2005 – motion granting the waiver was reconsidered and the Committee recommended that the requested waiver not be granted.

Financial Information:

Source of Funds:		Amount	Account	Approved
	1			
	2			
Finance Dept.	Total			

City Clerk's Office Legislative Tracking:

Kevin Crowder

Sign-Offs:

Department Director	Assistant City Manager	City Manager
		for JMG

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AGENDA ITEM R7C

DATE 5-18-05

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 18, 2005

From: Jorge M. Gonzalez for
City Manager

Subject: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, WAIVING THE REQUIRED ART IN PUBLIC PLACES APPROPRIATION, FINDING SUCH WAIVER TO BE IN THE BEST INTEREST OF THE CITY, FOR THE PROJECT, PRESENTLY REFERRED TO AS "FIFTH AND ALTON", CONTAINING APPROXIMATELY 179,000 SQUARE FEET OF RETAIL AREA; A SUPERMARKET; AN APPROXIMATELY 1,081 SPACE PARKING GARAGE; PARK AND RIDE TRANSIT FACILITY, INCLUDING AN INTERMODAL/TRANSPORTATION COMPONENT; 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 FIFTH STREET ON THE SOUTH, IN MIAMI BEACH; FURTHER MAKING SAID WAIVER SUBJECT TO AND CONTINGENT UPON THE DEVELOPER'S AGREEMENT AND COMMITMENT TO INSTALL A MAJOR PIECE OF ART AT THE ENTRANCE OF THE PROJECT BY ARTIST ROMERO BRITTO, WHICH THE DEVELOPER HAS VALUED AT $500,000; AND, AS FURTHER CONSIDERATION FOR THE WAIVER, TAKING INTO CONSIDERATION A REPRESENTATION BY MR. AND MRS. ALAN POTAMKIN THAT THEY HAD PREVIOUSLY PROMISED GIFTS TO THE BASS MUSEUM OF ART, (WHICH DONATED WORKS THE DEVELOPER REQUESTED BE CONSIDERED IN THE REQUEST FOR WAIVER).**

ADMINISTRATION RECOMMENDATION

Approve the Resolution.

The recommendation is in consideration of the Developer's intent to install a major piece of art in this project and the commitment from Mr. and Mrs. Alan Potamkin to donate gifts to the Bass Museum of Art.

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 (also known as the "Potamkin Site"), as a Brownfield area to promote the environmental restoration and economic redevelopment of the area.

Since July 2002, the Administration has been meeting with representatives of the site generally located on 5th Street and Alton Road, owned by the Potamkin family, to address a joint development opportunity and to review a preliminary site plan for a five (5) level mixed-use retail complex, including over 900 parking spaces and a supermarket. 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 entryways.

Concurrent with the negotiations, the Potamkin/Berkowitz group has received approval to implement a signage overlay district to permit effective signage for the Supermarket and for the retail tenants within the Project and the project has also received DRB/HP approval.

Art in Public Places

Related to the Development Agreement, is the required contribution from the Project to Art in Public Places (AiPP). The present AiPP Ordinance requires all City projects to make a financial contribution to support ongoing and future operations and acquisitions of the City's AiPP program. The most common application for the Ordinance has been to City projects that are City-owned and constructed, however, the Ordinance also pertains to Capital Construction Projects where the City is a partner, therefore this project falls under the Ordinance. This project is the first instance where a public/private joint development will come under the AiPP Ordinance, which was revised in 2001 to include such agreements. At the time of the revision, it was contemplated that those projects where the City was the landowner, such as Lincoln Place and The Lincoln, would be affected. In this instance, however, the City is not, and will not be the landowner. The City is essentially acquiring an interest in certain elements of the project through a condominium instrument.

The Developer has requested a waiver of the AiPP obligation pursuant to the provisions of the Ordinance. A decision needs to be made as to whether or not to waive the Project's AiPP contribution. The Developer has continually maintained that he will not entertain funding any portion of the AiPP fee, if a waiver is not granted. In consideration of this request for 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 the Developer has valued at $500,000. Furthermore, Mr. and Mrs. Alan Potamkin have represented that they had previously promised gifts to the Bass Museum of Art, and Developer has requested that this proposed donation also be taken into consideration in support of its request for the AiPP waiver. The estimated AIPP contribution would have been approximately $490,000, based on an estimated $32,000,000 project cost. If the Project were developed without public participation, no Art in Public Places contribution would be required.

As referenced in the Development Agreement and above, 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. If the AIPP is not waived, according to the Developer, it will render this transaction economically infeasible and he has stated that he will not contribute to the fee.

On January 18, 2005, the Developer made a presentation to the AiPP Committee, which adopted a motion approving the waiver conditioned upon the Developer working with the AiPP Committee to select the appropriate artist and location of artwork. On February 4, 2005, the Cultural Arts Council approved a motion requesting that the AiPP Committee reconsider their recommendation to waive the 1.5% AiPP requirement for this project, and further that CAC representatives attend the AiPP Committee's reconsideration. The motion further stated that the Cultural Arts Council opposed waiving the AiPP requirement. This issue was discussed at the February 14, 2005 Finance and Citywide Projects Committee meeting; however, following the Finance and Citywide Projects Committee meeting, the AiPP Committee reconsidered this item on February 15, 2005, pursuant to the request of the Cultural Arts Council, and voted to recommend denial of the waiver and further moved to ask the City Commission to direct the Developer to work with the AiPP Board to select the appropriate artist and location of artwork. The Committee was concerned that the purpose of the revisions to the Ordinance was to build the AiPP fund, and that this request would set a precedent for future requests that would be contrary to the original intent of the revisions. The Developer expressed his intent, as reflected in the development agreement, to proceed with the Britto artwork and waiver request despite AiPP's motions.

At the April 20, 2005 City Commission meeting, the request for waiver was discussed at the public hearing for the first reading of the Development Agreement. At this meeting, the Mayor and City Commission heard and considered testimony from members of the public, the Chairperson of the Art in Public Places Committee, and the Developer.

As part of the Resolution approving the Development Agreement on first reading, the Mayor and City Commission further directed the Administration to prepare a resolution waiving the project's required Art in Public Places contribution, to be heard concurrent with the second reading of the Development Agreement.

On April 20, 2005, the Mayor and City Commission adopted Resolution No. 2005-25880, approving the development agreement on first reading and directing staff to prepare a resolution waiving the project's required Art in Public Places contribution, to be heard concurrent with the second reading of the Development Agreement.

CONCLUSION

Although the Developer has continually maintained that he will not fund any portion of the Art in Public Places fee, there remain many compelling reasons supporting the City's participation in this project and the Commission's granting of the requested waiver of the Art in Public Places contribution. The City has no land cost associated with the construction of a park and ride facility at the entrance to the City, and risk is eliminated by the Developer's Guaranteed Maximum Price. Also, the Developer is constructing the project, rather than the City, and the City will operate the facility. The City expects to utilize a portion of Federal Transit Administration funding that has been awarded to the City. This project will activate the western end of Fifth Street, redevelop a designated brownfield, create over 500 jobs, and attract retail stores that do not currently exist in Miami Beach, as well as secure a five-year community request through the establishment of a supermarket

in that neighborhood.

Ultimately, the City will have a facility that accomplishes the items previously listed, with a risk-free investment with secured delivery of the project. If at some point in the future the Developer exercises his termination rights, the end result will be the return of the City's investment plus a minimum of 4% interest, a more likely return based on fair market value, and the facility and the majority of the identified benefits will still be in place.

It should also be considered that the Developer has committed to install a major piece of art in this project and Mr. and Mrs. Alan Potamkin have represented that they had previously promised gifts to the Bass Museum of Art.

Therefore, the Administration recommends that the Mayor and City Commission approve the attached resolution and grant the requested waiver of the Art in Public Places contribution for this project, concurrent with the second reading of the Development Agreement.

JMG/TH/kc
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RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, WAIVING THE REQUIRED ART IN PUBLIC PLACES APPROPRIATION, FINDING SUCH WAIVER TO BE IN THE BEST INTEREST OF THE CITY, FOR THE PROJECT, PRESENTLY REFERRED TO AS "FIFTH AND ALTON", CONTAINING APPROXIMATELY 179,000 SQUARE FEET OF RETAIL AREA; A SUPERMARKET; AN APPROXIMATELY 1,081 SPACE PARKING GARAGE; PARK AND RIDE TRANSIT FACILITY, INCLUDING AN INTERMODAL/TRANSPORTATION COMPONENT; 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 FIFTH STREET ON THE SOUTH, IN MIAMI BEACH; FURTHER MAKING SAID WAIVER SUBJECT TO AND CONTINGENT UPON THE DEVELOPER'S AGREEMENT AND COMMITMENT TO INSTALL A MAJOR PIECE OF ART AT THE ENTRANCE OF THE PROJECT BY ARTIST ROMERO BRITTO, WHICH THE DEVELOPER HAS VALUED AT $500,000; AND, AS FURTHER CONSIDERATION FOR THE WAIVER, TAKING INTO CONSIDERATION A REPRESENTATION BY MR. AND MRS. ALAN POTAMKIN THAT THEY HAD PREVIOUSLY PROMISED GIFTS TO THE BASS MUSEUM OF ART, (WHICH DONATED WORKS THE DEVELOPER REQUESTED BE CONSIDERED IN THE REQUEST FOR WAIVER).

WHEREAS, 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; and

WHEREAS, since July 2002, the Administration has been meeting with representatives of the site, generally located on 5th Street and Alton Road, owned by the Potamkin family, to address a joint development opportunity and to review a preliminary site plan for a five (5) level mixed-use retail complex, including a public parking garage and a supermarket (the Project); and

WHEREAS, in accordance with the City Commission's directive and the community's identified needs, the City's interest in the Project's 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 entryways; and

WHEREAS, accordingly, the City and Developer have negotiated a Development Agreement governing the parties' respective rights and obligations with respect to the design, development and construction of the Project; and

WHEREAS, the Mayor and City Commission approved the Development Agreement on First Reading at its regular meeting on April 20, 2005, and set the Second (and final) Public Hearing for May 18, 2005; and

WHEREAS, concurrent with the Second and final reading of the Development Agreement at the Second Public Hearing on May 18, 2005, the Developer has requested, as permitted by Section 82-587(c)(1) of the City Code, that the Mayor and City Commission waive

the required Art in Public Places (AIPP) appropriation for the Project, finding such waiver to be in the best interest of the City; and

WHEREAS, the City's current AIPP legislation, as codified in Chapter 82, Article VII, Division 1, Sections 82-536 through 82-612 of the City Code, requires that construction projects that are developed by persons or entities other than the City, but which, as in the case of the Project, require the participation of the City as a party to a Development Agreement are subject to and shall require an appropriation of funds to the AIPP fund, in an amount not less than 1 ½% of the construction cost of the entire Project; and

WHEREAS, although Developer's Project falls within this requirement, as stated herein, the Developer may request a waiver of the required AIPP appropriation, pursuant to Section 82-587(c)(1) of the City Code; and

WHEREAS, the Developer has requested a waiver of its required AIPP contribution and, as consideration for same, has committed and agreed 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 the Developer has valued at $500,000; and

WHEREAS, one of the Developer's principals, Mr. Alan Potamkin, has also represented to the City that he had previously promised gifts of art to the Bass Museum of Art, and the Developer has requested that this proposed donation also be taken into consideration in support of its request for the AIPP waiver; and

WHEREAS, the Administration has calculated that the estimated AIPP contribution for the Project would be approximately $490,000, based on an estimated $32,000,000 Project cost; and

WHEREAS, on January 18, 2005, the Developer made a presentation to the AIPP Committee, with regard to its proposed request for waiver; at that time the AIPP Committee, in its advisory capacity, adopted a motion approving the waiver, conditioned upon the Developer working with the Committee to select an appropriate artist and the location of the artwork; and

WHEREAS, on February 4, 2005, the Cultural Arts Council (CAC) approved a motion requesting that the AIPP Committee reconsider its motion approving the Developer's request for a waiver of the AIPP contribution; and

WHEREAS, at its next regular meeting on February 15, 2005, the AIPP Committee made a motion to reconsider its original motion, conditionally granting Developer's request for waiver of the AIPP contribution and, upon reconsideration, voted to recommend denial of Developer's waiver request; the Committee further moved to ask the City Commission to direct the Developer to work with it to select the appropriate artist and location of artwork on the Project; and

WHEREAS, the Developer's request for waiver of the AIPP contribution was discussed at the public hearing which approved the Development Agreement on First Reading, at the City Commission meeting of April 20, 2005; and

WHEREAS, at that time, the City Commission heard and considered testimony from members of the public, the Chairperson of the AIPP Committee, and the Developer; the artist Romero Britto was also present at said public hearing; and

WHEREAS, as a request for waiver of a required AIPP appropriation must be approved by Resolution, the Administration now brings this Resolution regarding Developer's request for a waiver of the required AIPP appropriation for the Project concurrent with the Second (and final) reading of the Development Agreement, held at the public hearing duly noticed and held during the City Commission's regular meeting on May 18, 2005.

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 waive the required Art In Public Places appropriation, finding such waiver to be in the best interest of the City, for the Project, presently referred to as "Fifth and Alton", containing approximately 179,000 square feet of retail area; a supermarket; an approximately 1,081 space parking garage; park and ride transit facility, including an intermodal/transportation component; 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 Fifth Street on the South, in Miami Beach; further making said waiver subject to and contingent upon the Developer's Agreement and commitment to install a major piece of art at the entrance of the Project by artist Romero Britto, which the Developer has valued at $500,000; and, as further consideration for the waiver, taking into consideration a representation by Mr. and Mrs. Alan Potamkin that they had previously promised gifts to the Bass Museum of Art, (which donated works the Developer requested be considered in the request for waiver).

PASSED and **ADOPTED** this _____ day of _____, 2005

ATTEST:

_____ _____

CITY CLERK **MAYOR**

F:\atto\AGUR\RESOS-ORD\Potamkin - Art in Public Places - Romero Britto Reso.doc

APPROVED AS TO FORM & LANGUAGE & FOR EXECUTION

City Attorney 5-12-05 Date

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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, following a duly noticed Preliminary Public Hearing, evaluating the merits of the proposed Gilbert M. Fein Neighborhood Conservation District and directing the Planning Department to continue the NCD designation process and impose the temporary development review controls pursuant to Code Section 118-708.

Issue:

Shall the Mayor and City Commission approve the resolution directing the Planning Department to continue the designation process?

Item Summary/Recommendation:

Pursuant to City Code section 118-705(b)(3), regarding the procedures for adopting specific NCD overlay districts, following the preliminary public hearing at which the merits of the proposed Gilbert M. Fein NCD will be evaluated, the City Commission shall determine whether to continue the NCD designation process.

Based on the background analysis and preliminary evaluation criteria enumerated in the following Commission Memorandum and NCD report, the Administration believes that the parameters for future medium intensity (RM-2) residential redevelopment within the existing cohesive, low-scale neighborhood located along the narrow *cul de sac* streets of Lincoln Terrace and 16th Street to be worthy of refinement. Therefore, the Administration recommends approving the resolution to continue finalizing the NCD designation process, and imposing the temporary development review controls pursuant to 118-708 in order to ensure that premature loss to the original planned unit development does not occur during the remainder of the adoption process.

Advisory Board Recommendation:

The Historic Preservation Board formally initiated the NCD adoption process regarding the proposed district at a legally noticed Community Workshop held December 6, 2004.

Financial Information:

Source of Funds:

Finance Dept.

	Amount	Account	Approved
1			
2			
3			
4			
Total			

City Clerk's Office Legislative Tracking:

Jorge G. Gomez, Planning Director/ Reuben N. Caldwell, Senior Planner

Sign-Offs:

Department Director	Assistant City Manager	City Manager

AGENDA ITEM R7D

DATE 5-18-05

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 18, 2005

From: Jorge M. Gonzalez
City Manager

Subject: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, FOLLOWING A DULY NOTICED PRELIMINARY PUBLIC HEARING PURSUANT TO CITY CODE SECTION 118-705, EVALUATING THE MERITS OF THE PROPOSED GILBERT M. FEIN NEIGHBORHOOD CONSERVATION DISTRICT, AND DIRECTING THE PLANNING DEPARTMENT TO CONTINUE THE NCD DESIGNATION PROCESS AND IMPOSING THE TEMPORARY DEVELOPMENT REVIEW CONTROLS PURSUANT TO CITY CODE SECTION 118-708.**

ADMINISTRATION RECOMMENDATION

The Administration requests that the City Commission direct the Planning Department to continue its finalization of the proposed Gilbert M. Fein NCD.

BACKGROUND ANALYSIS

The proposed district, as previously discussed by the City Commission and Historic Preservation Board, is generally bounded by the center line of Bay Road to the east, the bulkhead line of Biscayne Bay to the west, the northern lot lines of the northern properties fronting Lincoln Terrace to the north, and the southern lot lines of the southern properties fronting 16th Street to the south.

The preliminary evaluation of an NCD generally involves the review of only the conceptual merits of a proposed designation. However, the process which has transpired relative to the "Gilbert Fein" district has been an unfolding one, involving a working dialog with the Community with regard to the degree of transformation that may occur within the existing low-scale planned unit enclave as a result of its current medium intensity (RM-2) zoning. The outcome necessitated the formalization of a new *"form based"* overlay district technique for the City and required that much of the specific content of this particular NCD be developed prior to the City Commission's preliminary public hearing. In addition, the urgency to identify the specific details of the NCD was often at the request of members of the Community and the Historic Preservation Board in order to assist them in determining how the neighborhood planning tool might best serve the concerns of the various resident interests.

Therefore, the Administration is pleased to attach, as thorough clarification of the background and intent of this district plan, a draft of the proposed Gilbert M. Fein Neighborhood Conservation District Designation Report, District Ordinance and

Streetscape Improvement Plan as presented to the Historic Preservation Board on February 8, 2005, and most recently included with the exhibits submitted to the City Commission for the April 20, 2005, request to set the preliminary public hearing.

PRELIMINARY EVALUATION

As described in the executive summary of the draft NCD report, this residential neighborhood has been of particular Community interest because of the high level of uncertainty regarding its potential for redevelopment. In this regard, the purpose of establishing the Gilbert M. Fein Neighborhood Conservation District will be to ensure that future redevelopment within the 16th Street-end and Lincoln Terrace neighborhood enhances the existing residential experience of the narrow *cul de sac* streets by embracing the fundamental planning facets of this unique mid-century, planned unit enclave. As enumerated on page 8, of the draft NCD designation report, new construction projects should strive to achieve the following objectives:

1) **Preserve the street scale on both Lincoln Terrace and 16th Street to the greatest extent possible without seriously diminishing the existing property rights.**

2) **Maintain and enhance the property values of adjacent structures through sympathetic redevelopment scenarios which do not necessitate speculative wholesale demolition.**

3) **Preserve the sense of meaningful neighborhood space between the existing buildings to the greatest extent possible.**

4) **Concentrate maximum new building height on the waterfront lots to the south to the greatest extent possible.**

5) **Create and enhance physical and visual access from Lincoln Terrace and 16th Street to the Biscayne Bay front.**

6) **Enhance the public *rights-of-way* for both 16th Street and Lincoln Terrace by facilitating the creation of a high quality landscaped pedestrian friendly neighborhood environment through the formalization of a significant street parking plan that may incorporate a limited amount of private land with the property owner's approval.**

In achieving the objectives of this NCD, the effect of the proposed Gilbert M. Fein district designation will be to:

1) **Create an illustrative neighborhood master plan to accurately inform and streamline the development review process with regard to neighborhood redevelopment and improvement projects.**

2) **Modify certain aspects of the existing RM-2 zoning regulations through the NCD overlay to better address the existing conditions.**

3) **Enact district specific design guidelines to maintain the special close-knit character of the enclave and enhance the overall streetscape character.**

Finally, because the cohesive as-built character of the proposed district currently remains entirely intact without any vacant lots, and the objectives of the proposed NCD seek to maintain and enhance the property values of adjacent structures through sympathetic redevelopment scenarios which do not necessitate speculative wholesale demolition of structures, the Administration recommends that all development review applications be consistent with the draft NCD District Ordinance for a period of six months in accordance with City Code section 118-708 of the enabling ordinance. This will ensure that premature loss to the existing neighborhood character does not occur during the remainder of the adoption process by including permits for demolition, which should only be issued after the Design Review Board or Planning Department staff issues a Certificate of Compliance (COC) for redevelopment, and after the Building Department issues a building permit for the redevelopment.

HISTORIC PRESERVATION BOARD ACTION

In accordance with City Code section 118-705(a)(1), the Historic Preservation Board formally initiated the NCD adoption process regarding the proposed district at a legally noticed Community Workshop held December 6, 2004, and chose not to rescind its previous direction to staff to continue the consideration of a possible local Historic District until after the City Commission held its Preliminary Public Hearing relative to the creation of an NCD. A memorandum summary and findings from this Community Workshop substantiating the Board's actions have been included herein.

CITY COMMISSION ACTION

In accordance with City Code section 118-705(b)(1), the City Commission approved Resolution No. 2005-25865, on April 20, 2005, thereby setting the May 18, 2005, preliminary public hearing.

CONCLUSION

In accordance with City Code section 118-705(b)(3), if the City Commission chooses to continue the NCD process, it shall direct the Planning Department to prepare a draft neighborhood conservation district plan and development regulations in collaboration with the property owners from the neighborhood. A resolution formally requesting this City Commission action has been included herein.

Attachments:

JMG/TH/JGG/WHC/RNC
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RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, FOLLOWING A DULY NOTICED PRELIMINARY PUBLIC HEARING PURSUANT TO CITY CODE SECTION 118-705, EVALUATING THE MERITS OF THE PROPOSED GILBERT M. FEIN NEIGHBORHOOD CONSERVATION DISTRICT, AND DIRECTING THE PLANNING DEPARTMENT TO CONTINUE THE NCD DESIGNATION PROCESS AND IMPOSING THE TEMPORARY DEVELOPMENT REVIEW CONTROLS PURSUANT TO CITY CODE SECTION 118-708.

WHEREAS, the City Commission at its April 14, 2004, meeting discussed the area between 12th and 17th Streets, west of Alton Road, relative to traffic congestion and the scale and character of redevelopment and requested that the Historic Preservation Board review the "Gilbert Fein" Neighborhood relative to possible historic district designation; and

WHEREAS, demolition permits for three of the four existing structures located on the water front sites within the potential district were obtained in May of 2004, in conjunction with a proposed development project that was subsequently approved by the Design Review Board on July 20, 2004; and

WHEREAS, the Historic Preservation Board at its June 8, 2004, meeting initiated *zoning in progress* relative to further demolition within the proposed historic district by directing staff to commence preparation of a local Historic District Preliminary Evaluation, but following public comment, requested that staff defer the Board's formal consideration until after the City Commission had adopted a Neighborhood Conservation District (NCD) enabling ordinance; and

WHEREAS, the City Commission, based on recommendations from the Planning Board, Historic Preservation Board, Design Review Board and Planning Department, after discussions with the Community, adopted a NCD enabling ordinance addressing the unique planning issues impacting this and other potential NCD overlay districts citywide; and

WHEREAS, the Historic Preservation Board in further considering the codified overlay district options available, formally initiated the process toward adopting a proposed Gilbert M. Fein Neighborhood Conservation District in accordance with Section 118-705 (a)(1) of the NCD enabling ordinance at a publicly noticed Community Workshop held December 6, 2004; and

WHEREAS, at this workshop the Historic Preservation Board chose not to rescind its previous direction to staff to continue the consideration of a possible Historic District until after the City Commission held its Preliminary Public Hearing to review the merits of the proposed NCD; and

WHEREAS, in accordance with Miami Beach City Code section 118-705(b)(1), the City Commission approved Resolution No. 2005-25865, on April 20, 2005, thereby setting a preliminary public hearing for May 18, 2005, in order to consider the benefits of

the proposed NCD and determine whether to continue the NCD designation process; and

WHEREAS, City Code section 118-708(a) states that: "Following the preliminary review public hearing, a referral by the City Commission to the Planning Department to pursue a proposed NCD designation shall impose the requirement that all applications and/ or requests for design and/ or development review approval within a proposed NCD shall be consistent with the character and intent of the proposed NCD..."; and

WHEREAS, the cohesive as-built character of the proposed district remains entirely intact without the creation of vacant lots and therefore warrants the Administration to recommend the imposition of interim controls consistent with the draft Gilbert M. Fein NCD District Ordinance, dated February 8, 2005, and in particular the criteria relative to the demolition of existing structures as identified on page 22, which states, "Demolition of existing structures is permitted. However, permits for demolition may only be issued after the Design Review Board or Planning Department staff issues a Certificate of Compliance (COC) for redevelopment, and after the Building Department issues a building permit for the redevelopment"; and

WHEREAS, *zoning in progress* relative to a local historic district designation will expire on June 8, 2005.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND THE CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Planning Department is directed to continue the NCD designation process in accordance with City Code section 118-705(b)(3), and that the draft Gilbert M. Fein NCD plan shall be completed in collaboration with the property owners, and that pursuant to City Code section 118-708, all development review applications shall be consistent with the draft NCD District Ordinance, dated February 8, 2005, for a period of six months from the date of this resolution. This shall also include permits for demolition, which may only be issued after the Design Review Board or Planning Department staff issues a Certificate of Compliance (COC) for redevelopment, and after the Building Department issues a building permit for the redevelopment in order to ensure that premature loss to the existing neighborhood character does not occur during the remainder of the adoption process.

PASSED and **ADOPTED** this ___ day of _____, 2005.

ATTEST:

_____
Mayor David Dermer

_____
City Clerk

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

_____ 5-5-05
City Attorney Date

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CITY OF MIAMI BEACH
PLANNING DEPARTMENT
Interoffice Memorandum

To: HISTORIC PRESERVATION BOARD **Date:** February 8, 2005

From: Jorge G. Gomez, AICP
Planning Director

Subject: **Gilbert M. Fein Neighborhood**
Historic Preservation Board Community Workshop Summary and Findings
December 6, 2004

Attendance
Board Attendance:
Mitch Novick, Chairperson
Dr. Judith Berson-Levinson
Allan Hall
Carie Penabad

Staff Attendance:
Planning Department - Jorge Gomez, William Cary, Thomas Mooney, Reuben Caldwell
Public Works Department – Mike Alvarez
Parking Department - Chuck Adams
City Attorney's Office -Gary Held

Meeting Summary
A legally noticed workshop of the Historic Preservation Board (HPB) was held on December 6, 2004, in the City Commission Chambers of City Hall at 6:30 pm. The workshop was convened at 6:45pm and approximately (15) attendees including residents, property owners and stakeholders from the area were present in addition to the above noted Historic Preservation Board members and City staff.

As previously discussed by the City Commission and Historic Preservation Board, the proposed area is generally bounded by the center line of Bay Road to the east, the bulkhead line of Biscayne Bay to the west, the northern lot lines of the northern properties fronting Lincoln Terrace to the north, and the southern lot lines of the southern properties fronting 16th Street to the south.

The workshop began with a presentation by Planning Department staff describing the process to date and delineating the three primary neighborhood planning scenarios potentially affecting the area's growth. These scenarios included a description of the existing "As of Right "(RM-2) underlying zoning, the proposed "Historic Preservation" (HPD) overlay district and the potential "Neighborhood Conservation "(NCD) overlay district. Each of the options were discussed in terms of their potential effect on the existing cohesive low-scale neighborhood and following the Power Point Presentation, the Board heard Public comment and discussed whether to continue the Historic District Designation process and/ or initiate the Neighborhood Conservation District process as adopted by the City Commission in September, 2004.

Several desired neighborhood objectives, initially developed through the consensus viewpoint from two previous public workshops sponsored by the Planning Department with the neighborhood, were

outlined during the presentation as follows:

1) Preserve the street scale on both Lincoln Terrace and 16th Street to the greatest extent possible without seriously diminishing the existing property rights.

2) Preserve the sense of meaningful neighborhood space between the existing buildings to the greatest extent possible.

3) Create and enhance physical and visual access from Lincoln Terrace and 16th Street to the Bay front.

4) Concentrate maximum new building height on the waterfront lots to the south to the greatest extent possible.

5) Enhance the public *rights-of-way* for both 16th Street and Lincoln Terrace by facilitating the creation of a quality landscaped pedestrian friendly neighborhood environment through the formalization of a significant street parking plan that may incorporate a limited amount of private land with the property owner's approval.

Staff also reviewed the salient benefits of a Historic Preservation District for the area which would call for the retention and restoration of existing structures which would accommodate single story rooftop additions to existing structures, and allow properties to participate in the City's parking impact fee program toward waiving off-street parking requirements as well the ability of properties to apply for Federal Historic Preservation Tax Credit and participate in the Miami-Dade County Ad Valorem Tax Abatement Program.

Public Comment
Following the presentation, the accompanying public comment was made:

1) Greg Anderson, a property owner residing at 1621 Bay Road, directly adjacent to the subject district, stated that having attended all of the community workshops, he desired to see some sort of "planned progress" and believed that the HPB should instate either a Historic District or an NCD.

2) Arthur Marcus, a property owner residing at 1450 Lincoln Road, directly adjacent to the subject district, concurred with Mr. Anderson's comments and further stated that he preferred the NCD approach because it would be less restrictive while protecting the character of the neighborhood "ensemble".

3) Kent Harrison Robbins Esq., representing the owners of 1451 and 1471 Lincoln Terrace, stated that while his clients generally support the concept of an NCD, they do have concerns relative to the impact that an NCD such as that presented in the draft NCD report of March 2004 will have on redevelopment vs. the existing RM-2 "As of Right" redevelopment scenario and whether the NCD provisions will allow adequate off-street parking. Staff advised that preliminary evaluation has been done relative to parking options in an NCD and such information will be provided at the time that a draft plan is presented to the HPB.

4) Michael Larkin Esq., representing the developers of the Capri on the Bay project (1491-92 Lincoln Terrace and1470 16th Street) stated that his clients strongly support the creation of an NCD and that the Planning Department should be allowed to continue preparation of its

plan.

5) Jose Zaldivar, a property owner and resident at 1451 Lincoln Terrace, within the proposed district, stated that he is in favor of an NCD and not an HPD.

Board Discussion and Direction
Chairperson, Mitch Novick then requested a straw pole vote of those present to determine support for either an NCD or an HPD or no change to the underlying RM-2 zoning. The vote tally was as follows:

NCD overlay - (12) in favor, (8) of which were area residents
HPD overlay - (3) in favor
RM-2 w/ no overlay - (0) in favor

Further Board comments included:

Allan Hall stated that while he was concerned with the specifics of an NCD and would like to see staff's draft NCD report he would entertain a motion to initiate and continue the NCD process.

Mitch Novick asked for further clarification of the off-street parking standards that might apply to the NCD and how the effect of the standards might impact the FAR and building massing envelope.

Carie Penabad stated if an NCD was pursued she would want to see the NCD plan designed to address the existing "grain "or pattern of platting; ensuring that lot aggregation address the rhythm of existing buildings along the street.

Judith Berson stated that she would prefer a different name for the NCD and that the name of an individual should not be tied to this neighborhood. William Cary advised the HPB that alternate names could discussed.

Board Motion
A Motion was made by Allan Hall to initiate the NCD process and further request that staff review the NCD report with the Board prior to a Preliminary Evaluation Hearing of the proposed NCD by the City Commission. The Motion was seconded by Mitch Novick and passed (4-0), 3 absent - Beth Dunlop, Randall Robinson and William Taylor.

The Board further discussed the current "zoning in progress" relative to the evaluation of an Historic District and chose not to rescind its previous direction to staff to continue the consideration of a possible Historic District until after the City Commission held its Preliminary Public Hearing to review the proposed NCD.

The workshop was adjourned at 8:39pm

Jgg:whc:rnc

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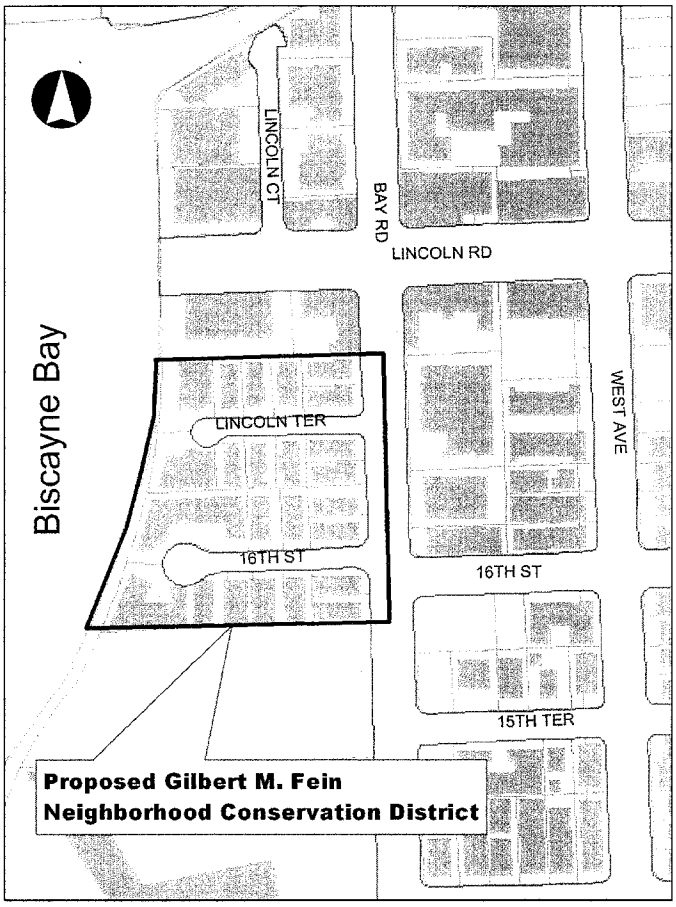
CITY OF MIAMI BEACH
NOTICE OF PRELIMINARY PUBLIC HEARING

PROPOSED GILBERT M. FEIN NEIGHBORHOOD CONSERVATION DISTRICT

NOTICE IS HEREBY GIVEN, that a preliminary public hearing pursuant to Code Section 118-705 will be held by the Mayor and City Commission of the City of Miami Beach, Florida, on **Wednesday, May 18, 2005, at 5:15 p.m., or as soon thereafter as possible, in the City Commission Chambers**, Third Floor, City Hall, 1700 Convention Center Drive, Miami Beach, Florida.

At this preliminary public hearing the City Commission will evaluate the merits of the proposed Gilbert M. Fein Neighborhood Conservation District and determine whether to continue the designation process.

As previously discussed with the Community, the City Commission and the Historic Preservation Board, the general purpose of the proposed district will be to refine the parameters for redevelopment and streetscape improvements within the area generally bounded by the center line of Bay Road to the east, the bulkhead line of Biscayne Bay to the west, the northern lot lines of the northern properties fronting Lincoln Terrace to the north, and the southern lot lines of the southern properties fronting 16th Street to the south. The properties which may be included in the proposed district are shown on the map in this advertisement.



All persons are invited to appear at this meeting or be represented by an agent, or to express their views in writing addressed to the Miami Beach City Commission c/o the City Clerk, 1700 Convention Center Drive, First Floor, City Hall, Miami Beach, Florida 33139.

All related materials regarding the proposed Neighborhood Conservation District are available for public inspection during normal business hours in the City Clerk's Office. Inquiries may be directed to the Planning Department at (305) 673-7550. The hearing on this preliminary evaluation and recommendation may be continued at this meeting and, under such circumstances, additional legal notice would not be provided. Any person may contact the City Clerk's Office at (305) 673-7411 for information as to the status of the preliminary evaluation and recommendation as a result of the meeting.

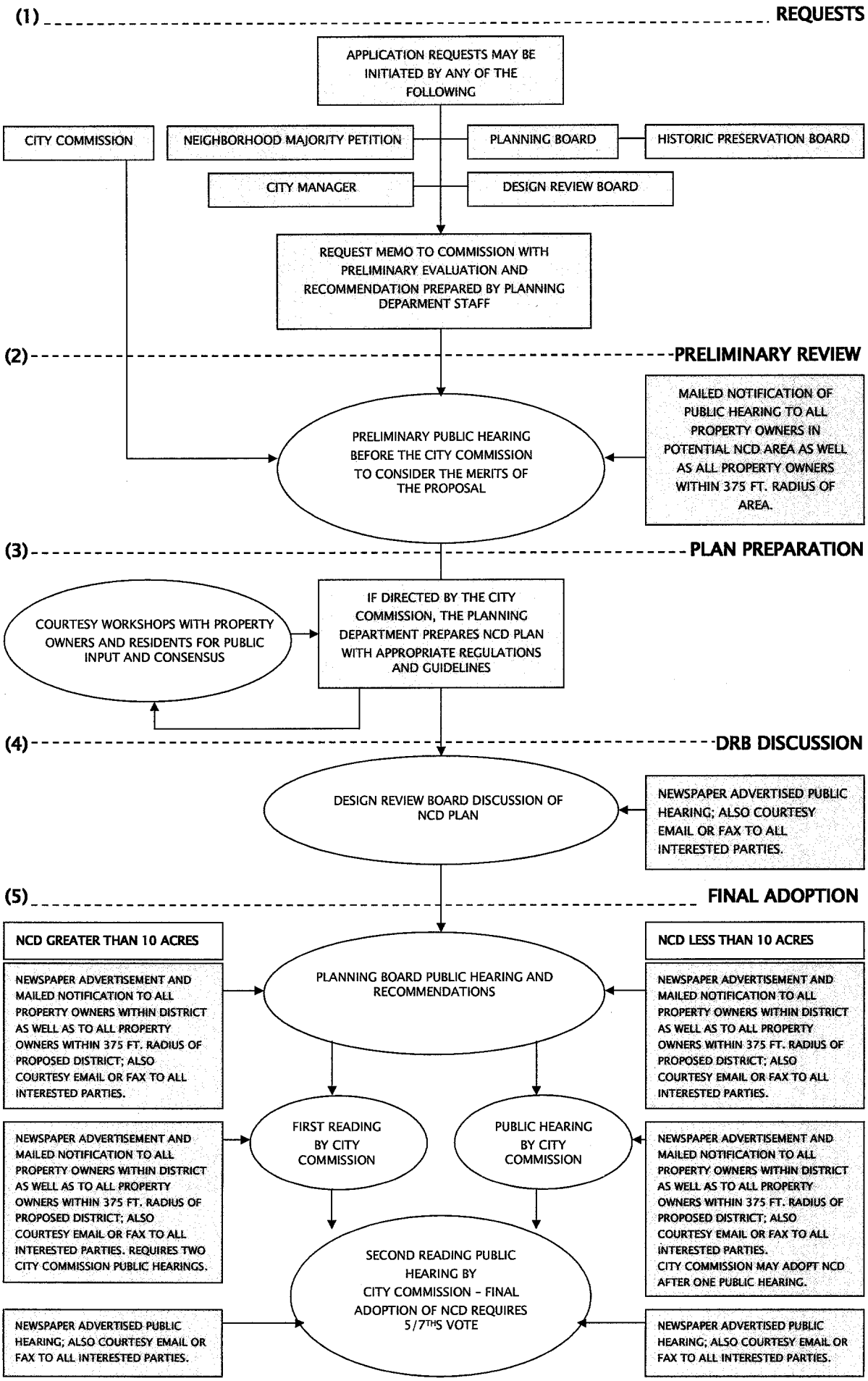
Robert E. Parcher, City Clerk
City of Miami Beach

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 insure 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 of 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).

PROCEDURES FOR ADOPTION OF A NEIGHBORHOOD CONSERVATION DISTRICT

September 8, 2004



DRAFT

Proposed

Gilbert M. Fein

Neighborhood Conservation District

Architect's rendering of the Lincoln Terrace Villas

Miami Daily News

April 24, 1950

DESIGNATION REPORT
DISTRICT ORDINANCE
STREETSCAPE IMPROVEMENT PLAN

Prepared by
The City of Miami Beach Planning Department

2005

GILBERT M. FEIN
NEIGHBORHOOD CONSERVATION DISTRICT

CITY OF MIAMI BEACH

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Executive Summary

Introduction to Neighborhood Conservation Districts

Neighborhood Conservation Districts or NCDs were first initiated in the United States in 1975 and have become increasingly utilized as an overlay district technique in cities throughout the country. NCDs are often proposed for neighborhoods that are experiencing redevelopment pressure or where some rehabilitation and new infill construction may have already taken place.

NCD regulations are generally more flexible than those in local historic districts. Their purpose is to protect an area from inappropriate development by refining development regulations with regard to the form and massing of new construction. The design of additions and alterations to existing structures as well as limited protection from demolition may also be involved in an NCD designation. In essence, regulations are customized to address neighborhood needs.

The City of Miami Beach recently adopted a Neighborhood Conservation District enabling ordinance in 2004 and is exploring the creation of several NCDs throughout the city.

Background to the Bay Front Cul De Sac Study

In 2001, the Planning Department began to focus on that area of 'South Beach' west of Alton Road due to the intense urban conditions beginning to unfold as a result of a sharp residential construction boom. Of particular concern was the pace and character of redevelopment as well as its impact on traffic congestion and parking within the area.

In particular, the low scale neighborhoods west of Alton Road between 14th Street and Lincoln Road were becoming seriously impacted by new high rise development projects such as the Grand Flamingo at 1500 Bay Road and The Waverly at 1330 West Avenue; both 35 stories in height and offering a *high-end* luxury product that challenges the affordable economic viability and intimate pedestrian scale of the neighboring one and two story single-family and apartment structures in the area.

In an effort to begin engaging the public, the Planning Department sponsored a community workshop in December of 2001 at which several planning strategies were discussed and ranked in terms of resident interest. These strategies included creating overlay districts to foster the retention of lower scale existing structures through land use incentives such as Bed & Breakfast Inns and Residential Offices, as well as conservation and preservation overlays in areas which retained a high level of cohesiveness,such as the bay front *cul de sac* neighborhood of Lincoln Terrace and 16th Street.

This residential neighborhood fronting the 16th Street and Lincoln Terrace *cul-de-sac* street-ends, between Bay Road and Biscayne Bay was of particular interest because of the high level of uncertainty regarding its potential for redevelopment. Currently zoned at multi-family medium intensity (RM-2) which allows for waterfront structures to rise between 100 and 140 feet in height with a maximum FAR of 2.0, the ownership patterns of the subject blocks of two story buildings are primarily rental based, therefore transient in occupancy and easily susceptible to market driven redevelopment.

Originally developed in 1950 and arguably one of Miami Beach's earliest Post-War Planned Unit Developments or PUDs, the Lincoln Terrace Villas, designed by architect, Gilbert M. Fein, remains intact today as it was first constructed some 50 years ago. The structures of this neighborhood are extremely cohesive in terms of their size, massing and style. Their significance is also recognizable

in terms of the recent efforts, especially in the 'North Beach' area, by the City to acknowledge its architectural heritage of Postwar Modern developments, commonly referred to as 'MIMo' (Miami Modernism). These two blocks in 'South Beach' are unique in that they form a distinct architectural enclave of two-story 'MIMo' apartment buildings which originally had direct access to the bay front. It may be observed that aside from those low-scale 'MIMo' properties located along the bay front which have been up-zoned at the request of their owners, such as those fronting Monad Terrace, or those enclaves dismantled through the modifications of redevelopment, the *Lincoln Terrace and Bay Lincoln (16th Street) Villas* form the only enclave of its type remaining in the 'South Beach' area. It is for this reason that particular regard should be taken for the degree to which transformation may occur within this special enclave despite the fact that its significance may not be easily recognizable based on the chaotic parking conditions presently inflicting the 16th Street and Bay Road area.

As a result of this initial community meeting, neighborhood surveys were completed by the residents and 71% of those 44 attendees expressed clear support for the concept of Neighborhood Conservation Districts in the area. In particular, the findings relative to the bay front *cul de sac* neighborhood, also referred to as the Gilbert Fein District, suggested clear community support for some level of preservation or conservation of the area. Therefore, staff's report, dated January 22, 2002, to the Planning Board describing the meeting findings, recommended the preparation of a designation report which at a minimum called for the creation of a Neighborhood Conservation District or at a maximum a Historic Preservation District, and that the report would be prepared after receiving comment from those property owners most directly affected by the initiative. The findings and recommendation of this strategy as well as the report in its entirety were approved by the Planning Board and staff was then instructed to begin developing the overlay district and meeting with property owners.

In affirming staff's recommendation to move forward with the study, the Planning Board recognized the following:

- the uniqueness and significance of this early Post War Planned Unit Development to the urban experience of Miami Beach.

- the impending threat to the neighborhood character posed by the burgeoning high-rise residential development pattern of adjacent bay front properties.

Property Owner Meetings

Two (2) meetings were held for the property owners in 2003. At these meetings the existing conditions impacting the area were discussed in terms of potential neighborhood options available toward maintaining and improving the low-scale character and quality of life within the area. The neighborhood planning options were presented in terms of their ability to address two main issues affecting the area; those being the character of recent redevelopment and its dissimilar relationship to the existing neighborhood and the poor street conditions existing most prominently along 16th street; both factors contributing to a generally negative perception for the neighborhood.

The first option presented was that of the current RM-2 zoning which was shown to generate a great deal of uncertainty in terms of what might occur due to the sharp disparity between its potential "as-of-right" development parameters and the existing neighborhood. Furthermore, it was suggested that none of the non-waterfront parcels (or dry lots) meet the minimum required square footage for redevelopment under the RM-2 zoning individually, and only through the assembly of two (2) or more parcels could redevelopment occur; once again dictating a new building fabric quite different from the existing consistently low-scale neighborhood.

During these property owner meetings staff presented several views of how the district might redevelop and although at one point it was suggested that an ideal scenario might call for the total assembly of all the lots and the complete redevelopment of the area similar to that of the Grand Flamingo site, it was shown to be evident that redevelopment in Miami Beach rarely occurs on such a scale in this way primarily due to the high property values attached to individually owned parcels. Instead, a more incremental assembly of lots occurs and in this instance, even if a developer were to assemble all of the lots, they would need to vacate the public rights-of-way cul de sac streets in order to fully reconfigure the neighborhood. This would be extremely difficult given both the municipal and county regulations in place toward conserving view corridors to Biscayne Bay.

The second approach reviewed was that of Historic Preservation which if adopted would be an overlay district upon the underlying RM-2 zoning and would ultimately strive to preserve the existing architectural experience to the greatest extent possible. Federal and County tax credits were identified as the incentives to designation and it was pointed out that because much of the rehabilitation which had occurred within the neighborhood had been faithful to its historic character and would meet the standards for Historic Preservation, the neighborhood would undoubtedly be eligible for designation. Of further note was the fact that no major additions had occurred to the existing structures over the years thus further strengthening the areas historic integrity.

The third and final option explored with the owners was that of Neighborhood Conservation which like Historic Preservation would entail an overlay district or refinement to the underlying RM-2 zoning. Its scope and intent, however, would not necessarily be to preserve actual structures but rather to maintain and enhance certain key elements of the neighborhood's character. These might include such characteristics as the consistent two story street wall experience of the *cul de sacs* or the shared side courtyards between the existing structures. It was also noted that the potential for identifying neighborhood streetscape or other neighborhood improvement projects could be blended into the Neighborhood Conservation District designation.

The Gilbert Fein Neighborhood Conservation District Steering Committee

As the Planning Department conducted its meetings with the property owners several residents from the neighborhood, interested in the study and the significance of the bay front cul-de-sacs, came forward and requested to take an active role in the study process. To this end, from the property owner meetings, the effort was then focused at developing an overlay designation at the steering committee level. Two additional meetings were held during which the parameters of the NCD designation were developed. The initial findings of the steering committee were as follows:

- The existing Bay Front PUD comprises a distinctive enclave of Post War, mid- 20th-century modern apartment buildings, which were predominately designed by the prolific Miami Beach architect, Gilbert M. Fein.

- The Gilbert M. Fein Bay Front PUD is extremely cohesive in terms of the height, scale, massing and architectural detail of the structures as well as the open spaces and quality neighborhood view corridors.

- The site planning of the Gilbert M. Fein PUD reflects a unique approach to community design whereby:

    - a condition of the City's Zoning Board approval, dated 1950, prohibited additions to be constructed beyond the existing building lines,

- thereby preserving side yards as common and to be shared by adjacent buildings,

- yet divided into parcels that remain individually owned and generally platted at the standard 50 by 100 feet.

- The above noted low scale and close-knit design of the enclave has established a desirable character and quality of life worthy of maintaining along the bay front.

- Current zoning reviews cannot address the development impact that new infill construction will have on the existing character and scale of the original PUD.

Furthermore, the committee found that the major elements of a Gilbert M. Fein Neighborhood Conservation District overlay should be as follows:

- NCD specific zoning regulations, which determine a building footprint for new construction that is substantially consistent with the standard found in the existing structures.

- The review by the Design Review Board or their staff of landscape design drawings towards the retention of all shared common side yards.

- The review by the Design Review Board or their staff of all new construction, demolition or alteration that affects architectural features visible from a public right-of-way.

Also, of particular note was the development of certain district specific programming for the bay front (waterfront) lot assembly where heights could rise significantly greater than the dry lots. Therefore, the draft NCD guidelines identified the preservation of 1491 Lincoln Terrace, a building designed by noted Miami Beach architect, Igor Polevitsky, and called for the taller new structures to be located to the south; closer to the Grand Flamingo site.

The steering committee further embraced the strategy of enhancing the existing parking condition along 16th Street where the current informal parallel and perpendicular configuration, which does not meet Municipal or County Code standards exists, and the committee agreed that the street should be beautified and made legal by employing the concept of a European shared parking court.

Finalization of the Gilbert M. Fein Neighborhood Conservation District

The aforementioned ideas and other concepts were embraced and included into the first ever Neighborhood Conservation District report, drafted for review by the City Commission pending their prior adoption of an NCD enabling ordinance, and while the process may seem to have been long, this was primarily due to the fact that it involved the creation of a new, consensus driven, neighborhood planning tool, never before utilized within the City.

Recent Developments

During the period of adoption of the Neighborhood Conservation District enabling ordinance, a project for the bay front sites was submitted for approval by the Design Review Board and in May of 2004, demolition permits for three of the four bay front structures were obtained. A demolition permit was not pulled for 1491 Lincoln Terrace due to the positive impact of the neighborhood meeting process and wishes expressed by residents about preserving this structure. Several of the strategies identified through the draft NCD as well as other elements were addressed within the Development Review Order of the DRB. These included the restoration of 1491 Lincoln Terrace, subterranean

parking, bay access for the public and an agreement by the developer to implement the much needed street improvements. The project was approved in July of 2004, and the development agreement will remain active until January, 2006.

Legislative Planning Process Timeline

Finally, as further background toward understanding the evolution of this initiative, a list of the legislative planning procedures which have occurred to date has been included as follows:

- **April 13, 2004** — Historic Preservation Board discusses historic designation of 1491 Lincoln Terrace.
- **April 14, 2004** — City Commission discusses the area between 12th and 17th Street west of Alton Road and requests that the Historic Preservation Board review the 'Gilbert Fein' Neighborhood relative to historic designation.
- **May 11, 2004** — Historic Preservation Board requests staff to place consideration of creating a Gilbert Fein Historic District on its June 8, 2004, agenda.
- **May 18, 2004** — Proposed 'Capri on the Bay' project is reviewed by the Design Review Board.
- **June 8, 2004** — Historic Preservation Board instates *zoning in progress* relative to demolition by directing staff to commence preparation of a Preliminary Evaluation of a local Historic District but requests that staff defer the Board's formal consideration until after the City Commission has adopted an Neighborhood Conservation District enabling ordinance.
- **July 20, 2004** — Design Review Board approves the 'Capri on the Bay' project .
- **September 8, 2004** — City Commission adopts Neighborhood Conservation District enabling ordinance.
- **December 6, 2004** — Historic Preservation Board holds a Community Workshop and directs Planning staff to proceed to the next step by initiating the Neighborhood Conservation District planning process.
- **February 8, 2005** — Planning staff presents the draft of the proposed Gilbert M. Fein Neighborhood Conservation District Designation Report, District Ordinance and Streetscape Improvement Plan to the Historic Preservation Board.

Designation Report

Statement of Intent

The Intent of this Neighborhood Conservation Designation is to establish a comprehensive series of protective and incentive legislative elements including zoning overlays, zoning revisions, design guidelines and other mechanisms provided for the Lincoln Terrace and 16th Street-end neighborhood of the City of Miami Beach which may be known as the Gilbert M. Fein Neighborhood Conservation District.

Objectives

The purpose of establishing the Gilbert M. Fein Neighborhood Conservation District (NCD-1) is to ensure that future redevelopment within the 16th Street-end and Lincoln Terrace planned residential enclave enhances the existing residential experience of the *cul de sacs* by embracing the fundamental planning facets of this unique planned unit neighborhood. In particular, new construction projects should strive to achieve the following objectives:

1) Preserve the street scale on both Lincoln Terrace and 16th Street to the greatest extent possible without seriously diminishing the existing property rights.

2) Maintain and enhance the property values of adjacent structures through sympathetic redevelopment scenarios which do not necessitate speculative wholesale demolition.

3) Preserve the sense of meaningful neighborhood space between the existing buildings to the greatest extent possible.

4) Concentrate maximum new building height on the waterfront lots to the south to the greatest extent possible.

5) Create and enhance physical and visual access from Lincoln Terrace and 16th Street to the Biscayne Bay front.

6) Enhance the public *rights-of-way* for both 16th Street and Lincoln Terrace by facilitating the creation of a high quality landscaped pedestrian friendly neighborhood environment through the formalization of a significant street parking plan that may incorporate a limited amount of private land with the property owner's approval.

Effect of District Designation

The effect of the Gilbert M. Fein district designation will be to:

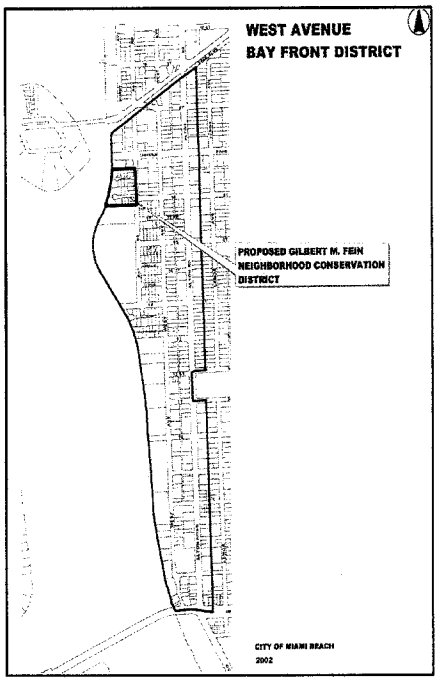
1) Create an illustrative neighborhood master plan to accurately inform and streamline the development review process with regard to neighborhood redevelopment and improvement projects.

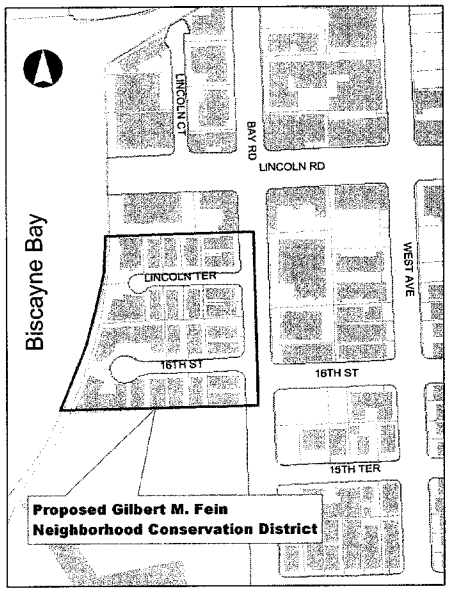
2) Modify certain aspects of the existing RM-2 zoning regulations through the NCD overlay to better address the existing conditions.

3) Enact district specific design guidelines to maintain the special close-knit character of the enclave and enhance the overall streetscape character.

General Boundary Description

The Gilbert M. Fein Neighborhood Conservation District shall be bounded by the centerline of Bay Road to the east, the bulkhead line of Biscayne Bay to the west, the northern lot lines of the northern properties fronting Lincoln Terrace to the north, and the southern lot lines of the southern properties fronting 16th Street to the south.





Detailed District Boundaries

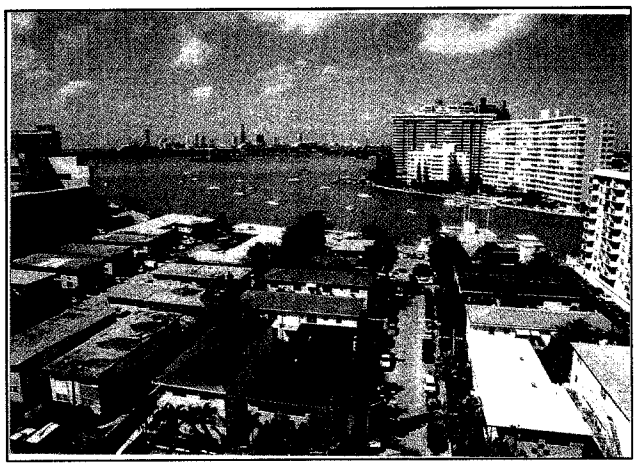
RM-2/NCD-1: The boundaries of the Gilbert M. Fein Neighborhood Conservation District include those properties of Block 43, ALTON BEACH BAY FRONT SUBDIVISION, recorded in Plat Book 4, at page 125, Public Records of Miami-Dade County, Florida fronting or abutting Bay Road, Lincoln Terrace and 16th Street and commences at the point of intersection of the northern lot line of Lot 1 of the LINCOLN TERRACE SUBDIVISION, and the bulkhead line of Biscayne Bay as recorded in Plat Book 49, at page 100, Public Records of Miami-Dade County, Florida. Said point being the POINT OF BEGINNING of the tract(s) of land herein described; thence run easterly, along the northern lot line of Lot 1 to the point of intersection with the centerline of Bay Road; thence run southerly, along the centerline of Bay Road to the point of intersection with the south lot line of Lot 15 of the BAY LINCOLN SUBDIVISION, recorded in Plat Book 58, at page 86, Public Records of Miami-Dade County, Florida; thence run westerly, along the south lot line of Lot 15 to the point of intersection with the bulkhead line of Biscayne Bay; thence run northerly, along the bulkhead line to the POINT OF BEGINNING. Said lands located, lying and being in the City of Miami Beach, Miami-Dade County, Florida.

Qualification

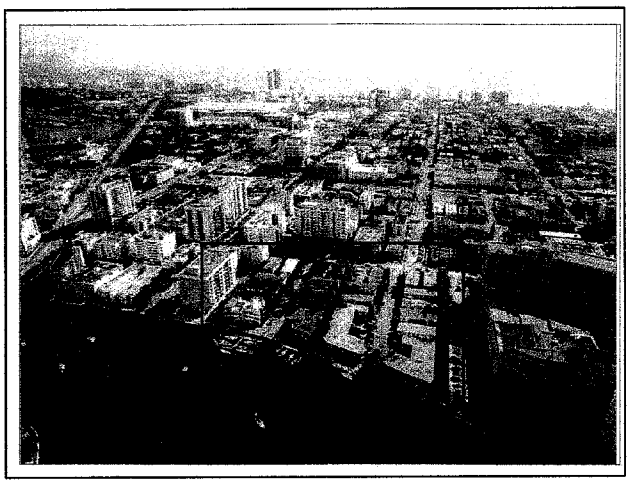
In order for a Neighborhood Conservation District to be officially designated, the area must first satisfy one (1) of five (5) criteria. The proposed Gilbert M. Fein NCD satisfies several of the category requirements for eligibility as set forth in Section 118-704 of the NCD enabling ordinance. Of particular note is the fact that this early Post–War Modern planned residential development remains intact today as it was originally conceived some fifty years ago despite the continuing robust, market driven residential and tourist environment that has come to embody the West Avenue Bay Front area. Whether the existing original enclave is able to remain partially or fully intact or begins to redevelop similarly to the neighboring urban environment to the south, the presence of this quaint, low scale bay front neighborhood has come to symbolize an effort to conserve certain desirable and definable residential qualities that are inherent and clearly apparent in the existing neighborhoods of the west side of south Miami Beach. Any new redevelopment within this subject district should be reflective of that urban tradition.

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

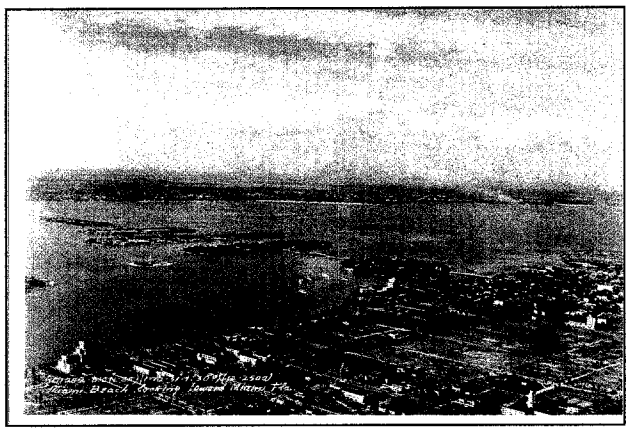
In retrospect, it is Miami Beach developer Carl Fisher (1874-1939) who may be credited as the first visionary to create a distinctive bay front image for the southern end of Miami Beach. In 1918, Fisher's Alton Beach Realty Company filed the Alton Beach Bay Front subdivision. This subdivision spanned from Lincoln Road to just south of 9th Street between Alton Road and Biscayne Bay. On the last day of 1920, Fisher opened his first major hotel, the Flamingo, at 1500 Bay Road on Biscayne Bay. Only a year after the Flamingo Hotel had opened, he added a glass dome to the top of the 11-story hotel. Illuminated at night with changing colors, it was a landmark. In addition to the hotel, Fisher also constructed a series of private



Recent view west over the district.



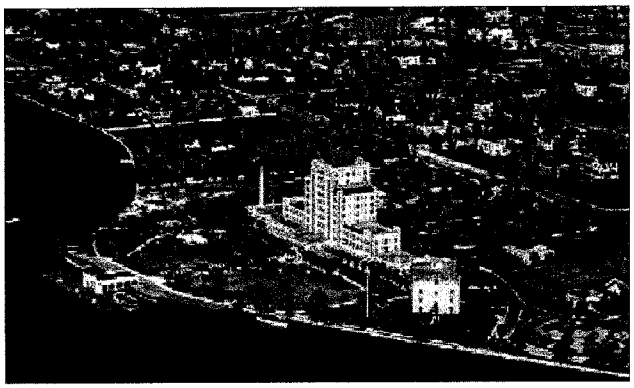
Aerial of the district looking east.



View of the bay front during the late 1920s. Carl Fisher's Flamingo Hotel at center.

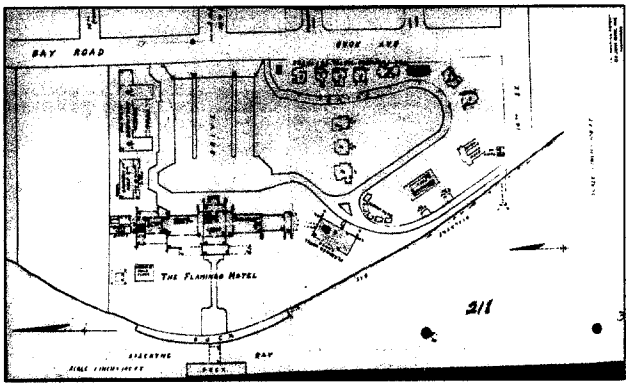
cottages on the grounds.

The Flamingo Hotel with its conspicuous lighted dome helped to lure interest from mainland Miami across the bay to a utopian leisure environment. This opulent hotel was surrounded by private residences and cottages all set within lush tropical gardens. Fisher would later repeat this site design concept in 1923 when he constructed the Nautilus Hotel with nearby cottages just north of 41st Street on the bay. This early planning technique whereby large hotels were surrounded by low-scale garden architecture ensured expansive and desirable views from the hotels.



View north of the Flamingo Hotel , circa 1920s.

Fisher's Flamingo Hotel created a new luxurious image for Miami Beach from a mangrove jungle just years before. It was the first hotel of this size and elegance in Miami Beach. Following the Flamingo Hotel, other developers built two separate major hotels on the bay front south of Lincoln Road: the Fleetwood Hotel at 8th Street in 1924 and the Floridian Hotel slightly south of 6th Street in 1925. The guests of these three grand hotels on the bay had an excellent vantage point for Fisher's motor boat races.



1922 site plan of the Flamingo Hotel.

Just north of the Flamingo Hotel and within the present-day Lincoln Terrace and Bay Lincoln neighborhood, Theodore Dickinson had a large single-family home constructed at 1600 Bay Road around 1922. The approximately 2.5-acre site was located on Lots 4 and 5, and the southern 5 feet of Lot 3, of Block 43, of the Alton Beach Bay Front subdivision. The property was later sold to Bertha Evans around 1932.

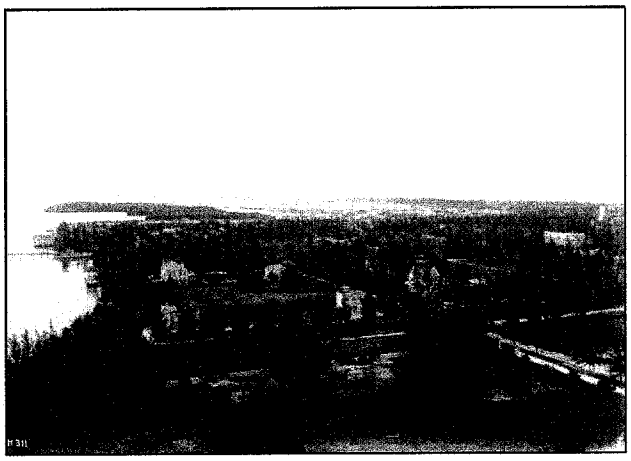
Miami Beach Regatta, 1928.

The area from Lincoln Road to just south of 16th Street between Bay Road and Biscayne Bay was originally zoned for single-family estates. However, by January of 1946, the owners of the vacant land on Lot 2 and the northern 112.9 feet of Lot 3, of Block 43, of the Alton Beach Bay Front subdivision petitioned the City of Miami Beach to rezone their property from single-

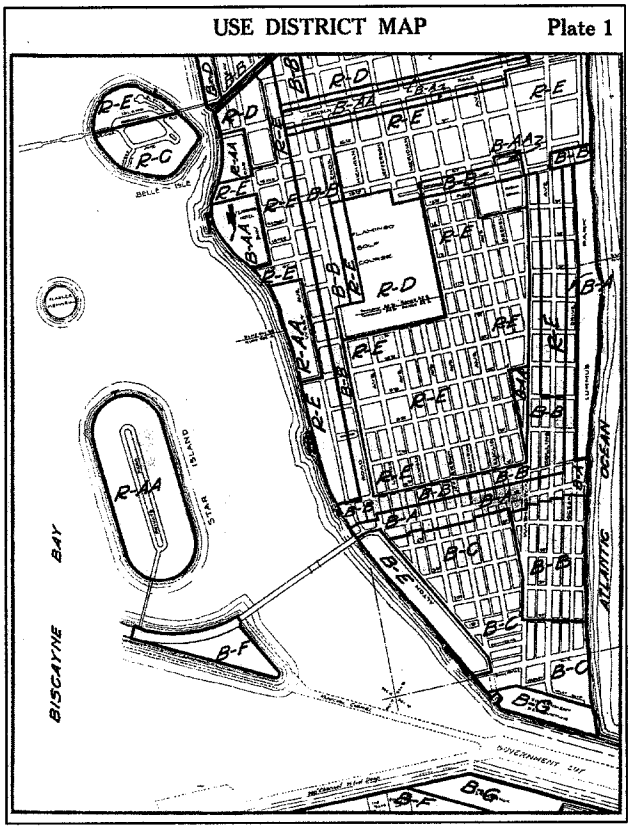
family estate to multi-family. The City expanded the area of their request to include Lots 1 through 5 in order to give proper consideration to the classification of the surrounding property. The petitioners, Leon and Alyce Ell together with Shepard and Ruth Broad, maintained that the neighborhood had changed dramatically, and it was no longer suitable for large singe-family estates due to nearby multi-family and commercial development. Bertha Evans, the then owner of the single-family residence at 1600 Bay Road on Lots 4 and 5, and the southern 5 feet of Lot 3, strongly opposed the rezoning of the area. She argued that the rezoning to multi-family would destroy her property value. Upon recommendation of denial from the Zoning Board of Adjustment, the City Council (now City Commission) denied the petitioners request to rezone the area on April 16, 1947.

In October of 1947, Leon and Alyce Ell together with Shepard and Ruth Broad requested again that the City of Miami Beach rezone Lots 1 through 5, of Block 43, of the Alton Beach Bay Front subdivision from single-family estate to multi-family. Despite objections by Miss Evans and others, the Zoning Board of Adjustment recommended to the City Council to approve the rezoning of Lots 2 through 5 (Lot 1 was excluded) from single-family estate to multi-family because of the changing conditions in the area. It was approved by the City Council on May 19, 1948.

Two years after the area was rezoned, John Myers and Abraham Lefkowitz of the Lincoln-Bay Corporation submitted a permit application to the Building Department. They proposed to replat Lot 2 and the northern 112.9 feet of Lot 3, Block 43, of the Alton Beach Bay Front subdivision into 12 small lots and to build 12 small, low-scale apartment houses on a new cul-de-sac street (Lincoln Terrace). The Building Department initially denied the permit application because the project did not conform to the multi-family setbacks in place at the time. Only upon appeal did the Zoning Board of Adjustment



Bay front estates as viewed north from the Flamingo Hotel.



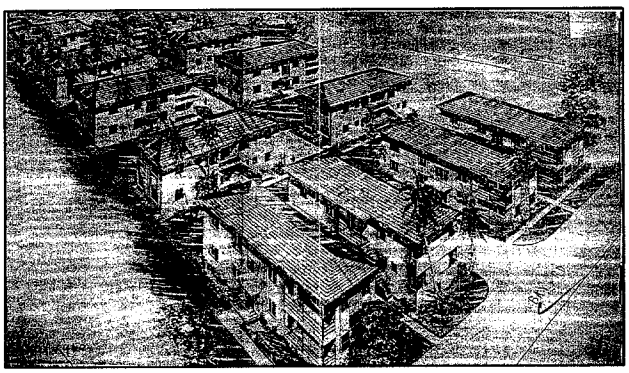
As seen in this map from the 1930 Zoning Ordinance, the present day Fein District was originally zoned single-family estate.

on February 6, 1950, grant setback variances for the construction of the Lincoln Terrace Villas. On March 15, 1950, the City Council approved the resubdivision of Lot 2 and the northern 112.9 feet of Lot 3. The Lincoln-Bay Corporation filed for record the Lincoln Terrace subdivision on April 5, 1950.

In 1954, a permit application by Allen Goldberg, Charles Weinberg, and Colonel N. Rood of the Bay Lincoln Corporation was submitted to the Building Department. They proposed to replat Lots 4 and 5, and the southern 5 feet of Lot 3, of Block 43, of the Alton Beach Bay Front subdivision into 15 small lots and to build low-scale apartment houses on a new cul-de-sac street (the western extension of 16th Street). (The Bay Lincoln Corporation purchased the property at 1600 Bay Road from Bertha Evans around this time.) Similar to the Lincoln Terrace Villas project, the application was initially denied by the Building Department because the project did not conform to the multi-family setbacks then in place. Upon appeal, the Zoning Board of Adjustment granted the setback variances for the construction of the 16th Street Bay Lincoln Development on February 12, 1954 (revised May 7, 1954). The City Council approved the resubdivision of Lots 4 and 5, and the southern 5 feet of Lot 3, on June 16, 1954. Attorney Irving Nathanson, as trustee, filed for record the Bay Lincoln subdivision on June 30, 1954.

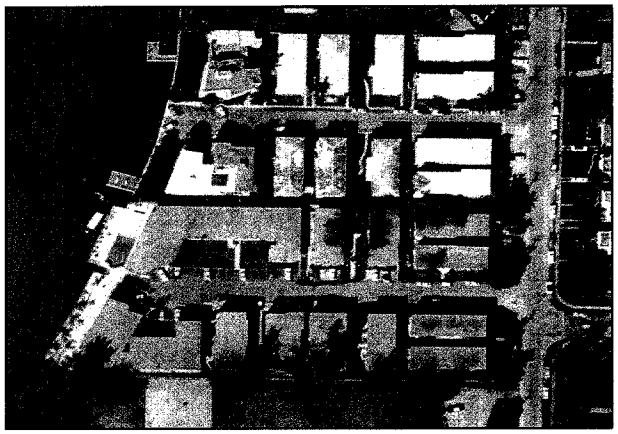
In May of 1954, a permit was issued by the City for the demolition of the single-family residence at 1600 Bay Road (Lots 4 and 5, and the southern 5 feet of Lot 3). Today the only remaining traces of the former estate are two coral rock walls located on the northern and southern lot lines of the property and within the boundaries of the district.

Between 1950 and 1956, there were 24 apartment houses constructed within the Lincoln Terrace and Bay Lincoln subdivisions. Of these 24 structures, 18 were designed by Gilbert M. Fein, three by



Architect's rendering of the Lincoln Terrace Villas, Miami News, 1950.

Coral rock wall existing from the former single-family estate.



Aerial atlas photo of the district, 1959.

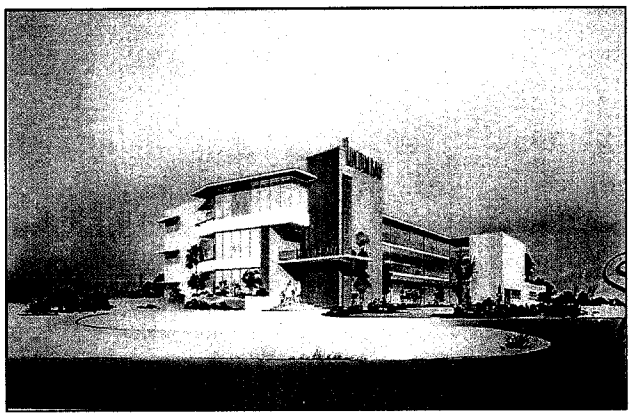
Maurice S. Weintraub, two by Robert M. Nordin, and one by Igor B. Polevitzky. All of these buildings were designed in the Post War Modern or Miami Modern (MiMo) style of architecture.

The Lincoln Terrace Villas and the later 16th Street Bay Lincoln Development, both designed by architect Gilbert M. Fein, are noteworthy in terms of their contribution to the legacy of Miami Beach residential architecture. They represent an early example of an evolving post-war 1950s residential typology in Miami Beach in which the success of increasingly dense PUDs relied on the creation of semi-private outdoor garden space directly adjacent and accessible to each dwelling unit. In this regard, the Lincoln Terrace Villas neighborhood plan of 1950, which consisted of a simple pairing of open porch structures facing each other across tropically landscaped courts, was a predecessor to the later proscenium and catwalk garden style apartments characteristic of the celebrated Miami Modern (MiMo) style.

So too is the architect of this early post-war PUD noteworthy, as Mr. Fein may be credited with being a true master of the new architectural movement, designing some 800 buildings citywide and over 10 percent of all buildings in North Beach. In fact, in addition to Mr. Fein designing 18 of the 24 buildings of the subject two bay front cul-de-sacs, he also designed the neighborhood plan itself with its landscaped side courts and promenade walks. It is for this reason that this bay front neighborhood is proposed to be named in his honor.

2) 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; Satisfied

Further contemplation of the area suggests that the urban planning inspiration for the Lincoln Terrace and 16th Street Bay Lincoln



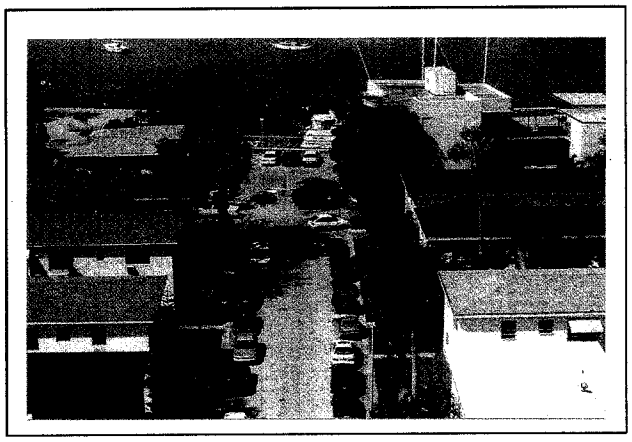
Architectural rendering of 1491 Lincoln Terrace by Igor Polevitzky, built in 1950.

View of shared side courtyards, Lincoln Terrace, 2002.

Post-War Modern/Garden Style Apartment with proscenium entrance feature, Gilbert M. Fein, Architect.

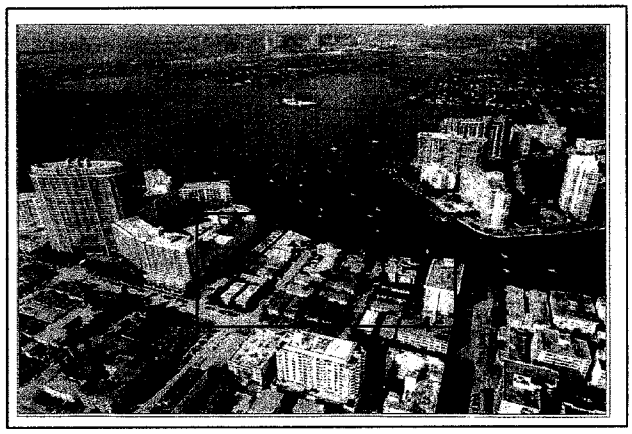
neighborhood may be traced back to the *Neighborhood Unit Concept* as proposed in the writings of Clarence Perry in the late 1920s and 1930s. Perry felt that the natural and landscape benefits commonly associated with the planning of single-family neighborhoods should be brought to all levels of the urban dweller in the hope of assuring neighborly social relationships. In this regard, the redevelopment of single-family waterfront estates into a multi-family waterfront district may be directly associated with the Neighborhood Unit Concept.

Biscayne Bay, arguably the second most valuable natural resource in Miami Beach after the ocean, provides the stage for some of the most stunning views associated with Miami: its aquatic experience, skyline, and sunsets. The bay is the signature feature of Miami Beach's west side, and undoubtedly the focus of the Lincoln Terrace and 16th Street Bay Lincoln neighborhood plan. In fact, the planned residential community was designed along two cul-de-sacs oriented perpendicular to the shoreline, providing desirable view corridors to the Bay from the streets and villas. (In this instance, *villas* is defined as a semi-detached urban residence with a yard and garden space.) This design premise once again strengthens the notion that new apartment neighborhoods and multi-family communities designed to take advantage of major natural landscape features might better foster and solidify healthy social interaction in the urban environment. Furthermore, the bay front properties and their proximity to Lincoln Road identified the neighborhood as a select opportunity to experience an "in town" waterfront lifestyle. A Miami News article, dated April 24, 1950, regarding the Lincoln Terrace Villas states, *"A colorfully tiled kidney shaped pool, overlooking the bay is a unique feature of the villas. A spacious lounge dock fronts the bay for over 50 feet and extends into the water for 25 feet."* Intended for the enjoyment of all tenants, the bay front and its recreational



View west along Lincoln Terrace.

View to Biscayne Bay from 1470 16th Street.



Aerial of the district looking west.

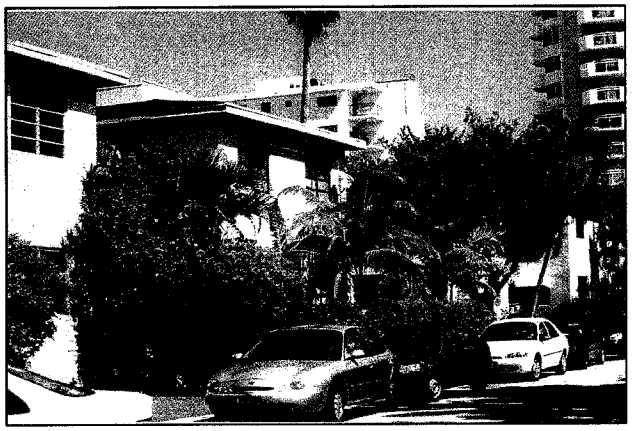
amenities were marketed as a highly desirable aspect of the planned community.

3) ***Specialized commerce. For example, a concentration of residential office, gallery or design districts, or specific economic development objectives; Not Applicable***

4) ***A unique development plan that is specifically noteworthy for its design concept and because it serves the community in some qualitative way; Satisfied***

More than any other single factor, it is the extremely coherent neighborhood plan designed by Gilbert M. Fein for these two developments which defines the district and its intimate low-scale residential character. As noted earlier, the ideology of planned multi-family communities had long been in the psyche of the mainstream American planning disciplines through the writings of Clarence Perry. In works such as Housing for the Machine Age, published in 1939, Perry notes that new multi-family dwellings need to be set in a suitable environment for the proper development of family life, and that apartment houses can create neighborliness through a relationship with usable outdoor space. The Neighborhood Unit Concept was conceived as a new plan for apartment living where convenient accessibility to a common environmental amenity would assure neighborly social relationship. Gilbert Fein's plan for the Villas was designed to embody many of the tenets of social equality. As stated in the Miami News article regarding the economics of ownership within the Villas, *"The buildings, including property, will be available for purchase individually. The buyer would become a stockholder in the corporation which will own the swimming pool and cabana club."* Although conceived with an almost socialist tone reminiscent of Perry's Depression-era Neighborhood Unit Concept and strangely evocative of an early cooperative housing technique, the major impetus for projects such as Gilbert Fein's Villas was to provide decent housing that

View of shared side courtyards, Lincoln Terrace.



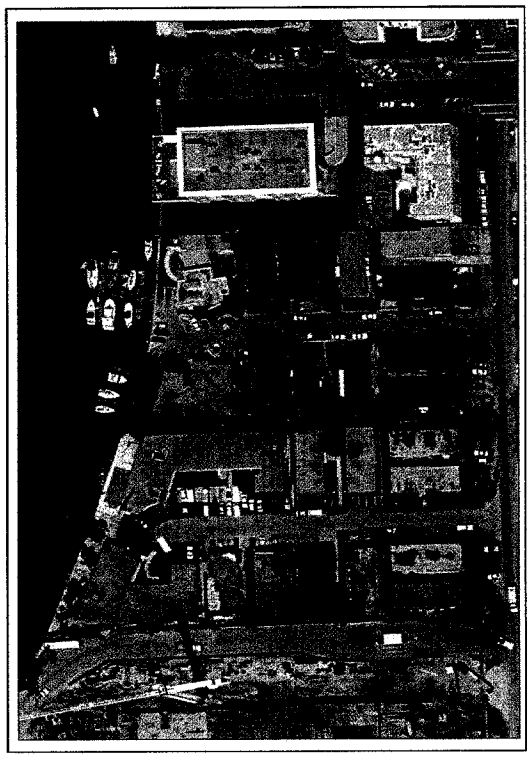
Lincoln Terrace is characterized by a narrow street cross section and low-scale architecture.

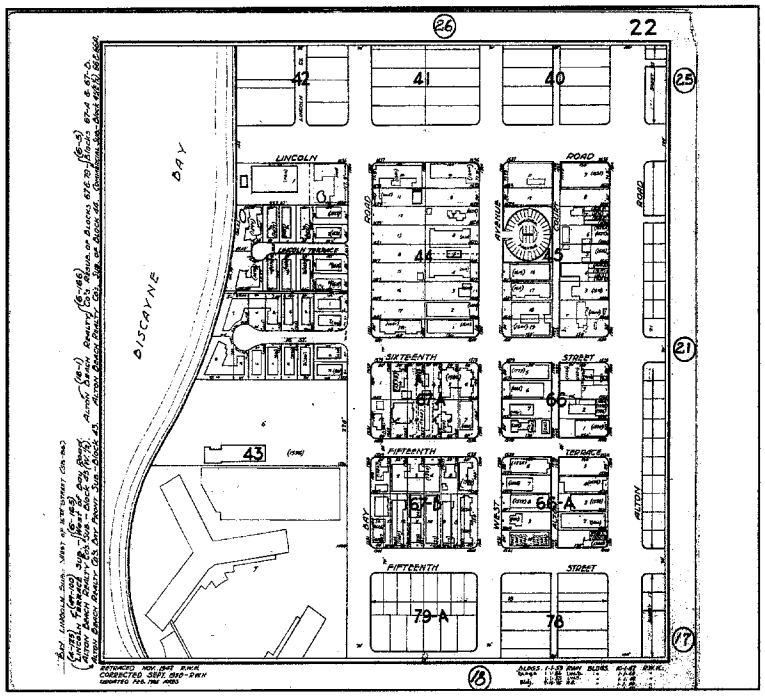
1451 Lincoln Terrace

was modern and economical at a time when it was desperately needed as a result of the post-World War II era housing shortage.

Finally, the Miami News article further states, *"Everything has been planned for indoor comfort and outdoor relaxation. Tropically landscaped promenade walks will stretch between the buildings to give maximum space, privacy and ventilation to all apartments."* More than any other feature of the existing neighborhood, which remains entirely intact today as it was initially built, it is the spirit of a low-scale multi-family apartment unit development, laid out in a simple, pure orthogonal plan around gardens and the bay front that is of great significance and merit to the enduring residential experience of Miami Beach.

5) 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.
- Not Applicable, however, see qualification #2.





Current City atlas and aerial photo of the district, 2002, 2000.

District Ordinance

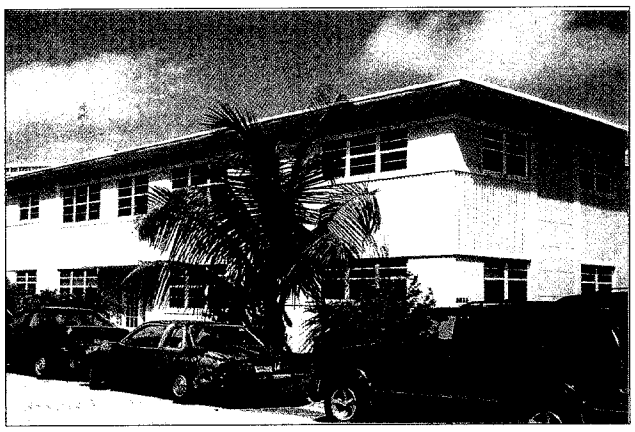
Building Addition, Renovation and Replacement Regulations

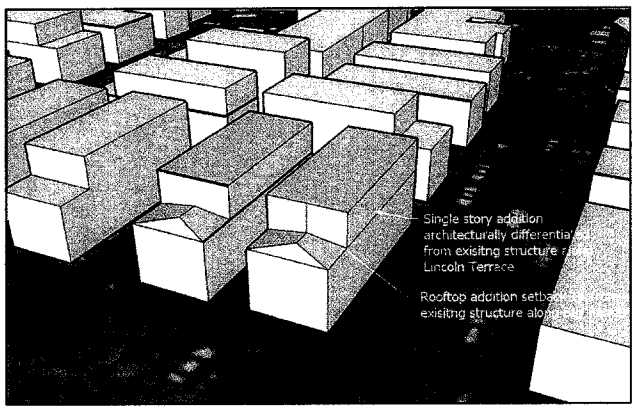
The retention and renovation of the existing structures of the Gilbert M. Fein NCD is strongly encouraged and should be performed in accordance with the Post War Modern/ MIMo Design Guidelines being prepared by the City of Miami Beach. Rooftop and other additions to existing structures are permitted and may not require Design Review Board approval but may be approved at the administrative level when their construction does not call for the demolition of more than ten percent (10%) of the original building envelope to include exterior walls and their appurtenances, such as porches and stairs. Their location, scale and design character shall meet the following criteria:

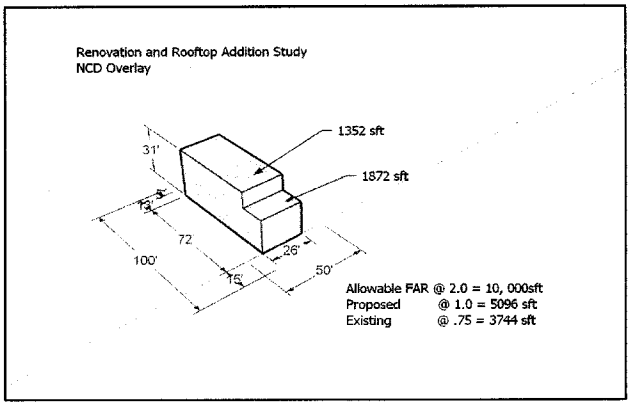
Rooftop additions to existing structures shall be limited to one (1) floor with a maximum floor to ceiling height of ten (10) feet and shall be setback from the front façade fifteen (15) feet. The exception shall be for single story rooftop additions to corner properties located along Bay Road where that portion of the single story addition fronting 16th Street or Lincoln Terrace may be differentiated from the main building façade through design and or setback techniques as reviewed and approved by the Design Review Board in issuing a Certificate of Compliance (COC) for the project.

All other additions outside the original building footprints shall require a minimum lot aggregation as outlined in the following Minimum/ Maximum Developable Lot Regulations section of this NCD ordinance.

Where catastrophic damage to the existing structure warrants substantial or total reconstruction, new construction upon the original 5000 sft. and 5250 sft. lots shall be

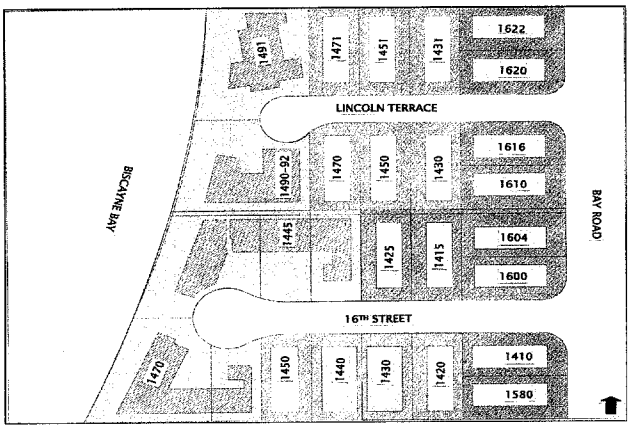






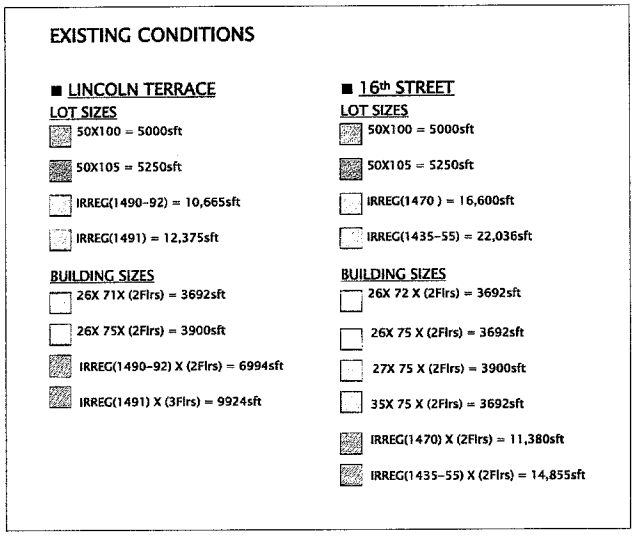
Model depicting the building envelope and square footage requirements for rooftop additions that may be approved administratively.

allowed as provided by Code, however, the allowable square footage shall be the effective square footage of the original building with the allowance of the square footage of a single story rooftop addition or an effective FAR of (1.0), whichever is less, otherwise the new structure shall conform to the Minimum/ Maximum Developable Lot Regulations section of this NCD ordinance.



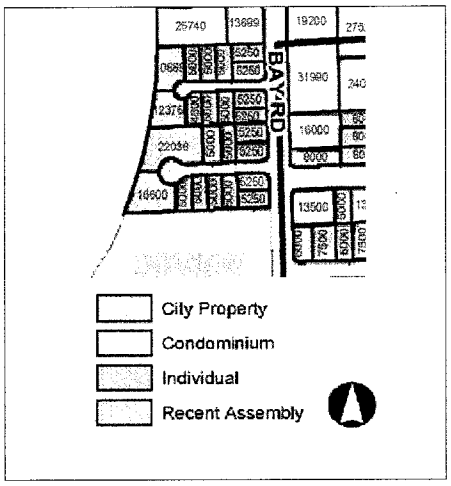
Land Use Regulations

The land use regulations for the G. M. Fein NCD shall be in accordance with the provisions of the underlying RM-2, Residential Multifamily Medium Intensity Zoning District (Code Sections 142-212 through 142-215) as well as the West Avenue Bay Front Overlay District (Code Sections 142-842 through 142-845) as applicable with regard to uses except that commercial and noncommercial parking lots and garages shall not be permitted.



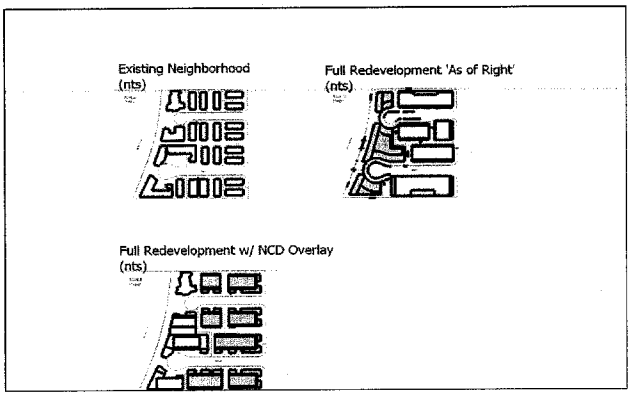
Land Development Regulations

The land development regulations for the G.M. Fein NCD shall be in accordance with the underlying RM-2 zoning parameters with regard to FAR and overall height. However, the NCD designation shall incorporate neighborhood specific height, lot size and building massing setback parameters in order to ensure that new construction is in context with the existing structures within the original planned neighborhood and shall strive to maintain the pedestrian scale, massing and view corridors of the existing planned unit neighborhood to the greatest extent possible.

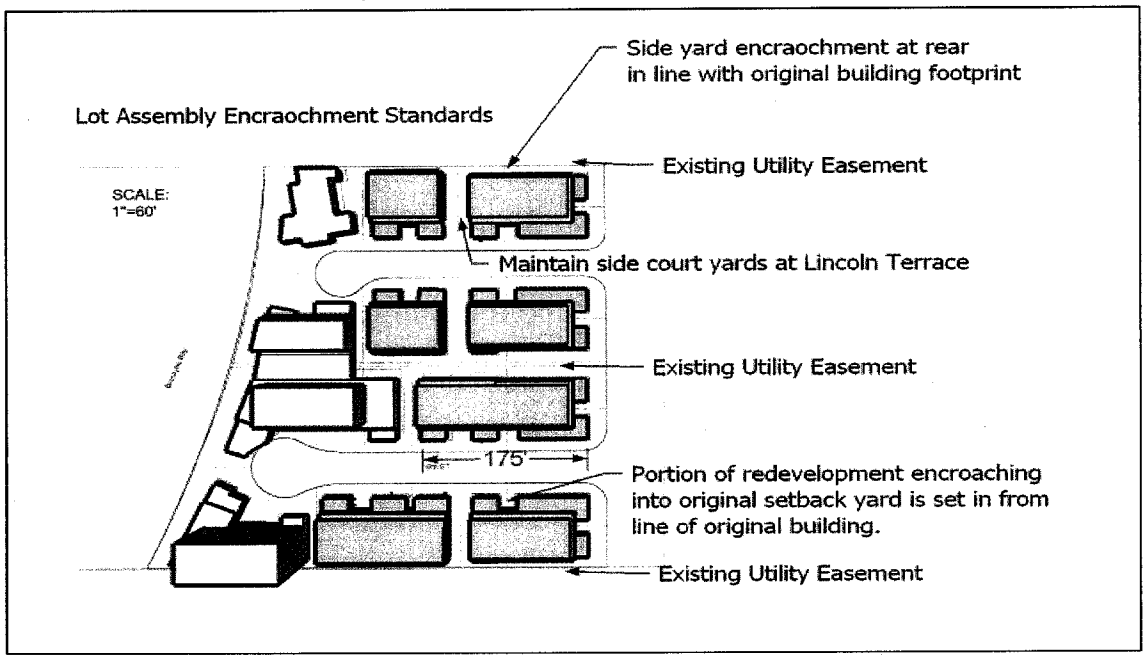


The primary goal in further defining the zoning envelope for new construction in the NCD will be to maintain the low scale neighborhood experience at street level. In general, the lot configuration and building height and setback regulations will be defined as follows:

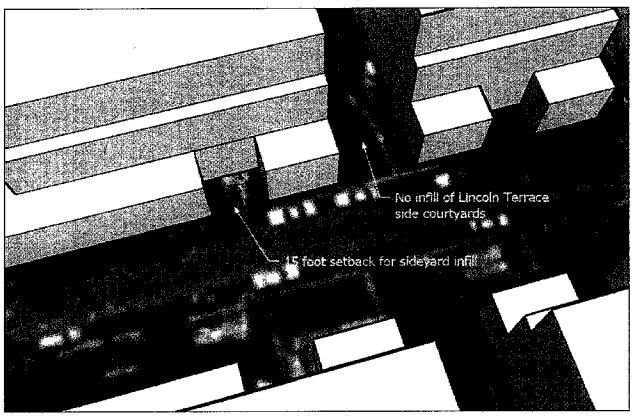
Minimum/ Maximum Developable Lot Regulations



In order to maintain the rhythm and variety of individually owned and maintained structures it is encouraged that the existing minimum lot size for parcels with regard to renovation and additions to existing structures in the G. M. Fein NCD be maintained at 5000 sft. However, in order to address redevelopment scenarios and to establish a minimum lot size requirement in



accordance with the underlying RM-2 development regulations, the minimum lot size for redevelopment will be 10,000 sft. or the assemblage of at least two lots. Lot assemblies shall occur in increments the size of original lot configurations. Lot splits or other redevelopment scenarios which do not respect the original increment of parcelization shall not be permitted. In this regard, the generation of new property ownership lines and the siting of new structures shall be based on original property lines and original building footprint setbacks.



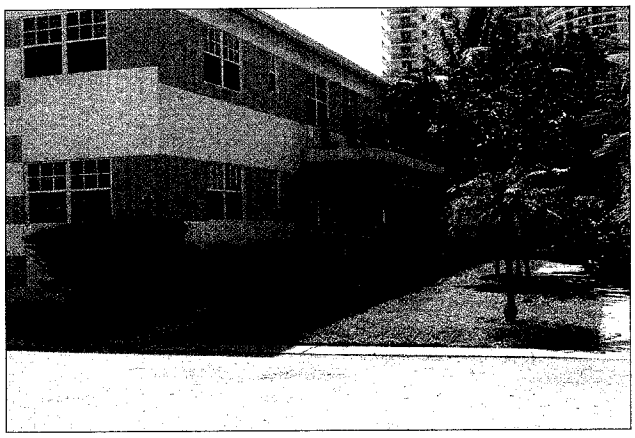
In practice this will require that those

portions of the infill structure which encroach into what was originally a setback yard be set in from the line of the original building footprint generally in the following manner:

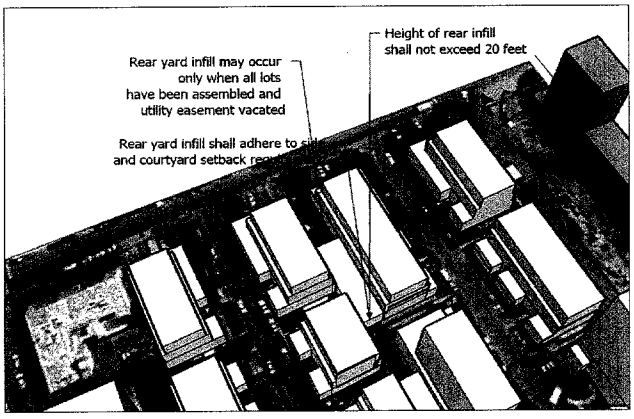
Front and Side Facing a Street
That portion of the new infill structure which encroaches into the area which was originally the side yards between assembled lots shall be setback fifteen (15) feet from the line of the original front or street facing façade.

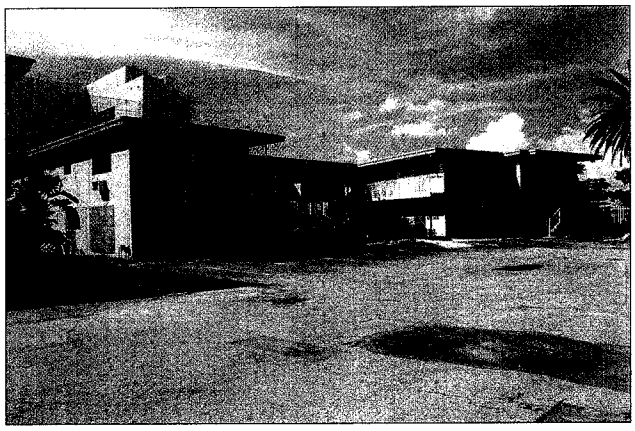
Side
Infill structures fronting onto Lincoln Terrace shall not encroach into those side yards that were originally planned and built as side courtyards providing main circulation routes to the original structures. The side courtyards are generally thirty (30) feet in width and comprised of two (2), fifteen (15) foot side yards and extend to the rear yard setback. Furthermore, the courtyards incorporate the primary entrance elevation of the original structures. This provision shall not apply to the properties fronting 16th Street, however, in all cases the new infill structure shall not exceed (175) feet in length or depth.

Rear
Infill structures shall not encroach past the line of the original rear building setback where a utility easement exists. The exceptions shall be where all of the lots abutting the utility easement have been contiguously assembled and the length of the utility easement is vacated and relocated or where the bay front property rear yards have been contiguously assembled and that portion of the easement can be vacated and relocated without complication to the existing properties abutting the easement. That portion of the new infill structure which encroaches into what was originally the rear yards between assembled lots shall be in line with the side elevation of the original building footprints. The height of this portion of the structure shall not exceed the



Existing Lincoln Terrace courtyard. Primary building facades and entrances occur at courtyards.





Demolition of 1470 16th Street is proposed with the recent Capri on the Bay development agreement.

height of the roof eaves of the original structure, generally (20-22) feet.

Demolition of Existing Structures

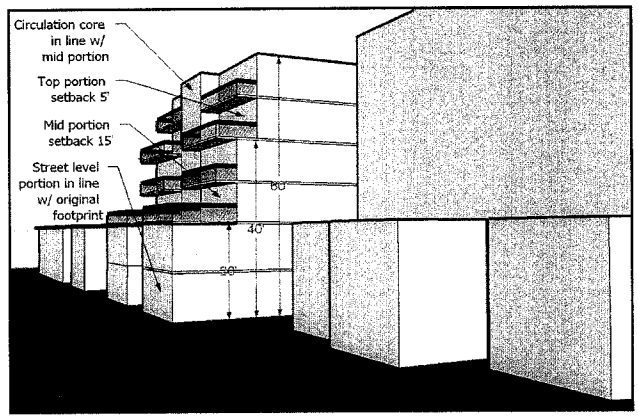
Demolition of existing structures is permitted. However, permits for demolition may only be issued after the Design Review Board or Planning Department staff issues a Certificate of Compliance (COC) for redevelopment, and after the Building Department issues a building permit for the redevelopment. Demolition solely for the purpose of creating vacant land or an at-grade parking lot is prohibited. In the event the demolition of an existing structure becomes part of a parcel assemblage scenario whereby the site of one or more of the existing structures is to be programmed for parking, the design shall follow the regulations as set forth in the Off-Street Parking Regulations section of this NCD ordinance.

Building Setback and Height Regulations

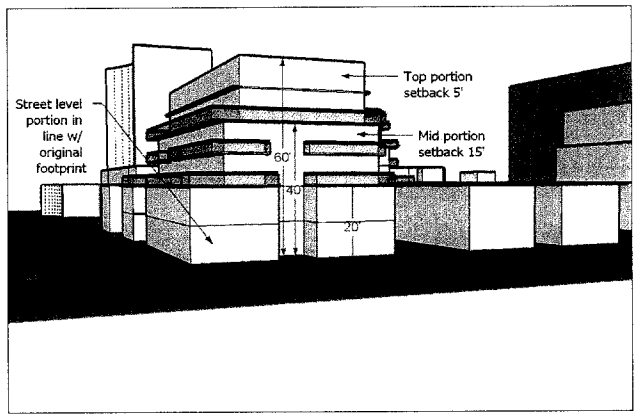
Front and Side Facing a Street

Non-Bay Front Structures

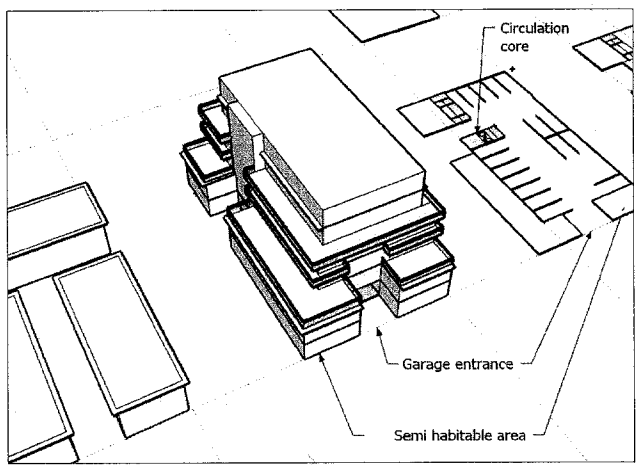
New construction upon the original non-bay front (rectangular) lots of the neighborhood whether assembled through *unity of title* with bay-front lots or not shall be in accordance with the height regulations for non-bay front properties as defined in the underlying RM-2 development regulations and shall be limited to sixty (60) feet in height. The new infill structure shall be set back in line with the front elevation of the original building footprint to a depth of fifteen (15) feet. Where retention of the street facing portion of the original structure is proposed, the depth shall be that of the main front room of the original structure as determined by the Planning Director or his designee and not less than fifteen (15) feet in depth. In both instances the height of the front portion shall remain consistent with the height of the roof eaves of the original structure, generally (20-22) feet. Those portions of the new structure greater than (20-22) feet in height but less than forty



Model depicting front yard setback regulations applied to 1450-70 Lincoln Terrace.

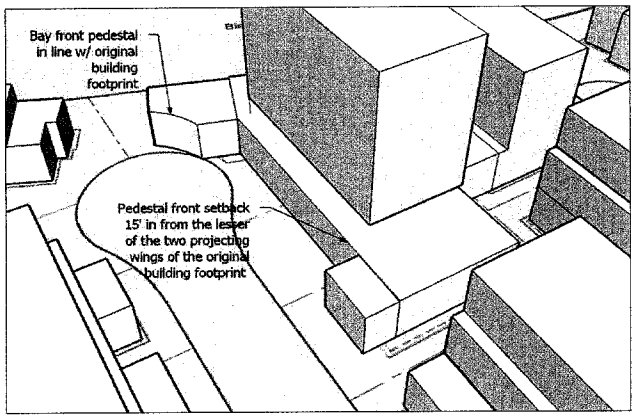


Model of front and side yard facing a street setback regulations applied to 1600-04 Bay Road/ 1415 16th Street.



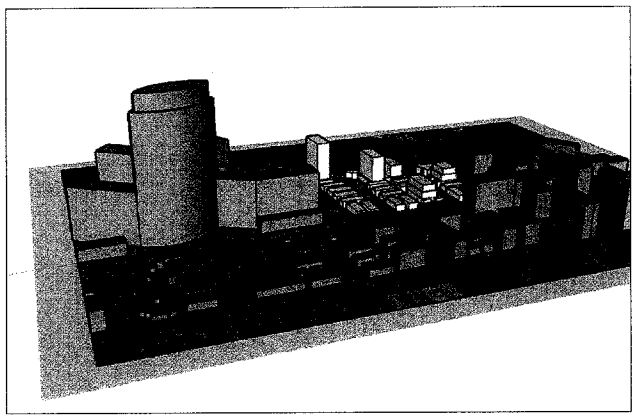
Model depicting 1600-04 Bay Road/ 1415 16th Street original building footprints with potential RM-2 infill and ground floor building program.

(40) feet in height may rise from the above noted setback depth. Those portions above forty (40) feet shall be further setback from the mid-height portion of the structure by an additional minimum depth of five (5) feet. Thirty percent (30%) of the front elevation above forty (40) feet may remain in line with the mid-portion setback in order to accommodate the circulation core of the structure. The new structure shall include habitable or semi-habitable space facing the street which is, at a minimum, fifteen (15) feet in depth and encompasses the full height of the base volume. Parking shall be accommodated within the building envelope as identified in the Off-Street Parking Regulations section of this NCD ordinance.



Bay Front Pedestal

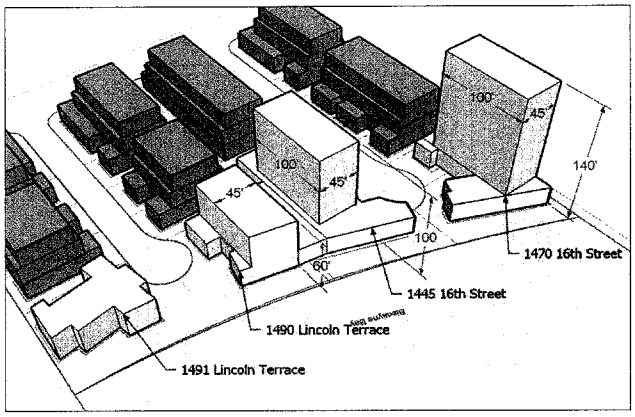
The pedestal portion of new construction which is sited upon the original irregular lots adjacent to Biscayne Bay shall follow the line of the original building footprint to a depth of fifteen (15) feet measured in from the lesser of the two projecting wings at the front. The pedestal shall be constructed to a height consistent with the height of the roof eaves of the original structure; generally (20-22) feet and shall include habitable or semi-habitable space fronting the street which is, at a minimum, fifteen (15) feet in depth and encompasses the full height of the volume. Parking shall be fully subterranean to the greatest extent possible as identified in the Off-Street Parking Regulations section of this NCD ordinance.



Neighborhood context model viewed west depicting taller bay front tower height located to south.

Bay Front Tower (s)

Where a contiguous assembly of the original irregular bay front lots has produced a development parcel in excess of 45,000 sft., along the bay front, all portions of the new structure above the (20-22) foot pedestal shall be limited to towers no greater than forty-five (45) feet in width and one hundred (100) feet in depth and not located within seventy (70) feet of any adjacent construction over sixty (60) feet in height. The longer dimension of the tower



Full redevelopment model delineating bay front tower regulations.

shall be oriented on an east west axis and designed to the following parameters at the following original address locations:

- 1470 16th Street - The maximum height shall not exceed (140) feet and shall be located to the southwest corner of the pedestal.

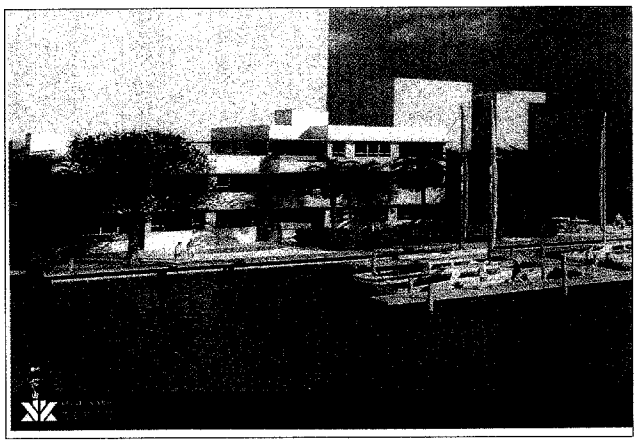
- 1445 16th Street - The maximum height shall not exceed (100) feet and shall be centered within the pedestal.

- 1490 Lincoln Terrace - The maximum height shall not exceed sixty (60) feet and shall be centered within the pedestal.

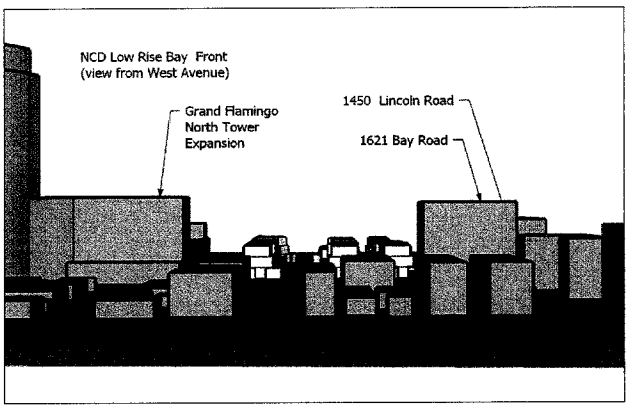
- 1491 Lincoln Terrace - Preservation and rehabilitation of the existing structure consistent with the special historic character of the original building shall be required when assembled under *unity of title* with other bay front lots , otherwise, the maximum height is limited to sixty (60) feet coupled with the setback parameters as set forth for non-bay front lots. However, demolition of all or portions of the existing structure may be subject to further review and may not receive approval if determined to be of merit by the Design Review Board.

Bay Front Low Rise Development

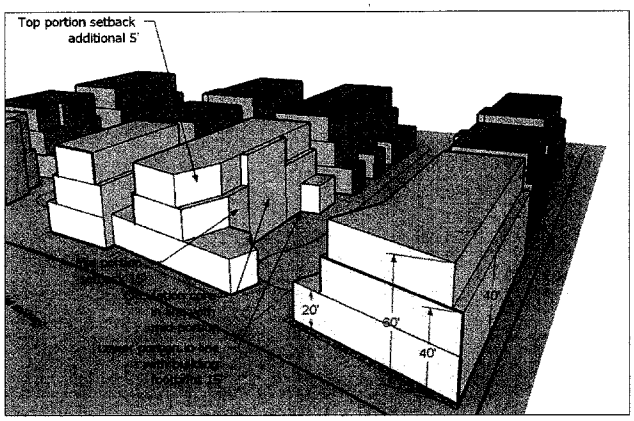
Similar to the setback regulations for non bay front lots, new low rise construction which is sited upon the original irregular lots adjacent to Biscayne Bay shall be limited to sixty (60) feet in height. The pedestal of the new structure shall be set back in line with the front elevation of the original building footprint to a depth of fifteen (15) feet, measured in from the lesser of the two projecting wings. Where retention of the street facing portion of the original structure is proposed, the depth shall be that of the main front room of the original structure as determined by the Planning Director or his designee. In both instances the height of the front portion shall remain consistent with the height of the roof eaves of the original structure, generally (20-22) feet. Those portions of the new structure greater



Architect's rendering of rehabilitated 1491 structure as viewed from Biscayne Bay.



Neighborhood context model viewed west depicting low rise bay front redevelopment.



Full redevelopment model delineating low rise bay front regulations.

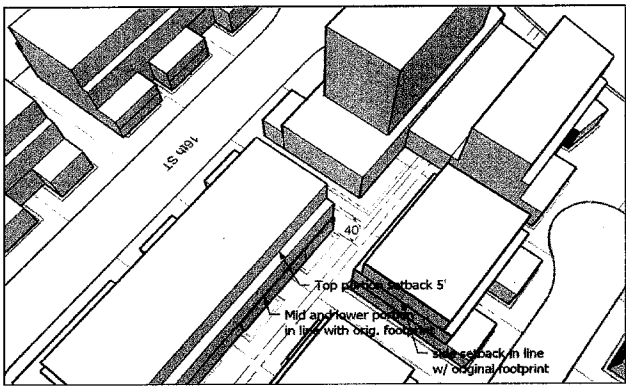
than (20-22) feet in height but less than forty (40) feet in height may rise from the above noted setback depth. Those portions above forty (40) feet shall be further setback from the mid-height portion of the structure by an additional minimum depth of five (5) feet. Thirty percent (30%) of the front elevation above forty (40) feet may remain in line with the mid-portion setback in order to accommodate the circulation core of the structure. The new structure shall include habitable or semi-habitable space facing the street which is, at a minimum, fifteen (15) feet in depth and encompasses the full height of the volume. Parking shall be fully subterranean to the greatest extent possible as identified in the Off-street Parking Regulations section of this NCD ordinance.

Courtyard elevations for new infill structures shall be developed as primary entrance elevations similar to the existing structures.

Side Setbacks

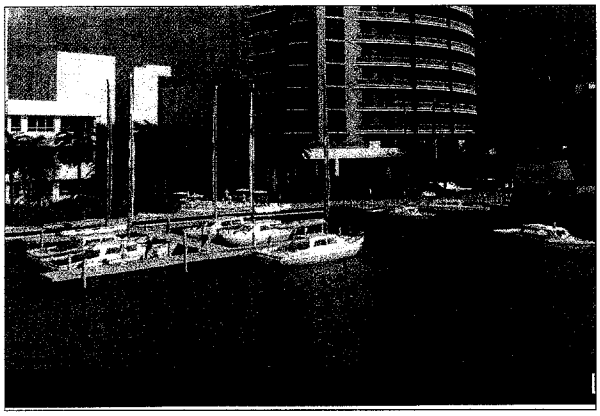
Non-Bay Front Structures

The side elevations of new construction sited upon the original rectangular lots of the neighborhood shall be designed to follow a setback in line with the original building foot print, which may be as great as fifteen (15) feet for side elevations which were designed to be primary elevations or as little as five (5) feet for secondary elevations. The design of new side elevations should be developed to relate to the elevation of the original building in terms of its architectural hierarchy of importance, (i.e. primary vs. utilitarian).



Bay Front Structures

The side elevation for new construction upon the original irregular lots of the neighborhood shall be designed to follow a setback in line with the original building foot print to a height consistent with the height of the original structure. Similarly, those portions of the pedestal facing the bay shall be setback to a depth in line with the footprint of the original buildings; generally thirty (30) feet, and shall include habitable or semi-habitable space encompassing the full height of the volume.

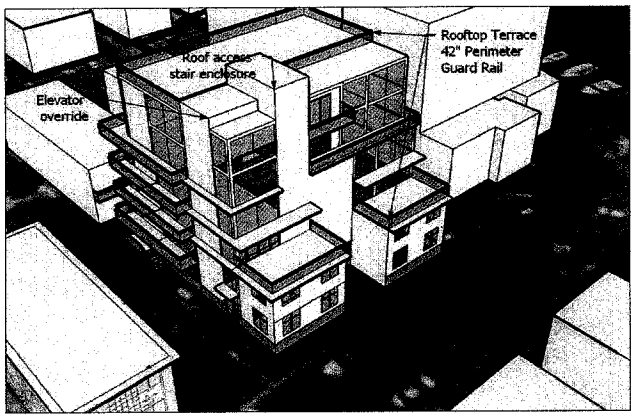


Architect's rendering depicting an improved level of public amenity along the bay front.

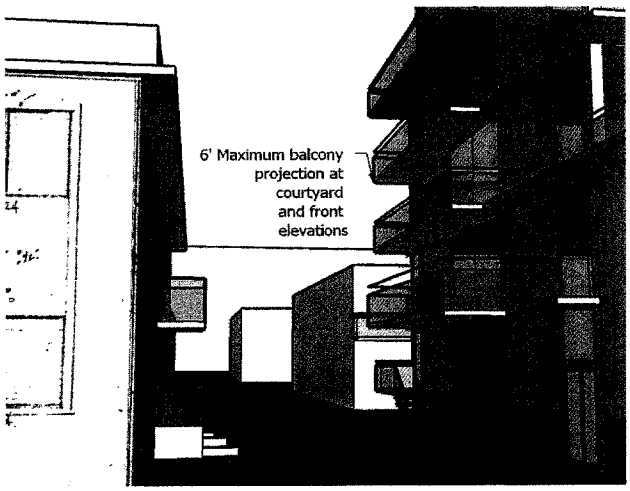
Rear Setbacks

Bay Front and Non-Bay Front Structures

Rear elevation setbacks for new construction shall follow the line of the original building footprint to a height not to exceed forty (40) feet. Those portions above forty (40) feet shall be set back an additional five (5) feet.



Biscayne Bay
Variance from the Biscayne Bay Management - Shoreline Development Review Criteria regarding setbacks from the Bay may be supported where new construction at the rear of the original irregular lots is designed in accordance with the aforementioned building setback and height regulations and where significant view corridor and public access are provided to the bay front from both Lincoln Terrace and 16th Street.



Supplementary District Regulations

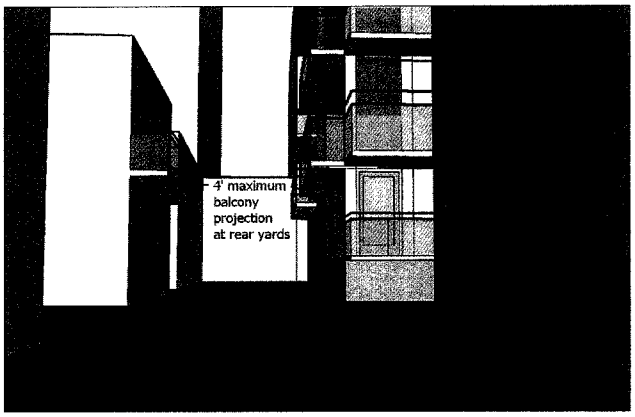
Bay Front and Non-Bay Front Structures
Rooftop terraces shall be permitted and projections shall be limited to the following:

- A perimeter guard rail, simple and transparent in design, shall be provided and the height shall not exceed the minimum Code requirement of (42) inches.

Rooftop terrace projections above the maximum height limit shall be limited to the additional following:

- One roof top elevator override when necessary not to exceed (42) inches in height when located along an exterior wall or one elevator enclosure pursuant to Section 142-1132(o) of the Code when located to the center of the building footprint and not to exceed ten (10) feet in height.

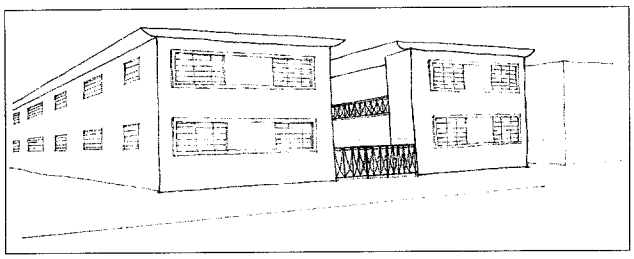
- One rooftop access stairwell enclosure provided pursuant to Section 142-1132(o) of the Code not to exceed ten (10) feet in height.



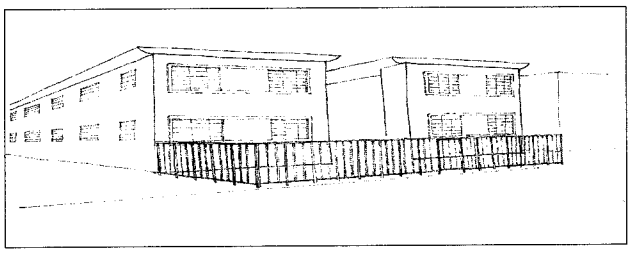
- All further rooftop projections other than landscape material shall be limited to mechanical, electrical, HVAC and satellite telecommunications equipment whose rooftop location is explicitly required by Code and shall be located to the center of the building footprint and adequately screened from view in accordance with Design Review Guidelines and procedures.

Balcony projections shall not exceed six (6) feet from the building face from which they are accessed at the front, bay front, primary side courtyard and side yard facing a street elevations and shall not exceed four (4) feet from the building face at non-primary side and rear yard elevations.

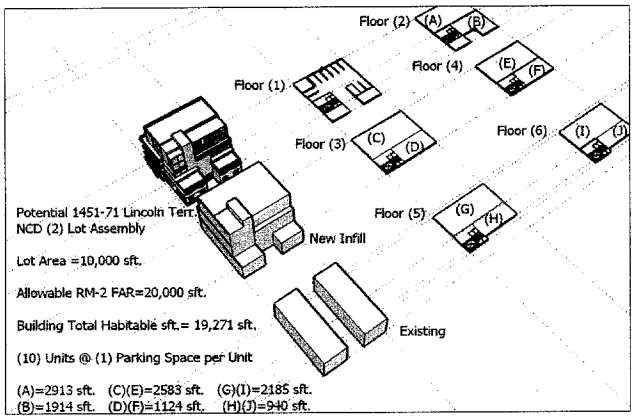
Fences and walls located within the front yard or side yard facing a street shall be set back behind the original building footprint a minimum of one (1) foot and shall not exceed six (6) feet in height. Fencing at the rear and side yards shall retain and preserve the original existing coral rock walls within the utility easement areas and new fencing shall not exceed six (6) feet in height where permitted. Fences and walls which divide the entrance courtyards shall be prohibited. In all instances the design of new fences and walls shall follow the Design Guidelines for Post War Modern/ MiMo structures.



Recommended



Not Recommended



Off-Street Parking Regulations

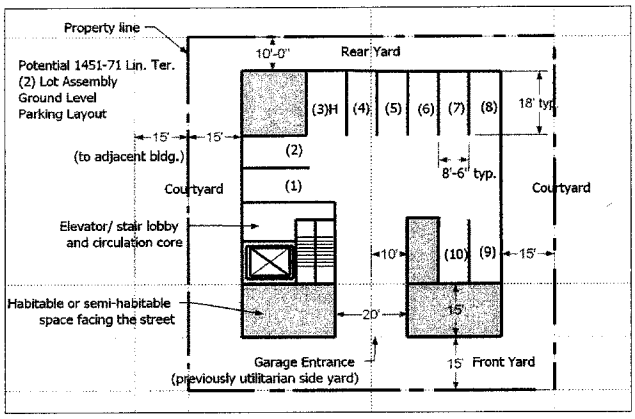
The off-street parking requirements for structures located in the G.M. Fein NCD shall be as follows:

Existing structures and reconstruction of existing structures

- No requirement, zero (0) spaces per unit.

Additions to existing structures

- No requirement, zero (0) spaces per additional unit provided no more than ten percent (10%) of the original structure is demolished.



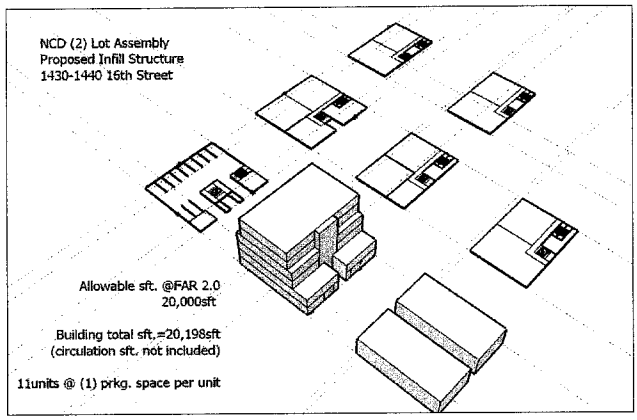
New construction within the G.M.Fein NCD

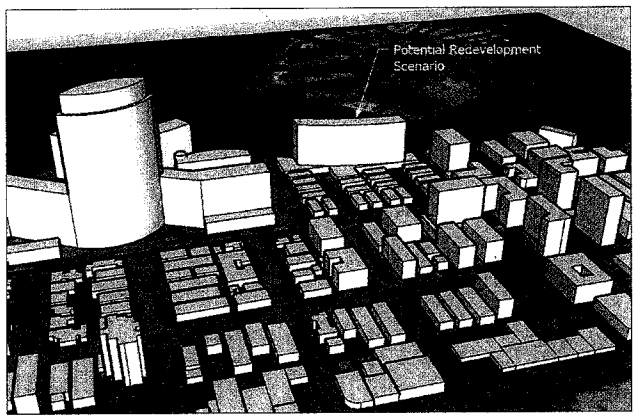
- Assembled lots under 45,000 sft. – One (1) space per unit where the front portion of the original structure has been retained pursuant to the Front Setback Regulations section of this NCD ordinance. Otherwise, two (2) spaces per unit with the provision that the development may reduce the requirement to one (1) space per unit through participation in the Parking Impact Fee Program as outlined in Section 130-131 of the Code and the fee shall be captured for the intent purpose of upgrading and maintaining the Neighborhood Streetscape as outlined in the Streetscape Improvement Plan recommendations of this NCD.

- Assembled lots over 45,000 sft. – Two (2) spaces per unit with further provision that parking shall be fully subterranean to the greatest extent possible.

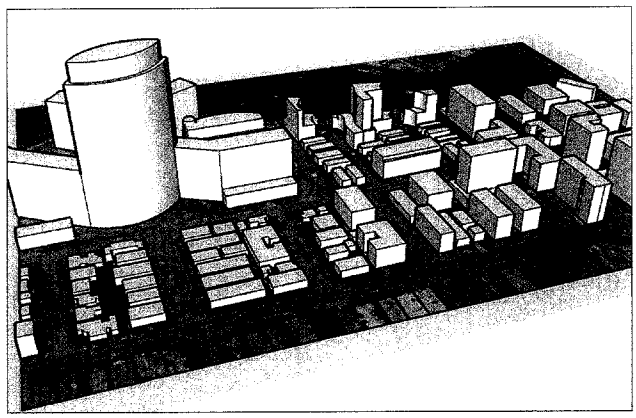
In general, off-street parking shall be designed to occur within the structure and may be incorporated into the envelope of existing structures. The parking pedestal shall incorporate enclosed habitable or semi-habitable space facing the street which follows the footprint of the original building and is consistent with the height of the original structure upon that parcel and shall be designed to a minimum depth of fifteen (15) feet or equal to that of the front room of the original structure as outlined in the Building Height and Setback Regulations section of this NCD ordinance.

Garage entry locations shall be located within the recessed portion of the infill structure occupying the original side yard between building footprints. The exception will be where an assembly of 1430 and 1440 16th Street occurs and the side yard between the two original building footprints does not allow the minimum eleven (11) foot driveway, therefore dictating access to occur within the projecting front portions of the two lot assembly.





Example of the type of redevelopment scenario which should not be permitted (above) as compared to the an example which maintains the view corridors (below).



Conservation of View Corridors

The existing view corridors to Biscayne Bay from the public rights-of-way of 16th Street and Lincoln Terrace shall remain completely unimpeded visually and physically and free of building structures in accordance with Section 33D-38(D) of the Biscayne Bay Management, Shoreline Development Action Review Criteria regarding visual corridors. Recreational structures which may encroach into the view corridors shall be limited to pools and other at grade surface features as defined in Section 142-1133 of the Code.

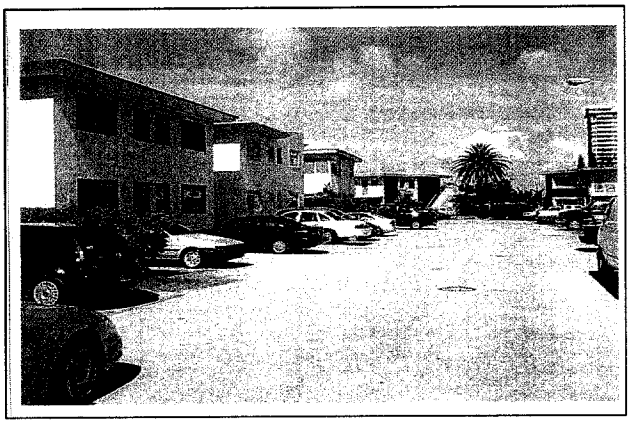
Conservation of the Cul De Sac Street Plan

Requests for the Vacation of Lincoln Terrace or 16th Street from Bay Road to Biscayne Bay or any portion thereof these *cul de sac* streets shall be prohibited.

Streetscape Improvement Plan

Summary of Planning Activities

Pursuant with the Objectives section of this NCD, the Planning Department has identified the following neighborhood streetscape and parking plan as the most practical and amicable method toward improving the existing street conditions. The current informal parking conditions occurring most notably along the 16th Street *cul de sac* can be said to be the most prominent factor contributing to an overall negative perception for the area. In addressing this issue in a comprehensive manner, staff began to research potential design solutions which could accommodate the existing parking configuration while improving and beautifying the open space experience. The initial premise suggested that the favored method would undoubtedly involve an integration of the private front yard area and the public-right-of-way into a unified and functional space. The most compelling prototype identified was that of the parking court concept commonly utilized throughout Europe and most



16th Street existing condition

Rendering of the 16th Street/ Lincoln Terrace Shared On-Street Parking Court Concept

A "*Woonerf*" in Holland

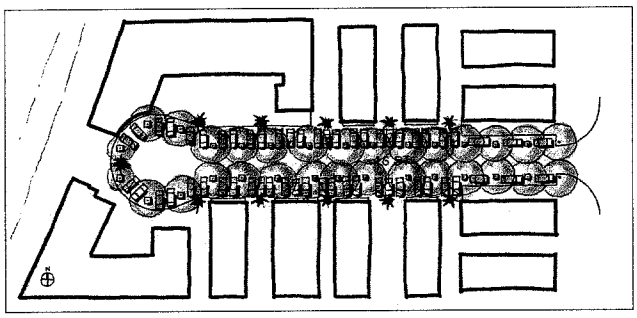
notably in the Dutch *"Woonerf"* or ("Street for living"). This particular street is created to be a common space shared by pedestrians, bicyclists, and low speed motor vehicles. Typically the streets are designed without curbs and sidewalks, and vehicles are slowed by placing trees, planters, parking areas, and other obstacles in the street. Motorists become the intruders and must travel at very low speeds below (10) mph. This makes a street available for public use that is essentially only intended for local residents. This approach is particularly appropriate to Lincoln Terrace and 16th Street west of Bay Road because both of these streets are relatively short *cul de sacs.*

The concept was then developed into a series of illustrative renderings to be presented to the property owners with prior affirmation from City officials. It was accepted favorably at all of the neighborhood public meetings and was viewed as a significant and creatively positive component of the proposed Neighborhood Conservation District. Staff has since been further developing the concept interdepartmentally and in coordination with developers to effectively implement this planning strategy so vital to the successful evolution of the proposed district.

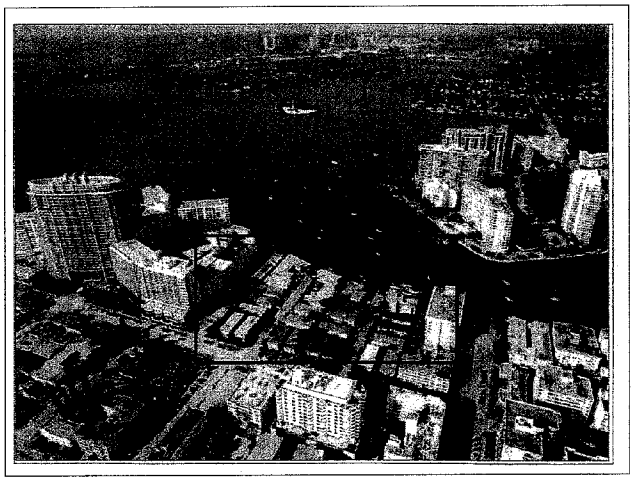
Current Conditions, Purpose and Scope

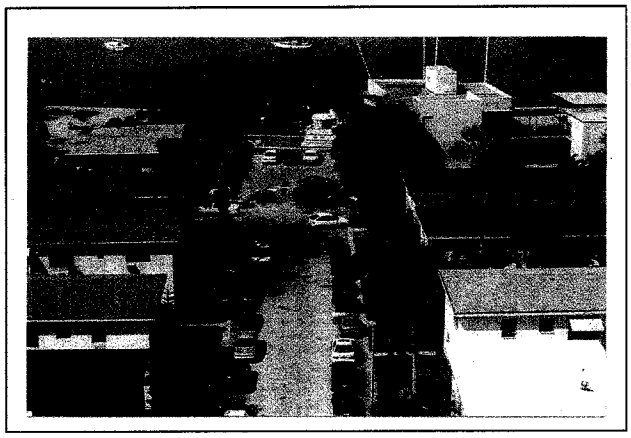
As stated previously, the proposed Gilbert M. Fein Neighborhood Conservation District consists of a planned unit development of twenty-four (24) low-scale apartment buildings assembled onto two *cul de sac* streets.

The first of the *cul de sac* streets, Lincoln Terrace is characterized by a (30.8') foot wide right-of-way extending west from Bay Road approximately (255') feet and terminating in a (50') foot wide circle. The configuration of the street remains intact today as it was originally constructed with a concrete sidewalk approximately (4") inches in height and (18") inches in width



Initial concept plan for the 16th Street shared parking court.



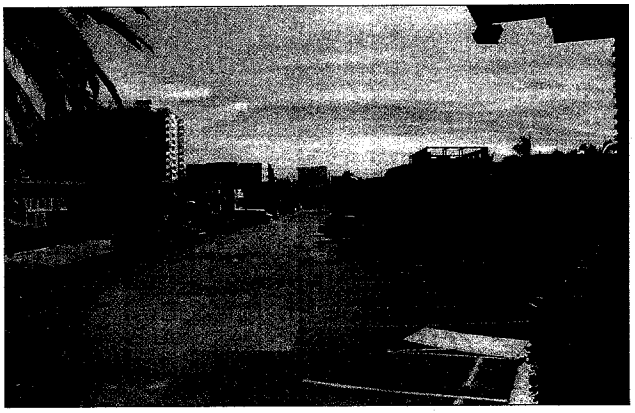


Lincoln Terrace existing condition view west

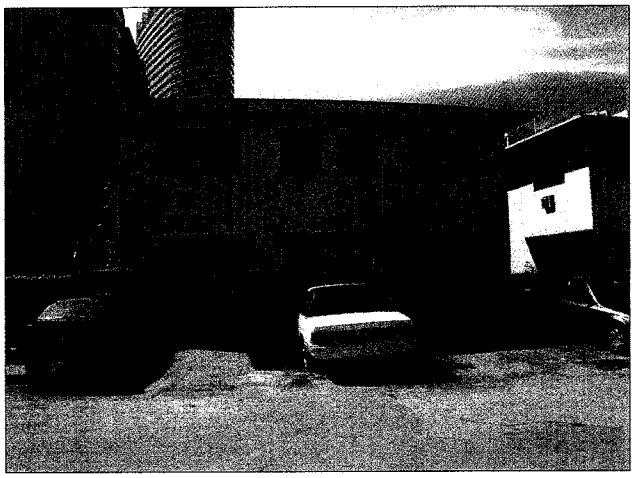
flanking both sides of the asphalt roadway. Parking is configured parallel to the curb on both sides of the street thus reducing the effective travel lane to (13.8') feet or one-way traffic and therefore does not conform to the current Code. In addition to the parallel parking pattern along the street, the bay front terminus is characterized by an expanse of asphalt constructed from the *cul de sac* to the seawall to accommodate private off-street parking.

The second *cul de sac* street, 16th Street is characterized by a (36.9') foot wide right-of-way extending west from Bay Road approximately (331') feet and terminating in a (50') foot wide circle. The current configuration of the street is indicative of a poorly defined edge between the private property zone and the public roadway. The disintegration of this line has over time produced a condition of informal parking, generally perpendicular in orientation, with little regard for landscape improvements or other aesthetic considerations. Furthermore, those bay front properties located at the terminus of the 16th Street *cul de sac* have included additional tandem spaces further generating an unmitigated expanse of asphalt and autos.

The purpose of the planning effort for both *cul de sac* streets will be to refine the existing circulation and better structure the parking patterns while improving the overall aesthetic image of the neighborhood through landscape and hardscape beautification. The reconfiguration for Lincoln Terrace will not be similar to 16th Street because the narrow cross-section of Lincoln Terrace functions in an entirely different manner and is in fair condition. The primary effort will be to bring Lincoln Terrace into Code compliance with regard to travel lane width and to beautify the roadway and its terminus through landscape, hardscape and public access to the bay front. With regard to 16th Street, the planning and design initiative will be more significant and involve a full streetscape reconfiguration.



16th Street recent view east.



16th Street informal parking condition.

BAY FRONT CUL-DE-SAC
PARKING SURVEY
07.31.02

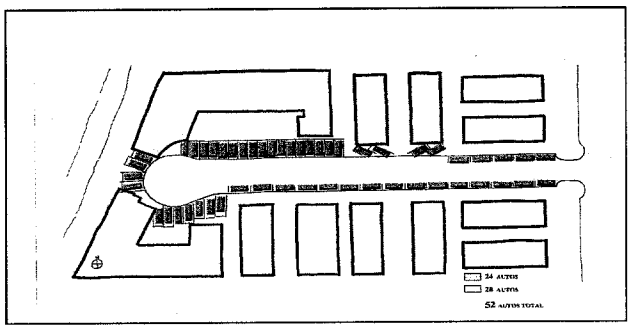
	9:30am	1:00pm	4:30pm	8:00pm	11:30pm	Average
16TH Street	48	41	41	46	57	47*
Bay Road	19	19	12	20	25	19
Lincoln Terrace	35	31	34	48	49	39
Total	102	91	87	114	131	105

* Parking count for courtyard concept on 16th Street is 53 autos total.

Analysis and Recommendations

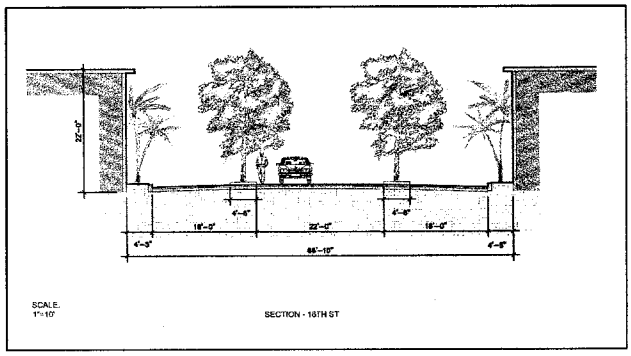
In collecting the necessary data for this project, two factors needed to be addressed in order to achieve a viable plan. The first involved accepting the reality that autos must be accommodated into the plan to a high degree based on both legally *permitted* and existing *non-permitted* conditions. The second factor involved the accommodation of that number into an efficient and aesthetically pleasing arrangement. Referring to the chart on the preceding page, a windshield survey of the parking conditions along both streets was performed at several times throughout the mid-week day of Wednesday and the findings suggested that the highest counts occurred in the evenings after 11:00 pm. In this regard, the task then centered on accommodating as many of the (57) autos associated with 16th Street at peak hours into a parking plan which would equitably and attractively permit to some degree the existing configuration. To this end, a review of the City's building permit records revealed that only two properties did indeed have *permitted* off-street parking in the front yard setback; generally (2) spaces, and that all other off-street spaces were in fact *not permitted.* The exception was that of the bay front properties which had a total of (28) permitted spaces but over time had informally increased that number to (36) through the addition of tandem spaces. All other spaces were originally to be on-street therefore bringing the total legal count to (52).

In creating a concept plan for 16th Street the ideal would have called to restore the (15') feet of landscaped lawn areas to the front yards of all of the buildings. Instead, the intention was to foster the economic viability of the existing structures by taking a more practical view toward parking in this dense urban environment *(see Unit Count and Parking Requirement - Appendix 'II')* and thereby embracing, to a certain extent, the existing pattern of perpendicular parking. The logic of this approach was



Permitted parking layout
(yellow indicates parking associated with 1445-1470 16th St. Street)

City of Miami Beach aerial atlas, 1959.

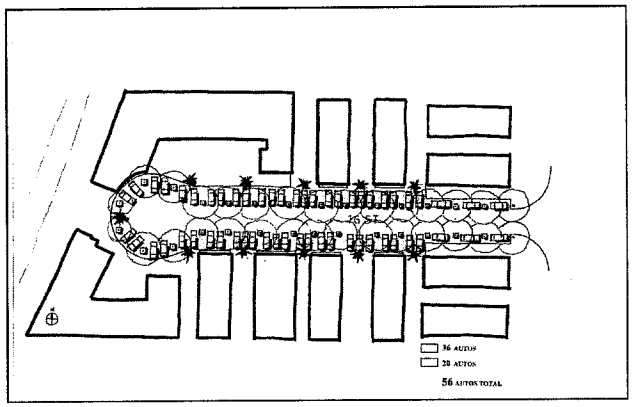


Proposed 16th Street cross section.

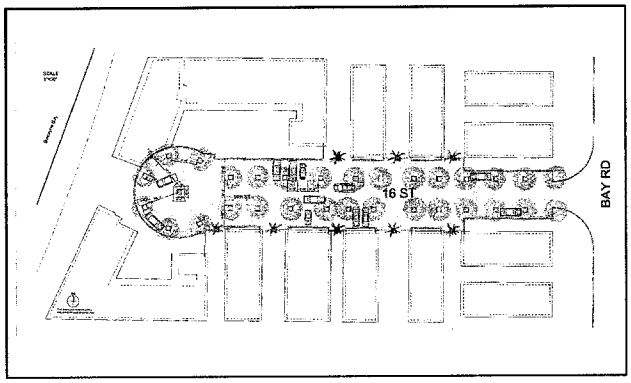
further based on findings from research into aerial photos of the neighborhood which revealed that parking had been occurring in this manner as early as 1959; effectively the beginning of the development. In particular, the 1959 aerial photos suggests that the layout was very similar to that of today except that it was more formalized in terms of a definition between public and private zones.

In developing the parking court concept, staff devised a technique whereby the entire street cross-section from building face to building face would be comprehensively planned to efficiently accommodate and beautify the neighborhood streetscape. The concept would involve a hardscaping technique in which the roadway would be designed with the same decorative approach as that of the off-street parking area. Not unlike the existing condition, this would require a shared approach to the open space realm whereby some of the public improvements would be accommodated on private property and conversely some of the private improvements accommodated on public property. It is important to note that with this proposed scheme the creation of landscaped areas adjacent to the building and interspersed within the parking zones is crucial to the success of the concept. Therefore, the integration of tree wells at regular intervals is required to provide the desired street tree canopy. Furthermore, decorative pavers set in sand have been identified as the ideal hardscape material because they are durable, pervious and attractive.

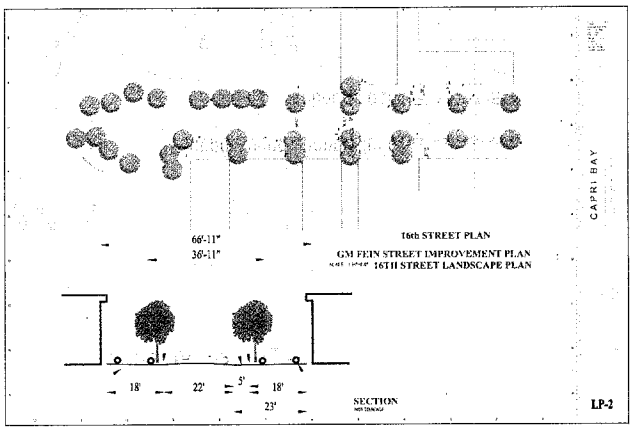
Finally, although the initial concept design has been viewed favorably at all neighborhood meetings as well as by the Design Review and Historic Preservation Boards, there remain several issues impacting the final design with regard to the permitting, public easement and funding aspects of the project. These issues will be carefully resolved through the design development and construction document



Shared Parking Layout "A"
(Perpendicular parking at 16th Street-end)



Shared Parking Layout "B" with Traffic Circulation
(Parallel parking at 16th Street-end)



Recent design development rendering of the 16th Street shared parking court.

phases of the project.

Statement of Intent Regarding Traffic Concurrency Mitigation Fees and Parking Impact Fees

It is the intention of this NCD ordinance to identify and exact funds toward the design development, construction and maintenance of the aforementioned neighborhood streetscape improvement scenario. Said funds may include any and all portions of fees associated with traffic concurrency, parking impact mitigation and development review order exactions collected from private redevelopment projects within the Gilbert M. Fein NCD.

JGG\WHC\RNC

APPENDIX I

GILBERT M. FEIN DISTRICT
PROPERTIES LIST

ADDRESS	PROPERTY OWNER [Original Owner] Current Owner	USE [Original Use] Current Use	ARCHITECT	BUILDER	YEAR BUILT	STYLE	STATUS
16TH STREET:							
1410	[1600 Bay Road Corp.]	[Apartments] Condominium	Maurice S. Weintraub	Rood Construction Corp.	1954	Post War Modern	Contributing
1415	[Barbico, Inc.]	[Apartments] Apartments	Gilbert M. Fein	Richard S. Flink	1956	Post War Modern	Contributing
1420	[1600 Bay Road Corp.]	[Apartments] Apartments	Maurice S. Weintraub	Rood Construction Corp.	1954	Post War Modern	Contributing
1425	[Barbico, Inc.]	[Apartments] Apartments	Gilbert M. Fein	Richard S. Flink	1956	Post War Modern	Contributing
1430	[Mr. Y. Elberg]	[Apartments] Apartments	Robert M. Nordin	Bond Construction Co.	1955	Post War Modern	Contributing
1440	[Mr. J.J. Edelstein]	[Apartments] Apartments	Robert M. Nordin	Bond Construction Co.	1955	Post War Modern	Contributing
1445	[Barbico, Inc.]	[Apartments] Apartments	Gilbert M. Fein	Richard S. Flink	1956	Post War Modern	Contributing
1450	[Mr. Edelstein]	[Apartments] Apartments	Gilbert M. Fein	Escot Construction Co.	1956	Post War Modern	Contributing
1470	[Barbico, Inc.]	[Apartments] Apartments	Gilbert M. Fein	Richard S. Flink	1956	Post War Modern	Contributing
BAY ROAD:							
1580	[1600 Bay Road Corp.]	[Apartments] Apartments	Maurice S. Weintraub	Rood Construction Corp.	1954	Post War Modern	Contributing
1600	[Barbico, Inc.]	[Apartments] Apartments	Gilbert M. Fein	Richard S. Flink	1956	Post War Modern	Contributing
1604	[Barbico, Inc.]	[Apartments] Apartments	Gilbert M. Fein	Richard S. Flink	1956	Post War Modern	Contributing
1610	[Lincoln Bay Corp.]	[Apartments] Apartments	Gilbert M. Fein	John Myers	1950	Post War Modern	Contributing
1616	[Lincoln Bay Corp.]	[Apartments] Apartments	Gilbert M. Fein	John Myers	1950	Post War Modern	Contributing
1620	[Lincoln Bay Corp.]	[Apartments] Apartments	Gilbert M. Fein	John Myers	1950	Post War Modern	Contributing
1622	[Lincoln Bay Corp.]	[Apartments] Condominium	Gilbert M. Fein	John Myers	1950	Post War Modern	Contributing

ADDRESS	PROPERTY OWNER [Original Owner] Current Owner	USE [Original Use] Current Use	ARCHITECT	BUILDER	YEAR BUILT	STYLE	STATUS
LINCOLN TERRACE:							
1430	[Lincoln Bay Corp.]	[Apartments] Apartments	Gilbert M. Fein	John Myers	1950	Post War Modern	Contributing
1431	[Lincoln Bay Corp.]	[Apartments] Apartments	Gilbert M. Fein	John Myers	1950	Post War Modern	Contributing
1450	[Lincoln Bay Corp.]	[Apartments] Apartments	Gilbert M. Fein	John Myers	1950	Post War Modern	Contributing
1451	[Lincoln Bay Corp.]	[Apartments] Apartments	Gilbert M. Fein	John Myers	1950	Post War Modern	Contributing
1470	[Lincoln Bay Corp.]	[Apartments] Apartments	Gilbert M. Fein	John Myers	1950	Post War Modern	Contributing
1471	[Lincoln Bay Corp.]	[Apartments] Apartments	Gilbert M. Fein	John Myers	1950	Post War Modern	Contributing
1490-1492	[Lincoln Bay Corp.]	[Apartments] Apartments	Gilbert M. Fein	John Myers	1950	Post War Modern	Contributing
1491	[Lincoln Bay Corp.]	[Apartments] Apartments	Igor B. Polevitzky	Robert P. Holland	1950	Post War Modern	Contributing

Gilbert M. Fein Neighborhood Conservation District

Address	# units	Bldg.sq.ft.	Adj.sq.ft	Ownership	Off-street Parking Permitted	Off-Street Parking Required
North *Cul de Sac*						
1610 Bay Road	4	3692	3638	Apartments	0	6
1616 Bay Road	4	3692	3638	Apartments	0	6
1430 16th Street	4	3900	3721	Apartments	0	6
1470 Lincoln Terrace	4	3900	3446	Apartments	0	6
1450 Lincoln Terrace	4	3900	3709	Apartments	0	6
1490-92 Lincoln Terra	6	6994	6994	Apartments		9
1491 Lincoln Terrace	7	9924	8060	Apartments	5	10.5
1471 Lincoln Terrace	4	3900	3446	Apartments	0	6
1451 Linco ln Terrace	4	3900	3482	Apartments	0	6
1431Lincoln Terrace	4	3900	3378	Apartments	0	6
1620 Bay Road	4	3692	3666	Apartments	0	6
1622 Bay Road	4	3900	3669	Condominium	4	6
Totals	53	55294	50847			79.5
South *Cul de Sac*						
1580 Bay Road	4	3900	3690	Apartments	2	6
1410 16th Street	4	3900	3690	Condominium		6
1420 16th Street	4	3900	3679	Apartments	0	6
1430 16th Street	4	5250	4305	Apartments	0	6
1440 16th Street	4	5250	4305	Apartments	0	6
1450 16th Street	4	4050	3987	Apartments	0	6
1470 16th Street	14	11380	11380	Apartments	28	21
1445 16th Street	18	14855	14855	Apartments	shared w/ 1470	27
1425 16th Street	4	3744	3460	Apartments	2	6
1415 16th Street	4	3744	3460	Apartments	2	6
1600 Bay Road	4	3744	3462	Apartments	4	6
1604 Bay Road	4	3744	3462	Apartments	4	6
Total	72	67461	63735			108
Combined Total	125					187.5

CITY OF MIAMI BEACH

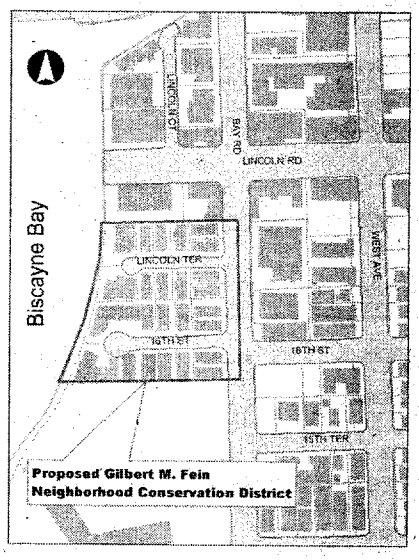
NOTICE OF PRELIMINARY PUBLIC HEARING

PROPOSED GILBERT M. FEIN NEIGHBORHOOD CONSERVATION DISTRICT

NOTICE IS HEREBY GIVEN, that a preliminary public hearing pursuant to Code Section 118-705 will be held by the Mayor and City Commission of the City of Miami Beach, Florida, on **Wednesday, May 18, 2005, at 5:15 p.m., or as soon thereafter as possible, in the City Commission Chambers**, Third Floor, City Hall, 1700 Convention Center Drive, Miami Beach, Florida.

At this preliminary public hearing the City Commission will evaluate the merits of the proposed Gilbert M. Fein Neighborhood Conservation District and determine whether to continue the designation process.

As previously discussed with the Community, the City Commission and the Historic Preservation Board, the general purpose of the proposed district will be to refine the parameters for redevelopment and streetscape improvements within the area generally bounded by the center line of Bay Road to the east, the bulkhead line of Biscayne Bay to the west, the northern lot lines of the northern properties fronting Lincoln Terrace to the north, and the southern lot lines of the southern properties fronting 16th Street to the south. The properties which may be included in the proposed district are shown on the map in this advertisement.



All persons are invited to appear at this meeting or be represented by an agent, or to express their views in writing addressed to the Miami Beach City Commission c/o the City Clerk, 1700 Convention Center Drive, First Floor, City Hall, Miami Beach, Florida 33139.

All related materials regarding the proposed Neighborhood Conservation District are available for public inspection during normal business hours in the City Clerk's Office. Inquiries may be directed to the Planning Department at (305) 673-7550. The hearing on this preliminary evaluation and recommendation may be continued at this meeting and, under such circumstances, additional legal notice would not be provided. Any person may contact the City Clerk's Office at (305) 673-7411 for information as to the status of the preliminary evaluation and recommendation as a result of the meeting.

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 insure 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 of 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 No. 306

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CITY OF MIAMI BEACH
COMMISSION ITEM SUMMARY

Condensed Title:

A Resolution of the Mayor and City Commission awarding a professional services agreement to Chen and Associates in the amount of $2,017,009 to provide urban design, architecture, landscape architecture, engineering, and construction administration services necessary to complete the planning, design, and construction of the Phases III, IV, and V of the South Pointe Streetscape Project.

Issue:

Should the City Commission award a professional services agreement to Chen and Associates in the amount of $2,017,009 to provide urban design, architecture, landscape architecture, engineering, and construction administration services necessary to complete the planning, design, and construction of Phases III, IV, and V of the South Pointe Streetscape Project?

Item Summary/Recommendation:

The South Pointe Streetscape Improvement Project is a multi-phase, comprehensive streetscape improvement project based on a Master Plan developed and approved in 1999 and covering the entire neighborhood south of Fifth Street. Construction of Phase I was completed in 2002 and the design of Phase II is underway. There is a need to begin the planning and design of the remaining Phases III, IV, and V of the project.

The scope of work includes roadway, drainage, sidewalk and curb, lighting, landscaping and tree planting, and water line improvements. Estimated total costs are $23 million; it is anticipated that RDA funding in this amount will be made available for the Project. On11/25/2003, the City Commission authorized the issuance of an RFQ for engineering, urban design, and landscape architecture services needed for the planning, design, bid and award, and construction administration of Phases III, IV, and V of the South Pointe Streetscape Improvement Project.

RFQ No. 08-03/04 was issued in January 2004. Eight responses were received, and an Evaluation Committee was appointed and met and ranked Chen and Associates as the most responsive firm. On September 8, 2004, the City Commission authorized the Administration to enter into negotiations with Chen and Associates. Negotiation sessions were held and agreement reached on a required scope of services (Attachment A) to be provided for a not to exceed fee of $2,017,009 (Attachment B). Project funding in the amount of approximately $23,000,000 is available from the South Pointe RDA. The total fee is approximately 10.2 % of the estimated Project construction budget. The Administration recommends award of the agreement.

Advisory Board Recommendation:

NA

Financial Information:

Source of Funds:

Finance Dept.

	Amount	Account	Approved
1			
2			
3			
4			
Total			

City Clerk's Office Legislative Tracking:

Diana Trettin, Senior Capital Projects Coordinator

Sign-Offs:

Department Director	Assistant City Manager	City Manager

T:\AGENDA\2005\May1805\Regular\southpointe345sum.doc

AGENDA ITEM R7E

DATE 5-18-05

CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139
www.miamibeachfl.gov

CITY COMMISSION MEMORANDUM

To: Mayor David Dermer and Members of the Miami Beach City Commission

Date: May 18, 2005

From: Jorge M. Gonzalez
City Manager

Subject: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH AWARDING A PROFESSIONAL SERVICES AGREEMENT TO CHEN AND ASSOCIATES IN THE AMOUNT OF $2,017,009 TO PROVIDE URBAN DESIGN, ARCHITECTURE, LANDSCAPE ARCHITECTURE, ENGINEERING, AND CONSTRUCTION ADMINISTRATION SERVICES NECESSARY TO COMPLETE THE PLANNING, DESIGN, AND CONSTRUCTION OF THE PHASES III, IV, AND V OF THE SOUTH POINTE STREETSCAPE PROJECT.**

PROJECT FUNDING

Project funding in the amount of $2,017,009 is available from South Pointe RDA TIF funding. A total of $932,009 has already been appropriated, leaving the balance of $1,085,000 to be appropriated to fully fund the agreement, which has been requested in the companion RDA item on this agenda.

ADMINISTRATIVE RECOMMENDATION

Adopt the Resolution.

ANALYSIS

The South Pointe Streetscape Improvement Project is a comprehensive multi-phase street and infrastructure improvement project based on the South Pointe Master Plan developed and approved by the City in 1999. The South Pointe Master Plan includes all of the area of the City south of Fifth Street. The Master Plan identified comprehensive improvements at a conceptual level and outlined a schedule of five implementation phases.

Phase I of the Project addressed Third Street from Ocean Drive to Michigan Avenue and Washington Avenue from 5th Street to South Pointe Drive; construction of Phase I improvements was completed in 2002.

Work on design of Phase II of the project is at a 30% completion level. Phase II includes Michigan Avenue between 5th and 2nd Streets, Jefferson Avenue between 5th and 2nd Streets, Meridian Avenue between 5th and 2nd Streets, Euclid Avenue between 5th and 3rd Streets, 2nd Street between Washington and Michigan Avenues, and 4th Street between Alton Road and Washington Avenue. The scope of work for Phase II includes roadway, drainage, landscaping, streetscape, irrigation, water and sewer, electrical, and street lighting improvements.

Currently, there is a need to initiate the planning and design of the remaining Phases III, IV, and V of the Project. The terms of the agreement which governs the South Pointe Redevelopment Area are scheduled to change at the end of FY 2005 and it is important that funding commitments for RDA-funded projects be secured by that time. In order to have a reasonably accurate current planning level estimate of the cost of the remaining three project Phases, the planning process will need to be substantially complete.

Since the planning process can take between 6 months and a year to complete, it needs to be initiated as soon as possible so that an accurate funding allocation can be approved prior to the anticipated restructuring of the RDA and so that the long overdue improvements can move forward. Currently, Project costs are estimated to be approximately $23 million dollars; it is anticipated that all Project funding will be provided through the South Pointe RDA.

The scope of work for Phases III, IV, and V of the Project includes roadway, drainage, landscaping, streetscape, irrigation, water and sewer, electrical, and street lighting improvements. The following areas are included in Phases III, IV, and V of the Project:

- 4th Street between Washington Avenue and the eastern street end
- 2nd Street between Washington Avenue and Ocean Drive
- 1st Street between Alton Road and Ocean Drive
- Commerce Street from Alton Road to Washington Avenue
- Ocean Drive and Ocean Court from 5th Street to South Pointe Drive
- Collins Avenue and Collins Court from 5th Street to South Pointe Drive
- South Pointe Drive from Alton Road to eastern street end
- Alton Road from 5th Street to South Pointe Drive
- Jefferson Avenue between South Pointe Drive and 1st Street
- Other adjacent alleys, roadways, and rights of way as determined necessary

A portion of the Project area falls within the boundaries of the City of Miami Beach Ocean Beach Historic District.

In recognition of the need to move forward with the Project, on 11/25/2003, the City Commission authorized the issuance of an RFQ for engineering, urban design, and landscape architecture services needed for the planning, design, bid and award, and construction administration of Phases III, IV, and V of the South Pointe Streetscape Improvement Project.

RFQ No. 08-03/04 was issued in January 2004. Eight responses were received, and an Evaluation Committee was appointed and met and ranked Chen and Associates as the most responsive firm. On September 8, 2004, the City Commission authorized the Administration to enter into negotiations with Chen and Associates.

Four negotiation sessions were held and agreement reached on a required scope of Services (Attachment A) to be provided for a not to exceed fee of $2,017,009 (Attachment B). Project funding in the amount of approximately $23,000,000 is available from the South Pointe RDA TIF funding. The fee includes direct costs and reimbursables in the amount of $263,000. It also includes an allowance for additional services in the amount of $52,591 for the design of several blocks within the project that, though they have been recently improved through private sector projects, may require some additional work. These charges will only be approved and incurred if deem required during the Project planning process.

Construction Administration services in the amount of $388,078 for a 42 month construction period are included in the fee. Chen & Associates has agreed to include two months of additional Construction Administration services at no additional cost to the City if the Project exceeds the estimated construction schedule. At the end of the additional two months, if they are required, Chen and Associates will provide additional services at a cost of eighty percent (80%) of the monthly cost of Construction Administration services established in the negotiated fee. If this is the case, Additional Services will have to be awarded at that time.

The total fee is approximately 10.2% of the estimated Project construction budget which is within the general range of A/E cost percentages for streetscape projects that the City has been approving recently. The Administration recommends award of the agreement. Upon completion of Phases III, IV, and V of the South Pointe Streetscape Improvement Project, every street south of Fifth Street will have been substantially rehabilitated.

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ATTACHMENT A

SCHEDULE A
CITY OF MIAMI BEACH, FLORIDA
RIGHT OF WAY INFRASTRUCTURE IMPROVEMENT PROGRAM
SOUTH POINTE PHASE III, IV & V
SCOPE OF A/E CONSULTANT SERVICES

CONSULTANT: **Chen and Associates Consulting Engineers, Inc.**

BACKGROUND

The South Pointe Streetscape Improvement Project(s) consist of comprehensive, multi-phase, right-of-way and infrastructure improvements based on the South Pointe Master Plan developed and approved by the City in 1999. The South Pointe Master Plan, which addressed all of the areas south of Fifth Street, identified comprehensive improvements inclusive of roadway, drainage, landscaping, streetscape, irrigation, water, electrical, and street lighting improvements, for implementation via a five-phase process. These Phases, also referred to as Bid Packages from a construction contract perspective, are identified as follows:

- **Phase I:** Also referred to as Bid Package 12A/B, this Project area consists of Third Street from Ocean Drive to Michigan Avenue and Washington Avenue from Fifth Street to Government Cut. Construction was completed in 2002.

- **Phase II:** Also referred to as Bid Package 12C, this Project area consists of Michigan Avenue between Second and Fifth Streets, Jefferson Avenue between Second and Fifth Streets, Meridian Avenue between Second and Fifth Streets, Euclid Avenue between Third and Fifth Streets, Second Street between Washington and Michigan Avenues, and Fourth Street between Alton Road and Washington Avenue. Design is currently underway and construction is expected to commence in Year 2005.

- **Phases III, IV, and V:** Also referred to as Bid Package 12D/E/F, this Project area includes:

    - Phase III (BP 12D) includes First, Second and Fourth Streets between Washington Avenue and Ocean Drive, inclusive of Collins Court and Ocean Court.

    - Phase IV (BP 12E) includes Commerce and First Streets between Washington Avenue and Alton Road (except as noted herein).

    - Phase V (BP 12F) includes South Pointe Drive from Alton Road to Ocean Drive, Alton Road from Fifth Street to South Pointe Drive, and Jefferson Avenue from South Pointe Drive to 1st Street.

Planning, design and construction of Phases III, IV, and V is the subject of this scope of services.

It is important to note that the terms of the agreement which govern the South Pointe Redevelopment Area are scheduled to expire at the end of FY 2005 (September 30, 2005). To this end, it is imperative that funding commitments for RDA projects be secured by that time. It is anticipated that this project shall be prepared and bid / constructed as one single Bid Package to be entitled the South Pointe Phases III, IV and V Right of Way (ROW) Improvements Project.

The Project area is described in Exhibit A. A portion of the Project area falls within the boundaries of the City of Miami Beach Ocean Beach Historic District which is illustrated in Exhibit B. In addition, this area contains portions of Stormwater Priority Basin No. 1 (Exhibit C) and Consultant's level of effort contemplates the design of four (4) drainage pump stations to address Phases 3, 4 and 5 Project Limits. In addition, water main replacements and associated fire hydrants shall be implemented in accordance with the CITY's Water Master Plan as noted on attached Exhibit D.

The CITY has contracted the services of Hazen and Sawyer, P.C. to function as PROGRAM MANAGER (PROGRAM MANAGER), and act as the CITY's agent with regard to all aspects of this scope of services. Hence, the PROGRAM MANAGER will serve as the focal point of contact with the Architectural / Engineering firm (the CONSULTANT). However, the CITY will retain contractual agreement responsibilities with the CONSULTANT.

Please note that due to the large number of projects that will be ongoing coincidentally during the Program, the CITY and PROGRAM MANAGER have developed a Program Work Plan (PWP) detailing procedures and policies for the overall ROW Program. This PWP dictates the respective responsibilities and levels of authority for all program team members. Organizational structure flowcharts and team member duties are included to establish a working understanding regarding reporting and communication relationships on the Program. The PWP includes a listing of design and construction phase deliverables from the various A/Es and Contractors, along with proposed CITY and PROGRAM MANAGER duties during the planning, design, bid, award and construction phases of the Program. One copy of the PWP will be given to the CONSULTANT, who agrees to comply with procedures set forth therein.

SCOPE OF SERVICES

The purpose of the South Pointe Phases III, IV and V ROW Improvement Project is to provide for the restoration and enhancement of streetscapes and infrastructure, consistent with existing available master plans, qualified decisions of applicable CITY Departments and community preferences. The proposed project shall include potable water, and storm drainage infrastructure upgrades, streetscape work with restoration and enhancement of the neighborhood's hardscape, landscape, streetscape irrigation and lighting, potable water, and storm drainage infrastructure as needed. At this point, sanitary sewer upgrades are not anticipated as part of the Project.

Improvements may include restoration and enhancement to the function and aesthetics of the following:

- Upgrading the stormwater drainage collection and disposal system to meet the City Comprehensive Stormwater Management Program Master Plan recommendations, as prepared by CH2MHill in March 1997. This effort shall include all modeling efforts necessary to verify compliance with noted model requirements, and as may be required by the PWD and jurisdictional agencies to achieve a permittable design.

- Replacement of existing water mains to meet City Water Master Plan recommendations as noted on Exhibit D. This effort includes pipe and fire hydrant replacement designs and requisite jurisdictional permit procurement. However, hydraulic modeling efforts in support of permit applications will be provided by the PWD.

- Street reconstruction and/or resurfacing and new pavement markings.
- Swale restoration, and/or curb and gutter restoration / replacement or upgrades.
- Repair, extension, construction, or widening of sidewalks and access ramps to provide continuous, ADA compatible separated pedestrian ways.
- Installation of new pedestrian-scale street lighting and/or upgrade of existing lighting to correct deficiencies where needed.
- Provide enhanced landscaping, development of additional areas for planting opportunities, and new / enhanced irrigation to support such plantings within the street right-of-way, as consistent with community and CITY staff preferences. Also included in the scope are consideration, selection and design of street furnishings and appurtenances.
- Improving of lighting, landscaping, fencing, and/or parking, where appropriate.
- Physical and/or operational improvements to streets within the project area for the purposes of beautification, traffic calming and increasing alternative transportation routes including pedestrian and non-motorized vehicles.
- When traffic calming is the desired effect, improvements must be able to be permitted in Miami-Dade County and coordinated with the CITY's Public Works Department as well as the Transportation and Concurrency Management Division. Within multi-family areas, streets shall be designed to provide additional, organized, on-street parking to the extent allowed within each geographic areas in consideration of historic or environmental designations and community preference.

The work effort shall require that all existing and proposed aboveground improvements be coordinated with existing and proposed below underground infrastructure improvements, which may include the following tasks:

- Upgrading the drainage collection system
- Repair or replacement of water mains and sanitary sewer lines, including the new in-line sewage pump station under design in the triangle at Alton Road and

Jefferson Avenue.

- Coordination with other entities, including but not limited to, Florida Power and Light Company, BellSouth, Atlantic Broadband, and others as may exist within the public right of way

- Coordination with Private Developments that are, or will be implementing CITY approved Right of Way improvements as a part of their respective development Orders

Underground water, sewer and drainage infrastructure improvements are generally identified in: the City of Miami Beach Comprehensive Stormwater Management Program Master Plan, (March 1997), the City of Miami Beach Water System Master Plan, (November, 1994), and the Citywide Sanitary Sewer Infiltration and Inflow Mitigation Program, and in subsequent amendments to the plans and decisions of the City's Public Works Department.

The City plans to / has initiated the planning and/or design of various improvements within the South Pointe Project Area. Hence, the CONSULTANT shall coordinate its work efforts as necessary with the following, as a minimum:

- South Pointe Phase II ROW Improvements
- Miami-Dade County 54-inch diameter wastewater transmission main replacement project
- Continuum development
- Alaska Parcel development
- South Pointe Park project
- In-line sewage pump station under design in the triangle at Alton Road and Jefferson Avenue.

Total estimated construction costs budgeted for this Bid Package approximates $19,800,000, which includes a 10% construction change order contingency that is to be in held in reserve by the CITY for construction phase usage. Hence, the CONSULTANT shall be tasked with planning and designing a project to a total target construction budget of $17,800,000. This target construction budget is funded from the South Pointe RDA.

Note that a separate Notice to Proceed is required from the CITY prior to the commencement of work on any Task.

TASK 1 –PLANNING SERVICES

The purpose of this Task is to establish a consensus design concept for the referenced neighborhood that meets the needs of the community and stays within established schedule and cost parameters. In this capacity, it is important to note that subsequent to its adoption in 1999, residents have voiced significant concerns regarding proposed concepts presented in the South Pointe Master Plan. To this end, the City Commission has agreed to allow the existing Master Plan to be revisited under the scope of this Project to enable re-establishment of a consensus with residents. There is no requirement to complete a new master plan for the South Pointe Neighborhood This task is to review the evolution of the design themes from the Master Plan, to Phase I, to Phase II, and then to adjust the design of Phases III, IV and V as appropriate. For the purposes of this Task, Consultant shall review all project corridors as noted herein.

The following presents anticipated Tasks to be performed by the CONSULTANT under the Planning Phase of the Project. Note that Tasks 1.1 through 1.4 are intended to develop a database for the performance of Community Design Workshops. A total of two Community Design Workshops shall be conducted as discussed in Task 1.5. Based on the results of the Community Design Workshops, a draft Basis of Design Report shall be developed as noted in Task 1.6. Subsequent interdepartmental and Historic Preservation Board design reviews / presentations and approvals shall be as noted in Task 1.7. A final Basis of Design Report (BODR) shall then be prepared summarizing the accepted design concept, budget level cost estimate and implementation schedule. This BODR shall be presented by the CONSULTANT to the City Commission for approval as noted in Task 1.8.

In addition, please note that to facilitate the implementation of the CITY's Public Information Program, the CONSULTANT shall provide electronic files of all project documents upon request by the CITY and / or the PROGRAM MANAGER in the original software version, as well as in an appropriately indexed .pdf format.

Task 1.1 – Project Kick-Off Meeting: The CONSULTANT shall meet with the CITY and PROGRAM MANAGER to review existing planning documents, discuss results of previous scoping sessions held with affected neighborhood representatives, and receive / review copies

of available reference documents. In addition, the CITY and PROGRAM MANAGER will present general discussions as to Program procedures, timelines, and budgets. The CONSULTANT shall prepare draft meeting minutes and forward them to PROGRAM MANAGER for review and comments. The CONSULTANT shall finalize and distribute, accordingly. During this meeting, the CONSULTANT shall schedule a reconnaissance visit of the Project site, to be attended by critical CONSULTANT personnel, as well as key CITY and PROGRAM MANAGER staff.

Deliverables: - Attend Project kick-off meeting.

Schedule: - Notice-to-Proceed is issued at the Kick-Off Meeting.

Task 1.2 – Project Site Reconnaissance Visit: The CONSULTANT shall attend a Site Reconnaissance Visit. This site visit shall also be attended by applicable CITY and PROGRAM MANAGER staff. The site visit is intended to facilitate the CONSULTANT's understanding of the project area needs. The CONSULTANT shall prepare draft meeting minutes and forward them to PROGRAM MANAGER for review and comments. The CONSULTANT shall finalize and distribute, accordingly.

Based on the results of the site visit, and materials presented at the Kickoff Meeting, the CONSULTANT shall develop reference images for a variety of recommended streetscape treatments that they propose for CITY consideration. As a minimum, alternative plan view treatments shall be developed for each type of different ROW width encountered within the project area. In addition, individual alternative treatments shall be developed for each similar width ROW that exhibits different characteristics (multi-family, commercial, single family, civic, etc.). Alternative treatments shall illustrate proposed improvements including, as a minimum, parking, sidewalks curbs, gutters, plantings, bulbouts, traffic calming features, lighting enhancements and similar features to allow the CITY a full understanding of proposed improvement alternatives. All such alternative treatments shall also take into account adjacent improvements as applicable. In addition, the CONSULTANT shall prepare preliminary "budget" level cost estimates (+30%, -15% as defined by the American Association of Cost Engineers) for each work component / alternative treatment, indicating opinions of probable cost. Estimates shall present costs by category types (i.e. underground utility construction, paving, lighting, landscaping, etc.) and shall be prepared in a Microsoft Excel Spreadsheet format. The PROGRAM MANAGER will provide a template for the requisite cost estimate format to the CONSULTANT for its use.

Deliverables: - Attend Site Reconnaissance Project Site Visit

- Develop alternative reference images as noted above

- Develop "budget" level cost estimates

Schedule: - Within 60 working days of completion of Task 1.1 services.

Task 1.3 – Attend "Visioning" Session: After conducting the Site Reconnaissance Project Site Visit, developing alternative treatment / reference images and cost estimates, the CONSULTANT shall attend a "Visioning" session to be scheduled with representatives of the CITY, the CONSULTANT and PROGRAM MANAGER. The purpose of the "Visioning" session shall be to clarify project goals in preparation for Community Design Workshop (CDW) No. 1. Issues to be discussed shall include the proposed project elements (i.e. stormwater, streetscape, landscaping, electrical, etc.) budget and schedule. At this meeting, the CONSULTANT shall present its Project concepts and document input from the various CITY attendees. In this effort, the CONSULTANT shall make revisions to its proposed / selected treatments as necessary to develop a Recommended Approach as approved by the CITY. This is the approach that will be presented at the Community Design Workshop No. 1. The CONSULTANT shall prepare draft meeting minutes and forward them to the PROGRAM MANAGER for review and comment. The CONSULTANT shall finalize and distribute the final minutes accordingly.

Deliverables: - Attend "Visioning" session with representatives from the CITY and PROGRAM MANAGER.
Revise proposed treatments and develop final materials for a Recommended Approach as approved by the CITY

Schedule: - Within 20 working days of Task 1.2 completion.

Task 1.4 – Review Meeting Prior to Community Design Workshops: After conducting the project site visit, developing reference images and cost estimates, attending the Visioning Session, addressing all CITY comments and developing the Recommended Approach, the CONSULTANT shall meet with applicable CITY and PROGRAM MANAGER staffs for a Pre-CDW meeting. The format of the Pre-CDW will require that the CONSULTANT formally present its materials (PowerPoint presentation, Figures, handout materials), to ensure the CITY that any and all concerns regarding project scope, schedule and cost parameters are addressed prior to

scheduling the first of two Community Design Workshops. A total of two Pre-CDW meetings will be held, one before each CDW.

Deliverables: - Meet with representatives of the CITY and PROGRAM MANAGER during work performed for Task 1.1 through 1.3.

Schedule: - Through completion of Task 1.1 through 1.3.

Task 1.5 - Community Design Workshops: The intent of the Community Design Workshops is to provide the CONSULTANT the opportunity to present the proposed improvements (hardscape, landscape, water and stormwater components) to the community for the purpose of achieving general consensus with residents. To this end, it is anticipated that a total of two CDWs shall be conducted for the Bid Package being developed under the scope of this contract. In this effort, the CITY will schedule, find locations for, and notify residents of, all such meetings. The CONSULTANT shall prepare all materials for presentation at the workshop. At a minimum, these shall include presentation materials, "full size" specialty graphics which depict the proposed improvements, a summary of cost estimates, workshop agendas, resident comment cards and requisite copies of each. It is anticipated that the CONSULTANT shall utilize a "PowerPoint" type format for its presentation, with support from standalone graphics and handout materials. In addition, the CONSULTANT shall provide comment forms to attendees to elicit responses from residents. Also, the CONSULTANT shall prepare draft meeting minutes and forward them to PROGRAM MANAGER for review and comment. The CONSULTANT shall finalize and distribute the final minutes accordingly. Each workshop is intended to address specific design issues as discussed in the following:

Task 1.5.1 Community Design Workshop No. 1 – This workshop is intended to provide community residents with a review of the proposed project scope and budget. The CONSULTANT shall also present the proposed schedule and create a consensus plan to obtain community concurrence. The CONSULTANT shall prepare full size presentation graphics illustrating existing conditions and proposed project components developed under Tasks 1.2 and 1.3. In addition, graphics shall be prepared presenting a summary of probable costs for the various improvements and the workshop agenda. "Budget" level cost estimates shall be +30%, -15% as defined by the American Association of Cost Engineers. Based on this data, the CONSULTANT shall present the plan for proposed improvements to attendees. Applicable CITY and PROGRAM

MANAGER staffs shall also attend these meetings, and assist the CONSULTANT with responses to resident questions, as they pertain to CITY related issues. The CONSULTANT shall note reasonable design concept revision requests expressed by residents. These design concept revision requests shall be reviewed and incorporated by the Consultant into the proposed plan. Due to the fixed nature of funding on the various projects within the Program, budget limits must be adhered to. Hence, the CONSULTANT shall be prepared to discuss budgets and the various impacts of resident requested revisions on such, accordingly. The CONSULTANT shall prepare draft meeting minutes and forward them to PROGRAM MANAGER for review and comment. The CONSULTANT shall then finalize and distribute the final minutes, accordingly.

Deliverables: - Prepare materials, attend and conduct Community Design Workshop No. 1

Schedule: - Within 45 working days after completion of Task 1.4

Task 1.5.2 Community Design Workshop No. 2 – The CONSULTANT shall prepare for and attend a second Community Design Workshop to present residents with the revised plan of proposed improvements, budget and schedule based on the input received during CDW No. 1. The CONSULTANT shall meet with applicable CITY and PROGRAM MANAGER staff as noted in Task 1.4 above, to ensure that any and all concerns regarding residents input, project scope, schedule and cost parameters received during CDW No. 1 are addressed prior to scheduling the second Community Design Workshop. The CONSULTANT shall prepare full size presentation graphics illustrating the proposed plan of improvements, along with a summary of probable costs for the improvements and the workshop agenda. "Budget" level cost estimates shall be +30%, -15% as defined by the American Association of Cost Engineers. Based on this data, the CONSULTANT shall present the information to attendees. Applicable CITY and PROGRAM MANAGER staff shall also attend these meetings, and assist the CONSULTANT with responses to resident questions, as applicable. The CONSULTANT shall note that the design concepts presented during this meeting are considered "near final" and it is the CITY's intent to consider only minor design revision requests from residents for review and incorporation into the final proposed plan. The CONSULTANT shall prepare draft meeting minutes and forward them to PROGRAM MANAGER for

review and comments. The CONSULTANT shall finalize and distribute the final minutes accordingly.

Deliverables: - Prepare materials and attend pre-CDW and CDW No. 2.
Schedule: - Within 60 working days after completion of Task 1.5.1

Task 1.6 – Basis of Design Report (DRAFT): The CONSULTANT shall prepare a draft Basis of Design Report (BODR) presenting the results of the Community Design Workshop(s) and final consensus / funded design plan. The BODR shall include a summary of findings and exhibit(s) illustrating all proposed improvements under the current phase of the project, inclusive of water, stormwater, streetscape and landscape. In addition, the BODR shall include sufficient detail in plans, sections, notes and key descriptions to facilitate review by the various CITY permitting and planning divisions discussed in Task 1.7.

As a minimum, the draft BODR shall include discussions and graphics illustrating:

- Executive Summary summarizing the contents of the BODR
- A section reviewing the existing conditions to be improved.
- A section reviewing the planning process and development of the final recommended funded improvement plan. This section shall included detailed presentations of all proposed improvements.
- A project implementation plan, inclusive of utility and streetscape construction phasing and traffic control details with a discussion of expected impacts to the affected neighborhood.
- Proposed water and fire hydrant improvements. A corridor study may be required if routing is not clearly indicated on existing planning documents, or if proposed routing is determined to be congested with existing improvements. Also, Consultant shall present its findings / discussion regarding the potential use of trenchless technologies to replace the existing water mains within the project limits.
- Proposed stormwater improvements for the project.

- A preliminary discussion of existing right-of-way encroachments, including the extent and locations of such.

- A section discussing general concepts which are unfunded items, but were byproducts from the planning process.

- A "budget" level cost estimate prepared in conformance with format provided by PROGRAM MANAGER. Estimates shall be provided for both current (funded) and unfunded improvements. Based upon the CONSULTANT's cost estimate, the CITY will advise the CONSULTANT if portions of the project need to be deleted, phased and/or bid as alternate bid items to satisfy existing fiscal constraints. The CONSULTANT shall revise the BODR to reflect such issues accordingly.

- A schedule for implementing the Project by phases (i.e. design, bid, award, construction) including critical issues and the time period allowed for resolving each issue.

- Discussion regarding permitting authorities having jurisdiction over Project and provide a list of permits typically retained by the Owner and / or Contractor. Unique and / or special permitting requirements shall be identified as well as permitting fees.

Ten copies of the draft BODR shall be provided to the PROGRAM MANAGER for initial review and comments and shall contain the following sections, as a minimum: Executive Summary, Purpose and Scope, Existing Conditions, Funded Improvements and Unfunded Plan, Permitting and Implementation and Cost Estimates.

Deliverables: - Prepare 10 copies of the draft BODR.

Schedule: - Within 35 working days from completion of Community Design Workshop No. 2

Task 1.7 – Review of BODR with the CITY Departments: The CONSULTANT shall meet to receive, present and review the draft BODR with the following CITY Departments / review entities:

- City of Miami Beach Parks and Recreation Department

- City of Miami Beach Police Department
- City of Miami Beach Planning Department
- City of Miami Beach Public Works Department
- City of Miami Beach Fire Department
- City of Miami Beach Parking Department

The CITY will forward copies of the draft BODR to the above noted Departments. Comments shall be solicited and forwarded to the CONSULTANT for review / comment / response / incorporation into the draft BODR document. It is anticipated that the CONSULTANT shall attend a total of up to two meetings with the various Department representatives to review the various Department comments. The CITY and PROGRAM MANAGER will attend the noted review meeting(s) and assist the CONSULTANT, as practicable, in obtaining approvals from noted review agencies by participating in negotiations with such authorities. However, the CONSULTANT retains final responsibility for procuring all necessary approvals, and for implementing required revisions and resubmissions as necessary. It is recognized by the CITY and PROGRAM MANAGER that the time period for obtaining approvals from the various review agencies is beyond the control of the CONSULTANT, except for issues concerning the acceptability of the proposed design concepts and the CONSULTANT's ability to respond to review agency comments. Hence, the CONSULTANT shall address and respond to comments received from the various reviews in writing, and implement requested revisions into the draft BODR, as agreed with the CITY and PROGRAM MANAGER, within ten (10) working days of receipt of comments, unless agreed to otherwise with PROGRAM MANAGER.

Upon incorporating the comments received from the various CITY Departments; the CONSULTANT shall revise its draft BODR and then present the full BODR (with requisite graphics and PowerPoint presentation materials) to the Historic Preservation Board. This presentation is intended for informational purposes only, and is not to be confused with the CONSULTANT's responsibilities regarding full / formal Historic Preservation Board presentation requirements discussed under the Design Phase Task.

Deliverables: - Attend BODR review meetings.
- Address comments and revise BODR accordingly.

- Present BODR to HPB

Schedule: - Within 60 working days of draft BODR completion.

Task 1.8 - Final Basis of Design Report: The CONSULTANT shall prepare a final BODR based on comments and revisions implemented during the reviews with the various the CITY Departments / review entities as noted in Task 1.7. This final BODR serves as the basis for development of detailed design documents as discussed in Task 2. It shall also be used as the basis for the CONSULTANT's presentation of the Final BODR to the City Commission for approval. If the City Commission directs revision to the Final BODR, the CONSULTANT shall prepare Addenda, in the CITY provided format, for distribution to all Final BODR holders, as may be required.

Deliverables: - Prepare 35 copies of a final BODR and Addendum, as necessary.

- Present the BODR to the City Commission for approval

Schedule: - Within 30 working days after completion Task 1.7.

Task 1.9 – Additional Review Meetings:

In addition, to all required efforts noted above, the CONSULTANT shall attend and participate in up to five (5) additional meetings with those agencies / committees requesting revisions and / or other meetings as may be requested by the CITY.

TASK 2 –DESIGN SERVICES

The purpose of this Task is to establish requirements for the preparation of contract documents for the Project. For the purposes of this Task, design / permitting services shall not include the Meridian Avenue corridor from 1st Street to 2nd Street. Also, design / permitting services along 1st Street from Washington to Jefferson Avenues are not included in CONSULTANT's basic scope of services. Note that Task 2.1 requires that the CONSULTANT perform a variety of forensic tasks to verify, to the extent practicable, existing conditions and the accuracy of base maps to be used for development of the contract drawings. Task 2.2 discusses requirements for the preparation of contract documents, inclusive of drawings, specifications and front-end documents. Task 2.3 establishes requirements with regard to constructability and value engineering reviews to be performed by others. Task 2.4 establishes requirements for the preparation of opinions of total probable cost by the CONSULTANT. Task 2.5 specifies requirements for review of contract documents with jurisdictional permitting agencies prior to

finalization. Task 2.6 establishes requirements for developing final (100%) contract documents. To facilitate the implementation of a Public Information Program, the CONSULTANT shall provide electronic files of all project documents, as requested by the CITY and/or PROGRAM MANAGER for posting on the program website. The CONSULTANT shall provide the electronic files for the front-end documents, technical specifications, and construction drawings in MS-Word, AutoCAD and Adobe Acrobat file format.

Due to the large number of projects that will be ongoing coincidentally during the Program, the CITY and PROGRAM MANAGER have developed a Design Standards Manual (DSM) detailing procedures, standards and policies regarding design of all Program projects. One copy of the DSM will be provided to the CONSULTANT, who agrees to comply with all procedures set forth therein.

In addition, please note that the CONSULTANT shall submit monthly invoice requests for its services, accompanied by a design progress schedule update form as provided by the PROGRAM MANAGER. Invoices shall be prepared in a format as provided by the CITY, through the PROGRAM MANAGER. As a part of this effort, the CONSULTANT shall update and submit the schedule update form. Should the PROGRAM MANAGER determine that the CONSULTANT has fallen behind schedule; the CONSULTANT shall provide a recovery schedule that shall accelerate work to get back on schedule.

Task 2.1 - Field Verification of Existing Conditions: The CONSULTANT shall perform a detailed topographic survey of the existing right of way areas to be impacted by construction activities under the scope of this project. The survey shall be performed by a Professional Land Surveyor in the State of Florida and shall meet the minimum technical standards identified in Chapter 61G17-6, FAC. All survey files shall be prepared in AutoCAD Version 2000 format with a layering system as directed by the CITY in the DSM. References herein to an average 5-foot offset anticipate that the Consultant shall strive to include a 25-foot offset perpendicular to the public right-of-way along all project limits where existing site conditions permit. The intent of the 25-foot offset is to identify existing above ground information to illustrate hard objects / structures adjacent to or abutting the right-of-way so that the Contractor is aware of the urban nature of the neighborhood and to obtain spot elevations to verify drainage patterns. It is recognized that some corridors have structures abutting or adjacent to the right-of-way and that a 25-foot offset may not be realistic. As a minimum, the survey shall address the following:

- Topographic survey shall consist of establishing a baseline with 100-foot stations, and identify right-of-way monuments and sectionalized land corners. The survey baseline shall be tied into the right-of-way and sectionalized land monuments. Right-of-way information shall be obtained from available records by the CONSULTANT.

- The CONSULTANT shall set benchmarks at convenient locations along the corridor to be used during both the design and construction phases of the project. As a minimum, permanent benchmarks shall be set at 500-foot intervals along the alignment. In addition, the CONSULTANT shall tie-in at least two existing government County monuments to vertical circuit and shall take cross sections at 100-foot intervals along all project corridors. The benchmarks shall be derived from existing government benchmarks and be carried into the proposed system using Second Order, Class II procedures. A full listing of benchmark locations shall accompany the survey data.

- Cross section elevations shall define all grade breaks such as intersections, swale, edge of pavement, pavement centerline, curb and gutter, edges of sidewalk, driveway connections, right-of-way line, edge of 25-foot right-of-way offset onto private property, encroachments (both natural and built-in), etc.

- The CONSULTANT shall locate and identify all existing surface improvements / topographic features that are visible along the corridor and within a 25-ft right of way offset, including but not limited to the following:

    - Existing valve boxes, water / electrical meter boxes, electrical pull boxes, telephone / cable risers, fences, hydrants, etc.

    - Aboveground and underground utilities, invert elevations of accessible underground utilities, roof drains, wood / concrete utility poles, culverts, guardrails, pavement limits, headwalls, endwalls, manholes, vaults, mailboxes, driveways, side streets, trees, landscaping, traffic signage and any other noted improvements. Survey shall identify fence material / height, landscaping plant materials and driveway construction materials. Landscaping materials with a trunk diameter greater than 6 – inches in

diameter shall be identified individually. Materials with smaller diameters shall be illustrated in groupings.

- Corridors to be surveyed include all CITY public rights-of-way within the South Pointe Phase III, IV and V Project areas as shown on Exhibit A, including the 25-ft right of way offset..
- Survey limits shall include the entire right-of-way and an additional overlap of 25-feet on either side of the right-of-way, to the extent practicable.
- Topographic survey / base map shall be prepared in AutoCAD Version 2000 and submitted on recordable Compact Disk with one signed and sealed copy on 22-inch by 34-inch bond paper. Note that all standards from the DSM shall apply to the development of the survey document. In addition, the CONSULTANT shall submit 3 copies of a preliminary Draft Survey for CITY and PROGRAM MANAGER review and comment. The CONSULTANT shall prepare a final survey submittal package based on addressing any / all comments submitted through this review process, to the satisfaction of the CITY. All CAD mapping shall be performed to a scale of 1:1 in the World Coordinate System. Text size shall be 100 Leroy for a final product at 1=20 units.
- The Survey shall include Lot / Block number and address of lots and properties abutting the perimeter of the right of way.
- Survey shall indicate geometry of perimeter private property plats (inclusive of fences, landscaping and driveways) within the specified 25-ft offset and the survey shall identify the dimension of lots abutting the right of way.

Upon completion and acceptance of the final survey, the CONSULTANT shall forward same to the following agencies with a request to mark / identify respective utilities on the survey base map. The CONSULTANT shall coordinate this effort with each agency in an effort to identify the location of all existing underground utilities. The CONSULTANT shall incorporate utility owner markups / edits into its survey base map file. The CONSULTANT shall contact the following entities and request that they each verify locations of their existing improvements in the affected areas:

- Florida Power and Light Company

- BellSouth
- Miami-Dade Water and Sewer Authority
- Atlantic Broadband (formerly Charter Communications)
- Natural Gas provider
- City of Miami Beach Public Works Department
- Others as deemed necessary by the CONSULTANT

The CONSULTANT shall also request information regarding any future proposed improvements by each agency. To facilitate tracking of the progress made in this work effort, the CONSULTANT shall copy the PROGRAM MANAGER on all correspondence with each agency. In addition, the CONSULTANT shall keep a readily accessible and properly labeled / collated file of all correspondence and markups provided to it by the various agencies for reference use by the CITY, PROGRAM MANAGER and/or CONSULTANT, during construction. A copy of this properly labeled / collated file shall be provided to the PROGRAM MANAGER upon request.

Based on the collected data, the CONSULTANT shall develop detailed design base maps for the project. The maps shall include an overall key map and partial plans scaled at 1-inch equals 20 feet (or a scale that better suits the project requirements subject to CITY approval).

Deliverables: - Perform forensic work as noted to develop final survey maps. Deliver three (3) draft and five (5) final signed and sealed surveys to the PROGRAM MANAGER.

Schedule: - Within 80 working days after Task 2 - Design Phase Notice to Proceed.

Task 2.2 – Detailed Design: The CONSULTANT shall prepare all contract documents in compliance with DSM standards. Proposed drawing list is provided as Exhibit E.

Technical specifications shall be prepared in conformance with Construction Specifications Institute (CSI) formats. The PROGRAM MANAGER, through the DSM, shall furnish the CONSULTANT with standard CITY specification outlines for Divisions 1, 2, 3 and 15 as noted in the DSM. In addition, for reference purposes, the City has provided copies of its standard Job

Order Contract (JOC) specifications via the DSM. The CONSULTANT shall refrain from referencing or amending FDOT, or other reference standard specifications, for inclusion in the detail design documents. The CONSULTANT shall provide additional sections that the CONSULTANT may require, not already provided through the CITY standards / DSM, subject to review and comment by the CITY and/or PROGRAM MANAGER. Any supplier listings required by specifications shall include a minimum of two named suppliers and shall meet all applicable CITY and State of Florida procurement codes. Specifications shall be provided to the CONSULTANT in "Microsoft MS-Word" format. In addition, the CONSULTANT shall use the same software in all project related work. In addition, the CONSULTANT shall utilize base front-end documents provided by the CITY. The CONSULTANT shall edit accordingly to result in a project specific document. Any requirements for Supplementary General Conditions shall be subject to review and acceptance by the CITY.

The CONSULTANT shall attend monthly Design Progress Meetings with CITY and PROGRAM MANAGER staff.

For purposes of this Scope of Services, the following will be considered the minimum effort to be provided by the CONSULTANT for establishing detail design milestone submittals. Note that CITY review procedures, and CONSULTANT responsibilities associated with such, are discussed under Task 2.3:

- The 30% design completion stage milestone shall consist of the completed survey / base map work as identified in Task 2.1 with all proposed funded improvements identified in the approved BODR illustrated in plan view at a scale of 1-inch equals 20 feet. A key map shall also be provided on all sheets that illustrates the relationship between the drawings and their respective location within the project area. A Table of Contents identifying the anticipated technical specifications to be incorporated into the work shall also be submitted.

  It is important to note that as a part of the 30% design completion stage effort, the CONSULTANT shall prepare a detailed tabulation of all encroachments (hardscape and softscape) within the public right-of-way in the project area. The tabulation shall be presented in a format that identifies those encroachments that exist within the right-of-way and do not require removal in order to construct the project and those encroachments required to be removed in order to implement the project components. This tabulation shall include, at a minimum, description

of the encroachment, location (block / lot number and physical address), a description identifying the encroachment, and a justification / reason why the encroachment must be removed (to be provided only for those encroachments required to be removed to implement the project components). The PROGRAM MANAGER will provide the CONSULTANT with an "Excel" spreadsheet template for mandatory use in preparation of the listing. Please note that the CONSULTANT shall be required to submit a "Draft" listing for review and comment, and make subsequent revisions as noted by the CITY, prior to submitting a Final Encroachment listing.

- The 60% design completion stage milestone shall consist of plan and profile views of all proposed improvements, with all applicable sections and construction details. Note that the corresponding profile for each plan view shall be included on the same sheet as the plan view. Separate Plan and Profile sheets will not be acceptable. In addition, a small scale key map will be provided on each sheet to allow the reviewer the ability to readily identify the location of the sheet within the Project area. Prior to the preparation of the 60% design completion stage drawings, the CONSULTANT shall incorporate changes to its design based upon its underground utility verification efforts and review comments received, as noted in Task 2.3. In addition, the CONSULTANT shall include draft technical specifications and a draft schedule of prices bid (bid form) identifying the items to be bid by the prospective contractors with the submittal. Also, this submittal shall include the CONSULTANTs "Budget" level opinion of probable cost as defined by the American Association of Cost Engineers with the submittal.

  It is anticipated that the CITY will be at or near completion of reviewing the CONSULTANT's final encroachment listing. When completed, the listing will be returned to the CONSULTANT, who will revise its documents to reflect final CITY direction on the acceptance / rejection of CONSULTANT recommendations regarding the disposition of encroachments on the project. The CONSULTANT shall demonstrate compliance with this requirement at the 90% design completion stage submittal noted below.

- The 90% design completion stage milestone shall consist of a near final construction document set including the front-end documents (general and

supplemental conditions), technical specifications and construction drawings for all work proposed to be completed. The CONSULTANT shall include detailed construction sequencing restrictions for the PROGRAM MANAGER's review with this submittal. Prior to the preparation of the 90% design completion stage drawings, the CONSULTANT shall incorporate changes to its design based upon review comments received, as noted in Task 2.3 below In addition, the CONSULTANT shall provide its "Definitive" level opinion of probable cost as defined by the American Association of Cost Engineers with this submittal.

- The 100% design completion stage milestone shall consist of the 90% documents updated to include all constructability and design review comments as may be provided by the CITY, PROGRAM MANAGER and/or jurisdictional review agency. This set of documents will be used by the CONSULTANT to implement City of Miami Beach Building Department Permitting Reviews as noted in the PWP.

Deliverables:

- Furnish fifteen (15) sets each of the 30, 60, 90 and 100 percent design completion stage documents to PROGRAM MANAGER, as applicable (ten full size and five half size for each submittal)

- Prepare and update project invoices and schedule tracking spreadsheets, on a monthly basis.

- Attend monthly design progress meetings with CITY and PROGRAM MANAGER staff.

Schedule:

- Complete 30 percent document submittal within 80 working days after the Task 2 – Design Phase Notice to Proceed.

- Complete 60 percent document submittal within 160 working days after Task 2 - Design Phase Notice to Proceed.

-Complete 90 percent document submittal within 240 working days after Task 2 - Design Phase Notice to Proceed.

-Complete 100 percent document submittal within 300 working days after Task 2 - Design Phase Notice to Proceed.

Task 2.3 – Design / Constructability Review: To verify that the CONSULTANT is in compliance with required BODR, DSM and PWP requirements, the CITY will conduct a series of design submittal reviews on all design project documents, inclusive of cost estimates at the 30, 60 and 90% design completion stage submittals. Note that the 100% design completion stage submittal will be used by the CONSULTANT to permit the project through all internal CITY reviews as noted in the PWP.

The purpose of these reviews shall be to verify that the documents are consistent with the design intent. These documents shall be furnished as bound 8-1/2-inch by 11-inch technical specifications and full-size (22-inch by 34-inch) and half size (11-inch by 17-inch) drawings as noted in the Task 2.2 deliverables. The PROGRAM MANAGER and applicable CITY Departments shall perform reviews on these documents and provide written comments (in "Excel" spreadsheet format) back to the CONSULTANT.

Following receipt of comments by the CONSULTANT, a meeting may be scheduled between the CITY, the CONSULTANT and PROGRAM MANAGER, to discuss the intent and review of the comments. Subsequently, the CONSULTANT shall address how each comment was resolved, to the PROGRAM MANAGER, within 10 working days after the review session and/or receipt of the comments. The responses shall be in the spreadsheet format provided to the CONSULTANT. In addition, the CONSULTANT shall revise its documents to address all review comments accordingly, to the satisfaction of the CITY.

In addition, the PROGRAM MANAGER will perform constructability reviews of the design documents relative to value, construction sequencing and bid format. These reviews shall be based upon 60 and 90 percent design submittals received from the CONSULTANT and shall be conducted concurrently but separately from the 30, 60 and 90 percent design reviews noted above. These constructability review meetings shall be held with the CONSULTANT and the CITY representatives to discuss the CONSULTANT's proposed construction sequencing restrictions, and bid formats, and shall be performed by the PROGRAM MANAGER.

The CONSULTANT shall note that the CITY's / PROGRAM MANAGER's review of the contract documents does not relieve the CONSULTANT from its responsibility to the CITY with regard to the quality and completeness of its contract documents.

Deliverables:

- Attend meetings with the CITY and PROGRAM MANAGER staff to review and discuss design constructability and value comments.
- Prepare written responses to comments made during reviews.

Schedule:

- Complete concurrently with 300 working day Design Phase schedule.

Task 2.4 – Cost Opinions: The CONSULTANT shall prepare opinions of probable construction costs for the 60 and 90% design completion stage submittals, as well as the final (100 percent) completion stage submittal. The accuracy of the cost estimate associated with the 60 percent completion stage shall be +30% to –15% (i.e. 30% over / 15% under the actual amount) "Budget" Level as defined by the American Association of Cost Engineers. The accuracy of the cost estimate associated with the 90 and 100 percent completion stage submittals shall be a +15% to –5% (i.e. 15% over / 5% under the actual amount) "Definitive" Level Estimates as defined by the American Association of Cost Engineers. All estimates shall be submitted in Microsoft "Excel" format in accordance with the template supplied by the PROGRAM MANAGER. All estimates shall be furnished bound in 8-1/2-inch by 11-inch size. Based upon the CONSULTANT's cost estimate, the CITY will advise the CONSULTANT if portions of the project need to be deleted, phased and/or bid as alternate bid items to satisfy existing fiscal constraints (based upon CONSULTANT's analysis and recommendations). In this effort, the CONSULTANT may be required to attend a series of meetings and develop alternative cost savings options for CITY consideration, if the estimates show that the projected project cost will exceed the target budget. The CONSULTANT shall revise the contract documents to reflect necessary revisions to meet budget parameters at no additional cost accordingly.

Deliverables:

- Furnish six (6) sets of 60, 90 and 100 percent completion stage cost estimates to PROGRAM MANAGER concurrently with the design submittals noted in Task 2.2.
- Attend meetings with the CITY and PROGRAM MANAGER staff to review and discuss cost estimates. This Task includes development of any required cost savings alternatives, and implementation / revision of documents to

address such items, as necessary to meet established budget parameters.

Schedule: - Complete concurrently with 300 working day Design Phase schedule.

Task 2.5 – Community Design Review Meetings

The CONSULTANT shall attend and participate in Community Design Review Meetings (CDRMs) to review the design progress and concept at different progress levels during the design. The CITY will schedule, find locations for, and notify residents of all such meetings. The CONSULTANT shall prepare draft meeting minutes and forward them to the PROGRAM MANAGER, who shall review, provide comments and distribute, accordingly. The CONSULTANT shall prepare for, attend and present its documents at up to two (2) CDRMs. Meetings shall be scheduled at the 60% and 90% design completion stages. Note that presentation format shall consist of a brief Power Point presentation to review Project status, highlights, funding, schedules, plus review of full size plans for the project. The CONSULTANT shall provide sufficient staff at the meeting to address concerns by residents at multiple plan stations. It is anticipated that the CONSULTANT will attend Pre-CDRM meetings with CITY and PROGRAM MANAGER staffs to review the proposed format of the presentation for each planned CDRM.

Task 2.6 - Document Revisions: Based upon the input provided by the residents at the CDRM, the CONSULTANT shall incorporate necessary contract document revisions, as approved by the CITY.

Task 2.7 – Permitting Reviews: The CONSULTANT shall prepare applications and such documents and design data as may be required to procure approvals from all such governmental authorities that have jurisdiction over the Project. CONSULTANT's drainage design concept anticipates the use of Class V, Group 6 drainage wells. CONSULTANT's effort contemplates the necessary supporting documentation to respond to agency requests for information as they relate to all technical aspects of the proposed installation and operation to obtain a Class V, Group 6 Construction and Authorization to Operate permit on behalf of the CITY. The CITY will pay all permit fees. The CONSULTANT shall participate in meetings, submissions, resubmissions and negotiations with such authorities. The CONSULTANT shall respond to comments by such authorities within ten working days of receipt of comments unless

a different time is agreed to by PROGRAM MANAGER. It is the intent of this scope of services that the CONSULTANT be the responsible party for formally transmitting and receiving permits to and from the respective jurisdictional authorities. However, since the PROGRAM MANAGER is to track and monitor progress on the preparation and review of permits and subsequent requests for information, the CONSULTANT shall copy the PROGRAM MANAGER on all permit related correspondence. This includes CONSULTANT generated minutes from meetings held with related parties. The PROGRAM MANAGER will forward copies of such documents to the CITY as appropriate. It is recognized by CITY that the time period required for obtaining permits is beyond the control of the CONSULTANT, except with regard to issues concerning the permittability of the proposed design and the CONSULTANT's ability to respond to permitting agency requests for information in a timely manner. At the time of scope preparation, the following governmental authorities that have or may have jurisdiction over Project have been identified:

- United States Environmental Protection Agency
- U.S. Army Corps of Engineers
- Florida Department of Transportation
- Florida Department of Environmental Protection
- South Florida Water Management District
- Miami-Dade Water and Sewer Authority
- Miami-Dade Department of Public Works
- Miami-Dade Department of Health and Rehabilitative Services
- Miami-Dade Department of Environmental Resource Management
- The City of Miami Beach Building Department
- The City of Miami Beach Planning Department
- The City of Miami Beach Public Works Department
- The City of Miami Beach Historic Preservation Board

Note that the CITY's failure to identify governmental authorities that have jurisdiction over Project at this time does not relieve the CONSULTANT from the responsibility to procure all requisite permits. However, an equitable adjustment to the CONSULTANT's compensation may be negotiated if deemed appropriate by the CITY.

Deliverables:

- Correspond with noted jurisdictional authorities to establish permitting requirements.
- Revise documents and respond to permitting inquiries as required.
- Attend meetings with the CITY, PROGRAM MANAGER and/or permitting agency staff as required to review, discuss and finalize permit procurement

Schedule:

- Complete concurrently with 300 working day Design Phase schedule.

Task 2.8 – The CONSULTANTs QA/QC of Design Documents: The CONSULTANT shall establish and maintain an in-house Quality Assurance / Quality Control (QA/QC) program designed to verify and ensure the quality, clarity, completeness, constructability and biddability of its contract documents. To this end, the CONSULTANT shall provide the CITY and PROGRAM MANAGER with a written narrative detailing its QA/QC program tasks and how it is to be implemented over the course of this project. The CITY and/or PROGRAM MANAGER, at its discretion may require that the CONSULTANT attend meetings to review the status and present results of its QA/QC efforts. Items to be addressed may include, but shall not be limited to, review of specifications by respective technical experts and a "Redi-check" type review of the documents to identify conflicts and inconsistencies between the various project disciplines.

TASK 3 –BIDDING AND AWARD SERVICES

Please note that the Tasks below address the level of service required for a traditional Advertise / Bid / Award process. As an alternative to this traditional bidding process outlined herein, the City may consider implementing the project via the Job Order Contract (JOC) system. If such decision is made, it is understood that the Consultant's hours assigned to traditional bidding tasks would be re-distributed, on a not to exceed basis, to complete tasks related to procurement of the job through the JOC system, including, but not limited to the following:

- Participation at the Joint Scope Meeting
- Assistance in filling out JOC standard forms, including Brief Request for Proposal and Notice to Proceed (Suggested Language Only. City to input forms into system)
- Review of JOC unit cost proposal
- Participation in negotiation meetings with JOC Contractor

Note that all other duties of the CONSULTANT are not affected by the use of the JOC system.

Task 3.1 - Construction Contract Document Review: The CONSULTANT shall assist the CITY in bidding and award of each construction contract. The PROGRAM MANAGER, through the CITY, shall transmit contract documents prepared by the CONSULTANT to the CITY's Risk Management, Legal and Procurement Departments for verification of appropriate insurance, form and bonding requirements. The CONSULTANT shall assist PROGRAM MANAGER in this effort by providing three copies of the complete Contract Document set (drawings and specifications) and participating in meetings, submissions, resubmissions and discussions with these departments, as necessary. The CONSULTANT shall address and re-submit corrections to any CITY comments within ten calendar days of receipt of comments unless a different time schedule is agreed to by the PROGRAM MANAGER. The CONSULTANT's compensation has been based upon one meeting with these departments. If JOC system is used, repackaging of contract documents is included in this Task.

Task 3.2 - Bid Document Delivery: The CONSULTANT shall provide the PROGRAM MANAGER with reproducible, camera ready, sets of contract documents for each bid package. The CITY Procurement Department shall reproduce documents and handle the advertising, distribution, sale, maintenance of plan holder lists and other aspects of bid document delivery to prospective Bidders.

Task 3.3 - Pre-Bid Conference and Bid Opening: The PROGRAM MANAGER will conduct one pre-bid conference. The CONSULTANT shall attend and participate in the pre-bid conference and bid opening as may be required.

Task 3.4 - Addenda Issuance: The CONSULTANT shall provide, through the PROGRAM MANAGER, timely responses to all inquiries received by the CITY from prospective bidders. These responses shall be prepared as written addenda, with the format for such addenda as

provided to the CONSULTANT by PROGRAM MANAGER. These queries and responses shall be documented and a record of each shall be transmitted to the PROGRAM MANAGER on a same day basis. The CONSULTANT shall prepare necessary addenda as requested by PROGRAM MANAGER. The CITY will distribute addenda to all plan holders of record accordingly.

Task 3.5 - Bid Evaluation: Within five calendar days of receipt of bids, the CITY will forward Bids to the CONSULTANT, who in turn shall evaluate bids for completeness, full responsiveness and price, including alternative prices and unit prices, and shall make a formal written recommendation to the CITY regarding the award of the contract. Non-technical bid requirements shall be evaluated by others.

This scope of services includes no allowance for the CONSULTANT's time to assist the CITY in the event of a bid protest. To the proportionate extent the CONSULTANT's services are required in the event of a bid protest, due to a direct action or lack thereof by the CONSULTANT, the CONSULTANT shall participate in such activities at no additional cost to the CITY.

Task 3.6 - Contract Award: The CONSULTANT shall provide eight (8) sets of Construction Contract Documents, inclusive of Addenda, for execution by the CITY and the successful bidder within five calendar days of request by the CITY.

Task 3.7 – As- Bid Contract Documents: After contract award and prior to the preconstruction conference, the CONSULTANT shall prepare As-Bid construction contract documents, which incorporate the following items into the construction contract documents:

- Contractor's bid submittals, including but not limited to, bid proposal, insurance, licenses, etc.
- Amend / modify front-end documents and / or technical specifications to incorporate changes made via contract addenda.
- Revise construction contract drawings to include modifications / revisions incorporated via contract addenda.

The CONSULTANT shall prepare As-Bid construction contract documents and reproduce fifteen (15) sets for distribution to PROGRAM MANAGER within ten (10) calendar days after City Commission approval / contract execution.

The following apply to Task 3.1 through 3.7:

Deliverables-
- Attend and participate in Pre-bid conferences and bid openings.
- Respond to questions from prospective bidders and prepare Addenda for distribution by others.
- Prepare recommendation of award letter

  Provide eight (8) sets of contract documents for contract execution
- Prepare As-Bid contract documents and reproduce fifteen (15) sets and forward to PROGRAM MANAGER.

Schedule:
- Upon receipt of Task 3 Bidding and Award Services Notice to Proceed and within 120 working days

TASK 4 –CONSTRUCTION ADMINISTRATION SERVICES

The CONSULTANT shall perform the following tasks related to the construction administration of the Project(s). These tasks shall be performed during the duration of all construction. Due to the extensive amount of detailed procedures required to properly manage construction projects, the PROGRAM MANAGER has developed a Construction Management Manual (CMM) for the construction phase of the Infrastructure Improvement Program. This CMM augments the general program guidelines established in the Project Work Plan (PWP), as provided to the CONSULTANT by the PROGRAM MANAGER at the commencement of the Project, and provides uniform procedures and guidelines for managing the interface between the CITY, Contractor, PROGRAM MANAGER and CONSULTANT staffs.

It is anticipated that the construction timeframe for Bid Package 12D/E/F will approximate 42 months. The CONSULTANT's compensation is based upon the administration of this construction duration.

Task 4.1 – Pre-Construction Conferences: The CONSULTANT shall attend one pre-construction conference if one contractor is used, or up to three (3) preconstruction conferences if the JOC method is used for contracting. The PROGRAM MANAGER will prepare and

distribute meeting minutes to all attendees and other appropriate parties. At this meeting, it is anticipated that the PROGRAM MANAGER will issue a Limited Notice to Proceed. A final Notice to Proceed shall be issued upon receipt of a final schedule and procurement of all applicable construction permits from the Contractor.

Deliverables: - Attend and participate in one to three pre-construction conferences.

Schedule: - As scheduled by PROGRAM MANAGER after receipt of Task 4 Notice to Proceed.

Task 4.2 – Weekly Construction Meetings: The CONSULTANT shall attend weekly construction meetings with the Contractor(s), PROGRAM MANAGER and applicable CITY representatives for the duration of the construction. The purpose of these meetings shall be to review the status of construction progress, shop drawing submittals and contract document clarifications and interpretations. In addition, the Contractor shall furnish a two-week look ahead work schedule to allow for proper coordination of necessary work efforts. These meetings shall also serve as a forum for discussion of construction issues, potential changes / conflicts and any other applicable matters. The meetings may include site visits to visually observe / address construction related concerns that may result from discussion during the construction meeting. Note that these site visits shall be separate and distinct from the "Specialty Site Visits" discussed under Task 4.6. The PROGRAM MANAGER will prepare and distribute meeting minutes to all attendees and other appropriate parties.

Deliverables: - Attend and participate in weekly construction progress meetings for the Bid Package

Schedule: - - Weekly throughout the project duration.

Task 4.3 – Requests for Information / Contract Document Clarification (RFIs / CDCs): The PROGRAM MANAGER will receive, log and process all RFIs / CDCs. Whenever an RFI involves the interpretation of design issues or design intent, the PROGRAM MANAGER will forward the RFI to the CONSULTANT, who shall prepare a written response in a timely matter and return it to the PROGRAM MANAGER. In addition, the CONSULTANT may be requested by the PROGRAM MANAGER to prepare and forward CDCs should certain items within the

contract documents require clarification. Note that the CITY will hold the CONSULTANT directly responsible for any impacts resulting from untimely responses.

Deliverables: - Respond to those RFI's that involve design interpretations and return to PROGRAM MANAGER's office. Issue CDCs as required.

Schedule: - Ongoing throughout project construction duration for the Bid Package.

Task 4.4 – Requests for Changes to Construction Cost and/or Schedule: The PROGRAM MANAGER will receive, log and review all requests for project cost and/or schedule changes from the Contractor(s). Such requests may be the result of unforeseen conditions, interferences identified by the Contractor(s) during the routine progress of work, inadvertent omissions (betterment) issues in the contract documents, permitting requirements that arise after the contract award, and/or additional improvements requested by the CITY. Regardless of the source, the PROGRAM MANAGER will evaluate the general merit of the request, as well as perform a cursory review of the potential impact of the change in terms of project cost and schedule. The PROGRAM MANAGER will also forward the request to the CONSULTANT, who shall provide a written opinion as to the merit / value of the request. It is understood that no legal claims assistance or support services are inferred by the work effort noted under this Task.

Deliverables: - Perform independent review of request for cost increase and/or time extension.

- Coordinate and participate in meetings, as required, with the PROGRAM MANAGER, CITY and Contractor to resolve and/or negotiate the equitable resolution of request. Provide written opinion and / or recommendation upon request.

- Prepare change order documentation in CITY directed format

Schedule: - Ongoing throughout project construction duration for the Bid Package.

Task 4.5 – Processing of Shop Drawings: The PROGRAM MANAGER will receive, log and distribute shop drawings to the CONSULTANT for its review. The CONSULTANT shall have 14 calendar days from the time of receipt in its office, to review and return shop drawings to the PROGRAM MANAGER's office. Note that the CITY will hold the CONSULTANT directly responsible for any impacts resulting from untimely review of submittals.

Deliverables: - Review Shop Drawings and return them to PROGRAM MANAGER's office.

Schedule: - Ongoing throughout project construction duration.

Task 4.6 – Field Observation Services: The PROGRAM MANAGER will provide field staff to observe the construction of the work. The CONSULTANT shall provide specialty site visits by various design disciplines (civil, mechanical, landscaping, etc...) on an as requested basis. For the purposes of this scope of services, it is assumed that monthly specialty site visits are included for the duration of the construction project (42 months).

Deliverables: - Provide monthly specialty site visits.

Schedule: - Ongoing throughout project construction duration for both Bid Packages.

Task 4.7 – Project Closeout: Upon receiving notice from the PROGRAM MANAGER advising the CONSULTANT that a Project is substantially complete, the CONSULTANT, in conjunction with appropriate CITY and PROGRAM MANAGER staff, shall conduct an overview of the Project. The overview shall include development of a "punch list" of items needing completion or correction prior to consideration of final acceptance. The PROGRAM MANAGER will develop the list with assistance from the CITY and the CONSULTANT. The list shall be forwarded to the Contractor. For the purposes of this Task, please note that substantial completion shall be deemed to be the stage in construction of the Project where the Project can be utilized for the purposes for which it was intended, and where minor items may not be fully completed, but all items that affect the operational integrity and function of the Project are capable of continuous use.

Upon notification from the PROGRAM MANAGER that all remaining "punch list" items have been resolved, the CONSULTANT, in conjunction with appropriate CITY and PROGRAM MANAGER staff, shall perform a final review of the finished Project. Based on successful

completion of all outstanding work items by the Contractor(s), the CONSULTANT shall assist in closing out the construction contract. This shall include a final punch list walk throughs for verification of completion.

Deliverables:	-Attend field meetings to review substantial and final completion and assist in development of "punch lists".
Schedule:	-At the Substantial and Final completion of each project

TASK 5 – ADDITIONAL SERVICES

Task 5.1 – Additional Meetings with Property Owners: At the request of the CITY, CONSULTANT shall attend up to ten (10) additional meetings with CITY representatives to discuss or resolve particular aspects of the project. CONSULTANT shall prepare meeting minutes for each meeting,

Task 5.2 – First Street Design & Permitting: At the request of the CITY, CONSULTANT shall prepare design plan submittals to prepare a survey and incorporate streetscape and utility improvements to the First Street corridor from Washington to Jefferson Avenues in accordance with the basic scope of services. This corridor is not included in the basic scope of services since the adjacent developer has recently implemented improvements.

Task 5.3 – Meridian Avenue Design & Permitting: At the request of the CITY, CONSULTANT shall prepare design plan submittals to prepare a survey and incorporate streetscape and utility improvements to the Meridian Avenue corridor from First to Second Street in accordance with the basic scope of services. This corridor is not included in the basic scope of services since the adjacent developer has recently implemented improvements.

TASK 6 - REIMBURSABLES

Task 6.1 – Reproduction Services: The CONSULTANT shall be reimbursed at the usual and customary rate for reproduction of reports, contract documents and miscellaneous items, as may be requested by the CITY. Unused amounts in this allowance shall be credited back to the CITY at the completion of the project.

Task 6.2 – Travel and Subsistence: The CONSULTANT shall be reimbursed at the United States Internal Revenue Service established rate for travel and subsistence, up to the maximum

not-to-exceed amount as noted. Unused amounts in this allowance shall be credited back to the CITY at the completion of the project.

Task 6.3 – Surveying: The CONSULTANT shall arrange for and coordinate the efforts of licensed surveyors to prepare a topographical survey of all CITY public rights-of-way within the project limits to meet the intent of the approved project Scope. This effort shall meet the requirements set forth in Task 2.1 and CONSULTANT contemplates approximately 19,100 linear feet of corridor to be surveyed. Unused amounts in this allowance shall be credited back to the CITY at the completion of the project. Prior to initiating the work, CONSULTANT shall provide subconsultant fee proposals for the estimated work effort to the CITY for CITY review and approval.

Task 6.4 - Geotechnical Evaluation: The CONSULTANT shall contract the services of a professionally licensed geotechnical firm to perform asphalt pavement cores, boring / test excavations as necessary to ascertain pavement and soil conditions. Specifically, the CONSULTANT shall procure the services of a geotechnical engineer to perform 750 LF of Standard Penetration Test Borings, 20 exfiltration tests, 100 asphalt / limerock cores, 25 sieve analyses, 10 soil permeability tests and an engineering report which utilizes this geotechnical information to identify recommendations for pavement design, pipe trench and backfill requirements, and stormwater management considerations. The scope of such services shall be subject to review and acceptance by the CITY. Costs shall be limited to a $50,000 not-to-exceed amount. Unused amounts shall be credited back to the CITY at the completion of the project.

Task 6.5 – Underground Utility Verification: The CONSULTANT shall contract the services of an underground utility location service to perform approximately 181 vacuum extraction excavations, in an effort to better identify existing underground conditions where work is to be performed. Actual locations shall be as directed by the CONSULTANT, subject to CITY review and acceptance. Costs shall be limited to a $50,000 not-to-exceed amount. Unused amounts shall be credited back to the CITY at the completion of the project. CONSULTANT and CITY acknowledge that the anticipated level of effort was based upon a unit price of $275 per vacuum extraction excavation. Prior to initiating the work, CONSULTANT shall provide subconsultant fee proposals for the estimated work effort to the CITY for CITY review and approval.

Task 6.6 – Hydrogeological Permitting Assistance: The CONSULTANT shall retain the services of professional engineer and / or professional geologist that are experienced with the hydrogeologic conditions of the south Florida area. This subconsultant shall assist the CONSULTANT in developing proper responses to the State of Florida Department of Environmental Protection during the Group V, Class 6 disposal well permitting for construction and authorization to operate. Tasks may include the development of a report that presents background geologic conditions for the project area and its surroundings, site specific hydrogeological data as well as any other data that the Consultant determines is necessary to satisfy the reasonable assurance requirements of the State of Florida Department of Environmental Protection.

Minimum Design Features To Be Shown On Drawings

The CONSULTANT shall note that the following criteria indicate the minimum design standards to be shown on drawings. The CONSULTANT is encouraged to review and recommend changes as it deems necessary, subject to the review and acceptance of the CITY and the PROGRAM MANAGER.

Paving, Grading and Drainage Plans

- Show existing grade / topography, centerline roadway, edge of pavement, back of sidewalk, top of curb, gutter flow line
- Show proposed grade along the centerline of the road at 50-ft centers, limits of road work, inlets, curb and gutter and sidewalk
- Show limits of demolition / removal
- Show limits of proposed work
- Identify all surface features of all existing and proposed work
- Identify driveway locations
- Identify proposed structures
- Identify linear footage of pipe, pipe invert elevation, diameter and material
- Proposed flow drainage / directional arrows
- Stormwater collection pipe profiles oriented on the same sheet as the plan view

Paving, Grading and Drainage Details

- Show proposed cross sections with topographical information at key locations
- Identify the following minimum information on cross sections:
  - Existing utilities
  - Proposed road slope, lane width, sidewalk width and surface features within the right-of-way
  - Road construction details for the sub-base and base and asphalt
  - Proposed utility locations
- Conflict manhole detail
- Manhole details
- Driveway replacement section
- Catch basin details
- Exfiltration trench details
- Drainage pipe trench detail
- Restoration Details – All pipes
  - Roadway

- Sidewalk
- Curb and gutter

Water Distribution Plans

General

- Identify existing utilities
- Show future utilities proposed by others
- Identify trees / landscaping to remain in place
- Provide profiles oriented on the same page as the plan view

Water Distribution System

- Show location of single and double water meter boxes
- Identify fire hydrant assembly
- Identify fitting locations
- Identify limits of restrained joints
- Identify deflection limits
- Identify water sampling points
- Identify dead end blow-offs
- Identify air release valves
- Identify pipe diameter and material
- Stationing

Pressure Pipe Profiles

- Show top of pipe elevation
- Identify location of air release valve at high points
- Identify vertical / horizontal deflection and/or fittings
- Identify minimum cover requirements
- Provide details of major utility crossings
  - Jack and bore
  - Horizontal directional drilling
  - Subaqueous crossing
  - Aerial crossing
  - Culvert crossing

Exhibit A - South Pointe RDA Phases 3, 4 and 5

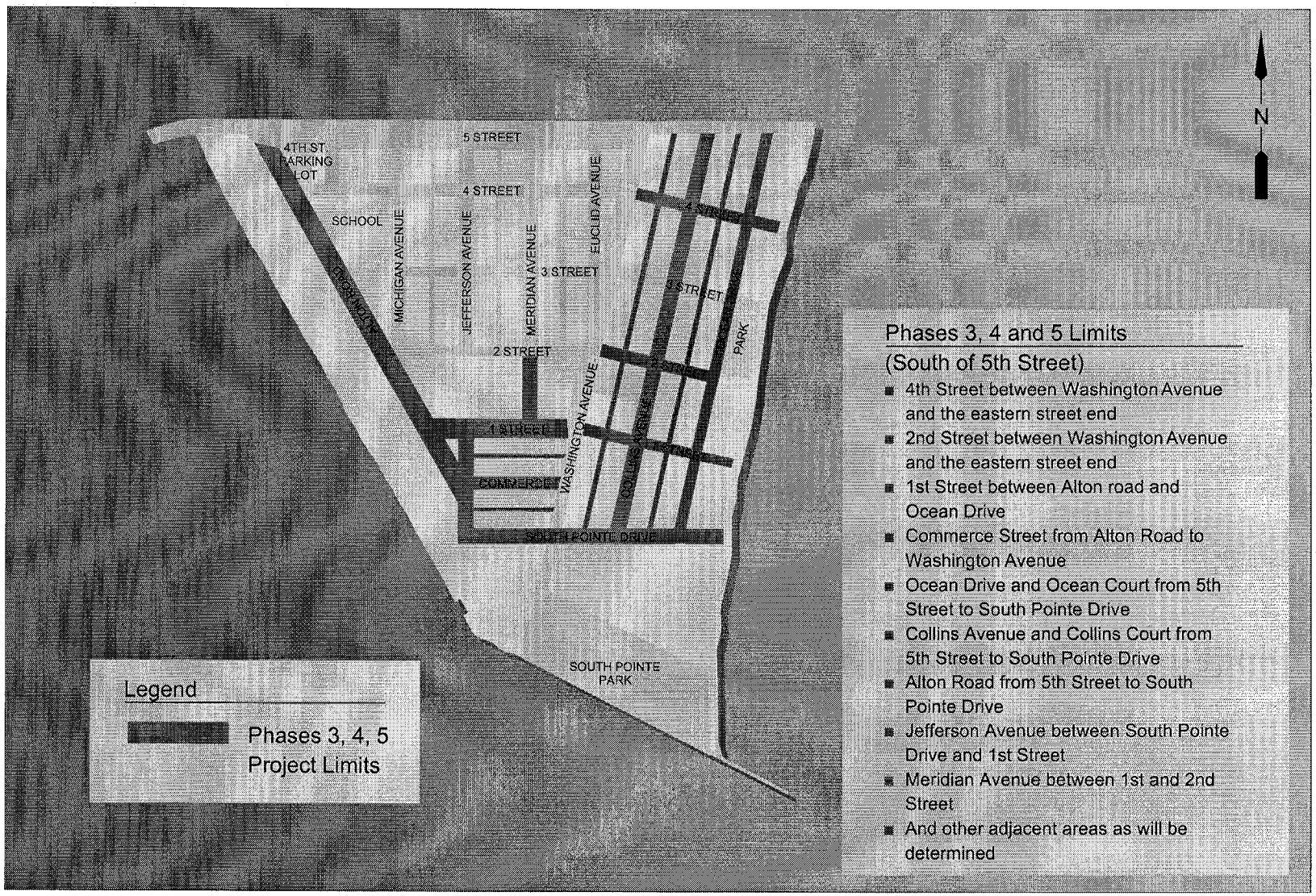

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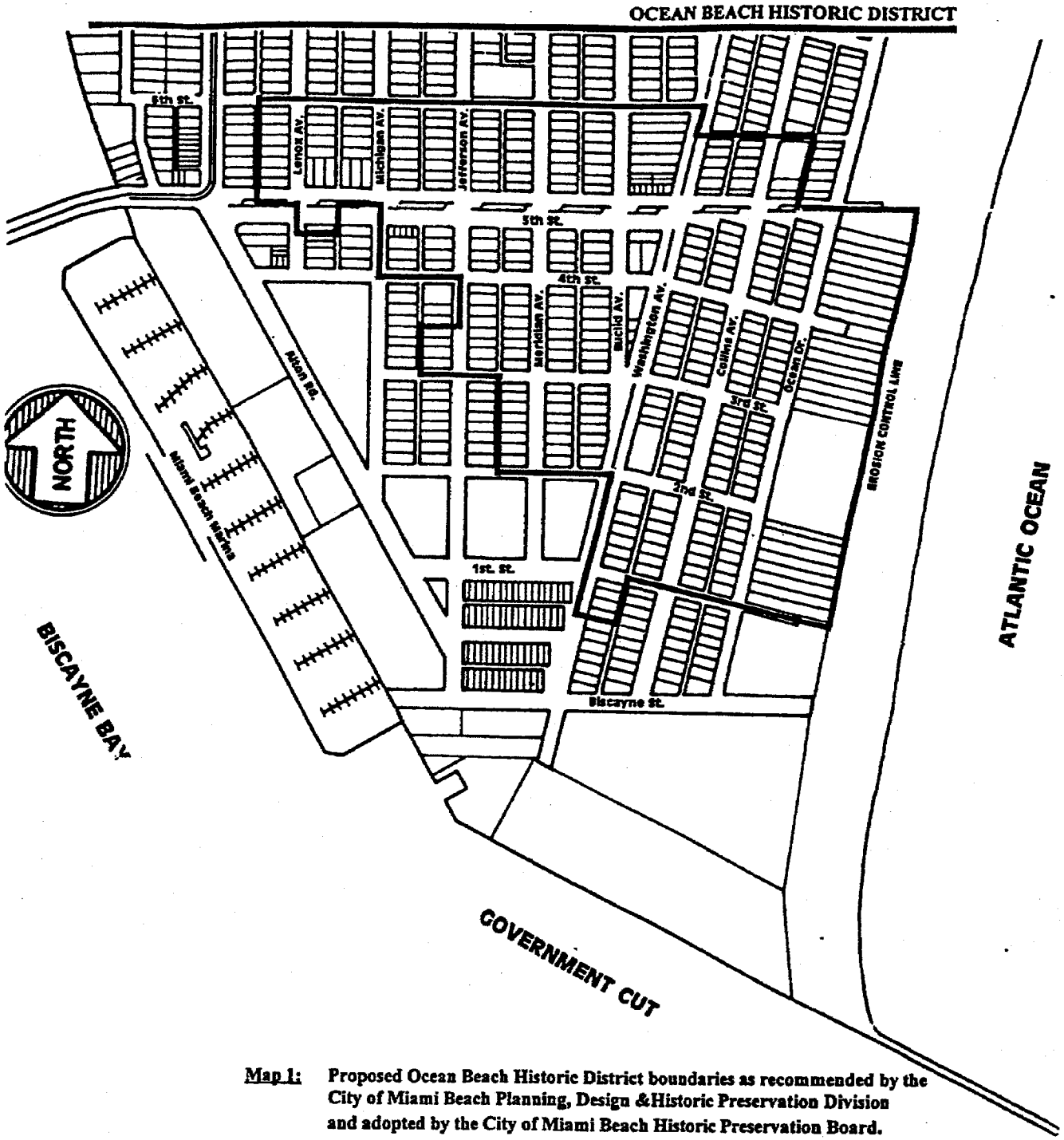
Exhibit B



Map 1: Proposed Ocean Beach Historic District boundaries as recommended by the City of Miami Beach Planning, Design &Historic Preservation Division and adopted by the City of Miami Beach Historic Preservation Board.

South Pointe

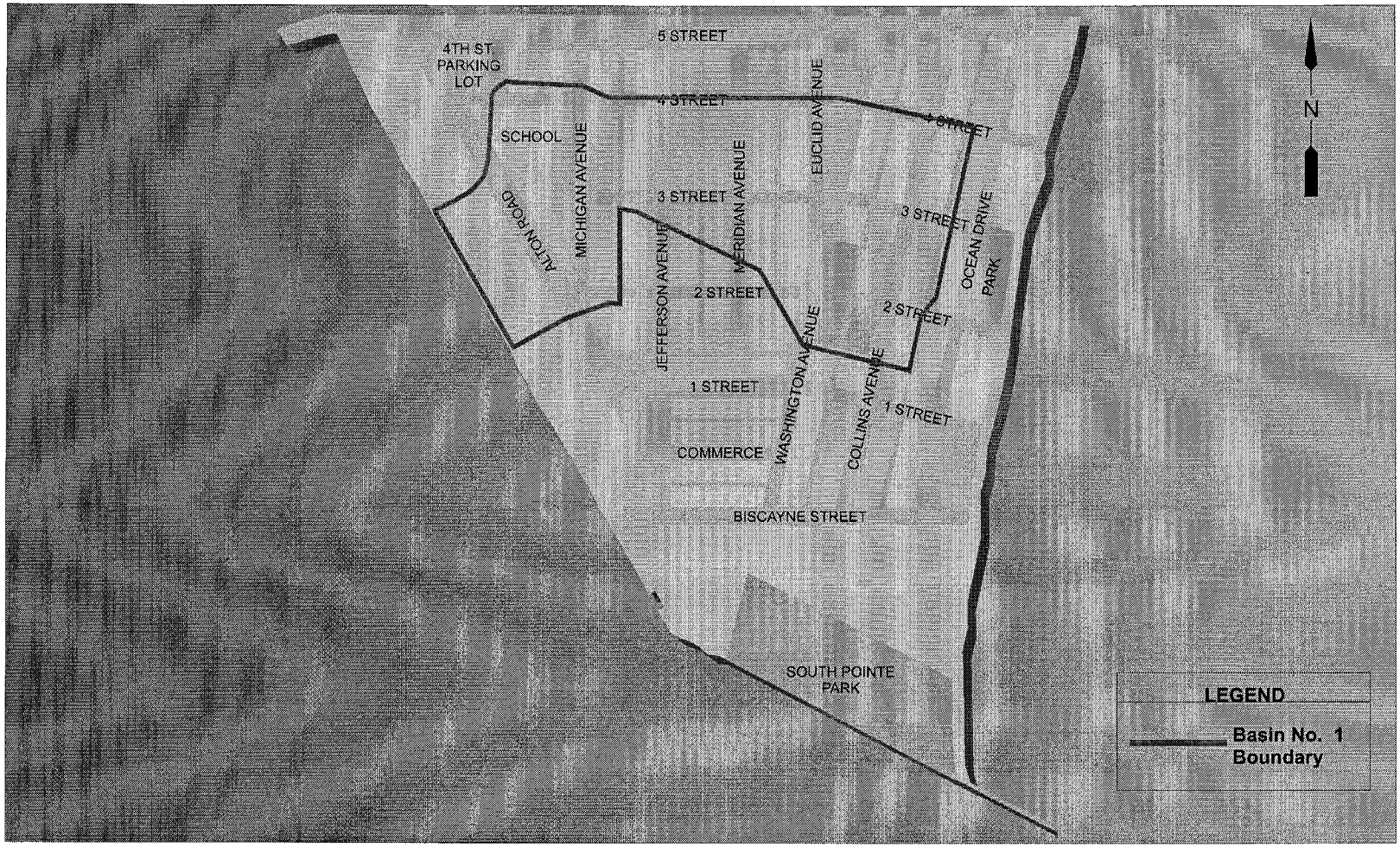


Exhibit C: STORM WATER PRIORITY BASIN NO. 1 BOUNDARIES

South Pointe

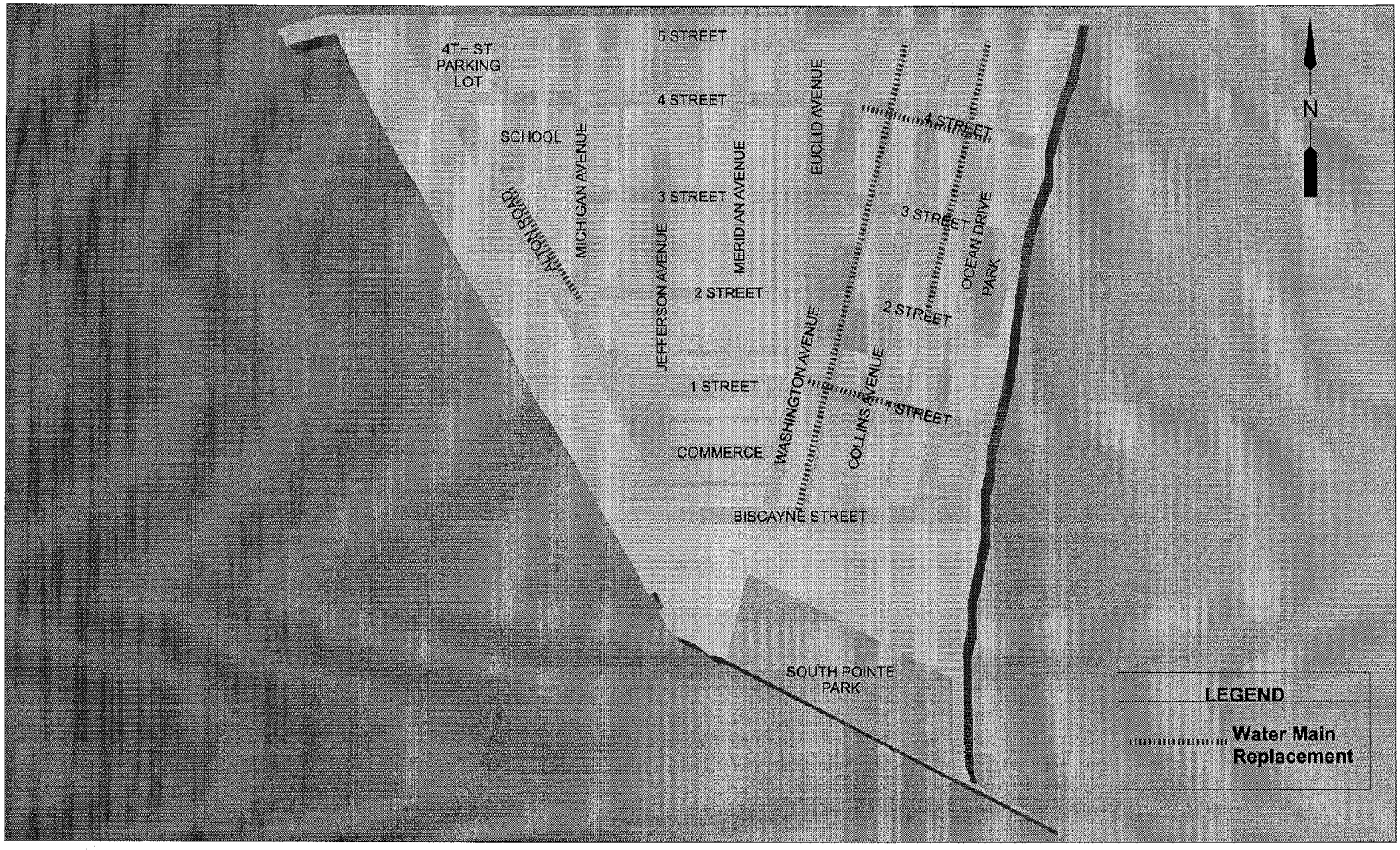


Exhibit D: WATER MAIN REPLACEMENTS

EXHIBIT E
CITY OF MIAMI BEACH
ROW INFRASTRUCTURE IMPROVEMENT PROGRAM
SOUTH POINTE PHASES III / IV AND V
PROPOSED DRAWING LIST

SHEET COUNT			DRAWING NUMBER				TITLE
							GENERAL
1			G -	1			TITLE SHEET AND LOCATION MAP
2			G -	2			LIST OF DRAWINGS
3			G -	3			ABBREVIATIONS, SYMBOLS, SECTION AND DETAIL IDENTIFICATION
							HORIZONTAL CONTROLS
4			EC -	1			HORIZONTAL CONTROLS PLAN - KEY MAP
5	TO	27	EC -	2	TO	24	HORIZONTAL CONTROLS PLAN - SHEET 1 THROUGH 23 (1"=40')
							EXISTING CONDITIONS
28			EC -	1			EXISTING SITE CONDITIONS - KEY MAP
29	TO	51	EC -	2	TO	24	EXISTING SITE CONDITIONS - PLAN SHEET 1 THROUGH 23 (1"=20', TWO STRIPS)
							DEMOLITION
52			DM -	1			DEMOLITION - KEY MAP
53	TO	75	DM -	2	TO	24	DEMOLITION - PLAN SHEET 1 THROUGH 23 (1"=20', TWO STRIPS)
							PAVING, GRADING AND DRAINAGE
76			PG&D -	1			PAVING, GRADING AND DRAINAGE - KEY MAP
77	TO	99	PG&D -	2	TO	24	PAVING, GRADING AND DRAINAGE - PLAN SHEET 1 THROUGH 23 (1"=20', TWO
100	TO	103	PG&D -	25	TO	29	PAVING, GRADING AND DRAINAGE DETAILS
104	TO	115	PG&D -	30	TO	34	DRAINAGE PUMP STATIONS - PLANS AND SECTIONS (UP TO 4)
116	TO	119	PG&D -	35	TO	39	DRAINAGE PUMP STATION DETAILS
							PAVEMENT MARKING AND SIGNAGE
120			PM -	1			PAVING, GRADING AND DRAINAGE - KEY MAP
121	TO	143	PM -	2	TO	24	PAVEMENT MARKINGS & SIGNAGE - PLAN SHEET 1 THROUGH 23 (1"=20', TWO
144	TO	145	PM -	25	TO	26	PAVEMENT MARKINGS & SIGNAGE DETAILS
							HARDSCAPE
146			HS -	1			HARDSCAPE - KEY MAP
147	TO	169	HS -	2	TO	24	HARDSCAPE - PLAN SHEET 1 THROUGH 23 (1"=20', TWO STRIPS)
170	TO	171	HS -	25	TO	26	HARDSCAPE - DETAILS
							LANDSCAPING
172			LA -	1			LANDSCAPE ENHANCEMENTS - KEY MAP
173	TO	188	LA -	2	TO	17	LANDSCAPE ENHANCEMENTS - PLAN SHEET 1 THROUGH 16 (1"=20', TWO STRIPS)
189	TO	190	LA -	18	TO	19	LANDSCAPE ENHANCEMENTS - DETAILS
							WATERMAIN IMPROVEMENTS
191			WM -	1			WATERMAIN IMPROVEMENTS - KEY MAP
192	TO	203	WM -	2	TO	13	WATERMAIN IMPROVEMENTS - PLAN AND PROFILE SHEET 1 THROUGH 12 (1"=20')
204	TO	205	WM -	14	TO	15	WATERMAIN IMPROVEMENTS - DETAILS
							STORMWATER IMPROVEMENTS
206			SW -	1			STORMWATER IMPROVEMENTS - KEY MAP
207	TO	251	SW -	2	TO	46	STORMWATER IMPROVEMENTS - PLAN AND PROFILE SHEET 1 THROUGH 45 (1"=20')
252	TO	253	SW -	47	TO	50	STORMWATER IMPROVEMENTS - DETAILS
							ELECTRICAL
254			E -	1			ELECTRICAL IMPROVEMENTS - KEY MAP
255	TO	277	E -	2	TO	24	ELECTRICAL IMPROVEMENTS - PLAN SHEET 1 THROUGH 23 (1"=20', TWO STRIPS)
278	TO	279	E -	25	TO	26	ELECTRICAL IMPROVEMENTS - DETAILS
280	TO	287	E -	27	TO	28	ELECTRICAL - DRAINAGE PUMP STATIONS
288	TO	289	E -	29	TO	30	ELECTRICAL - DRAINAGE PUMP STATION DETAILS
							IRRIGATION
290			IR -	1			IRRIGATION - KEY MAP
291	TO	306	IR -	2	TO	17	IRRIGATION - PLAN SHEET 1 THROUGH 16 (1"=20', TWO STRIPS)
307	TO	308	IR -	18	TO	19	IRRIGATION - DETAILS

SCHEDULE B
CITY OF MIAMI BEACH
RIGHT OF WAY INFRASTRUCTURE PROGRAM A-E CONSULTANT
CONSULTANT'S COMPENSATION FEE SCHEDULE
Bid Pacakge 12DEF

TASK NO.	TASK DESCRIPTION	PROJECT DIRECTOR	PROJECT MANAGER	SR. ENGINEER	ENGINEER	STAFF ENGINEER	DESIGNER	DRAFTER	CLERICAL	TOTAL HOURS	TOTAL COST
1	**PLANNING SERVICES (FY 2005)**										
1.1	PROJECT KICK-OFF MEETING	8	16	16	0	0	0	0	4	44	$5,239
1.2	PROJECT SITE RECONNAISSANCE VISIT	38	76	88	20	0	80	30	28	360	$36,391
1.3	ATTEND "VISIONING" SESSION	10	40	40	16	12	0	0	12	130	$14,021
1.4	REVIEW MEETINGS PRIOR TO COMMUNITY DESIGN WORKSHOPS	18	30	90	30	10	10	50	18	258	$24,479
1.5.1	COMMUNITY DESIGN WORKSHOP NO. 1	12	12	12	12	12	12	12	12	96	$9,874
1.5.2	COMMUNITY DESIGN WORKSHOP NO. 2	12	30	30	30	0	0	8	8	118	$12,821
1.6	BASIS OF DESIGN REPORT (DRAFT)	80	320	340	120	100	20	120	120	1,220	$123,208
1.7	REVIEW OF BODR W/ CITY DIVISIONS	20	40	40	0	0	0	0	0	100	$12,608
1.8	BASIS OF DESIGN REPORT (FINAL)	20	80	100	80	120	40	60	160	660	$54,230
1.9	ADDITIONAL REVIEW MEETINGS	10	16	20	10	0	0	0	0	56	$6,623
	TOTAL BODR PHASE									2,984	$298,354
2	**DESIGN SERVICES (FY 2006)**										
2.1	FIELD VERIFICATION OF EXISTING CONDITIONS	39	60	150	200	200	0	0	0	649	$65,908
2.2	DETAILED DESIGN	148	289	576	578	868	2,316	3,088	375	8,238	$830,575
2.3	DESIGN / CONSTRUCTABILITY REVIEW	260	260	200	0	0	0	0	150	870	$105,424
2.4	COST OPINIONS	50	60	120	150	150	0	0	0	540	$57,193
2.5	COMMUNITY DESIGN REVIEW MEETINGS	20	20	20	0	0	0	0	0	60	$8,125
2.6	DOCUMENT REVISIONS	0	0	20	0	0	100	100	30	250	$17,398
2.7	PERMITTING REVIEWS	18	80	104	0	40	0	0	20	262	$29,278
2.8	CONSULTANT'S QA/QC OF DESIGN DOCUMENTS	80	120	120	0	0	80	0	0	380	$45,592
	TOTAL DESIGN PHASE									11249	$959,492
3	**BIDDING AND AWARD SERVICES (FY 2007)**										
3.1	CONSTRUCTION CONTRACT DOCUMENT REVIEW	16	16	64	32	32	0	0	8	168	$18,392
3.2	BID DOCUMENT DELIVERY	0	8	0	0	0	0	0	8	16	$1,455
3.3	PRE-BID CONFERENCE AND BID OPENING	8	8	16	8	8	0	0	8	56	$6,076
3.4	ADDENDA ISSUANCE	8	16	16	16	16	0	0	0	80	$6,596
3.5	BID EVALUATION	8	16	32	16	16	0	0	8	96	$10,470
3.6	CONTRACT AWARD	0	8	0	0	0	0	0	16	24	$1,819
3.7	AS-BID CONTRACT DOCUMENTS	0	8	16	24	0	0	32	32	112	$8,687
	TOTAL BIDDING PHASE									552	$55,495
4	**CONSTRUCTION ADM. SERVICES (42 MONTHS)**										
4.1	PRE-CONSTRUCTION CONFERENCE	8	16	24	16	16	0	0	0	80	$9,444
4.2	WEEKLY CONSTRUCTION MEETINGS (168 @ 4 HRS EACH)	104	416	152	0	0	0	0	0	672	$94,450
4.3	REQUESTS FOR INFORMATION / CONTRACT DOCUMENT CLARIFICATION (RFI / CDC)	104	104	416	104	104	52	0	104	988	$110,897
4.4	REQUESTS FOR CHANGES TO CONSTRUCTION COST AND/OR SCHEDULE	26	52	104	52	52	26	0	52	364	$38,488
4.5	PROCESSING OF SHOP DRAWINGS	0	26	104	208	208	104	0	52	702	$65,770
4.6	FIELD OBSERVATION SERVICES	52	104	208	0	0	0	0	0	364	$48,537
4.7	PROJECT CLOSEOUT	16	32	70	40	0	0	0	16	174	$20,483
	TOTAL CONSTRUCTION PHASE									3,344	$388,078
5	**ADDITIONAL SERVICES**										
5.1	ADDITIONAL 10 MEETINGS WITH ADJACENT PROJECT OWNERS	40	40	0	0	0	0	0	10	90	$11,790
5.2	1st STREET FROM JEFFERSON AVE TO WASHINGTON AVE (DESIGN & PERMITTING)	3	7	14	14	21	57	76	9	201	$14,874
5.3	MERIDIAN AVE FROM 1ST STREET TO 2ND STREET (DESIGN & PERMITTING)	5	12	24	24	37	99	132	16	350	$25,927
	TOTAL ADDITIONAL SERVICES									641	$52,590
6	**OTHER DIRECT COSTS**										
6.1	REPRODUCTION SERVICES										$20,000
6.2	TRAVEL										$15,000
6.3	SURVEYING (APPROX. 19,100 LF)										$108,000
6.4	GEOTECHNICAL EVALUATION										$50,000
6.5	UNDERGROUND UTILITY VERIFICATION (APPROX. 181)										$50,000
6.6	HYDROGEOLOGICAL PERMITTING ASSISTANCE (2 WELLS)										$20,000
	TOTAL OTHER DIRECT COSTS										$263,000
	TOTAL HOURS	1,183	2,378	3,310	1,762	1,962	2,840	3,500	1,249	18,184	
	TOTAL FEE ESTIMATE										$2,017,009
	Hourly Rates (FY 2005)	$155.41	$128.61	$110.39	$93.24	$75.02	$78.24	$55.73	$42.87		
	Hourly Rates (FY 2006)	$160.07	$132.47	$113.70	$96.04	$77.27	$80.59	$57.40	$44.16		
	Hourly Rates (FY 2007)	$164.87	$136.44	$117.11	$98.92	$79.59	$83.00	$59.12	$45.48		
	Hourly Rates (FY 2008)	$169.82	$140.54	$120.63	$101.89	$81.98	$85.49	$60.90	$46.85		

R:\4014\AE SCOPE OF SERVICES AND CONTRACTS\South Pointe - Fee Proposal (Final)

ATTACHMENT B

RESOLUTION TO BE SUBMITTED

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CITY OF MIAMI BEACH
COMMISSION ITEM SUMMARY

Condensed Title:

Group Employee Long Term Disability coverage for participants in the City's 401(a) defined contribution plan as required in Ordinance No. 92-2813 as a result of RFP 03-04/05 issued January 14, 2005 for plan year beginning June 1, 2005.

Issue:

Should the City accept the recommendations from the City Manager and Gallagher Benefits Services, the City's broker for employee benefits, as a result of the RFP Issued on January 14, 2005 for Group Employee Long Term Disability coverage, authorizing the Administration to enter into negotiations and if successful executing an Agreement with Jefferson Pilot Financial Insurance Company to provide such benefit for the participants of the City's 401(a) defined contribution plan?

Item Summary/Recommendation:

The City Administration recommends that the Commission accept the recommendations of Gallagher Benefits Services to award the Agreement for Group Employee Long Term Disability coverage to Jefferson Pilot Financial Insurance Company based on rates offered, contract provisions and benefits offered. The City's estimated annual cost is estimated not to exceed approximately $75,000, allowing for growth of covered payroll.

Advisory Board Recommendation:

Financial Information:

Source of Funds:

Finance Dept.

	Amount	Account	Approved
1	$75,000	LTD insurance 011.9611.000375	
2			
3			
4			
5			
Total	$75,000		

City Clerk's Office Legislative Tracking:

Mayra D. Buttacavoli

Sign-Offs:

Department Director	Assistant City Manager	City Manager
Mayra D. Buttacavoli		

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AGENDA ITEM R7F

DATE 5-18-05

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 18, 2005

From: Jorge M. Gonzalez City Manager

Subject: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ACCEPTING THE RECOMMENDATION OF THE CITY MANAGER RELATIVE TO THE RANKING OF THE PROPOSALS RECEIVED FOR GROUP EMPLOYEE LONG TERM DISABILITY COVERAGE FOR PARTICIPANTS IN THE CITY'S DEFINED CONTRIBUTION 401(a) PLAN, PURSUANT TO THE REQUEST FOR PROPOSALS ISSUED ON JANUARY 14, 2005, BY ARTHUR J. GALLAGHER AND CO., THE CITY'S BROKER FOR GROUP EMPLOYEE BENEFITS; AUTHORIZING THE ADMINISTRATION TO ENTER INTO NEGOTIATIONS WITH THE TOP RANKED FIRM, JEFFERSON PILOT FINANCIAL INSURANCE COMPANY; AND, SHOULD SUCH NEGOTIATIONS BE SUCCESSFUL, AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN AGREEMENT WITH SAID FIRM, NOT TO EXCEED AN ESTIMATED ANNUAL PREMIUM OF $75,000, EFFECTIVE JUNE 1, 2005, FOR A PERIOD OF TWO YEARS.**

ADMINISTRATION RECOMMENDATION

Adopt the Resolution.

ANALYSIS

The City is obligated to purchase a Long Term Disability policy for employees in the City's 401(a) defined contribution plan. Jefferson Pilot Financial Insurance Company (or by a company now owned by Jefferson Pilot) has provided this coverage for over 10 years.

Jefferson Pilot had maintained their rates, with no increase, for five years, however the City felt that it may be possible to obtain a more competitive rate. The City, through Arthur J. Gallagher & Co., issued an RFP for Group Employee Long Term Disability Coverage on January 14, 2005.

The Request for Proposals was forwarded to fifteen (15) vendors of which eight (8) responded. Gallagher & Co. reviewed the responses from both a financial and benefits view. (Attachment A). Gallagher recommended that the City accept the proposal of Jefferson Pilot Financial Insurance Co. due to rates offered, contract provisions and benefits offered.

Jefferson Pilot offered a reduced rate of $0.34 per $100 of covered payroll (currently $0.44 per $100 of covered payroll) for a benefit equal to two-thirds of the employee's annual earnings, not to exceed $5,000 a month (for salaries up to $90,000), as defined in Ordinance No. 92-2813. Jefferson Pilot's rate is guaranteed for two years.

Jefferson Pilot also presented a proposal that allows up to a maximum monthly benefit of $10,000 (covering salaries up to $180,000). The rate for this increased level of coverage is $ .36 per $100 of covered payroll, less than the current rate of $ .44.

The Administration has calculated that if the $5,000 monthly maximum was increased by the cost of living increases given to City employees over the last 13 years (based on the amount given to Unclassified employees), the maximum covered benefit would have increased to $7,700 covering $140,000 of salary.

The administration recommends increasing the maximum monthly covered amount to $10,000 to include the cost of living allowances provided since the inception of the Plan in 1992 and allowing for cost of living increases in the next three years.

The City's projected annual cost for the Plan year June 1, 2005 through May 30, 2006 is estimated to not exceed $75,000, allowing for growth of covered salaries during the plan year.

CONCLUSION

The City Administration recommends that the Commission accept the ranking and recommendations of Gallagher Benefits Services, the City's consultant for Group Employee Benefits, to award the Long Term Disability coverage to Jefferson Pilot Financial Insurance Company with a guaranteed rate for two consecutive years.

JMG:MDB:ph

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ATTACHMENT A

Gallagher Benefit Services, Inc.

A Subsidiary of Arthur J. Gallagher & Co.

March 7, 2005

Ms. Mayra D. Buttacavoli, Director of Human Resources & Risk Management
City of Miami Beach
1700 Convention Center Drive
Miami Beach, Florida 33139

Re: Disability Benefits

Dear Mayra,

At the request of the City, Arthur J. Gallagher prepared a Request for Proposal (RFP) for Long Term Disability (LTD) coverage for employees currently participating in the 401(a) pension plan. The purpose of this RFP was to ensure the pricing and benefits of the plan currently in place with Jefferson Pilot are competitive. In addition, a request was made to quote several Short Term Disability (STD) plan options.

The request for proposal was forwarded to fifteen vendors, (Exhibit A) of which, eight responded including the incumbent. Both a financial and benefits comparison were prepared and presented to the City on February 24, 2005 for their review. Upon completion of this review, our recommendation to the City is to renew coverage with the incumbent carrier, Jefferson Pilot. Reasons are as follows:

1) Jefferson Pilot reduced the current rate of .44 per $100 of covered payroll to .34 per $100 of covered payroll saving the City's $18,122.16 annually. In addition, a two-year rate guarantee was provided.
2) Alternate carriers would not waive the actively at work provision. This is a key contract issue in the replacement on Long Term Disability coverage.

Please note that rates for an alternate LTD Plan reflecting a 5-year eligibility waiting period with no elimination period were also requested. None of the respondents provided quotes for this plan, citing that a plan design without an elimination period was not feasible. One of the purposes of the elimination period is to protect the integrity of the plan and prevent employees from entering and leaving the plan with too much frequency. Removal of the elimination period would increase the incidence, cost and administration, adversely affecting the plan.

One Boca Place
2255 Glades Road, Suite 400 E
Boca Raton, FL 33431
561.995.6706
Fax 561.995.6708
www.ajg.com

G

A decision is yet to be made regarding the Short Term Disability, however we would recommend placing this coverage with Jefferson Pilot as well for reasons of competitive pricing and ease of benefit coordination between the Short Term and Long Term Disability benefits.

We appreciate the opportunity to work with the City of Miami Beach, and would be happy to answer any questions you may have.

Sincerely,

Richard G. Schell
Area Vice President

City of Miami Beach
RFP # 03-04/05
LTD Rate Comparison
OPTION I -401(a) Plan Participants

Benefit Percentage: 66 2/3 %
Elimination Period: 180 Days
Waiting Period: None

	Jefferson Pilot		Cigna		Ft. Dearborn	MetLife	Standard	Unimerica	UNUM	FCL
	Current	Renewal	Proposed	Proposed	Proposed	Proposed	Proposed	Proposed	Proposed	Proposed
Benefit	$5,000	$5,000	$5,000	$5,000	$5,000	$5,000	$5,000	$5,000	$5,000	$5,000
Estimated Volume	$ 1,510,181	$ 1,510,181	$ 1,510,181	$ 1,510,181	$ 1,510,181	$ 1,510,181	$ 1,510,181	$ 1,510,181	$ 1,510,181	$ 1,510,181
LTD Rate	$0.44	$0.34	$0.330	$0.346	$0.540	$0.39	$0.38	$0.41	$0.38	$0.43
Estimated Monthly Premium	$6,644.80	$5,134.62	$4,983.60	$5,225.23	$8,154.98	$5,889.71	$5,738.69	$6,191.74	$5,738.69	$6,493.78
Estimated Annual Premium	$79,738	$61,615	$59,803	$62,703	$97,860	$70,676	$68,864	$74,301	$68,864	$77,925
Benefit	N/A	$6,000	$6,000	$6,000	N/A	$6,000	$6,000	$6,000	$6,000	N/A
Estimated Volume		$ 1,549,694	$ 1,549,694	$ 1,549,694		$ 1,549,694	$ 1,549,694	$ 1,549,694	$ 1,549,694	
LTD Rate		$0.34	$0.338	$0.356		$0.40	$0.38	$0.43	$0.40	
Estimated Monthly Premium		$5,268.96	$5,237.97	$5,516.91		$6,198.78	$5,888.84	$6,663.68	$6,198.78	
Estimated Annual Premium		$63,228	$62,856	$66,203		$74,385	$70,666	$79,964	$74,385	
Benefit	N/A	$7,000	$7,000	$7,000	N/A	$7,000	$7,000	$7,000	$7,000	N/A
Estimated Volume		$ 1,572,458	$ 1,572,458	$ 1,572,458		$ 1,572,458	$ 1,572,458	$ 1,572,458	$ 1,572,458	
LTD Rate		$0.34	$0.343	$0.360		$0.40	$0.38	$0.47	$0.41	
Estimated Monthly Premium		$5,346.36	$5,393.53	$5,660.85		$6,289.83	$5,975.34	$7,390.55	$6,447.08	
Estimated Annual Premium		$64,156	$64,722	$67,930		$75,478	$71,704	$88,687	$77,365	
Benefit	N/A	$8,000	$8,000	$8,000	N/A	$8,000	$8,000	$8,000	$8,000	$8,000
Estimated Volume		$ 1,583,641	$ 1,583,641	$ 1,583,641		$ 1,583,641	$ 1,583,641	$ 1,583,641	$ 1,583,641	$ 1,583,641
LTD Rate		$0.36	$0.351	$0.368		$0.41	$0.38	$0.47	$0.42	$0.44
Estimated Monthly Premium		$5,701.11	$5,558.58	$5,827.80		$6,492.93	$6,017.84	$7,443.11	$6,651.29	$6,968.02
Estimated Annual Premium		$68,413	$66,703	$69,934		$77,915	$72,214	$89,317	$79,816	$83,616
Benefit	N/A	$9,000	$9,000	$9,000	N/A	$9,000	$9,000	$9,000	$9,000	N/A
Estimated Volume		$ 1,591,141	$ 1,591,141	$ 1,591,141		$ 1,591,141	$ 1,591,141	$ 1,591,141	$ 1,591,141	
LTD Rate		$0.36	$0.352	$0.369		$0.41	$0.39	$0.49	$0.42	
Estimated Monthly Premium		$5,728.11	$5,600.82	$5,871.31		$6,523.68	$6,205.45	$7,796.59	$6,682.79	
Estimated Annual Premium		$68,737	$67,210	$70,456		$78,284	$74,465	$93,559	$80,194	
Benefit	N/A	$10,000	$10,000	$10,000	N/A	$10,000	$10,000	$10,000	$10,000	N/A
Estimated Volume		$ 1,594,881	$ 1,594,881	$ 1,594,881		$ 1,594,881	$ 1,594,881	$ 1,594,881	$ 1,594,881	
LTD Rate		$0.36	$0.367	$0.385		$0.41	$0.39	$0.51	$0.42	
Estimated Monthly Premium		$5,741.57	$5,853.21	$6,140.29		$6,539.01	$6,220.04	$8,133.89	$6,698.50	
Estimated Annual Premium		$68,899	$70,239	$73,684		$78,468	$74,640	$97,607	$80,382	
Rate Guarantee	2 Years		2 Years	3 Years	2 Years	2 Years	2 Years	2 Years	3 Years	2 Years

This analysis is for illustrative purposes only, and is not a guarantee of future expenses, claims costs, managed care savings, etc. There are many variables that can affect future costs including utilization patterns, catastrophic claims, changes in plan design, health care trend increases, etc. This analysis does not amend, extend, or alter the coverage provided by the actual insurance policies and contracts. Please see your policy or contact us for specific information or further details in this regard.

RESOLUTION NO.

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ACCEPTING THE RECOMMENDATION OF THE CITY MANAGER RELATIVE TO THE RANKING OF THE PROPOSALS RECEIVED FOR GROUP EMPLOYEE LONG TERM DISABILITY COVERAGE FOR PARTICIPANTS IN THE CITY'S DEFINED CONTRIBUTION 401(a) PLAN, PURSUANT TO THE REQUEST FOR PROPOSALS ISSUED ON JANUARY 14, 2005, BY ARTHUR J. GALLAGHER AND CO., THE CITY'S BROKER FOR GROUP EMPLOYEE BENEFITS; AUTHORIZING THE ADMINISTRATION TO ENTER INTO NEGOTIATIONS WITH THE TOP RANKED FIRM, JEFFERSON PILOT FINANCIAL INSURANCE COMPANY; AND, SHOULD SUCH NEGOTIATIONS BE SUCCESSFUL, AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN AGREEMENT WITH SAID FIRM, NOT TO EXCEED AN ESTIMATED ANNUAL PREMIUM OF $75,000, EFFECTIVE JUNE 1, 2005, FOR A PERIOD OF TWO YEARS.

WHEREAS, on January 14, 2005, a Request for Proposals for Group Employee Long Term Disability Coverage was issued by Arthur J. Gallagher & Co, the City's broker for group employee benefits, with eight (8) vendors responding; and

WHEREAS, on February 24, 2005, Arthur J. Gallagher & Co. began meeting with the City Administration to present its evaluation of the proposals received in response to the Request For Proposals; and

WHEREAS, Arthur J. Gallagher & Co. subsequently recommended that the City accept the proposal of Jefferson Pilot Financial Insurance Company, as the top ranked proposer; and

WHEREAS, the City Administration concurs and, additionally, the City Manager has reviewed and concurs with the Administration and Gallagher & Co.'s recommendation.

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 accept the ranking recommendation of the City Manager relative to the ranking of the proposals received for Group Employee Long Term Disability Coverage for participants in the City's Defined Contribution 401(a) plan, pursuant to the Request for Proposals issued on January 14, 2005, by Arthur J. Gallagher and Co., the City's broker for Group Employee Benefits; authorizing the Administration to enter into negotiations with the top ranked firm, Jefferson Pilot Financial Insurance Company; and, should such negotiations be successful, authorizing the Mayor and City Clerk to execute an Agreement with said firm not to exceed an estimated annual premium of $75,000, effective June 1, 2005, for a period of two years.

PASSED AND ADOPTED this _____ day of _____, 2005

ATTEST:

_____ **CITY CLERK**

_____ **MAYOR**

T:\AGENDA\2005\May1805\Regular\Group Employee LTD Reso #2.doc

APPROVED AS TO FORM & LANGUAGE & FOR EXECUTION

City Attorney 5-2-05 Date

CITY OF MIAMI BEACH
COMMISSION ITEM SUMMARY

Condensed Title:

A Resolution authorizing the Mayor and City Clerk to execute a modification to the Sovereignty Submerged Land Lease No. 130765469 among the City of Miami Beach, the Miami Beach Redevelopment Agency and the Trustees of the Internal Improvement Trust Fund of the State of Florida for the Miami Beach Marina, pursuant to the State Department of Environmental Protection request to clarify the existing uses at the Miami Beach Public Marina.

Issue:

Shall the City execute a modification to the Sovereignty Submerged Land Lease No. 130765469 among the City of Miami Beach, the Miami Beach Redevelopment Agency and the Trustees of the Internal Improvement Trust Fund of the State of Florida for the Miami Beach Marina, pursuant to the State Department of Environmental Protection request to clarify the existing uses at the Miami Beach Public Marina.

Item Summary/Recommendation:

Adopt resolution and amend the submerged land lease.

Advisory Board Recommendation:

Marine Authority - January 11, 2005
The Marine Authority voted to recommend approval of the proposed amendment language subject to confirming that the existing sublease with Majesty, as referenced in the proposed amendment, is still validly in existence since Majesty has declared bankruptcy and sold its assets by court order.

Finance and Citywide Projects Committee: April 27, 2005
The Committee recommended that the Modification to the Sovereignty Submerged Land Lease be forwarded to the Mayor and City Commission for approval.

Financial Information:

Source of Funds:

Finance Dept.

	Amount	Account	Approved
1			
2			
3			
4			
Total			

City Clerk's Office Legislative Tracking:

Tim Hemstreet

Sign-Offs:

Department Director	Assistant City Manager	City Manager

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AGENDA ITEM R7G

DATE 5-18-05

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 18, 2005

From: Jorge M. Gonzalez
City Manager

Subject: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A MODIFICATION TO THE SOVEREIGNTY SUBMERGED LAND LEASE NO. 130765469 AMONG THE CITY OF MIAMI BEACH, THE MIAMI BEACH REDEVELOPMENT AGENCY AND THE TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND OF THE STATE OF FLORIDA FOR THE MIAMI BEACH MARINA, PURSUANT TO THE REQUEST OF THE STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (DEP) TO CLARIFY THE EXISTING USES AT THE MIAMI BEACH MARINA.**

ADMINISTRATION RECOMMENDATION

Adopt the Resolution.

ANALYSIS

In 1999, the State requested certain amendments to the existing State Submerged Land Lease for the submerged land immediately adjacent to the Miami Beach Marina, to reflect the actual uses at the Marina. These uses include the commercial docking facility with boatlifts and the existing "Cruise to Nowhere" vessel. At the time, the State had adopted a policy prohibiting any gambling vessel uses at or upon State submerged lands. The Miami Beach Marina, the City's subtenant in this Lease arrangement, had pre-existing contractual arrangements with respect to "Cruise to Nowhere" vessels. Over the past five (5) years the parties have been in discussions in an attempt to best address the State's request and at the same time not impairing any pre-existing contractual rights. As a result, the parties have agreed to the language reflected in the attached modified Sovereignty Submerged Lands Lease.

The proposed amended language reflects DEP's agreement that the one existing gambling vessel uses (i.e. one sublease for a gambling vessel exists at the Miami Beach Marina at present) will not be held in violation under the State's latest prohibition regarding gambling vessels. If their existing Lease expires, terminates or is canceled, the City further agrees that no other gambling cruise ship may occupy any area within the Lease area.

The Marina would not agree to language requested by the State restricting the assignability of Majesty Cruise's Lease due to an existing assignability clause in Majesty's current sublease Agreement.

On January 11, 2005, the Administration presented the amendment to the Marine Authority. The Marine Authority voted to recommend approval of the proposed amendment language subject to confirming that the existing sublease with Majesty, as referenced in the proposed amendment, is still validly in existence since Majesty has declared bankruptcy and sold its assets by court order. These questions have been posed to the Marina.

The Marina's response is that the lease with Majesty Enterprises of Florida, LLC is still in existence and it was assigned in June 2004 to MB Cruises, LLC, a Delaware Limited Liability Company, in connection with MB Cruises acquisition of all the assets, including the vessel "Atlantic", and liabilities of Majesty Enterprises of Florida, LLC. The Marina has not been notified of any bankruptcy by Majesty and when the Marina consented to the assignment of Lease, they did not release Majesty from any obligations under the lease, therefore, the Marina continues to be a creditor in the event of a filing of a bankruptcy action by Majesty.

At the February 2, 2005, City Commission meeting, the Administration presented a Resolution recommending approval of the Modification to the Sovereignty Submerged Land Lease. The Mayor and City Commission did not take formal action on adopting the Resolution, and referred the matter to the Finance and Citywide Projects Committee for a more detailed discussion of the options available to the City to possibly negotiate a more favorable lease arrangement.

On April 27, 2005, the Finance and Citywide Projects Committee reviewed and considered the matter, after receiving input and comments from the Administration and City Attorney's Office, and concluded to recommend that the Sovereignty Submerged Land Lease, as modified, be forwarded to the Mayor and City Commission for approval.

The attached Resolution authorizing the Mayor and City Commission to execute the Sovereignty Submerged Land Lease, amended as described above, should be approved.

JMG:TH:JD:rlr

F:\DDHP\$ALL\ASSET\MARINA\Sovereignty Submerged Land Lease Amendment MEM.doc

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A MODIFICATION TO THE SOVEREIGNTY SUBMERGED LAND LEASE NO. 130765469 AMONG THE CITY OF MIAMI BEACH, THE MIAMI BEACH REDEVELOPMENT AGENCY AND THE TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND OF THE STATE OF FLORIDA FOR THE MIAMI BEACH MARINA, PURSUANT TO THE REQUEST OF THE STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION TO CLARIFY THE EXISTING USES AT THE MIAMI BEACH MARINA

WHEREAS, on January 21, 1986, the City of Miami Beach ("City") and the Trustees of the Internal Improvement Trust Fund of the State of Florida ("Trustees") entered into Sovereignty Submerged Land Lease No. 130765469, as recorded in Official Record Book 13020, Pages 2520 through 2526, of the Public Records of Miami-Dade County, Florida, for the Miami Beach Marina (the "Submerged Land Lease"); and

WHEREAS, on June 16, 1990, the City authorized an amendment to the Submerged Land Lease, as recorded in Official Records Book 15593, Pages 1915 and 1916 of the Public Records of Miami-Dade County, Florida; and

WHEREAS, on October 6, 1993, the City authorized a further amendment to the Submerged Land Lease, as recorded in Official Records Book 16509, at Page 3694 of the Public Records of Miami-Dade County, Florida and Official Records Book 16171, Page 673; and

WHEREAS, the Florida Department of Environmental Protection (DEP), acting on behalf of the Trustees, has requested further amendments to the Submerged Land Lease, attached and incorporated hereto as Exhibit "A," to conform the description of the facilities in the Lease to the presently existing Marina facilities, including the widened north breakwater, and to update the uses permitted in the Submerged Land Lease areas; and

WHEREAS, on October 6, 1999, the aforementioned action was deferred by the City Commission/Redevelopment Agency's Board; and

WHEREAS, on March 7, 2000, the Florida Department of Environmental Protection forwarded a revised Lease Agreement, in which further revisions were

provided by the State, requesting execution of the modified Agreement within thirty (30) days after receipt of the letter, however, such proposed further revisions sought to prohibit the existing gambling vessel from docking within the Submerged Land Lease area; and

WHEREAS, after extensive negotiations, the DEP has agreed, and the proposed amended language reflects the DEP's agreement, that the one existing gambling vessel (i.e. one sublease for a gambling vessel exists at the Miami Beach Marina at present) will not be held in violation under the State's latest prohibition regarding gambling vessels and if their existing Lease expires, terminates or is canceled, the City further agrees that no other gambling cruise ship may occupy any area within the Lease area; and

WHEREAS, the Marine Authority voted to recommend approval of the proposed amendment language subject to confirming that the existing sublease with Majesty, as referenced in the proposed amendment, is still validly in existence since the Marine Authority was under the impression that Majesty had declared bankruptcy and sold its assets by court order; and

WHEREAS, the Marina's response is that the lease with Majesty Enterprises of Florida, LLC is still in existence and it was assigned in June 2004 to MB Cruises, LLC, a Delaware Limited Liability Company, in connection with MB Cruises acquisition of all the assets, including the vessel "Atlantic", and liabilities of Majesty Enterprises of Florida, LLC.; and

WHEREAS, the Marina has not been notified of any bankruptcy by Majesty and when the Marina consented to the assignment of Lease, they did not release Majesty from any obligations under the lease, therefore, the Marina continues to be a creditor in the event of a filing of a bankruptcy action by Majesty.

WHEREAS, at the February 2, 2005, City Commission meeting the Administration presented a Resolution recommending approval of the Modification to the Sovereignty Submerged Land Lease; and

WHEREAS, the Mayor and City Commission did not take formal action on adopting the Resolution, and referred the matter to the Finance and Citywide Projects Committee for a more detailed discussion of the options available to the City to possibly negotiate a more favorable arrangement; and

WHEREAS, on April 27, 2005, the Finance and Citywide Projects Committee reviewed and considered the matter, after receiving input and comments from the Administration and City Attorney's Office, and concluded to recommend that the Modification to the Sovereignty Submerged Land Lease be forwarded to the Mayor and City Commission for approval.

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 of the City of Miami Beach, authorize the Mayor and City Clerk to execute the Modified Sovereignty Submerged Land Lease No. 130765469 by and among the City of Miami Beach, the Miami Beach Redevelopment Agency and the Trustees of the Internal Improvement Trust Fund of the State of Florida, for the Miami Beach Marina, substantially in accordance with the form attached.

PASSED AND ADOPTED THIS 18th day of May, 2005.

Attest:

CITY CLERK	**MAYOR**

APPROVED AS TO FORM & LANGUAGE & FOR EXECUTION:

CITY ATTORNEY	5-5-05 **DATE**

JMG:TH:JD:rlr

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EXHIBIT "A"

This Instrument Prepared By:

_____
Recurring Revenue Section
Bureau of Public Land Administration
3900 Commonwealth Boulevard
Mail Station No. 125
Tallahassee, Florida 32399

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND
OF THE STATE OF FLORIDA

SOVEREIGNTY SUBMERGED LANDS LEASE

No._____
PA No. _____

THIS LEASE is hereby issued by the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida, hereinafter referred to as the Lessor.

WITNESSETH: That for and in consideration of payment of the annual lease fees hereinafter provided and the faithful and timely performance of and compliance with all terms and conditions stated herein, the Lessor does hereby lease to _____hereinafter referred to as the Lessee, the sovereign lands described as follows:

A parcel of sovereign submerged land in Section _____,
Township _____, Range _____, in _____,
_____ County, containing _____ square feet, more or less,
as is more particularly described and shown on Attachment A,
dated _____.

TO HAVE THE USE OF the hereinabove described premises for a period of ___ years from _____, the effective date of this lease. The terms and conditions on and for which this lease is granted are as follow:

1. USE OF PROPERTY: The Lessee is hereby authorized operate exclusively a commercial docking facility with boatlifts exclusively to be used for the mooring of recreational vessels and a cruise to nowhere vessel used in conjunction with an upland commercial marina facility, with fueling facilities, with a sewage pumpout facility, and with liveaboards as defined in paragraph 29, as shown and conditioned in Attachment A, and the Department of Environmental Protection, Environmental Resource Permit No. _____, dated _____, incorporated herein and made a part of this lease by reference.

2. LEASE FEES: The Lessee hereby agrees to pay to the Lessor an initial annual lease fee of $_____ and 25 percent surcharge, plus sales tax pursuant to Section 212.031, Florida Statutes, if applicable, within 30 days of receipt of this fully executed lease. The annual fee for the remaining years of the lease shall be adjusted pursuant to provisions of Section 18-21.011, Florida Administrative Code. The Division of State Lands will notify the Lessee in writing of the amount and the due date of the annual payment. The lease fee shall be remitted annually to the Division of State Lands as the agent for the Lessor, beginning with the effective and due date of this lease, and each year thereafter until the term of this lease terminates or expires.

3. WET SLIP RENTAL CERTIFICATION/SUPPLEMENTAL PAYMENT: The Lessee shall provide upon request by the Lessor any and all information in a certified form needed to calculate the lease fee specified in paragraph two (2) above, including the total amount of the gross receipts derived from the rental of wet slips, if applicable. When six percent (6%) of the gross receipts derived from the rental of wet slips exceeds the prorated base fee or minimum fee established pursuant to section 18-21.011, Florida Administrative Code, for any lease year during the term of this lease, the Lessor shall send the Lessee a supplemental invoice for the difference in the amounts for that lease year.

4. LATE FEE ASSESSMENTS: The Lessee shall pay a late charge equal to interest at the rate of twelve percent (12%) per annum from the due date until paid on any lease fees due hereunder which are not paid within 30 days of their due dates.

5. EXAMINATION OF LESSEE'S RECORDS: For purposes of this lease, the Lessor is hereby specifically authorized and empowered to examine, for the term of this lease including any extensions thereto plus three (3) additional years, at all reasonable hours, the books, records, contracts, and other documents confirming and pertaining to the computation of annual lease payments as specified in paragraph two (2) above.

6. MAINTENANCE OF LESSEE'S RECORDS: The Lessee shall secure, maintain, and keep all records for the entire term of this lease, plus three (3) additional years. This period shall be extended for an additional two (2) years upon request for examination of all records and accounts for lease payment verification purposes by the Lessor.

7. AGREEMENT TO EXTENT OF USE: This lease is given to the Lessee to use or occupy the leased premises only for those activities specified herein and as conditioned by the Department of Environmental Protection, Environmental Resource Permit. The Lessee shall not change or add to the approved use of the leased premises as defined herein (e.g., from commercial to multi-family residential, from temporary mooring to rental of wetslips, from rental of wetslips to contractual agreement with third party for docking of cruise ships, from rental of recreational pleasure craft to rental or temporary mooring of charter/tour boats, from loading/offloading commercial to rental of wetslips, etc.), shall not change activities in any manner that may have an environmental impact that was not considered in the original authorization or regulatory permit, or shall not change the type of use of the riparian uplands without first obtaining a regulatory permit/modified permit, if applicable, and the Lessor's written authorization in the form of a modified lease, the payment of additional fees, if applicable, and, if applicable, the removal of any structures which may no longer qualify for authorization under the modified lease.

8. PROPERTY RIGHTS: The Lessee shall make no claim of title or interest to said lands hereinbefore described by reason of the occupancy or use thereof, and all title and interest to said land hereinbefore described is vested in the Lessor. The Lessee is prohibited from including, or making any claim that purports to include, said lands described or the Lessee's leasehold interest in said lands into any form of private ownership, including but not limited to any form of condominium or cooperative ownership. The Lessee is further prohibited from making any claim, including any advertisement, that said land, or the use thereof, may be purchased, sold, or re-sold.

9. INTEREST IN RIPARIAN UPLAND PROPERTY: During the term of this lease, the Lessee shall maintain a leasehold or fee simple title interest in the riparian upland property and if such interest is terminated, the lease may be terminated at the option of the Lessor. Prior to sale and/or termination of the Lessee's leasehold or fee simple title interest in the upland property, Lessee shall inform any potential buyer or transferee of the Lessee's upland property interest of the existence of this lease and all its terms and conditions and shall complete and execute any documents required by the Lessor to effect an assignment of this lease, if consented to by the Lessor. Failure to do so will not relieve the Lessee from responsibility for full compliance with the terms and conditions of this lease which include, but are not limited to, payment of all fees and/or penalty assessments incurred prior to such act.

10. ASSIGNMENT OF LEASE: This lease shall not be assigned or otherwise transferred without prior written consent of the Lessor or its duly authorized agent. Such assignment or other transfer shall be subject to the terms, conditions and provisions of management standards and applicable laws, rules and regulations in effect at that time. Any assignment or other transfer without prior written consent of the Lessor shall be null and void and without legal effect.

11. INDEMNIFICATION/INVESTIGATION OF ALL CLAIMS: The Lessee shall investigate all claims of every nature arising out of this lease at its expense, and shall indemnify, defend and save and hold harmless the Lessor and the State of Florida from all claims, actions, lawsuits and demands arising out of this lease.

12. VENUE: Lessee waives venue as to any litigation arising from matters relating to this lease and any such litigation between Lessor and Lessee shall be initiated and maintained only in Leon County, Florida.

13. NOTICES/COMPLIANCE/TERMINATION: The Lessee binds itself, its successors and assigns, to abide by the provisions and conditions herein set forth, and said provisions and conditions shall be deemed covenants of the Lessee, it successors and assigns. In the event the Lessee fails or refuses to comply with the provisions and conditions herein set forth, or in the event the Lessee violates any of the provisions and conditions herein, or fails or refuses to comply with the provisions and conditions herein set forth within 20 days of receipt of the Lessor's notice to correct, this lease may be terminated by the Lessor upon thirty (30) days written notice to Lessee. If canceled, all of the above-described parcel of land shall revert to the Lessor. All costs and attorneys' fees incurred by the Lessor to enforce the provisions of this lease shall be paid by the Lessee. All notices required to be given to the Lessee by this lease or applicable law or administrative rules shall be sufficient if sent by U.S. Mail to the following address:

The Lessee shall notify the Lessor by certified mail of any change to this address at least ten (10) days before the change is effective.

14. TAXES AND ASSESSMENTS: The Lessee shall assume all responsibility for liabilities that accrue to the subject property or to the improvements thereon, including any and all drainage or special assessments or taxes of every kind and description which are now or may be hereafter lawfully assessed and levied against the subject property during the effective period of this lease.

15. NUISANCES OR ILLEGAL OPERATIONS: The Lessee shall not permit the leased premises or any part thereof to be used or occupied for any purpose or business other than herein specified unless such proposed use and occupancy are consented to by the Lessor and the lease is modified accordingly, nor shall Lessee knowingly permit or suffer any nuisances or illegal operations of any kind on the leased premises.

16. MAINTENANCE OF FACILITY/RIGHT TO INSPECT: The Lessee shall maintain the leased premises in good condition, keeping the structures and equipment located thereon in a good state of repair in the interests of public health, safety and welfare. No dock or pier shall be constructed in any manner that would cause harm to wildlife. The leased premises shall be subject to inspection by the Lessor or its designated agent at any reasonable time.

17. NON-DISCRIMINATION: The Lessee shall not discriminate against any individual because of that individual's race, color, religion, sex, national origin, age, handicap, or marital status with respect to any activity occurring within the area subject to this lease or upon lands adjacent to and used as an adjunct of the leased area. During the lease term, the Lessee shall post and maintain the placard furnished to the Lessee by the Lessor in a prominent and visible location on the leased premises or adjacent business office of the Lessee. It shall be the responsibility of the Lessee to post the placard in a manner which will provide protection from the elements, and, in the event that said placard becomes illegible at any time during the term of this lease (including any extensions thereof), to notify the Lessor in writing, so that a replacement may be provided.

18. ENFORCEMENT OF PROVISIONS: No failure, or successive failures, on the part of the Lessor to enforce any provision, nor any waiver or successive waivers on its part of any provision herein, shall operate as a discharge thereof or render the same inoperative or impair the right of the Lessor to enforce the same upon any renewal thereof or in the event of subsequent breach or breaches.

19. PERMISSION GRANTED: Upon expiration or cancellation of this lease all permission granted hereunder shall cease and terminate.

20. RENEWAL PROVISIONS: Renewal of this lease shall be at the sole option of the Lessor. Such renewal shall be subject to the terms, conditions and provisions of management standards and applicable laws, rules and regulations in effect at that time. In the event that Lessee is in full compliance with the terms of this lease, the Lessee may apply in writing for a renewal. Such application for renewal must be received by Lessor no sooner than 120 days and no later than 30 days prior to the expiration date of the original or current term hereof. The term of any renewal granted by the Lessor shall commence on the last day of the previous lease term. If the Lessee fails to timely apply for a renewal, or in the event the Lessor does not grant a renewal, the Lessee shall vacate the leased premises and remove all structures and equipment occupying and erected thereon at its expense. The obligation to remove all structures authorized herein upon termination of this lease shall constitute an affirmative covenant upon the riparian upland property more specifically described in Attachment ___, which shall run with the title to said riparian upland property, and shall be binding upon Lessee and Lessee's successors in title or successors in interest.

21. REMOVAL OF STRUCTURES/ADMINISTRATIVE FINES: If the Lessee does not remove said structures and equipment occupying and erected upon the leased premises after expiration or cancellation of this lease, such structures and equipment will be deemed forfeited to the Lessor, and the Lessor may authorize removal and may sell such forfeited structures and equipment after ten (10) days written notice by certified mail addressed to the Lessee at the address specified in Paragraph 13 or at such address on record as provided to the Lessor by the Lessee. However, such remedy shall be in addition to all other remedies available to the Lessor under applicable laws, rules and regulations including the right to compel removal of all structures and the right to impose administrative fines.

22. REMOVAL COSTS/LIEN ON RIPARIAN UPLAND PROPERTY: Any costs incurred by the Lessor in removal of any structures and equipment constructed or maintained on state lands shall be paid by Lessee and any unpaid costs and expenses shall constitute a lien upon the interest of the Lessee in its riparian upland property enforceable in summary proceedings as provided by Law.

23. RECORDATION OF LEASE: The Lessee, at its own expense, shall record this fully executed lease in its entirety in the public records of the county within which the lease site is located within fourteen (14) days after receipt, and shall provide to the Lessor within ten (10) days following the recordation a copy of the recorded lease in its entirety which contains the O.R. Book and pages at which the lease is recorded.

24. RIPARIAN RIGHTS/FINAL ADJUDICATION: In the event that any part of any structure authorized hereunder is determined by a final adjudication issued by a court of competent jurisdiction to encroach on or interfere with adjacent riparian rights, Lessee agrees to either obtain written consent for the offending structure from the affected riparian owner or to remove the interference or encroachment within 60 days from the date of the adjudication. Failure to comply with this paragraph shall constitute a material breach of this lease agreement and shall be grounds for immediate termination of this lease agreement at the option of the Lessor.

25. AMENDMENTS/MODIFICATIONS: This lease is the entire and only agreement between the parties. Its provisions are not severable. Any amendment or modification to this lease must be in writing, must be accepted, acknowledged and executed by the Lessee and Lessor, and must comply with the rules and statutes in existence at the time of the execution of the modification or amendment. Notwithstanding the provisions of this paragraph, if mooring is authorized by this lease, the Lessee may install boatlifts within the leased premises without formal modification of the lease provided that (a) the Lessee obtains any state or local regulatory permit that may be required; and (b) the location or size of the lift does not increase the mooring capacity of the facility.

26. ADVERTISEMENT/SIGNS/NON-WATER DEPENDENT ACTIVITIES/ADDITIONAL ACTIVITIES/MINOR STRUCTURAL REPAIRS: No permanent or temporary signs directed to the boating public advertising the sale of alcoholic beverages shall be erected or placed within the leased area. No restaurant or dining activities are to occur within the leased area. The Lessee shall ensure that no permanent, temporary or floating structures, fences, docks, pilings or any structures whose use is not water-dependent shall be erected or conducted over sovereignty submerged lands without prior written consent from the Lessor. No additional structures and/or activities including dredging, relocation/realignment or major repairs or renovations to authorized structures, shall be erected or conducted on or over sovereignty, submerged lands without prior written consent from the Lessor. Unless specifically authorized in writing by the Lessor, such activities or structures shall be considered unauthorized and a violation of Chapter 253, Florida Statutes, and shall subject the Lessee to administrative fines under Chapter 18-14, Florida Administrative Code. This condition does not apply to minor structural repairs required to maintain the authorized structures in a good state of repair in the interests of public health, safety or welfare; provided, however, that such activities shall not exceed the activities authorized by this agreement.

27. ACOE AUTHORIZATION: Prior to commencement of construction and/or activities authorized herein, the Lessee shall obtain the U.S. Army Corps of Engineers (ACOE) permit if it is required by the ACOE. Any modifications to the construction and/or activities authorized herein that may be required by the ACOE shall require consideration by and the prior written approval of the Lessor prior to the commencement of construction and/or any activities on sovereign, submerged lands.

28. COMPLIANCE WITH FLORIDA LAWS: On or in conjunction with the use of the leased premises, the Lessee shall at all times comply with all Florida Statutes and all administrative rules promulgated thereunder. Any unlawful activity which occurs on the leased premises or in conjunction with the use of the leased premises shall be grounds for the termination of this lease by the Lessor.

29. LIVEABOARDS: The term "liveaboard" is defined as a vessel docked at the facility and inhabited by a person or persons for any five(5) consecutive days or a total of ten(10) days within a thirty(30) day period. If liveaboards are authorized by paragraph one(1) of this lease, in no event shall such "liveaboard" status exceed six(6) months within any twelve(12) month period, nor shall any such vessel constitute a legal or primary residence.

30. GAMBLING VESSELS: During the term of this lease and any renewals, extensions, modifications or assignments thereof, except for the sublease described below, the Lessee shall prohibit the operation of or entry onto the leased premises of gambling cruise ships, or vessels that are used principally for the purpose of gambling, when these vessels are engaged in "cruises to nowhere," where the ships leave and return to the state of Florida without an intervening stop within another state or foreign country or waters within the jurisdiction of another state or foreign country, and any watercraft used to carry passengers to and from such gambling cruise ships. At present, there is a sublease between Majesty Enterprises of Florida, LLC and Miami Beach Marina Associates, Ltd., dated January 31, 2002, which permits the sublessee to operate a single gambling cruise ship within the lease area that moors to the northwestern or waterward face of the northern breakwater. This sublessee is authorized to continue to operate within the lease area as specified in their sublease, however, if Majesty Enterprises of Florida, LLC's sublease expires or is cancelled for any reason, the City shall agree to the restriction that no other gambling cruise ship may occupy any area within the lease area, without the specific and additional approval of the Lessor or their agents, unless either the laws of the state have been changed to permit said uses or it is no longer the policy of the Lessor to prohibit or limit such uses.

31. SPECIAL LEASE CONDITION:

CITY OF MIAMI BEACH
COMMISSION ITEM SUMMARY

Condensed Title:

A Resolution that Accepts the City Manager's Ranking of Proposals for the Development and Implementation of a Citywide Corporate Marketing and Sponsorship Program; Further Authorizing the Administration to Enter Into Negotiations with International Merchandising Corporation D/B/A IMG; and Should the Administration not be Able to Negotiate an Agreement with International Merchandising Corporation D/B/A IMG; Authorizing the Administration to Negotiate with the Superlative Group; and Further Authorizing the Mayor and City Clerk to Execute an Agreement Upon Completion of Successful Negotiations by the Administration.

Issue:

Shall the City Commission Adopt the Resolution?

Item Summary/Recommendation:

The world-class resort City of Miami Beach is especially well positioned to implement this now well-established model for generating additional revenue. In the municipal environment, a Corporate Sponsorship Program is integrated with existing Economic Development. In this complimentary role, it can support and accelerate new business attraction functions.

Developing and implementing successful Corporate Sponsorship Programs is a complex business. It requires inventorying City assets, determining the sponsorship marketing value of the assets, developing sponsorship management policy, the actual marketing of the assets and negotiating sponsorship contracts. As such, the City determined that professional assistance was desirable and issued an RFP for services.

After being fully briefed of the Committee's recommendation, and after reviewing the proposals and additional information provided by the top four firms, it is the Manager's recommendation that IMG be ranked as the number one firm. IMG's selection is based on their team's proven experience and demonstrated ability to successfully implement and develop corporate marketing and sponsorship programs. Additionally, IMG's local presence and activity as well as their creativity, contacts, and successful 45-year of experience in representation of clients, developing and producing events, and understanding of the City played a key role in their selection.

The Administration will ensure that the various City stakeholders are involved and committed to the success of this program, and be cognizant of the potential for "over commercialization" of the City.
ADOPT THE RESOLUTION.

Advisory Board Recommendation:

A discussion was held at the January 17, 2005, Finance & Citywide Projects Committee meeting, and the members recommended the issuance of the RFP to the full Commission for approval.

Financial Information: N/A

Source of Funds:

Finance Dept.

	Amount	Account	Approved
1			
2			
3			
4			
Total			

City Clerk's Office Legislative Tracking:

Gus Lopez, ext. 6641

Sign-Offs:

Department Director	Assistant City Manager	City Manager
GL	RCM	JMG

T:\AGENDA\2005\May1805\Consent\CorporateMarketingSummary.doc

AGENDA ITEM R7H

DATE 5-18-05

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 18, 2005

From: Jorge M. Gonzalez
City Manager

Subject: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ACCEPTING THE RECOMMENDATION OF THE CITY MANAGER PERTAINING TO THE RANKING OF PROPOSALS PURSUANT TO REQUEST FOR PROPOSALS (RFP) NO. 06-04/05, FOR THE DEVELOPMENT AND IMPLEMENTATION OF A CITYWIDE CORPORATE MARKETING AND SPONSORSHIP PROGRAM; AUTHORIZING THE ADMINISTRATION TO ENTER INTO NEGOTIATIONS WITH INTERNATIONAL MERCHANDISING CORPORATION D/B/A IMG; AND SHOULD THE ADMINISTRATION NOT BE ABLE TO NEGOTIATE AN AGREEMENT WITH INTERNATIONAL MERCHANDISING CORPORATION D/B/A IMG; AUTHORIZING THE ADMINISTRATION TO NEGOTIATE WITH THE SUPERLATIVE GROUP, INC.; AND FURTHER AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN AGREEMENT UPON COMPLETION OF SUCCESSFUL NEGOTIATIONS BY THE ADMINISTRATION.**

ADMINISTRATIVE RECOMMENDATION

Adopt the Resolution.

ANALYSIS

A corporate sponsorship is the *linking of complimentary corporate brands for mutual benefit* with business partners whose corporate missions are consistent with those of the City of Miami Beach (the "City"). For the business, benefit is typically some form of advertising, public relations or facility naming rights. While the business gains financially by marketing advantage and/or customer loyalty enhancement, the advantage to the City is primarily financial. Corporations will pay the City for the ability to use or link with our City image and identity.

These marketing programs rise from the natural partnerships between city governments and the local, regional and national businesses they host and interact with in the daily course of business. Corporate sponsorship programs have emerged as a financially viable, ethically appropriate and aesthetically acceptable municipal financing tool.

The world-class resort City of Miami Beach is especially well positioned to implement this now well-established model for generating additional revenue. Nearly all the most important characteristics advertisers are willing to pay hundreds of thousands of dollars to associate their products with are present here.

Developing and implementing successful Corporate Sponsorship Programs is a complex business. It requires inventorying City assets, determining the sponsorship marketing value of the assets, developing sponsorship management policy, the actual marketing of the assets and negotiating sponsorship contracts. As such, the City determined that professional assistance was desirable and issued an RFP for services.

BACKGROUND

The Parks & Recreation Programs Blue Ribbon Citizens' Committee (the "Citizens Committee") in its May 14, 2002 report, cited funding as a *"paramount concern in fulfilling the expectations of residents."* Suggesting that the "City needs to be more creative and proactive in establishing multiple funding streams to leverage against the General Fund and user fees," the Citizens' Committee recommended, among other steps, the following:

"The City should engage in an active corporate sponsorship program to raise additional programming funds. This can be accomplished through the addition of full-time marketing/development personnel..."

"The City should create and reinvest proceeds from vending contracts directly into the Recreation Division budget without offsetting the General Fund's contribution."

In direct response to the Committee's recommendations, the Parks and Recreation Department created and filled the position of Development Coordinator. Since assuming his duties on December 16, 2002, the Marketing Coordinator has:

1. Researched current successful corporate sponsorship consultant practices;
2. Reviewed other local government corporate sponsorship programs;
3. Formed and led a City of Miami Beach corporate sponsorship evaluation team;
4. Interviewed several leading national corporate sponsorship consultants; and
5. Determined that the City of Miami Beach has significant potential for success through a professionally structured and managed corporate sponsorship program.

In 2004, the City received proposals from a variety of consultants proposing to assist the City of Miami Beach with the development and implementation of a Corporate Sponsorship Program pursuant to Request for Proposals (RFP) No. 66-02/03.

The Corporate Sponsorship Program was intended to broadly market the City of Miami Beach and to attract revenues to the City of Miami Beach by allowing corporate sponsoring entities to identify with the City. However, due to a bid challenge and subsequent investigation no action was taken.

The rejection of all proposals received pursuant to the RFP was discussed at the January 27, 2005, Finance and Citywide Projects Committee (the "Committee") meeting and concluded with the Committee voting to recommend to the City Commission that all proposals received pursuant to RFP No. 66-02/03 for a Corporate Sponsorship Program be rejected.

As a component of the same discussion the Committee expressed an interest in continuing to discuss how the City might approach a Corporate Sponsorship Program at a future time. At the City Commission meeting held on February 2, 2005 the proposals submitted were rejected and the re-issuance of the Corporate Sponsorship RFP was referred to the Finance & Citywide Projects Committee.

A discussion was held at the January 17, 2005, Finance & Citywide Projects Committee meeting, and the members requested several modifications that have been incorporated and supported the issuance of the RFP, including a model that makes use of a contracted broker/consultant to assist in the process. The members recommended the issuance of the RFP to the full Commission for approval.

The Mayor and City Commission at its February 23, 2005 meeting, authorized the issuance of an RFP for the Development and Implementation of a Citywide Corporate Marketing and Sponsorship Program.

RFP PROCESS

On March 2, 2005, RFP No. 06-04/05 was issued via BidNet, which in turn contacted 72 vendors, resulting in the receipt of the following four (4) responses:

1. IMG;
2. DD Marketing;
3. Superlative; and
4. Sports and Sponsorships.

On April 11, 2005, the City Manager via Letter to Commission (LTC) No. 089-2005, appointed an Evaluation Committee ("the Committee") consisting of the following individuals:

1) Max Sklar, Director, Tourism and Cultural Development
2) Julio Magrisso, Assistant Director, Parks & Recreation
3) Jorge Gomez, Director of Planning & Development
4) Grisette Roque-Marcos, Executive Director of Miami Beach VCA
5) Ricky Arriola, Resident and Member of the CAC
6) Barbara Gelber, Resident and Chair of the Parks & Recreation Board
7) Lisa Austin, Resident and Chair of the Scott Rakow Youth Center Advisory Board.

The Committee convened on May 3, 2005, and was provided information relative to the City's Cone of Silence Ordinance, the Government in the Sunshine Laws and an overview of the project from the City's Development Coordinator, Mr. Jay Moore. Committee Members Jorge Gomez and Grisette Roque-Marcos were unable to attend.

The Committee was provided with a 15-minute presentation followed by a 15-minute question and answer session with the following firms:

1. The Superlative Group;
2. DD Marketing; and
3. IMG

Sports and Sponsorships elected not to make a presentation to the Committee due to scheduling conflicts.

The Committee deliberated and discussed the proposals submitted as well as the pros and cons of each firm. The Committee unanimously agreed that IMG was the best firm to implement and develop a successful corporate marketing and sponsorship program. The Committee ranked and scored the firms as follows:

	Max Slar	Ricky Arriola	Julio Magrisso	Lisa Austin	Barbara Gelber
IMG	98 (1)	96 (1)	98 (1)	90 (1)	95 (1)
The Superlative Group	88 (2)	87 (2)	95 (2)	75 (2)	85 (2)
DD Marketing	70 (3)	87 (2)	90 (3)	25 (4)	65 (3)
Sports & Sponsorships	60 (4)	83 (4)	80 (4)	70 (3)	65 (3)

Based on the scoring, the Committee agreed to rank the firms as follows:

1. IMG;
2. The Superlative Group;
3. DD Marketing; and
4. Sports & Sponsorship.

The Committee's decision to recommend IMG as the most qualified consultant to develop and implement a corporate marketing and sponsorship program was based on the following:

1. Creativity, contacts, and successful long-term representation of rights holders and events.
2. Local presence and activity. IMG's Coral Gables office has been in existence for over 20 years and has 25 full-time employees.
3. Access to companies, ideas, promotions, media, television, federations, academies, events, and celebrities.
4. Experience in dealing with the corporate community with annual sales of over $500 million.
5. Experience of over 40 years in developing strategic marketing plans and selling sponsorships.
6. The largest and most successful independent licensing firm in the world with over $5.6 billion in retail sales in clients' licensed merchandise.
7. Maximizing revenue and cost reductions proposed opportunities, and understanding of community sensitivities.

The City Manager exercised his due diligence and was briefed on the Committee's recommendation and concurs that IMG is the top-ranked firm.

IMG's Experience & Qualifications

- IMG has more than 2,500 employees in 80 offices located throughout 33 countries. And for 20 years IMG has had a full time office in Miami with a staff of 25 people.
- IMG has on-point and successful experience in working with City governments (i.e., Chicago, New York, and Cleveland) to create corporate sponsorships.
- IMG's Senior Management Team (i.e., Mr. Pirnie, and Mr. Annear) has worked together on over 20 projects in the past 15 years.
- IMG's Project Team Leader, Doug D. Pirnie, Jr., Senior Vice President, has been with IMG since 1976.

  IMG's Phase I Leader, Tom Annear, has been with IMG for more than 10 years. Mr. Annear is the Sr. VP of Corporate Sales, and will oversee a team of eight (8) individuals dedicated to raising sponsorship dollars on a local, regional, and national level.
- IMG's International VP, Dario Brignole, has been with IMG for eight years and has extensive knowledge of the Corporate Hispanic and Latin American regions, and has created a new U.S. Hispanic Division for IMG.
- IMG's Director of Sales & Marketing, Isabel Chattas, a Miami Beach resident, joined IMG in 2003, and has actively been involved in developing South Florida events including the Sunglass Hut Swim Shows Miami and Premios Fox Sports, both of which are Miami Beach-based events.

- IMG's Television Division is the largest independent distributor and producer of televised sports, managing a library of more than 150,000 hours, and producing and distributing 6,500 hours of original programming to more than 200 countries covering more than 200 sports.
- IMG's Golf Division has promoted 215 golf events with total prize money that exceeds $170 million. IMG clients have dominated both the U.S. PGA Tour and LPGA Tour, featuring such stars as Tiger Woods, Annika Sorenstam, David Duval, Vijay Singh, and Mark O'Meara.
- IMG's Tennis Division dates back to 1968, and since that time IMG has represented the top players in the world including Billie Jean King, Chris Evert, Martina Navratilova, Rod Laver, Bjorn Borg, John McEnroe, Ivan Lendl, and the Williams Sisters – Venus and Serena.
- IMG's experience includes a wide range of national clients. Other notable IMG Divisions include: Academies (Tennis, Golf, Soccer and Basketball); Chinese National Soccer League; Professional Athlete Management; Winter Sports; Licensing; Artists; Models; Broadcasting; and Charities.

IMG's references were very positive and provided the following feedback:

United States Olympic Committee (USOC)
Jim Grice
Chief of Sales & Marketing
USOC
One Olympic Plaza
Colorado Springs, CO 80909

IMG has also been retained for the past four years by the USOC, an agency of the US government, to secure sponsorships. Their initial assignment was with OPUS (Olympic Properties of the United States), a joint venture between the 2002 Salt Lake City Organizing Committee (SLOC) and the USOC for whom we raised over $100 million. A portion of those funds were used for the operations of the Olympic Games in Salt Lake City and a portion was used by the USOC to train the US Olympic teams for the Salt Lake and Athens (2004) Games. In addition, IMG has raised another $100 million for the USOC to support the US Olympic Teams that will be competing in Turino (2006) and Beijing (2008).

Carolina Stadium
Mark S. Richardson
President, Carolina Panthers
800 South Mint Street
Charlotte, NC 28202

The Muhleman Marketing division of IMG served the NFL franchise owner in Charlotte as managing strategic consultants for the overall franchise-stadium project. This included building the 73,000-seat stadium in a public-private partnership in which the City of Charlotte contributed the site land and the County and State of North Carolina paid the costs of developing the surrounding infrastructure. IMG/ Muhleman Marketing also designed a seat license program that raised $150 million for construction costs from fans for the new franchise and facility and brokered the deal for Bank of America to become naming rights sponsor of the facility for approximately $140 million over 20 years.

City of Cleveland
The Rock and Roll Hall of Fame (RRHF) in Cleveland was financed through a state bond referendum. In 1994, IMG was retained by the City of Cleveland to raise funds to alleviate the bond debt 18 months prior to the RRHF Grand Opening. IMG generated over $50 million in sponsorship and promotional dollars across several major sponsorship categories. Sponsors included AT & T, Pepsi, Ameritech, Levi's, Continental Airlines, Radio Shack, Thrifty Car Rental and MasterCard, among others.

Chicago Parks District
IMG was retained on a one-year, non-exclusive basis, by the Chicago Parks District to secure partners in a number of product categories in order to generate additional revenue for the District. IMG was successful in securing partnership arrangements with Best Kosher (hot dog), credit card (Discover Card), ice cream (Breyers), salty snack (Jay's potato chips) and the Chicago Transit Authority.

New York City
David Klasfeld
666 West 111th Street
New York, NY 10025

After a comprehensive review process, IMG was selected over numerous applicants because of their extensive experience in dealing with the corporate world and in their creativity and sensitivity in dealing with the political issues that such a program generated. IMG created an overall marketing plan for the City that ultimately was approved by <u>all</u> of the major city constituencies (Fire Department, Police Department, Department of Parks, Department of Education, museums and other cultural institutions, etc.).

IMG's efforts in this process were extraordinarily impressive - they were diligent, dogged and professional in their efforts to pull together what was an unprecedented coalition of agreement among such disparate stakeholders.

Greater Miami Convention & Visitors Bureau (GMCVB)
David Whitaker
Sr. VP of Marketing & Tourism
701 Brickell Avenue
Miami, FL 33131

IMG serves as GMCVB's marketing consultant, and as such provides the following services:

- Strategic planning;
- Property review and evaluation;
- Contract negotiations;
- Proprietary measurement tools;
- Budgetary management;and
- Creative services.

THE CITY'S APROACH

It is the goal of the City to develop mutually beneficial sponsorship contracts that deliver revenue dollars and/or in-kind products or services to the City of Miami Beach in exchange for certain advertising, marketing and/or promotional considerations granted by the City.

This project will be divided in phases as described in the RFP.

Phase I Activity:

1) Conducting an inventory of existing and prospective tangible and non-tangible marketing assets; 2) Developing a comprehensive sponsorship policy; and 3) Developing a strategic plan for marketing assets. All three (3) objectives are detailed below:

Objective 1: Inventory existing and prospective tangible and non-tangible marketing assets

The inventory should include, but is not limited to:

1. On-site interviews of City department heads and other personnel as a planning step to understanding the existing marketing and sponsorship activity level.

2. Examination of any current City asset management agreements including but not limited to:
    - Beach Concessions;
    - Golf Courses;
    - Vending Machines;
    - Tennis Centers;
    - Jackie Gleason Theater of the Performing Arts; and
    - Miami Beach Convention Center.

3. Examination of City marketing materials and other information on past sponsorship efforts, and the level of success.
4. Provide a deliverable list of product licensing opportunities for the City of Miami Beach.
5. Add/suggest to the City other sponsorship opportunities.
6. Organize all data collected into a database (e.g., spreadsheet format or other user-friendly format).
7. Address/physical location, description, date added to the database, utilization statistics;
8. Pedestrian, vehicular, viewership or other relevant exposure data;
9. Marketing opportunity available (advertising, branding, promotion, etc.);
10. Rights available, date available, etc. ;
11. Any sales history (to whom, what price, when, etc.);
12. Any known conflicts/limitations on selling;
13. Contact address, phone fax and e-mail;
14. Terms (length, price, options to renew);
15. Rights granted;
16. Any encumbered reversionary rights;
17. Legal/policy limitations on rights;
18. Suggested pricing;
19. Assessment of the value range for assets;
20. Suggested/possible bundling opportunities with other assets;
21. Assessment of the degree of difficulty to obtain a sponsorship agreement; Indication of priority

Objective 2: Create a Comprehensive Sponsorship Policy

1. Review current sponsorship acceptance procedures;
2. Participate in and support process to match community and City Commission expectations and sensitivities to possible sponsorship opportunities;
3. Specify the approach to be used to match the expected sponsorship opportunities with City Commission and community expectations;
4. Create a policy that addresses the impact of existing financial planning and economic development;

5. Present and develop a policy as directed by City; and
6. Identify any conflicts and/or limitations of the City of Miami Beach regulatory codes with regard to implementation of a corporate sponsorship program.

Objective 3: Develop Strategic Plan for Marketing Assets

1. Prioritize the database;
2. Develop a written strategy document; and
3. Assess the City's potential and recommend process/policy to earn income from Product Licensing Agreements.

Phase II Activity

At its sole discretion, the City may:

1. Elect to terminate the corporate sponsorship program, or
2. Continue the program with the marketing of inventoried and valued assets with the vendor that performed work outlined in Phase I, paying earned commissions to the vendor through that process, or
3. Continue the program through issuance of an RFP for a new vendor to market the inventoried assets, paying earned commissions to the new vendor through that process.

Phase II will consist of marketing the City's assets, consisting of the following activities:

1. Develop sample rights packages for the marketplace;
2. Assist in the evaluation and development of sponsorship RFP's;
3. Prepare reports and presentations on the City's municipal marketing program, as directed by the City;
4. Assist in contract negotiations; and
5. Provide advice in implementing/managing sponsorships.

Process & Products

The Mayor and City Commission retain complete control over the sponsorship program. Throughout the process, the City Manager brings each step-by-step component to the City Commission for consideration and vote.

In Phase I, IMG will survey and analyze the City's marketable assets; will place a value on each asset; will assist the City in writing sponsorship policy; will develop a prioritized marketing strategy.

In Phase II, IMG or a subsequent contractor, will "package" assets for sale; will assist the City in the RFP process for each asset category; will assist the City in evaluating RFP responses and then assists the City on negotiating a sponsorship contract.

The decision to enter into Phase II work, or to proceed to implement the sponsorship program, and with which consultant is solely that of the City Commission.

IMG proposed the following fee structure, which will be subject to negotiations by the Administration:

1. A monthly fee of $20,000 per month for the first 12 months of the relationship plus approved expenses.
2. A 20% sales commission on all amounts generated for the City;
3. If the City chooses to retain IMG to move forward with the plan developed in Phase I, IMG would credit the City up to 50% of any fees received against the commissions generated.
4. Any renewals of any partnership deals would be commissioned at 10%.

The Administration will ensure that the various City stakeholders are involved and committed to the success of this program, and be cognizant of the potential for "over commercialization" of the City.

CONCLUSION

The Administration recommends that the City Commission adopt the attached resolution that accepts the Manager's recommendation pertaining to the ranking of firms, and authorizes the Administration to negotiate with IMG, to develop and implement a Citywide corporate marketing and sponsorship program, and if the Administration is successful in its negotiations, further authorizes the Mayor and City Clerk to execute a contractual agreement.

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 PROPOSALS PURSUANT TO REQUEST FOR PROPOSALS (RFP) NO. 06-04/05, FOR THE DEVELOPMENT AND IMPLEMENTATION OF A CITYWIDE CORPORATE MARKETING AND SPONSORSHIP PROGRAM; AUTHORIZING THE ADMINISTRATION TO ENTER INTO NEGOTIATIONS WITH INTERNATIONAL MERCHANDISING CORPORATION D/B/A IMG; AND SHOULD THE ADMINISTRATION NOT BE ABLE TO NEGOTIATE AN AGREEMENT WITH INTERNATIONAL MERCHANDISING CORPORATION D/B/A IMG; AUTHORIZING THE ADMINISTRATION TO NEGOTIATE WITH THE SUPERLATIVE GROUP, INC.; AND FURTHER AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN AGREEMENT UPON COMPLETION OF SUCCESSFUL NEGOTIATIONS BY THE ADMINISTRATION.

WHEREAS, a discussion was held at the January 17, 2005, Finance & Citywide Projects Committee meeting, and the members requested several modifications that have been incorporated and supported the issuance of the RFP, including a model that makes use of a contracted broker/consultant to assist in the process. The members recommended the issuance of the RFP to the full Commission for approval; and

WHEREAS, the City Mayor and City Commission at its February 23, 2005 meeting, authorized the issuance of an RFP for the Development and Implementation of a Citywide Corporate Marketing and Sponsorship Program; and

WHEREAS, on March 2, 2005, RFP No. 06-04/05 was issued via BidNet, which in turn contacted 72 vendors, resulting in the receipt of the following four (4) responses:

1. IMG;
2. DD Marketing;
3. Superlative
4. Sports and Sponsorships; and

WHEREAS, on April 11, 2005, the City Manager via Letter to Commission (LTC) No. 089-2005, appointed an Evaluation Committee ("the Committee") consisting of the following individuals:

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6) Barbara Gelber, Resident and Chair of the Parks & Recreation Board
7) Lisa Austin, Resident and Chair of the Scott Rakow Youth Center Advisory Board; and

WHEREAS, the Committee convened on May 3, 2005, and was provided information relative to the City's Cone of Silence Ordinance, the Government in the Sunshine Laws and an overview of the project from the City's Development Coordinator, Mr. Jay Moore. Committee Members Jorge Gomez and Grisette Roque-Marcos were unable to attend; and

WHEREAS, the Committee was provided with a 15-minute presentation followed by a 15-minute question and answer session with the following firms:

1. The Superlative Group;
2. DD Marketing; and
3. IMG; and

WHEREAS, Sports and Sponsorships elected not to make a presentation to the Committee due to scheduling conflicts; and

WHEREAS, the Committee deliberated and discussed the proposals submitted as well as the pros and cons of each firm. The Committee unanimously agreed that IMG was the best firm to implement and develop a successful corporate marketing and sponsorship program. The Committee ranked and scored the firms as follows:

	Max Sklar	Ricky Arriola	Julio Magrisso	Lisa Austin	Barbara Gelber
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Sports & Sponsorships	60 (4)	83 (4)	80 (4)	70 (3)	65(3); and

WHEREAS, based on the scoring, the Committee agreed to rank the firms as follows:

1. IMG;
2. The Superlative Group;
3. DD Marketing; and
4. Sports & Sponsorship; and

WHEREAS, the Committee's decision to recommend IMG as the most qualified consultant to develop and implement a corporate marketing and sponsorship program was based on the following:

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2. Local presence and activity. IMG's Coral Gables office has been in existence for over 20 years and has 25 full-time employees.
3. Access to companies, ideas, promotions, media, television, federations, academies, events, and celebrities.
4. Experience in dealing with the corporate community with annual sales of over $500 million.
5. Experience of over 40 years in developing strategic marketing plans and selling sponsorships.
6. The largest and most successful independent licensing firm in the world with over $5.6 billion in retail sales in clients' licensed merchandise.

7. Maximizing revenue and cost reductions proposed opportunities, and understanding of community sensitivities; and

WHEREAS, the City Manager exercised his due diligence and was briefed on the Committee's recommendation and concurs that IMG is the top-ranked firm; and

WHEREAS, it is the goal of the City to develop mutually beneficial sponsorship contracts that deliver revenue dollars and/or in-kind products or services to the City of Miami Beach in exchange for certain advertising, marketing and/or promotional considerations granted by the City; and

WHEREAS, the Mayor and City Commission retain complete control over the sponsorship program. Throughout the process, the City Manager brings each step-by-step component to the City Commission for consideration and vote; and

WHEREAS, in Phase I, IMG will survey and analyze the City's marketable assets; will place a value on each asset; will assist the City in writing sponsorship policy; will develop a prioritized marketing strategy; and

WHEREAS, in Phase II, IMG or a subsequent contractor, will "package" assets for sale; will assist the City in the RFP process for each asset category; will assist the City in evaluating RFP responses and then assists the City on negotiating a sponsorship contract; and

WHEREAS, the decision to enter into Phase II work, or to proceed to implement the sponsorship program, and which consultant is solely that of the City Commission; and

WHEREAS, the Administration will ensure that the various City stakeholders are involved and committed to the success of this program, and be cognizant of the potential for "over commercialization" of the City.

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 accept the recommendation of the City Manager accepting the recommendation of the City Manager pertaining to the ranking of proposals pursuant to Request for Proposals (RFP) No. 06-04/05, for the Development and Implementation of a Citywide Corporate Marketing and Sponsorship Program; authorizing the Administration to enter into negotiations with International Merchandising Corporation d/b/a IMG; and should the Administration not be able to negotiate an agreement with International Merchandising Corporation d/b/a IMG; authorizing the Administration to negotiate with The Superlative Group, Inc.; and further authorizing the Mayor and City Clerk to execute an agreement upon completion of successful negotiations by the Administration.

PASSED AND ADOPTED this _____ day of _____, 2005.

ATTEST:

APPROVED AS TO FORM & LANGUAGE & FOR EXECUTION
City Attorney
5/13/05
Date

_____ _____
CITY CLERK MAYOR

T:\AGENDA\2005\May1805\Consent\corporate marketing reso..doc

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 estimated annual premium not to exceed $2,406,377.00 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	$2,406,377.00	540.1792.000378 Property Insurance (Self-Insurance Fund)	
2			
3			
4			
Total			

Finance Dept.

Sign-Offs:

Department Director	Assistant City Manager	City Manager
Maryland Buttacavoli		[signature]

AGENDA ITEM R7I

DATE 5-18-05

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 18, 2005

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 NOT TO EXCEED $2,406,377.00 (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 2005 through December 2006 for one year. **The total annual premium for 2004-05 was $215,894 (includes new construction and purchases). We do not anticipate any premium increase for 2005-06.**

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.

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 $1,410,441. 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 primary carrier with excess layers provided by Nutmeg Insurance, Arch specialty Insurance, James River Insurance, Axis Surplus Lines and Landmark American Insurance Company. The new program, which would be effective on June 1, 2005, provides for identical coverage with the only change being increased coverage to certain sub-limits. **The total renewal premium has increased from $1,410,441 to $1,512,243. The premium increase is the direct result of an 18% increase in property values (new construction, improvements, and purchases). The actual premium rate <u>decreased</u> by 9.3%.**

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 2004-05 was $23,368. with coverage provided by Hartford Steam Boiler Inspection and Insurance Company.

We have received renewal terms from Hartford and an alternate quote from Travelers Property Casualty Company of America. Hartford has presented a renewal with an increase in premium. The premium for the new policy is $28,745. Travelers has provided a very competitive proposal. The Travelers program offers several enhancements over the Hartford. **The Travelers premium is $23,240.**

The structure of the City's current and renewal program follows:

June 2004 Coverage	June 2005 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 $215,894.00	**Premium $215,894.00**
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: $1,410,441.00	**Premium: $1,512,243.00**
3. Hartford Steam Boiler Inspection & Insurance Co. (Best's Rating A+X)	**3. Travelers Property Casualty Company of America (Best's Rating A+XV)**
Limits: $ 100,000,000	Limits: $ 100,000,000
Deductibles $ 5,000	Deductibles: $ 5,000
Premium $ 23,368,00	**Premium: $ 23,240.00**
TOTAL PREMIUM $1,649,703.00	**TOTAL PREMIUM $1,751,377.00**

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

- **Terrorism Coverage (subject to the Terrorism Risk Insurance Act 2002)** 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.

It should be noted the Terrorism Risk Insurance Act (TRIA) is set to expire on December 31, 2005. There is no certainty of extension, thus the coverage provided by insurers may or may not extend beyond December 321, 2005.

The policy deductible of $100,000 would apply per occurrence. Coverage is capped at the policy limit of $170,000,000. **The annual additional premium for this coverage is $141,888.**

- **Coverage of City Parking Garages-**The primary exposure/peril to City property is Windstorm and Flood. Secondary to Windstorm and Flood would be Fire. Due to the Construction and Design of the City's Parking Garages, it is likely that in the event of a loss, damages would be minimal and fall under any applicable policy deductible. **The premium to add the garages to the policy is $74,258.**

- **Additional Windstorm Limits-**Industry models indicate that the Probable Maximum Loss (PML) would be in excess of $96,000,000 in the event of a direct strike by a category 3 or stronger hurricane to the City. **Gallagher has indicated the Market may be willing to provide an additional $25,000,000 to $50,000,000 in coverage. The premium to purchase additional coverage is estimated to be $625,000 for $25,000,000 and as much as a $1,000,000.00 for $50,000,000.**

- **Change to Windstorm Deductible (named storm flat deductible)-**This option would simplify and speed up the claim adjustment process in the event of a loss. The full benefit of the Windstorm Sublimit would apply at a lower attachment level. **Gallagher is currently checking with the markets to see if this can be accomplished with no premium change.**

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.

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 to City-owned facilities, the Administration does not recommend the purchase of Terrorism coverage or coverage for the Parking Garages (which have minimal damage exposure). The Administration recommends changing the Windstorm deductible to a flat deductible if available with no premium increase.

With regard to the purchase of additional Wind limits, the Administration recommends the City purchase the additional $25,000,000 coverage limit, which increases the total coverage limit to $50,000,000. In the event of a major disaster or multiple disasters (such as the Hurricane Season of 2004) it has become apparent that FEMA is unable to respond quickly and efficiently to the financial and overall recovery needs of both the Public and City Governments. The purchase of additional coverage limits will help minimize the City's dependence on FEMA, provide additional funds for damage repair, and speed recovery in the event of damage sustained from a major storm.

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 $30,000. We have added the estimated premium of $30,000 to the renewal premium for a total of $2,406,377 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/$500,000 Contents (maximum coverage offered)**	**$ 215,894**
All Risk Property /Wind (Includes $5,000,000 additional coverage)	**$170,000,000 All Risk (Named Windstorm sublimit of $50,000,000)**	**$2,137,243**
Boiler /Machinery	**$100,000**	**$ 23,240**
Additional Premium For New Construction/Improvements	**$20,000,000**	**$ 30,000**
Total Annual Premium		**$2,406,377**

Attachment: Broker Summary
F:\$all\risk\cliff\P-INS05.doc

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 NOT TO EXCEED $2,406,377.00 (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 $215,894,000; All Risk property Insurance (including a Windstorm sub-limit of $50 million) with Lexington Insurance Company, for a total annual premium of $2,137,243.00; Boiler/Machinery Insurance with Travelers Property Casualty Company of America, for a total annual premium of $23,240.00; and an additional estimated insurance premium for new construction of $40,000.00, all for a combined estimated annual premium not to exceed $2,406,377.00; 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 $50 million), and Boiler/Machinery Insurance for all City-owned buildings and contents (including new construction), for a combined estimated annual premium not to exceed $2,406,377.00, for a one-year period, as proposed by Arthur J. Gallagher & Co., the City's broker of record.

PASSED AND ADOPTED this ____ day of _____, 2005.

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM & LANGUAGE & FOR EXECUTION

City Attorney — Date 5/10/05

Leonard, Clifton

From: Jori_Van_der_Voort@ajg.com
Sent: Monday, May 09, 2005 10:48 AM
To: Leonard, Clifton
Cc: Luann_Sanandres@ajg.com
Subject: Additional Limits

Cliff-

Further to our conversation on Friday, 5/6 we are working on obtaining additional limits of coverage for the City's Property Program. As you know, this will take some time to generate interest and ability from the marketplace. You indicated you needed some estimates of premium to include in your agenda. Please note the premium indicated is an estimate provided by the market. The actual premium and acceptance of the coverage requested will be determined by the market after a thorough review of the completed application.

$25,000,000 Excess $25,000,000 = Estimated Premium $600,000 - $625,000 $25,000,000 Excess $50,000,000 = Estimated Premium $275,000 - $300,000

Currently we are trying to generate interest at much less premium. Our initial submission to the marketplace has us looking for the premium for the $25MM Excess $25MM at $400,000. The key here is getting enough markets to offer their capacity at the lowest possible premium (to fill a $25MM limit will take numerous participating carriers). Of course, some carriers may have capacity, but will only offer it at a higher price. We feel though that starting out with a low price is the best way to start the negotiation.

We are also looking at options to reduced the maximum wind deductible. We ran into some resistance on the Flat Wind Deductible from some of the upper excess markets in the current program. They apparently must show a % wind deductible to satisfy their reinsurance treaties. Therefore, we are trying to get the 15MM Maximum reduced as an option to you.

I am working out of my home today and can discuss this further with you. My phone number here is 305-294-1735. Luann is in the office today and is also available.

Thank you for your patience.

Regards,
Jori L. Van der Voort, ARM
****
Area Vice President
Arthur J. Gallagher & Co. - Miami/Boca Raton
A Division of Arthur J. Gallagher & Co. (Florida)
8200 N.W. 41 Street - Suite 200; Miami, FL 33166
305.639.3116 Direct Phone
305.592.4049 Fax
305.298.7494 Cell
jori_van_der_voort@ajg.com
http://www.ajg.com

EXECUTIVE SUMMARY

MARKET SUMMARY

Insurance carriers on a national basis continue to report positive overall results for 2004 and overall insurance rates have been softening in 2005. Overall the insurance industry's financial results are improved as compared to 2003 despite $21.6 billion in direct losses caused during the 2004 hurricane season.

Congress has not yet finalized the issue of TRIA, which is currently set to expire on 12/31/05. It is generally thought that TRIA will be extended, however, not all carriers quoting this renewal have finalized their approach to TRIA for policies that expire in 2006. We will continue to pursue each carriers position and specific quotation terms accordingly.

Pricing for casualty and professional liability lines are stable to softening. This is consistent with national trends. In the State of Florida, these national trends are positively affecting renewal costs for all lines of coverage except property. As a result of this past year's unprecedented four-storm hurricane season, property carriers are increasing percentage windstorm deductibles and increasing rates while simultaneously reducing their participation in Florida property schedules.

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.

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.

Probable Maximum Loss - Your Probable Maximum Loss (PML) will range from $96,000,000 to $233,000,000 (or 20% to 50% of your Total Insurable Values $464,804,782). Your renewal of $25,000,000 (or 5% of your TIV) is not enough coverage. We strongly urge the City to consider purchasing higher limits of wind coverage.

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.

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	$198,494,159
2.	Theater	1700 Washington Avenue	$66,223,802
3.	Police Station	1100 Washington Avenue	$26,136,275
4.	City Hall	1700 Convention Center Drive	$16,695,392

The City's All other Perils Limit is $170,000,000. Based on the locations above, we also believe you should be purchasing a higher limit as your convention center is valued at $198,494,159.

PROPERTY VALUATION:

One of Arthur J. Gallagher & Co.'s and the City of Miami Beach's major concerns this year is the accurate reporting of your property values. The City is being proactive in this regard and has carefully reviewed the property schedule to ensure the properties listed and the values reported are accurate. In doing so, the City has increased their Total Insured Values(TIV) by 18%. While this is a good faith representation to the carriers, Arthur J. Gallagher & Co. recommends the City have replacement cost appraisals performed on all City properties.

RENEWAL NEGOTIATIONS:

Obtaining a comprehensive and competitively priced program of insurance in today's 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 underwriting submissions, with detailed specifications, are essential. Arthur J. Gallagher & Co. made a complete presentation to each of the following companies.

MARKETING SUMMARY

MARKET	RESULT
Lexington Insurance:	Quoted
Arch Specialty Insurance	Quoted
Underwriters at Lloyd's of London	Non – renewed
Nutmeg Insurance Company	Quoted
Landmark American	Quoted
Axis Surplus Lines Insurance	Quoted
James River Insurance Company	Quoted
Hartford Steam Boiler Inspection and Insurance Company	Quoted
Allianz Insurance Company	Declined- Withdrawing capacity in the State of Florida.
LMG Property (Wausau)	Declined
James River Insurance	Quoted $2.5MM p/o $15MM xs $10MM
Ace Insurance	Offered Primary $2.5MM with a Flat $7.5MM Named Wind Deductible

- Lloyd's of London was not able to renew their participation of $5 Million in the $15 Million Excess of $10 Million layer. James River Insurance has taken of $2.5 Million of this and we are still working on the remaining $2.5 Million.

- All other participants were able to renew their layers.

PROPERTY PROGRAM STRUCTURE:

As mentioned previously, the City's Probable Maximum Loss (PML) is in excess of $96,000,000. This means that in a Category 3, 4 or 5 hurricane, insurance companies expect to pay in excess of $96,000,000. The renewal program presented to the City provides for $25,000,000 of Named Windstorm Coverage. This $25,000,000 Limit 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 464,804,782 $170,000,000 Limit Per Occurrence - $25,000,000 Named Windstorm Sub-limit 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 Insurance Company Landmark American Ins. Company.	$72,500,000 p/o $145,000,000 $72,500,000 p/o $145,000,000	$165,302	$18,184
1st Excess Layer $15,000,000 per occurrence excess of $10,000,000	Nutmeg Insurance Company Arch Specialty Insurance Company James River Insurance Company Carrier-TBD	$5,000,000 p/o $15,000,000 $5,000,000 p/o $15,000,000 $2,500,000 p/o $15,000,000 $2,500,000 p/o $15,000,000	$584,000	$75,135
Primary Layer $10,000,000 per occurrence primary layer, including Wind	Lexington Insurance Company	100% p/o $10,000,000	$762,921	$48,569
		Total Premium	$1,512,223	**$141,888**
		Plus Florida Fire Marshall and FEMA	$20	**$20**
		Total Cost	$1,512,243	**$1,654,131**

- Property rate has been reduced from $.3586 per $100 of TIV to $.3253 per $100 of TIV or

an overall ***rate reduction of 9.3%***

- Total Property Premium is $1,512,243 (Including FL Fire Marshall and FEMA)
- TRIA Premium $141,888
- Total Insured Values - $464,804,782
- $25,000,000 Sub-limit for Named Windstorm
- Deductible for Named Windstorm is 5% of TIV per location (subject to $15,000,000 Maximum and $1,000,000 Minimum)
- 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

- Extra Expense sub-limit increased from $1,000,000 to $10,000,000
- Expediting Expense sub-limit increased from $1,000,000 to $10,000,000
- Valuable Papers sub-limit increased from $1,000,000 to $5,000,000
- $2,000,000 sub-limit subject to a maximum of $1,000 any one tree for Plants, Trees, Lawns and Shrubs
- Business Income (Theatre, Convention Center and Golf Course only) sub-limit increased from $4,750,000 to $5,000,000

Options:

1. An option has been offered to add the City's parking garages. Values for these garages is $58,200,000. Flood and Named Windstorm are excluded from coverage.

Scheduled Garages excluding Named Windstorm

Location
2107 7th Street
1301 Collins Ave
640 17th Street
400 42nd Street
512 12th Street

- The additional premium will be $74,258.
- Total Property Premium (including Garages) will be $1,586,501

2. We are also exploring an option for the City to maintain a $7,500,000 Flat Named Windstorm deductible in lieu of the 5% of TIV at Affected Location subject to $1,000,000 Minimum and 15,000,000 Maximum per occurrence. We believe this deductible to be more advantageous to the City in the event of a medium to large storm. If this is of interest to you, please advise and we will provide actual terms, conditions and pricing

3. Additional Limits are available upon request.

NOTES OF IMPORTANCE

1. The Terrorism Risk Insurance Act (TRIA) is set to expire on December 31, 2005. There is no certainty of extension, thus the coverage provided by your insurers may or may not extend beyond December 31, 2005. In the event you have loan covenants or other contractual obligations requiring that terrorism coverage be maintained throughout the duration of your policy period, we recommend that a separate "Stand Alone" terrorism policy be purchased to satisfy those obligations. TRIA Premium shown is for coverage through 12/31/05.

2. Subject to signed Statement of Values received by the Company within 30 days of binding. Failure to provide signed SOV will result in elimination of Blanket coverage and scheduled coverage will apply.

3. Signed TRIA Acceptance/Rejection form at time of binding.

4. Additional Limits and Sub-limits may be available for an additional premium. We can request quotes on your behalf. Please let us know if you want us to approach our markets and obtain quotes for either of these options.

5. Quote(s) are valid until 12:01 a.m. June 1, 2005.

6. This Property Program presented contains a Warranty Statement/Clause. Failure to maintain Protective Safeguards to all existing systems i.e. sprinklers, alarms, watchman service etc. will void coverage. In the event of a loss there will be no coverage under this program if it is found that the Protective Systems were not operational and the carriers were not advised of the temporary suspension of these Protective Systems prior to the loss.

7. This program contains an Electronic Data Clause Endorsement which limits coverage to EDP Equipment/Media and Hardware to specified perils. A copy of this endorsement has been provided for your review in the Specimen policy book. We recommend that the City consider purchasing Cyber Liability coverage.

8. Coverage is not provided for property whose values have not been declared in the SOV/Schedule of Locations provided by the City for this renewal.

BOILER AND MACHINERY RENEWAL PROGRAM

- We have received renewal terms from your incumbent carrier Hartford Steam Boiler and have presented an alternate quote from Travelers Property Casualty Company of America.

- Travelers has provided a very competitive proposal. Premium for this proposal is $23,240.

- Hartford Steam Boiler has presented a renewal with an increase in premium. The premium for this proposal is $28,745.

- A summary of the major differences in these two programs follows (Specimen policies for both of these programs have been provided for your review):

Coverage	Travelers	HSB
Business Income	Included	$5,000,000 Sub-limit
Extra Expense	Included	Combined with Business

City of Miami Beach

Coverage	Travelers	HSB
		Income
Spoilage	Included	Excluded
Utility Interruption	Included	$500,000
Utility Interruption Waiting Period	4 Hours	24 Hours
Data or Media	$500,000	$100,000
Expediting Expense	Included	$100,00
Hazardous Substances	$2,000,000	$100,00

- As shown above the Travelers Boiler & Machinery program offers several enhancements over the incumbent HSB program.

SUMMARY:

We believe the renewal program presented to the City is a very competitive program given today's Florida property market. Overall, The City's Property rate has been ***reduced from $.3586 to $.3253 or (9.3%)***. This is despite an 18% increase in the property values. Total property renewal premium is $1,512,243 (excluding coverage for garages.)

We continue to believe that the $25,000,000 Named Windstorm sub-limit currently purchased by the City does not provide the City with enough coverage and we recommend that the City purchase additional coverage limits. We recommend that the City purchase minimum limits equal to its Probable Maximum Loss. We estimate that an additional $50,000,000 (excess of $25,000,000) of named windstorm coverage could cost approximately $500,000 although we do not have actual quotations from the marketplace for this additional limit. If you are interested in obtaining proposals for this additional limit, please let us know.

We also believe the $170,000,000 Loss Limit for your All other Perils coverage is insufficient as your largest location is valued in excess of $200,000,000. If you are interested in obtaining additional limits of insurance, please advise.

Travelers Property & Casualty of America has offered a very aggressive proposal for your Boiler and Machinery program which includes various enhancements in coverage. The premium is $23,240.

Additionally, we recommend the City purchase coverage for Terrorism. We believe that due to the City's high profile, that you do in fact have an exposure to terrorism. The purchase of such coverage is a necessity. Options based on the Terrorism Risk Insurance Act 2002 are included with this policy. Because there are limitations with this coverage, we recommend you evaluate Stand Alone Terrorism Coverage.

We thank you for allowing us to serve you over the past nine (9) years. We value the City's trust and pledge our personal and corporate commitment to servicing your needs.

PROGRAM STRUCTURE

2nd Excess Layer $145 Million Excludes Wind	$72.5M p/o $145M xs $25M Axis Surplus Lines Insurance		$72.5M p/o $145M xs $25M Landmark American Insurance	
1st Excess Layer $15 Million	$5m p/o $15M xs $10M Arch Specialty Insurance Company	$5m p/o $15M xs $10M Nutmeg Insurance Company	$2.5m p/o $15M xs $10M James River	$2.5m p/o $15M xs $10M Carrier-TBD
Primary Layer $10 Million	$10 Million Lexington Insurance Company			
Deductible	$100,000 except named windstorm			

NOTICE REGARDING POTENTIAL EXPIRATION OF THE TERRORISM RISK INSURANCE ACT OF 2002

The Terrorism Risk Insurance Act of 2003 (TRIA 2002) is scheduled to expire on December 31, 2005. If Congress does not take action to extend TRIA, the ACT will expire and three things will occur:

1. Federal reinsurance for "certified acts of terrorism" ceases.
2. The definition of "certified acts of terrorism" becomes null and void.
3. Insures will no longer be required to offer terrorism coverage by federal law.

Essentially, insurance carriers are now issuing Terrorism disclosure forms and coverage parts that will only provide TRIA coverage until 12/31/05, unless TRIA is renewed by Congress, even though the coverage provided by this policy will expire at a later date. If the Act is not renewed by Congress and if TRIA coverage is purchased as a part of this policy, TRIA coverage will cease as of 12/31/05. Various carriers are handling premium charges differently for this potential situation. There may be an additional premium charge from the carriers after 12/31/05 if the City opts to purchase TRIA effective 06/01/05.

City of Miami Beach

PREMIUM RECAPITULATION
Option 1 (Excluding Garages)

	Expiring 2004-2005	Renewal 2005-2006	% Change
Total Insured Values:	$ 393,258,466	$ 464,804,782	18%
Rate:	$ .3586	$ .3253	-9.3%
PRIMARY Lexington ($10,000,000)	$ 762,921	$ 762,921	---
First Excess Various ($15Mil xs $10Mil)	$ 500,000	$ 584,000	16.8%
Second Excess Various ($145Mil xs $25Mil)	$ 147,500	$ 165,302	12%
Boiler & Machinery	$ 23,368	$ 23,240	-.55%
Fl Fire Marshall Surcharges and FEMA Fees	$ 20	$ 20	---
TOTAL PREMIUM (Including Fl Fire Marshall Surcharges and FEMA Fee)[1]	**$ 1,433,809**	**$ 1,535,483**	**+7.1%**
TRIA (Thru 12/31/05)	**N/A**	**$ 141,888**	**---**
Total Renewal Premium including TRIA (thru 12/31/05)	**$ 1,433,809**	**$ 1,677,371**	**17%**

Notes of Importance

1. Premiums for the above policies are due and payable as billed.
2. Quote(s) are valid until 12:01 a.m. June 1, 2005.

City of Miami Beach

PREMIUM RECAPITULATION
Option 2 (Including Garages)

	Expiring 2004-2005	Renewal 2005-2006	% Change
Total Insured Values:	$ 393,258,466	$ 523,004,782	+33%
Rate:	$ .3586	$ .3033	-15.4%
PRIMARY Lexington ($10,000,000)	$ 762,921	$ 809,481	6.1%
First Excess Various ($15Mil xs $10Mil)	$ 500,000	$ 591,000	18.2%
Second Excess Various ($145Mil xs $25Mil)	$ 147,500	$ 186,000	26%
Boiler & Machinery	$ 23,368	$ 23,240	-.55%
Fl Fire Marshall Surcharges and FEMA Fees	$ 20	$ 20	---
TOTAL PREMIUM (Including Fl Fire Marshall Surcharges and FEMA Fee)	**$ 1,433,809**	**$ 1,609,741**	**+12.3%**
TRIA (Thru 12/31/05)	**N/A**	**$ 144,468**	
Total Renewal Premium including TRIA (thru 12/31/05)	**$ 1,433,809**	**$ 1,754,209**	**+22%**

Notes of Importance

1. Premiums for the above policies are due and payable as billed.
2. Quote(s) are valid until 12:01 a.m. June 1, 2005.

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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, appropriating funds, in the amount of $1,152,260, for construction of the 41st Street Bridges project.

Issue:

Shall funding in the amount of $1,152,260, be appropriated for construction of the 41st Street Bridges project?

Item Summary/Recommendation:

In July 2000 the City hired Consul-Tech Engineering (CTE) to design the renovations of the two bridges on 41st Street crossing the Biscayne and Indian Creek waterways. The design was completed and approved by the Florida Department of Transportation in 2002. At the time the design work was completed, the project was not undertaken due to the lack of sufficient funding. An invitation to bid was issued in March 2004. A single bid was received in April 2004, in the amount of $969,845, which exceeded the engineer's original cost estimate and the available funding. In an effort to bring the project into budget, the Administration met with the sole bidder and CTE to review possible value engineering options that might reduce the cost, however, these were not sufficient to bring the cost down materially. At the end of negotiations, which lasted approximately six months, the sole bidder informed the City that the original bid could no longer be honored, and issued a revised price of $1,274,000. At this time, the window of opportunity to avoid the business peak season was not available anymore. The project construction had to be postponed to early spring of 2005. The City Manager then exercised his authority pursuant to the City Code, and rejected the sole bid received. The CIP Office then directed CTE to update its cost estimate to reflect a price based on current market prices. CTE issued a revised cost estimate of $1,045,213. The CIP Office is finalizing negotiations with one of the City's Job Order Contract (JOC) contractors, which are expected to yield a price of approximately $1,300,000, which is within 2.5% of the sole bidder's revised price. Despite the difference between the revised estimate and the JOC price, City staff considers the JOC price to be an accurate reflection of current market costs. The Administration recommends appropriating funds at this time to meet the new proposed construction schedule for the Indian Creek and Biscayne Bridges between mid July 2005 and mid January 2006 and avoid conflicts with other construction projects and events in the area. This schedule will also avoid the next peak season activities. Existing funds in the amount of $415,015 would be supplemented with a new appropriation in the amount of $1,152,260, which includes a 15% project contingency of $195,000, a JOC Program fee of $19,500, a CIP Office project management fee of $52,775 and construction in the amount of $884,985. The County GO bonds will provide $750,000 which will be used to reimburse the Quality of Life funds.

Advisory Board Recommendation:

n/a

Financial Information:

Amount to be expended:

Source of Funds:		Amount	Account	Approved
	1	$1,152,260	Middle Beach Quality of Life	
Finance Dept.	Total	$1,152,260		

City Clerk's Office Legislative Tracking:

Mauro Burgio, Senior Capital Projects Coordinator

Sign-Offs:

Department Director	Assistant City Manager	City Manager
		for JMG

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AGENDA ITEM R7J

DATE 5-18-05

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 18, 2005

From: Jorge M. Gonzalez
City Manager

Subject: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROPRIATING FUNDS, IN THE AMOUNT OF $1,152,260, FROM MIDDLE BEACH QUALITY OF LIFE FUNDS, OF WHICH UP TO $750,000 ARE ANTICIPATED TO BE REIMBURSED BY MIAMI-DADE COUNTY GENERAL OBLIGATION BOND FUNDS, FOR CONSTRUCTION OF THE 41ST STREET BRIDGES PROJECT.**

ADMINISTRATION RECOMMENDATION:

Adopt the Resolution.

FUNDING:

Total remaining project costs are anticipated to be $1,567,275, inclusive of both soft and hard costs. Of this amount, $415,015 of previously appropriated funds for this project remains available. Funding for the current unfunded amount is available from Middle Beach Quality of Life Funds. The City is also eligible for funding in the amount of up to $750,000 from the County General Obligation (GO) Bond funds passed by the voters in November 2004. When those funds are received, they will be used to reimburse the Quality of Life funds. It should be noted that the County is considering deducting up to 1% of this amount to cover the administrative costs of their bond program.

ANALYSIS:

On June 4, 1997 the Mayor and City Commission, following a selection process, approved a professional services agreement with Consul-Tech Engineering, Inc. (CTE), in the amount of $413,222, for the design and construction administration services for the renovation and beautification of the entire right-of-way of 41st Street from Alton Road to Collins Avenue. This agreement anticipated that the complete renovation of the 41st Street right-of-way would be undertaken, in a five-phase project, with a total project budget of $5 million.

The originally proposed five phases consisted of the following:

Phase I	Landscaping, irrigation & replacement of pavers.
Phase II	Medians with irrigation, up-lighting and landscaping.
Phase III	Improvement of Indian Creek and Biscayne Waterway bridges.
Phase IV	Improvement of side streets with lighting, landscaping and irrigation.
Phase V	Improvement of 40th and 42nd Streets, landscaping and re-paving.

Subsequently, it was determined that anticipated revenues would be insufficient to fund the debt service on the proposed $5 million loan, and the full proposed scope of the project was not considered feasible. On March 12, 1998, the Finance and Citywide Projects Committee recommended that only Phase I and Phase II of the originally planned 5 phases of the project be undertaken, at an estimated cost of $1,727,250. Following this reduction in scope, the required design work was completed, and the construction of the reduced scope streetscape project, was completed in 2001.

While renovation of the Biscayne Waterway and Indian Creek bridges was a part of the original Master Plan as Phase III, it was removed from the project scope in March of 1998. However, since the completion of the reduced scope 41st Street Beautification Project, members of the 41st Street Merchants Association continued to request that the bridge renovation portion of the project be done, because they considered the lack of a finished look on the bridges made the street appear incomplete.

In July 2000 the City authorized CTE to proceed with design of the renovations of the two bridges. Improvements to the Indian Creek Bridge consist of road resurfacing, sidewalk widening, replacement of the existing concrete sidewalks with brick pavers, installation of decorative handrails, installation of colorful decorative tiles along the side walls, structural enhancements to meet new wind load requirements, flood lights to enhance the bridge's exterior appearance, and colorful lighting fixtures on the deck of the bridge to replace the existing standard fixtures. The smaller Biscayne Waterway Bridge will receive a reduced level of improvement, consisting of decorative tile work and brick paver sidewalks. The design was completed and approved by the Florida Department of Transportation (FDOT) in 2002. At the time, CTE produced a construction cost estimate for the project in the amount of $621,567. After the design was complete, the project was not undertaken due to a lack of sufficient funding. The project was dormant during this period because of the identified costs at the time and the funding issues.

After the City considered that new funding sources could be identified, an Invitation to Bid was issued in March 2004, and a single bid was received in April 2004, in the amount of $969,845, from Ric-Man, Inc., which was well in excess of the 2002 engineer's cost estimate of $621,567, and the available funding. In an effort to bring the project into budget, the Administration met with the sole bidder and the engineer of record to review possible value engineering options and scope reduction that might reduce cost. However, these were not sufficient to bring the cost down materially.

During negotiations, it was found that CTE's cost estimate had not taken into account certain elements, including requirements for an off-duty police officer, increased traffic controls required to work within the tight area of the bridge, and the cost of the contractor's bond and insurance. These costs are not generally considered in consultant's estimates of probable cost and some fall under the category of construction means and methods, therefore they were not included in the original 2002 estimate and not recognized at the time as potential additional costs to the project. Also not reflected in the cost estimate, were significant increases in material cost from the time the estimate was produced to the time of bidding in 2004.

The negotiations effort and the value engineering and scope reduction effort lasted approximately six months and were unsuccessful. During that period several publicly advertised meetings were held where different options and approaches to the project were explored and for which different prices were submitted by the contractor for discussion. At the end of this period, the sole bidder informed the City that the original bid price could no longer be honored, and issued a revised price of $1,274,000. His justifications were related to increases in cost due to time and some of the construction methods required to complete the tasks. Under recommendation of the CIP Office and Procurement staff, I exercised my authority under section 2-367 of the City Code, and rejected the sole bid received.

The City's agreement with CTE was approved in 1997 under an old contract format and did not include a provision to require the consultant to redesign the project to meet the construction budget, as newer agreements do. In December 2004, after the negotiations with Ric-Man were ended, CIP requested that CTE revise its estimate to reflect a price based on current market values. By that time, due to requests from the community not to be in construction during peak season, the window of opportunity to start construction was missed and the project could not be implemented until early spring 2005 at the earliest. CTE issued a revised cost estimate of $1,045,213, which places it reasonably close to the revised cost submitted by the sole bid contractor.

The original agreement with CTE included design and construction administration services for the five phases of the broader 41st Street beautification project, including the two bridges. Certain additional services outside the original scope must be added to the contract. Such services include revisions to the plans and specifications to reflect changes required under the new building code, re-permitting the project through all applicable regulatory agencies, updating the cost estimate, and an increase in the original construction administration cost, commensurate with the revised project scope and current billing rates. Certain credits, conversely, are also currently being negotiated. Such credits arise from the elimination of Phases IV and V from the original scope of work of CTE's contract. Phases IV and V are being completed separately through a combination of the Bayshore Neighborhood Project, the Nautilus Neighborhood Project, and the 42nd Street Streetscape Project. Some of these services have already been performed under the existing agreement Purchase Order where funds are available in order to try and expedite

the completion of the pricing process and initiate construction. CIP staff is currently negotiating with CTE for the aforesaid additional services and reductions in scope, which are expected to result in an overall reduction to the original contract amount. If required, the Administration will bring an appropriate amendment to the City Commission for approval.

Shortly after the revised construction cost estimate was issued by CTE, the CIP Office began pricing the work through one of the City's Job Order Contractors (JOC). CIP staff is currently in the final stages of pricing the work, and negotiations are expected to yield a price of approximately $1,300,000. This price is within 2.5% of the price obtained from the sole bidder approximately one year ago. A final cost has not been agreed upon, because certain specifications related to the lighting fixtures, and decorative tiles are subject to HPB review of alternates, and may affect the final price. It should be noted, however, that none of these alternates are expected to affect the price significantly, and none would cause the price to exceed $1,300,000 but rather may result in lower costs.

Despite the difference between the consultant's revised cost estimate and the actual price, CIP staff deems the JOC price to represent a fair market value for this project, considering those elements which are more closely related to the means and methods of construction, rather than the design of the project. Such elements are typically not represented in any cost estimate, and include the lack of a nearby staging area, requiring the contractor to transport materials in smaller quantities at more frequent intervals, a requirement of the FDOT, which limits working hours between 9:30am to 3:30pm, restricting work to only 6 hours per day, the intricacies of working on the outside walls of the bridge, requiring special scaffolding, and protective measures required to prevent debris and materials from falling into the waterway.

In 2002 the project received approval by the Historic Preservation Board (HPB), however, this approval expired in May 2003, due to a lack of construction activity and staff could have had extended for one year but did not. The project has now been rescheduled for review by the HPB on June 16, 2005. In conversations with Planning Department staff CIP does not expect the Board to make any comments or request changes that will impact the current project costs or schedule. Any comments that are made will be quickly addressed by the consultant and reviewed with the JOC contractor in order to bring the project to construction. The current contract documents have been reviewed for permitting, and are 100% complete.

Construction of the Indian Creek Bridge includes widening of the sidewalk, and milling and resurfacing of the road surface, requiring temporary lane closures during non-peak traffic hours. In contrast, the Biscayne Waterway Bridge will have a lesser impact to traffic, as it does not include sidewalk widening or road resurfacing. The construction schedule has been coordinated with other FDOT and City projects as well as other events of impact to traffic in the area, such as the work projected next spring for the 63rd Street flyover. The JOC contractor has estimated that they could substantially complete the Indian Creek Bridge within four months and the Biscayne Waterway Bridge within two months. This

would assure that the most disruptive construction within the Indian Creek Bridge will occur within the six month period of mid July 2005 to mid January 2006 to avoid overlapping with other projects and events. The less disruptive Biscayne Waterway bridge may fall within this period, or, should a delay in construction occur, it may fall outside the six-month time window and overlap with other projects, which is not expected to pose a problem, due to its minimal impact on traffic. This schedule also takes into consideration the community's concerns about construction during peak season and will avoid the heaviest period of activity in the area. The Administration recommends appropriating the funds outlined, despite HPB approval not yet being obtained in order to be ready to move forward as soon as the HPB order is issued, in order to meet the six-month construction time window.

Existing funds in the amount of $415,015 from the previous appropriations for the project would be supplemented with a new appropriation in the amount of $1,152,260, which includes a 15% project contingency of $195,000, a JOC Program fee of $19,500, a CIP Office project management fee of $52,775 and construction funding in the amount of $884,985. The Administration recommends approval of the appropriation, in the amount of $1,152,260, to be funded from Middle Beach Quality of Life funds. The City is also eligible for funding in the amount of up to $750,000 from the County G.O. Bond funds passed by the voters in November 2004. When those funds are received, they will be used to reimburse the Quality of Life funds. It should be noted that the County is considering deducting up to 1% of this amount to cover the administrative costs of their bond program. It also must be noted that when negotiations are completed with the consultant on the additional services and expected credits the remaining amount will be used for reimbursement to the Quality of Life accounts.

JMG/RCM/TH/JEC/KLM/MB

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RESOLUTION TO BE SUBMITTED

CITY OF MIAMI BEACH
COMMISSION ITEM SUMMARY

Condensed Title:

A resolution authorizing the City Manager to issue a Certificate of Consistency with the City's Consolidated Plan to the Miami Beach Community Development Corporation (MBCDC), for their proposed project to create 30 units of supportive housing for very low income elders, to be located in the vacant parcel adjacent to and part of the Villa Maria Apartment Project located at 2800 Collins Avenue, Miami Beach, Florida. The Certificate of Consistency, once issued, will be submitted to the U.S. Department of Housing and Urban Development as part of a funding application for Section 202 Supportive Housing for Elderly Persons funding.

Issue:

Shall the City authorize the City Manager to issue a Certificate of Consistency with the Consolidated Plan to MBCDC for their proposed new elderly supportive housing project.

Item Summary/Recommendation:

MBCDC requested a Certification of Consistency with the Consolidated Plan as part of their proposed project to create 30 units of supportive housing for very low income elders, to be located in the vacant parcel adjacent to and part of the Villa Maria Apartment Project located at 2800 Collins Avenue, Miami Beach, Florida. MBCDC is required by regulation to obtain a Certification of Consistency with the Consolidated Plan from the entitlement jurisdiction where they operate. In accordance with the Consolidated Plan adopted by the City, each request for a Certification of Consistency with the Consolidated Plan requires City Commission review and approval.

Advisory Board Recommendation:

N/A

Financial Information:

Source of Funds:

N/A

Finance Dept.

	Amount	Account	Approved
1	N/A		
2			
3			
4			
Total			

City Clerk's Office Legislative Tracking:

Vivian Guzmán

Sign-Offs:

Department Director	Assistant City Manager	City Manager

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AGENDA ITEM R7K

DATE 5-18-05

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 18, 2005

From: Jorge M. Gonzalez
City Manager

Subject: **A RESOLUTION APPROVING AND AUTHORIZING THE CITY MANAGER TO ISSUE A CERTIFICATE OF CONSISTENCY WITH THE CITY'S CONSOLIDATED PLAN TO THE MIAMI BEACH COMMUNITY DEVELOPMENT CORPORATION, FOR THEIR PROPOSED PROJECT TO CREATE 30 UNITS OF SUPPORTIVE HOUSING FOR VERY LOW INCOME ELDERS, TO BE LOCATED IN THE VACANT PARCEL ADJACENT TO AND PART OF THE VILLA MARIA APARTMENT PROJECT LOCATED AT 2800 COLLINS AVENUE, MIAMI BEACH, FLORIDA.**

ADMINISTRATION RECOMMENDATION

Adopt the Resolution.

ANALYSIS

On April 14, 2005, the Miami Beach Community Development Corporation (MBCDC) requested a Certification of Consistency with the Consolidated Plan as part of their proposed project to create 30 units of supportive housing for very low income elders, to be located in the vacant parcel adjacent to and part of the Villa Maria Apartment Project located at 2800 Collins Avenue, Miami Beach, Florida. The Certificate of Consistency, once issued, will be submitted to the U.S. Department of Housing and Urban Development as part of a funding application for Section 202 Supportive Housing for Elderly Persons funding.

MBCDC is required by regulation to obtain a Certificate of Consistency from the jurisdiction in which they operate. In accordance with the Consolidated Plan adopted by the City, each request for a Certification of Consistency with the Consolidated Plan requires City Commission review and approval.

The City's Consolidated Plan identifies long term objectives in Chapter 4, "Five Year Strategy." Under the Housing Strategy, page 4-15, the Consolidated Plan identifies Elderly/Frail Elderly as a priority target group for affordable housing.

The Administration recommends adoption of the attached Resolution of the Mayor and City Commission of the City of Miami Beach, Florida, approving and authorizing the City

Manager to issue a Certification of Consistency with the City's Consolidated Plan to the MBCDC for their proposed project to create 30 units of supportive housing for very low income elders, to be located in the vacant parcel adjacent to and part of the Villa Maria Apartment Project located at 2800 Collins Avenue, Miami Beach, Florida. The Certificate of Consistency, once issued, will be submitted to the U.S. Department of Housing and Urban Development as part of a funding application for Section 202 Supportive Housing for Elderly Persons funding.

JMG/RCM/VPG/TU/EJB
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RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING AND AUTHORIZING THE CITY MANAGER TO ISSUE A CERTIFICATION OF CONSISTENCY WITH THE CITY'S CONSOLIDATED PLAN TO THE MIAMI BEACH COMMUNITY DEVELOPMENT CORPORATION, FOR ITS PROPOSED PROJECT TO CREATE THIRTY (30) UNITS OF SUPPORTIVE HOUSING FOR VERY LOW INCOME ELDERS, TO BE LOCATED IN THE VACANT PARCEL ADJACENT TO AND PART OF THE VILLA MARIA APARTMENT PROJECT, LOCATED AT 2800 COLLINS AVENUE, MIAMI BEACH, FLORIDA.

WHEREAS, on July 30, 2003, the Mayor and City Commission approved the City's Consolidated Plan; and

WHEREAS, the City's Consolidated Plan is effective for Program Years (PY) 2003/04 through 2007/08; and

WHEREAS, the Miami Beach Community Development Corporation (MBCDC) proposes to create thirty (30) units of supportive housing for very low income elders, to be located in the vacant parcel adjacent to and part of the Villa Maria Apartment Project, located at 2800 Collins Avenue, Miami Beach, Florida (the Project); and

WHEREAS, U.S. Department of Housing and Urban Development (HUD) requires that Section 202 Program funding requests obtain and submit a Certification of Consistency with the Consolidated Plan from the entitlement jurisdiction where the proposed activity is located; and

WHEREAS, MBCDC has requested that the City issue the required Certification of Consistency with the Consolidated Plan; and

WHEREAS, in accordance with the City's adopted Consolidated Plan, each request for a Certification of Consistency Plan requires City Commission review and approval; and

WHEREAS, the Administration has reviewed the proposed Project for consistency and has found it to be in accordance with the City's adopted Consolidated Plan; and

WHEREAS, the Certificate of Consistency, once issued, will be submitted by MBCDC to HUD as part of a funding application for Section 202 Supportive Housing for Elderly Persons funds for the proposed Project.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Mayor and City Commission hereby authorize the City Manager to issue a Certification of Consistency with the City's Consolidated Plan to MBCDC, for its proposed Project to create thirty (30) units of supportive housing for very low income elders, to be located in the vacant parcel adjacent to and part of the Villa Maria Apartment Project, located at 2800 Collins Avenue, Miami Beach, Florida.

PASSED AND ADOPTED this _____ day of _____, 2005.

ATTEST:

_____ _____

CITY CLERK MAYOR

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APPROVED AS TO FORM & LANGUAGE & FOR EXECUTION

City Attorney 5/12/05 Date

CITY OF MIAMI BEACH
COMMISSION ITEM SUMMARY

Condensed Title:

A resolution approving and authorizing the City Manager to issue five (5) Certifications of Consistency with the City's Consolidated Plan to Douglas Gardens Community Mental Health Center of Miami Beach, Inc. (Douglas Gardens) to utilize funds provided directly by the U.S. Department of Housing and Urban Development (HUD) to: continue providing housing to formerly homeless persons with disabilities at the Mayfair Hotel, 1960 Park Avenue, Miami Beach; continue providing case management services and transitional housing to victims of domestic violence who have become homeless; continue to operate two scattered site housing programs; and to enhance supportive services for formerly homeless persons in Miami Beach with a new scattered site Shelter Plus Care (S+C) Program.

Issue:

Shall the City approve and authorize the City Manager to issue five (5) Certifications of Consistency with the City's Consolidated Plan to Douglas Gardens Community Mental Health Center of Miami Beach, Inc. (Douglas Gardens) to utilize funds provided directly by the U.S. Department of Housing and Urban Development (HUD) to: continue providing housing to formerly homeless persons with disabilities at the Mayfair Hotel, 1960 Park Avenue, Miami Beach; continue providing case management services and transitional housing to victims of domestic violence who have become homeless; continue to operate two scattered site housing programs; and to enhance supportive services for formerly homeless persons in Miami Beach with a new scattered site Shelter Plus Care (S+C) Program?

Item Summary/Recommendation:

On April 18, 2005, Douglas Gardens requested five Certificates of Consistency with the City's Consolidated Plan to be submitted as part of applications for funds from U.S. HUD. Douglas Gardens is submitting 5 renewal and one new grant applications to U.S. HUD for the following: 1) to continue to offer twenty-two units of permanent housing for formerly homeless persons with disabilities at the Mayfair Residence, 1960 Park Avenue, Miami Beach; 2) to provide rental assistance and case management to victims of domestic violence who have become homeless; 3) to provide 17 additional scattered site housing units to formerly homeless persons with disabilities; 4) to provide supportive services to formerly homeless persons with disabilities in the 17 additional scattered sites; and 5) to provide 20 additional beds through the scattered site, Shelter Plus Care (S+C) program.

Advisory Board Recommendation:

N/A

Financial Information:

Source of Funds:

Finance Dept.

	Amount	Account	Approved
1			
2			
3			
4			
Total	N/A		

City Clerk's Office Legislative Tracking:

Vivian P. Guzmán

Sign-Offs:

Department Director	Assistant City Manager	City Manager

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AGENDA ITEM R7L

DATE 5-18-05

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 18, 2005

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 CITY MANAGER TO ISSUE FIVE (5) CERTIFICATIONS OF CONSISTENCY WITH THE CITY'S CONSOLIDATED PLAN TO DOUGLAS GARDENS COMMUNITY MENTAL HEALTH CENTER OF MIAMI BEACH, INC., TO UTILIZE FUNDS PROVIDED DIRECTLY BY THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT TO: CONTINUE PROVIDING HOUSING TO FORMERLY HOMELESS PERSONS WITH DISABILITIES AT THE MAYFAIR HOTEL, 1960 PARK AVENUE, MIAMI BEACH; CONTINUE PROVIDING CASE MANAGEMENT SERVICES AND TRANSITIONAL HOUSING TO VICTIMS OF DOMESTIC VIOLENCE WHO HAVE BECOME HOMELESS; CONTINUE TO OPERATE TWO SCATTERED SITE HOUSING PROGRAMS; AND TO ENHANCE SUPPORTIVE SERVICES FOR FORMERLY HOMELESS PERSONS IN MIAMI BEACH WITH A NEW SCATTERED SITE, SHELTER PLUS CARE (S+C) PROGRAM.**

ADMINISTRATION RECOMMENDATION

Adopt the Resolution.

ANALYSIS

On April 18, 2005, Douglas Gardens Community Health Care Center of Miami Beach, Inc. (Douglas Gardens) requested five Certifications of Consistency with the City's Consolidated Plan as part of an application for funds from the U.S. Department of Housing and Urban Development (HUD). The first application is a renewal grant to continue to offer twenty-two units of permanent housing for formerly homeless persons with disabilities at the Mayfair Residence, 1960 Park Avenue, Miami Beach, for a period of one year.

Douglas Gardens' second renewal application is for a renewal grant for the Successful Investments, Supported Housing Program (SHP), to provide rental assistance and case management to victims of domestic violence who have become homeless. Persons in the program may be placed in housing anywhere in Miami-Dade County.

Douglas Gardens is submitting third and fourth renewal grant applications to continue to

operate and enhance their existing scattered site housing program by providing 17 scattered site housing units and supportive services to formerly homeless persons with disabilities for a period of one year.

The fifth grant application is for a new proposal to provide 20 additional beds through the scattered site, Shelter Plus Care (S+C) program.

These five certifications for Douglas Gardens are to be included in an application to be submitted to HUD by the Miami-Dade Homeless Trust (Homeless Trust) in response to the annual Notice of Funding Availability (Super NOFA). The Homeless Trust submits a countywide application to HUD on behalf of local homeless providers requesting funding under the Super NOFA.

HUD requires that applicants for funding obtain and submit a Certification of Consistency with the Consolidated Plan from the entitlement jurisdiction where the activity is to be located for each application. In accordance with the Consolidated Plan adopted by the City, each request for a Certification of Consistency with the Consolidated Plan requires City Commission review and approval.

Every year, since 1995, Douglas Gardens has been providing twenty-two units of permanent housing for formerly homeless persons with disabilities at the Mayfair Hotel, 1960 Park Avenue, Miami Beach. Supportive services for the residents of the Mayfair Hotel are provided at the Douglas Gardens Clinical Offices at 701 Lincoln Road.

The Administration has reviewed the documentation submitted by Douglas Gardens describing the activities, and has concluded that the continuation of these activities are consistent with the City's Consolidated Plan. The Consolidated Plan identifies long term objectives in Chapter 4, "Five Year Strategy." Under the Homelessness Strategy (Continuum of Care), page 4 -15, the Plan specifies that Douglas Gardens will continue to provide supportive housing for the formerly homeless. The Plan also supports efforts to assist special needs populations in general.

The Administration recommends adoption of the attached Resolution of the Mayor and City Commission of the City of Miami Beach, Florida, approving and authorizing the City Manager to issue Certifications of Consistency with the City's Consolidated Plan to Douglas Gardens to utilize funds provided directly by the HUD to continue providing housing to formerly homeless persons with disabilities at the Mayfair Hotel, 1960 Park Avenue, Miami Beach; to continue providing case management and transitional housing to victims of domestic violence who have become homeless; to continue to operate and enhance a scattered site housing program; and to continue to provide supportive services for formerly homeless persons in Miami Beach.

JMG/RCM/VPG/TU/EJB

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RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING AND AUTHORIZING THE CITY MANAGER TO ISSUE FIVE (5) CERTIFICATIONS OF CONSISTENCY WITH THE CITY'S CONSOLIDATED PLAN TO DOUGLAS GARDENS COMMUNITY MENTAL HEALTH CENTER OF MIAMI BEACH, INC., TO UTILIZE FUNDS PROVIDED DIRECTLY BY THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT TO: CONTINUE PROVIDING HOUSING TO FORMERLY HOMELESS PERSONS WITH DISABILITIES AT THE MAYFAIR HOTEL, 1960 PARK AVENUE, MIAMI BEACH; CONTINUE PROVIDING CASE MANAGEMENT SERVICES AND TRANSITIONAL HOUSING TO VICTIMS OF DOMESTIC VIOLENCE WHO HAVE BECOME HOMELESS; TO CONTINUE TO OPERATE AND ENHANCE TWO SCATTERED SITE HOUSING PROGRAMS; AND TO ENHANCE SUPPORTIVE SERVICES FOR FORMERLY HOMELESS PERSONS IN MIAMI BEACH WITH A NEW SCATTERED SITE, SHELTER PLUS CARE (S+C) PROGRAM.

WHEREAS, on July 30, 2003, the Mayor and City Commission adopted the City of Miami Beach Five-Year Consolidated Plan; and

WHEREAS, the City's Consolidated Plan is effective for Program Years (PY) 2003/04 through 2007/08; and

WHEREAS, Douglas Gardens Community Mental Health Center of Miami Beach, Inc. (Douglas Gardens) is proposing to submit applications to U.S. Department of Housing and Urban Development (HUD) for funding to: continue to provide housing to formerly homeless persons with disabilities at the Mayfair Hotel, 1960 Park Avenue, Miami Beach; continue to provide case management services and transitional housing to victims of domestic violence who have become homeless; to continue to operate and enhance two scattered site housing programs; and to continue to enhance supportive services for formerly homeless persons in Miami Beach with a new scattered site, shelter plus care program; and

WHEREAS, HUD requires that applicants for Federal funding submit Certifications of Consistency with the Consolidated Plan from the entitlement jurisdiction where the proposed activities are located; and

WHEREAS, Douglas Gardens requested that the City issue the five required Certifications of Consistency with the Consolidated Plan; and

WHEREAS, in accordance with the City's adopted Consolidated Plan, each request for a Certification of Consistency with the Consolidated Plan requires City Commission review and approval; and

WHEREAS, the Administration has reviewed the proposed activities and found them to be consistent with the Consolidated Plan.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the City Manager is hereby authorized to issue five (5) Certifications of Consistency with the City's Consolidated Plan to Douglas Gardens to utilize funds provided directly by HUD to: continue providing housing to formerly homeless persons with disabilities at the Mayfair Hotel, 1960 Park Avenue, Miami Beach; continue providing case management services and transitional housing to victims of domestic violence who have become homeless; to continue to operate and enhance two scattered site housing programs; and to enhance supportive services for formerly homeless persons in Miami Beach with a new scattered site, shelter plus care (s+c) program.

PASSED AND ADOPTED this _____ day of _____, 2005.

ATTEST:

_____ _____

CITY CLERK MAYOR

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APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

City Attorney Date

CITY OF MIAMI BEACH
COMMISSION ITEM SUMMARY

Condensed Title:

A resolution authorizing the City Manager to issue a Certificate of Consistency with the City's Consolidated Plan to the City's Neighborhood Services Department Office of Homeless Coordination to utilize funds from U.S. Department of Housing and Urban Development (HUD) to provide outreach and case management services to homeless individuals in Miami Beach.

Issue:

Shall the City authorize the City Manager to issue a Certificate of Consistency with the Consolidated Plan to Office of Homeless to be submitted as part of an application for funds from HUD.

Item Summary/Recommendation:

The City's Office of Homeless Coordination has requested a Certification of Consistency with the City's Consolidated Plan as part of an application for funds from the U.S. Department of Housing and Urban Development (HUD). The Office of Homeless Coordination has submitted an application to the Miami-Dade County Homeless Trust (Homeless Trust) for a grant to provide outreach and case management services to homeless individuals in Miami Beach for a one-year period. In accordance with the Consolidated Plan adopted by the City, each request for a Certification of Consistency with the Consolidated Plan requires City Commission review and approval.

Advisory Board Recommendation:

N/A

Financial Information:

Source of Funds:

N/A

Finance Dept.

	Amount	Account	Approved
1	N/A		
2			
3			
4			
Total			

City Clerk's Office Legislative Tracking:

Vivian P. Guzman

Sign-Offs:

Department Director	Assistant City Manager	City Manager

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AGENDA ITEM R7M

DATE 5-18-05

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 18, 2005

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 CITY MANAGER TO ISSUE A CERTIFICATION OF CONSISTENCY WITH THE CITY'S CONSOLIDATED PLAN TO THE CITY'S NEIGHBORHOOD SERVICES DEPARTMENT OFFICE OF HOMELESS COORDINATION TO UTILIZE FUNDS PROVIDED DIRECTLY BY THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) TO PROVIDE OUTREACH AND CASE MANAGEMENT SERVICES TO HOMELESS INDIVIDUALS IN MIAMI BEACH.**

ADMINISTRATION RECOMMENDATION

Adopt the Resolution.

ANALYSIS

The City's Neighborhood Services Department Office of Homeless Coordination is requesting a Certification of Consistency with the City's Consolidated Plan as part of an application for funds from the HUD. The Office of Homeless Coordination has submitted an application for funding for outreach, case management, and shelter services to homeless individuals in Miami Beach for a one-year period.

The Office of Homeless Coordination has responded to a request for applications issued by the Homeless Trust, which provides HUD funds for homeless services. HUD requires that applicants for funding obtain and submit a Certification of Consistency with the Consolidated Plan from the entitlement jurisdiction where the activity is to be located for each application. In accordance with the Consolidated Plan adopted by the City on July 30, 2003, each request for a Certification of Consistency with the Consolidated Plan requires City Commission review and approval.

The documentation submitted by the Office of Homeless Coordination describing the proposed activities has been reviewed and was found to be consistent with the City's Consolidated Plan. The Consolidated Plan identifies long-term objectives in Chapter 4, "Five Year Strategy." Under the Homelessness Strategy (Continuum of Care), pages 4-12 through 4-15, the Plan assigns a high priority to assisting homeless individuals. Additionally, the Plan also identifies case management within the gaps analysis as a high priority in the Continuum of Care.

The Administration recommends adoption of the attached Resolution of the Mayor and City Commission of the City of Miami Beach, Florida, approving and authorizing the City Manager to issue a Certification of Consistency with the City's Consolidated Plan to the City's Neighborhood Services Department Office of Homeless Coordination to utilize funds provided directly by the HUD to provide outreach and case management services to homeless individuals in Miami Beach.

JMG/RCM/VPG/TU/EJB
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RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING AND AUTHORIZING THE CITY MANAGER TO ISSUE A CERTIFICATION OF CONSISTENCY WITH THE CITY'S CONSOLIDATED PLAN TO THE CITY'S NEIGHBORHOOD SERVICES DEPARTMENT OFFICE OF HOMELESS COORDINATION TO UTILIZE FUNDS PROVIDED DIRECTLY BY THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT TO PROVIDE OUTREACH AND CASE MANAGEMENT SERVICES TO HOMELESS INDIVIDUALS IN MIAMI BEACH.

WHEREAS, on July 30, 2003, the Mayor and City Commission adopted the City of Miami Beach Consolidated Plan for Fiscal Years 2003-2007; and

WHEREAS, the City's Consolidated Plan is effective for Program Years (PY) 2003/04 through 2007/08; and

WHEREAS, the City's Neighborhood Services Department's Office of Homeless Coordination has submitted an application to the Miami-Dade County Homeless Trust (Homeless Trust) for a grant to provide outreach and case management services to homeless individuals in Miami Beach for a one-year period; and

WHEREAS, the U.S. Department of Housing and Urban Development (HUD) requires that applicants for Federal funding submit a Certification of Consistency with the Consolidated Plan from the entitlement jurisdiction where the proposed activity is located; and

WHEREAS, in accordance with the City's adopted Consolidated Plan, each request for a Certification of Consistency with the Consolidated Plan requires City Commission review and approval; and

WHEREAS, the Office of Homeless Coordination requests that the City issue a Certification of Consistency with the City's Consolidated Plan; and

WHEREAS, the Administration has reviewed the proposed activities of outreach and case management for homeless individuals and found them to be consistent with the City's Consolidated Plan.

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 and authorize the City Manager to issue a Certification of Consistency with the City's Consolidated Plan to the City's Neighborhood Services Department Office of Homeless Coordination to utilize funds provided directly by HUD to provide outreach and case management services to homeless individuals in Miami Beach.

PASSED AND ADOPTED this _____ day of _____, 2005.

ATTEST:

_____ _____

CITY CLERK MAYOR

CMB_Cert. Consistency 2004_Reso

APPROVED AS TO FORM & LANGUAGE & FOR EXECUTION

City Attorney Date

CITY OF MIAMI BEACH
COMMISSION ITEM SUMMARY

Condensed Title:

A resolution approving and authorizing the City Manager to issue two (2) Certificates of Consistency with the City's Consolidated Plan to Carrfour Supportive Housing (Carrfour), to renew the awarded funds provided directly by the U.S. Department of Housing and Urban Development (HUD), to provide supportive housing services in the form of twenty-four (24) units of transitional housing and forty-eight (48) units of permanent housing for formerly homeless individuals at 8540 Harding Avenue, Miami Beach.

Issue:

Shall the City Commission authorize the City Manager to issue Certificates of Consistency with the Consolidated Plan to Carrfour to be submitted as part of an application to HUD to renew the award for supportive housing to formerly homeless individuals at 8540 Harding Avenue, Miami Beach?

Item Summary/Recommendation:

On May 8, 2002 Carrfour requested and received from the City of Miami Beach a Certificate of Consistency with the City's Consolidated Plan to obtain funding from US HUD directly for the 8540 Harding Avenue project. On April 15, 2005, Carrfour requested two Certificates of Consistency with the City's Consolidated Plan, to be submitted as part of an application for renewal of awarded funds from HUD. Carrfour obtained funds to acquire and rehabilitate the property located at 8540 Harding Ave. This project will provide 92 housing units; 18 units will be set aside as affordable rental units for non-homeless adults who earn less than $29,500 per year. The remaining seventy-four (74) units will provide affordable supportive housing for formerly homeless individuals; forty-eight (48) of those units will be provided to disabled individuals as permanent housing and twenty-four (24) units are for transitional housing. (The remaining two (2) units are not funded by the SHP grant.) The project will serve individuals emerging from Miami-Dade County's Continuum of Care, who, after participating in the homeless program, are ready to become part of the community once again. In accordance with the adopted City of Miami Beach Consolidated Plan each request for a Certification of Consistency with the Consolidated Plan requires City Commission review and approval.

Advisory Board Recommendation:

N/A

Financial Information:

Source of Funds:

Finance Dept.

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

City Clerk's Office Legislative Tracking:

Vivian P. Guzmán

Sign-Offs:

Department Director	Assistant City Manager	City Manager

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AGENDA ITEM R7N

DATE 5-18-05

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 18, 2005

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 CITY MANAGER TO ISSUE TWO (2) CERTIFICATIONS OF CONSISTENCY WITH THE CITY'S CONSOLIDATED PLAN TO CARRFOUR SUPPORTIVE HOUSING, TO RENEW THE AWARDED FUNDS PROVIDED DIRECTLY BY THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, TO PROVIDE SUPPORTIVE HOUSING IN THE FORM OF TWENTY-FOUR (24) UNITS OF TRANSITIONAL AND FORTY-EIGHT (48) UNITS OF PERMANENT HOUSING FOR FORMERLY HOMELESS INDIVIDUALS AT 8540 HARDING AVENUE, MIAMI BEACH, FLORIDA.**

ADMINISTRATION RECOMMENDATION

Adopt the Resolution.

ANALYSIS

On May 8th, 2002, Carrfour Supportive Housing (Carrfour) requested and received from the City of Miami Beach (Commission Resolution attached) a Certification of Consistency with the City's Consolidated Plan, as part of an application for funds from the U.S. Department of Housing and Urban Development (U.S. HUD). Carrfour submitted a successful grant application to U.S. HUD for $1,500,000 in funding from the Supportive Housing Program (SHP) for the homeless assistance project located at 8540 Harding Avenue, Miami Beach, Florida (Harding Village).

On April 15, 2005, Carrfour requested two Certifications of Consistency with the City's Consolidated Plan; one each for the transitional housing and the permanent housing components for Harding Village, as part of an application for renewal of awarded SHP funds from HUD. Federal regulations mandate that funding recipients submit renewal of funding applications each year in order to continue using unspent funds from prior year grants, until the grant is exhausted.

HUD requires that applicants for renewal of awarded funding obtain and submit a Certification of Consistency with the Consolidated Plan from the entitlement jurisdiction where the activity is to be located for each application. In accordance with the Consolidated Plan adopted by the City, each request for a Certification of Consistency with the Consolidated Plan requires City Commission review and approval.

Harding Village is comprised of ninety-two (92) housing units; eighteen (18) units will be set aside as affordable rental units for non-homeless adults who earn less than $29,500 per year. The remaining seventy-four (74) units are for affordable supportive housing for formerly homeless individuals; forty-eight (48) units of those units will be provided to disabled individuals as permanent housing and the remaining twenty-four (24) units are for transitional housing. (The remaining two units are not funded under the SHP grant.) The project targets individuals emerging from Miami-Dade County's Continuum of Care who are ready to become part of the community once again. This project serves as part of the final "bridge" between the Continuum of Care and assimilation back into the community.

The Harding Village project as described is located in the RM-1 Zoning District which allows permanent occupancy housing such as apartments or condominiums, as a main permitted use. Institutional Uses, while permitted in the RM-1 zoning district, require Conditional Use approval from the City's Planning Board. If Carrfour's intention is to provide on-site support services, Carrfour must first obtain a conditional use permit as an institutional use as required by Section 142-153 of the Miami Beach City Code. *(On-site personal services are any services in addition to housing and food service, which include, but are not limited to, personal assistance with bathing, dressing, ambulation, housekeeping, supervision, emotional security, eating, supervision of self-administered medications, and assistance with securing health care from appropriate sources.)*

Carrfour's Housing and Urban Development (HUD) application material makes mention of on-site "case management and support services". If, in fact, Carrfour intends to provide on-site services to their residents at Harding Village, they should start the Conditional Use application process as soon as possible, to avoid any unnecessary delays upon completion of the renovations. In the absence of a Conditional Use approval, issuance of a Certificate of Occupancy for the Harding Village project will be contingent upon the project revising their plan to eliminate any on-site services.

The Administration has reviewed the documentation submitted by Carrfour describing the proposed activities and has concluded that the supportive housing is consistent with the City's Consolidated Plan. The Consolidated Plan identifies as Objective Nine (of the Community Development Objectives in Chapter 4, page 6) to "Provide services to address the needs of the City's homeless, including homeless prevention and the transition to permanent housing."

Chapter 4, beginning on page 12, under the Homelessness Strategy (Continuum of Care), states: "...to effectively address the needs of the homeless, and those threatened with homelessness through a combination of services that are often provided by different agencies in a coordinated manner to help move a family from homelessness to self-sufficiency. When the underlying problem is economic, a more comprehensive governmental response that includes social services, job training, and affordable housing is needed in order to move low-income households from homelessness and governmental dependency to self-sufficiency."

The Plan further states, in Chapter 4, page 13: "The fundamental components of a continuum of care system are: "...transitional housing, (and)...permanent housing or permanent supportive housing arrangements." Chapter 4, pages 14-15: "The City will continue to participate in the Miami-Dade Continuum of Care. The City has assigned a high

priority to assisting homeless individuals or those homeless with special needs related to AIDS, mental illness, or alcohol and/or drug abuse, because these individuals make up the majority of the City's on-the-street homeless."

Transitional housing, as defined by HUD, means "a project that has as its purpose facilitating the movement of homeless individuals and families to permanent housing within a reasonable amount of time (usually 24 months)."

In order to be eligible for residency at Harding Village, individuals must: be homeless as per U.S. HUD's definition; be clean and sober for at least 6 months; have some sort of income either from benefits or employment; not have a criminal history of violent crime; and must have the ability to live independently and in harmony with others.

Carrfour anticipates that many of the homeless individuals targeted for residency at Harding Village will need to undergo substance abuse, mental health and/or medical treatment in order to meet the eligibility requirements. Therefore, once placed on the waiting list, the City of Miami Beach's Office of Community Services will refer them to an appropriate service provider to receive treatment. If the individual needs assistance securing employment or entitlement benefits, the City of Miami Beach's Office of Community Services will refer the individual to Carrfour's Employment and Training Program for assistance. The expectation is that the individual will enter treatment and that the treatment will enable them to meet the eligibility criteria once Harding Village is ready for occupancy. This "reservation" system, will allow an individual to reserve a unit (by being placed on the waiting list) if he/she agrees to enter treatment and engage in services. The support services necessary will not be provided at the Harding Village location.

The Administration recommends adoption of the attached Resolution of the Mayor and City Commission of the City of Miami Beach, Florida, approving and authorizing the City Manager to issue Certifications of Consistency with the City's Consolidated Plan to Carrfour to utilize funds provided directly by HUD to provide supportive housing to formerly homeless individuals at Harding Village, 8540 Harding Avenue, Miami Beach.

CONSOLIDATED PLAN

The Consolidated Plan is designed to be a collaborative process whereby a community establishes a unified vision for community development actions. It offers local jurisdictions the opportunity to shape the various housing and community development programs into effective, coordinated neighborhood and community development strategies. It also creates the opportunity for strategic planning and citizen participation to take place in a comprehensive context, and to reduce duplication of effort at the local level.

The Consolidated Plan approach is also the means to meet the application requirements for the CDBG, HOME, ESG and HOPWA formula programs.

The 2002 Certification of Consistency was approved under the Consolidated Plan in effect at that time. In 2003, (Commission Resolution, Consolidated Plan Summary, and Chapter Four of the Consolidated Plan attached) an updated Consolidated Plan was approved by the City Commission. The Certification of Consistency requested by Carrfour for funding renewal is consistent with the 2003 Consolidated Plan, which is in effect until 2007.

CERTIFICATE OF CONSISTENCY

A jurisdiction's certification that an application is consistent with its consolidated plan means that the proposed activities are consistent with the jurisdiction's strategic plan, and the location of the proposed activities is consistent with the geographic areas specified in the plan. The jurisdiction shall provide the reasons for the denial when it fails to provide a certification of consistency.

Attachments

JMG/RCM/VPG/TU/EJB
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Harding Village Intake Plan

Carrfour Supportive Housing ("Carrfour") will target the City of Miami Beach's homeless population for residency at Harding Village, located at 8540 Harding Avenue, Miami Beach, Florida. Harding Village has capacity for 74 formerly homeless adults. The other units will be made available to non-homeless adults that earn less than $29,500 per year.

Recognizing that they are skilled in identifying and engaging this population, Carrfour has asked the City of Miami Beach's Office of Community Services (which runs the City's homeless outreach program) to partner with them in conducting the outreach for Harding Village. The City of Miami Beach's Office of Community Services has agreed to the partnership.

The City of Miami Beach's Office of Community Services will maintain the waiting list for Harding Village until the project is operational. Once the project is operational, Carrfour will maintain the waiting list. The City of Miami Beach's Office of Community Services will open the waiting list on December 1, 2004. ***From this date until the project is operational, the waiting list will only be open to homeless adults that have been identified as being homeless within the city limits by the City of Miami Beach Office of Community Services.*** The City of Miami Beach's Office of Community Services will maintain three waiting lists. First priority (Waiting List #1), will be given to homeless adults living on the streets of North Beach (north of 63rd Street). Second priority (Waiting List #2), will be given to individuals who meet the U.S. HUD definition of chronically homeless (at least 18 beds must be occupied by adults who meet this definition). Third priority (Waiting List #3), will be given to homeless individuals who are not chronically homeless.

The City of Miami Beach's Office of Community Services will maintain the following information on the waiting list: name of perspective applicant, date they were placed on waiting list, social security number, date of birth, address (or where they can be found) and phone number (if they have access to a telephone). The City of Miami Beach's Office of Community Services will periodically send a copy of the waiting lists to Carrfour.

In order to be eligible for residency at Harding Village, individuals must:

1) be homeless as per U.S. HUD's definition,
2) be clean and sober for at least 6 months,
3) have some sort of income either from benefits or employment,
4) not have a criminal history of violent crime, and
5) must have the ability to live independently and in harmony with others.

In addition, 48 of the individuals that move into Harding Village must be disabled as per U.S. HUD's definition.

Carrfour anticipates that many of the homeless individuals targeted for residency at Harding Village will need to undergo substance abuse, mental health and/or medical treatment in order to meet the eligibility requirements. Therefore, once placed on the waiting list, the City of Miami Beach's Office of Community Services will refer them to an appropriate service provider to receive treatment. If the individual needs assistance securing employment or entitlement benefits, the City of Miami Beach's Office of Community Services will refer the individual to Carrfour's Employment and Training Program for assistance. The expectation is that the individual will enter treatment and that the treatment will enable them to meet the eligibility criteria once Harding Village is ready for occupancy. This "reservation" system, will allow an individual to reserve a unit (by being placed on the waiting list) if he/she agrees to enter treatment and engage in services.

Once Harding Village is ready for occupancy, Carrfour will begin the screening (to ensure that the individual meets the eligibility criteria) and intake process. Carrfour will start by screening/conducting intake on all adults on Waiting List #1, reserving sufficient space to meet the requirement that 18 of the people be chronically homeless. After exhausting Waiting List #1, Carrfour will move to Waiting List #2 and then Waiting List #3. If an applicant from Waiting List #1 or Waiting List #2 does not meet the eligibility criteria because they are still in treatment, Carrfour will keep them on the waiting list in their original slot until they successfully complete the treatment program they started at the time they were placed on the waiting list. If necessary, the City of Miami Beach's Office of Community Services will assist Carrfour in locating the individuals once their name comes to the top of the waiting list.

RESOLUTION NO. 2002-24843

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING AND AUTHORIZING THE CITY MANAGER TO ISSUE A CERTIFICATION OF CONSISTENCY WITH THE CITY'S CONSOLIDATED PLAN TO CARRFOUR CORPORATION TO UTILIZE FUNDS PROVIDED DIRECTLY BY THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT TO PROVIDE SUPPORTIVE HOUSING TO FORMERLY HOMELESS INDIVIDUALS AT HARDING VILLAGE, 8540 HARDING AVENUE, MIAMI BEACH.

WHEREAS, on July 1, 1998 the Mayor and City Commission adopted the City of Miami Beach Consolidated Plan for Fiscal Years 1998-2002; and

WHEREAS, Carrfour Corporation is proposing to submit an application to the U.S. Department of Housing and Urban Development (U.S. HUD) for funding to provide supportive housing to formerly homeless persons residing at Harding Village located at 8540 Harding Avenue; and

WHEREAS, U.S. HUD requires that applicants for Federal funding submit a Certification of Consistency with the Consolidated Plan from the entitlement jurisdiction where the proposed activity is located; and

WHEREAS, Carrfour Corporation requested that the City issue the required Certification of Consistency with the Consolidated Plan; and

WHEREAS, in accordance with the City's adopted Consolidated Plan, each request for a Certification of Consistency with the Consolidated Plan requires City Commission review and approval; and

WHEREAS, the Administration has reviewed the proposed activity and found it to be consistent with the Consolidated Plan.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the City Manager is authorized to issue a Certification of Consistency with the City's Consolidated Plan to Carrfour Corporation to utilize funds provided directly by the U.S. Department of Housing and Urban Development to provide supportive housing to formerly homeless individuals at Harding Village, 8540 Harding Avenue, Miami Beach.

PASSED AND ADOPTED this 8th day of May, 2002.

ATTEST:

CITY CLERK

MAYOR

CERT_C-1\CRC-SRO.RES

APPROVED AS TO FORM & LANGUAGE & FOR EXECUTION

City Attorney

4-25-02
Date

Certification of Consistency with the Consolidated Plan

U.S. Department of Housing and Urban Development

I certify that the proposed activities/projects in the application are consistent with the jurisdiction's current, approved Consolidated Plan. (Type or clearly print the following information:)

Applicant Name: Carrfour Corporation

Project Name: Harding Village

Location of the Project: 8540 Harding Avenue
Miami Beach, Florida 33141

Name of the Federal Program to which the applicant is applying: Supportive Housing Program

Name of Certifying Jurisdiction: City of Miami Beach

Certifying Official of the Jurisdiction Name: Jorge M. Gonzalez

Title: City Manager

Signature:

Date: 5/8/02

APPROVED AS TO FORM & LANGUAGE & FOR EXECUTION

City Attorney 4-29-02 Date

form HUD-2991 (3/98)

RESOLUTION NO. 2003-25304

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ADOPTING THE FIVE-YEAR CONSOLIDATED PLAN FOR FEDERAL FUNDS FOR FISCAL YEARS 2003-2007; AUTHORIZING THE ADMINISTRATION AND THE OFFICE OF THE CITY ATTORNEY TO MAKE MINOR NON-SUBSTANTIVE CHANGES TO THE FIVE-YEAR CONSOLIDATED PLAN BEFORE EXECUTION; AUTHORIZING THE CITY MANAGER TO EXECUTE ALL APPLICABLE DOCUMENTS, AND SUBMIT THE FIVE-YEAR CONSOLIDATED PLAN TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD).

WHEREAS, the City of Miami Beach is a U.S. Department of Housing and Urban Development (HUD) entitlement city as determined by the decennial census information on population growth lag, age of housing stock and poverty; and

WHEREAS, it is a requirement of all entitlement cities to prepare and submit five-year consolidated plans which serve to provide strategic long range planning and needs assessment on the intended use of federal funds; and

WHEREAS, the Five-Year Consolidated Plan (the "Plan") is a strategic long-range planning and needs assessment document for Fiscal Years 2003-2007; and

WHEREAS, the Plan addresses the housing and community development needs of the City of Miami Beach, including the homeless and persons living with AIDS; and

WHEREAS, the Plan has five main components which are: 1) a description of the Plan's development process; 2) an assessment of housing and homeless needs; 3) a housing market analysis; 4) a five-year strategy; and 5) the One-Year Action Plan that provides the basis for annual assessment performance; and

WHEREAS, The Plan references strategies to address the goals of the Community Development Block Grant (CDBG), Home Investment Partnerships (HOME), and Emergency Shelter Grants (ESG) programs; and

WHEREAS, these goals include expanding the availability and supply of safe, decent and affordable housing (including rental) for low and moderate-income individuals and families; improving and preserving the existing affordable housing stock; increasing the homeownership opportunities; developing linkages between the housing and social services providers for low and moderate-income persons; and creating economic development opportunities through economic and infrastructure development; and

WHEREAS, a comprehensive planning phase was initiated by the City and the Community Development Advisory Committee (CDAC) on March 18, 2003, which was the first of two public hearings to obtain citizen input; and

WHEREAS, the final public hearing with CDAC was held on June 17, 2003, and two additional public workshops were held April 23rd and June 26th for additional opportunities to identify the priority needs for housing and community development; and

WHEREAS, the City Manager is the HUD designated agent for all formula grants, and executes the grant applications, the Agreements, and other applicable HUD documents.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, adopting the Five-Year Consolidated Plan for Federal funds for Fiscal Years 2003-2007; authorizing the Administration and the Office of the City Attorney to make minor non-substantive changes to the Five-Year Consolidated Plan before execution; authorizing the City Manager to execute all applicable documents, and submit the Five-Year Consolidated Plan to the U.S. Department of Housing and Urban Development (HUD).

PASSED and **ADOPTED** this 30th day of July 2003.

MAYOR

ATTEST:

Maria E Martinez

for **CITY CLERK**

JMG/RCM/VG/JR/jfq

T:\AGENDA\2003\jul3003\regular\Consolidated Plan Reso

APPROVED AS TO FORM & LANGUAGE & FOR EXECUTION

7-18-03

City Attorney **Date**

EXECUTIVE SUMMARY

BACKGROUND - THE CONSOLIDATED PLAN

Over the next five years the City of Miami Beach expects to receive approximately $3.5 million dollars annually in Federal assistance from the U.S. Department of Housing and Urban Development (HUD). This assistance is provided through three separate programs: the Community Development Block Grant (CDBG), HOME affordable housing, and Emergency Shelter Grant (ESG).

HUD's goal for these programs is to develop viable urban communities by assisting low and moderate-income people through:

Providing decent housing;
Creating suitable living environment; and
Expanding economic opportunities.

The Consolidated Plan combines the separate requirements for these three programs (CDBG, HOME and ESG) into one planning document.

HUD requires each community to adopt a five-year Consolidated Plan. The City has prepared a NEW Consolidated Plan for Fiscal Years (FY): FY 2003/4 to FY 2007/8.

THE CONSOLIDATED PLAN ADOPTION PROCESS

Because every community is different, HUD established a regulatory process for cities and counties to follow when developing their five-year Strategy. The City's Housing and Community Development Division of the Neighborhood Services Department was the lead agency in the formulation of the Consolidated Plan. The Community Development Advisory Committee (CDAC) assisted with recommendations for funding activities in the first-year Action Plan (the one-year Action Plan for FY 2003/04).

In developing the Consolidated Plan, the City consulted with its non-profit housing and social service agencies, the Housing Authority, City departments, neighboring governments, and concerned citizens through a public participation process that utilized written solicitations, public notices, CDAC meetings and public workshops.

The Proposed five-year Consolidated Plan and one-year Action Plan for FY2003/04 were available for public review and comment for the thirty-day period from June 12th to July 11th, 2003. (A summary of public comments is included in the Appendix of the Plan). The Consolidated Plan and Action Plan were approved by City Commission on July 30, 2003.

REPORT ORGANIZATION

The Consolidated Plan follows HUD's format and contains a number of chapters:

Chapter One: The Plan Development Process
Chapter Two: Housing and Homeless Needs
Chapter Three: Housing Market Analysis
Chapter Four: Five-Year Strategy
One-Year Action Plan
Appendix

POPULATION PROFILE AND HOUSING NEEDS

In Miami Beach small rental units are being replaced by large, luxury units. As a result, the number of full-time residents and housing units continues to decline. Seasonal housing continues to expand. Housing prices are astronomical and rental rates are some of the highest in Miami-Dade County. With more upscale businesses, hotels and tourists, traffic and parking are serious problems.

Over the last ten years the City has become considerably younger. The City is now less Hispanic than Miami-Dade County and has only a small number of African-American residents. Incomes are rising. More people are becoming homeowners, but 62% of the City's households remain renters. The number of apartment units in the City has declined by ten percent since 1990. The City successfully restored its historic Art Deco and Lincoln Road pedestrian mall districts, and has adopted a *Neighborhood Revitalization Strategy* for North Beach.

Some of the more serious problems found in 1990 have been mitigated. For example, overcrowded housing has dramatically declined. Although the poverty rate declined by half, one in five of the City's households, many of them elderly still live in poverty. The City's diverse population still requires a wide range of social services.

The City's international tourist based economy is dependent on 50,000 workers, many employed in low paying positions. These are the people who keep the City's hospitality industry running and they are being priced out of the market. This mismatch between wages and housing costs has the potential to adversely affect the City's economy.

One of the greatest challenges for the City over the next five years will be to preserve and create opportunities for high-quality affordable housing for the City's residents.

THE FIVE YEAR STRATEGY

The new Strategy is a continuation of the City's last five-year plan and continues the City's partnerships with its housing and social service providers. A new focus is on the revitalization of North Beach.

The STRATEGY includes the following OBJECTIVES:

Expand and upgrade public improvements in North Beach neighborhoods.

Provide facilities and public services to address the needs of North Beach's lower-income residents.

Provide facilities and public services for the City's seniors, children, youth, the homeless and those persons with special needs.

Expand economic opportunities.

Preserve the City's heritage by restoring its historic structures.

Improve the City's neighborhoods through housing rehabilitation.

Expand the stock and supply of high-quality affordable housing.

Assist low-income households with housing problems.

Address the City's homeless needs, including homeless prevention and the transition to permanent housing.

Respond to any emergency or life threatening conditions.

THE ONE-YEAR ACTION PLAN CONTAINS THE FOLLOWING PROJECTS:

CDBG
North Beach Target Areas (47%):

Normandy Park & Pool - Capital Improvements	$ 138,848
UNIDAD - Senior Center Rehabilitation	$ 75,000
North Beach District Code Compliance Officer	$ 45,000
North Beach Development Corporation:	
Commercial Façade Program	$ 100,000
Sub-Total – Bricks & Mortar:	***$ 358,848***
UNIDAD - Project Link	$ 15,000
North Beach Youth Corps Program	$ 20,000
Log Cabin Enterprises, Inc.:	
Job Training for Developmentally Disabled	$ 60,000
Miami Beach Community Health Center:	
Health Services - Beverly Press Satellite Center	$ 30,000
Sub-Total – Public Services:	***$ 125,000***
North Beach Streetscape Improvements:	
Section 108 Loan Repayment	$360,000

North Beach TOTAL: $ 843,848

South Beach Target Areas (14%):

Art Center of South Florida:	
Artist Micro-Enterprise Services	$ 60,000
Miami Beach Methodist Child Care:	
Playground Improvements	$ 12,500
Jewish Community Services:	
Miami Beach Senior Center Improvements	$ 22,920
Sub-Total – Bricks & Mortar:	***$ 95,420***
Shelbourne House	
Supportive Housing Services	$ 17,000
South Beach AIDS Project:	
Positive Support	$ 10,431
Fienberg/Fisher Community Education Center:	
Child Care Scholarships	$ 5,000
Little Havana Activity & Nutrition Center:	
Rainbow Intergenerational Child Care	$ 40,000
Miami Beach Methodist Child Care Center:	
Reduced Fee Child Care Scholarships	$ 13,000
Jewish Community Services:	
Adult Day Care Services	$ 10,000
Boys and Girls Club:	
After-School Programs	$ 40,000
Miami Beach Methodist Child Care Center:	
Health Services - Center of the World School	$ 20,000
Sub-Total – Public Services:	***$ 155,431***
South Beach TOTAL:	***$ 250,851***

City-Wide (39%):

Miami Beach Community Development Corporation:	
Scattered Site Home Buyer Program:	$ 160,000
Owner-Occupied Housing Repair Program	$ 150,000
Multi-Family Housing Program	$ 125,000
Housing Counseling	$ 40,000
Tenants Service Coordinator	$ 15,000
Sub-Total – Bricks & Mortar:	***$ 490,000***
R.A.I.N. Parents, Inc.:	
Family Services	$ 35,000
Food for Life Network, Inc.:	
Home Delivered Meals for AIDS Patients	$ 10,000
Home Delivered Groceries for AIDS Patients	$ 10,000
Jewish Community Services:	
Senior Meals Program	$ 15,000
Little Havana Activity & Nutrition Center:	
Elderly Meals Program	$ 41,500
HOPE Inc.	

Fair Housing	$ 7,500
Jewish Community Services:	
Homeless Outreach/Employment Services	$ 10,000
Office of Homeless Coordination:	
Outreach, Case Management and Placement Services	$ 70,000
Sub-Total – Public Services:	***$ 199,000***
City-Wide TOTAL:	***$ 689,000***

HOME

Miami Beach Community Development Corporation:	
Acquisition and/or Rehabilitation of Housing	$800,000
CHDO Operational Expenses	$ 64,601
City of Miami Beach Affordable Housing Program:	$598,218

ESG

Emergency Shelter/Transitional Housing Needs	$ 61,068
Homeless Prevention Activities	$ 29,500

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- Provide facilities and public services to address the needs of North Beach's lower-income residents.
- Provide facilities and public services for the City's seniors, children, youth, the homeless and those persons with special needs.
- Expand economic opportunities.
- Preserve the City's heritage by restoring its historic structures.
- Improve the City's neighborhoods through housing rehabilitation.
- Expand the stock and supply of high-quality affordable housing.
- Assist low-income households with housing problems.
- Address the City's homeless needs, including homeless prevention and the transition to permanent housing.
- Respond to any emergency or life threatening conditions.

CHAPTER FOUR: FIVE YEAR STRATEGY

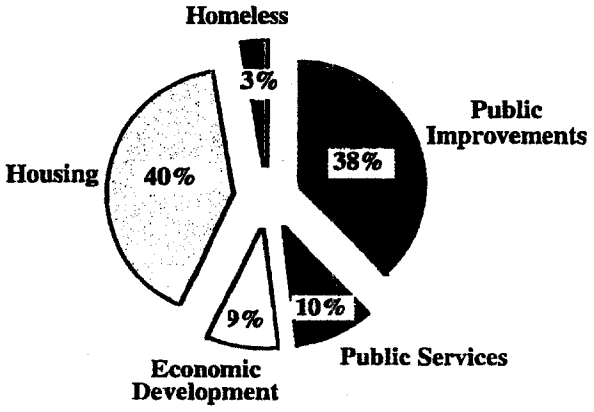
INTRODUCTION

This chapter identifies the goals and objectives for the City's CDBG, HOME and ESG programs for the next five-years. While these goals provide overall direction, the City will establish its specific annual funding in each year's Action Plan.

Public Improvements	**$**	**8,199,309**	**(38%)**
MBCDC	$	2,487,466	
NBDC	$	1,454,629	
Citywide	$	2,917,214	
Public Services	**$**	**2,413,160**	**(10%)**
Children/Elderly	$	1,829,392	
HIV/AIDS	$	369,597	
Economic Development	**$**	**1,783,717**	**(9%)**
Art Center South Florida	$	1,095,000	
Log Cabin Nursery	$	688,717	
Housing	**$**	**8,618,784**	**(40%)**
Citywide Rehabilitation	$	4,440,934	
MBCDC (CHDO) Construction	$	4,177,850	
Homeless	**$**	**708,515**	**(3%)**

BACKGROUND

Over the last five years, the City has invested $21.7 million in a number of key housing and community redevelopment areas:



WHAT'S CHANGED OVER TIME

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One of the greatest challenges for the City over the next five years will be to preserve and create opportunities for high-quality affordable housing for the City's residents.

KEY ISSUES FIVE YEARS AGO

- Community Improvements
- Housing
- Public Services

- Economic Development

KEY ISSUES TODAY

- Housing
- Public Facilities/Services
  Children/Seniors/Homeless
- North Beach Revitalization

GENERAL PRIORITIES

The following Consolidated Plan Priority Needs Tables (HUD) provide a general summary on the full extent of the City's projected five year housing and community development priority needs. The priorities and the estimated funds needed were drawn from the City's adopted Comprehensive Growth Management Plan and Community Redevelopment Plans. In addition, public input and advice along with the recommendations of the Community Development Advisory Committee (CDAC) were used to develop this Plan.

In a City as large, diverse and unique as Miami Beach, it is understandable that the housing and community development needs would reflect that diversity. As part of the City's *Neighborhoods First* Program, the City's existing community development program focuses on housing, physical improvements and public services. During the last five-years the City has become an international focal point for major upscale residential and commercial reinvestment. The City has successfully achieved its revitalization goals for South and Middle Beach. The City can now turn its full attention to North Beach, which is primed for revitalization.

In recognition of this direction, the City's Housing and Community Development Division, in conjunction with the North Beach Community, prepared a *Neighborhood Revitalization Strategy* (NRS) to improve the North Beach area in accordance with HUD guidelines for this special designation. Similarly, the City and the North Beach Development Corporation (NBDC) has adopted a *North Beach Master Plan* to help revitalize the area.

In 2001, HUD approved the City's adopted *Neighborhood Revitalization Strategy* for North Beach, which has the following strategic components:

- Continue to upgrade the area's infrastructure
- Continue to upgrade public facilities
- Explore expanding the branch library
- Continue to upgrade school facilities
- Develop an adult higher-education center
- Develop new community/tourism activities
- Adopt a historic district and design guidelines
- Implement a business expansion/recruitment program
- Redevelop 71st Street
- Expand business incentives
- Attract and support additional cultural arts activities
- Improve the 72nd street site
- Improve the historic buildings
- Expand housing opportunities
- Improve parking and transportation
- Develop a transit link
- Capitalize on North Beach's unique assets
- Target-market new residential development
- Target-market new business development

(The full text of the *Strategy* is included in the Appendix.)

Collectively, this represents an ambitious, yet achievable way for the City to successfully revitalize North Beach.

The *Neighborhood Revitalization Strategy* requires the City to adopt specific accomplishments that will be achieved during each program year. As part of the NRS, City officials commit to complete these projects. By adopting the *Neighborhood Revitalization Strategy*, the City of Miami Beach made the revitalization of North Beach its top priority for the programs governed by this Consolidated Plan.

Physical Improvements

The CDBG program was designed for local governments to undertake the type of improvements the *Neighborhood Revitalization Strategy* recommends, including: street, landscaping and commercial facade improvements, community and recreational center improvements, historic

preservation and housing rehabilitation. The CDBG program will be incorporated as one of the available funding sources. Specific CDBG neighborhood improvements will occur within HUD designated eligible areas. Additional funding will be drawn from the City's general obligation bond, transportation improvement funds, and water and sewer and storm-water improvement bonds.

Public Services

Miami Beach still has a significant number of low-income elderly, many that are now over 75 years of age and low-income Hispanic families with children, many who are recent immigrants to this country. These and other diverse parts of the population with special needs require a multiplicity of services that City governments do not typically have sufficient resources to provide. In addition, as an international tourism destination with over six million visitors a year, the City has the associated public health problems. Unfortunately, continued cutbacks in funding for public services at the federal, state, and county level have enlarged the gap between the needs and the funds available to address them.

Affordable Housing

The City has an enviable record of providing affordable housing for its large population of renters. Currently, the City's collective housing affordability programs, including the Housing Authority are helping 17% of the City's renters.

The City's world-class beach-oriented economy will continue to require high-quality rental housing for its lower paid hospitality workers. The tourist economy cannot succeed if the workforce cannot afford to continue to live and work in the City. Affordable housing therefore becomes an economic development requirement as well as a quality of life and neighborhood restoration issue. During the next five years the City will focus its housing programs on revitalizing North Beach.

Job Creation Activities

Section 108 loans have been made for large-scale revitalization projects that will result in job creation and overall improvement to North Beach. Economic Development Initiative grants will be used in conjunction with the Section 108 loans.

The City has established the following objectives to implement its goals. Objectives one through five are non-housing community development objectives. Objectives six through nine are homeless and housing objectives. Objective ten is designed to cover any emengencies.

COMMUNITY DEVELOPMENT OBJECTIVES

HUD requires that the City adopt specific objectives to guide its five-year strategy. The following objectives follow the CDBG program regulations:

Community Improvement Objectives:

One: Expand and upgrade public improvements and/or services in North Beach neighborhoods.

Two: Provide facilities and/or services to address the needs of North Beach's lower-income residents.

Three: Provide facilities and services to address the needs of the City's seniors, children and persons with special needs.

Four: Expand economic opportunities for the City's workforce.

Homeless and Housing Objectives:

Five: Preserve the City's heritage through historic preservation.

Six: Improve the City's neighborhoods through housing rehabilitation.

Seven: Improve the stock and supply of high-quality affordable housing.

Eight: Provide assistance to low-income households with housing problems.

Nine: Provide services to address the needs of the City's homeless, including homeless prevention and the transition to permanent housing.

Emergency Objective:

Ten: Provide a response to emergency or life-threatening conditions.

While the City has identified certain numerical goals and strategies for its housing and community development accomplishments for the next five years, a strategy can and should also include operations and priorities.

Geographic Locations of Activities

The City's housing rehabilitation activities will be conducted on a citywide basis and will start to focus on North Beach. The City's homeless services will be conducted on a citywide basis in coordination with the Miami-Dade County Continuum of Care. The City's non-housing community development projects will focus on CDBG-eligible areas of North Beach; and CDBG-funded public services will continue to be provided on a citywide basis.

Obstacles

The major obstacle to meeting all of the City's public services, housing and community development needs continue to be a lack of sufficient funding. A second major obstacle is the rapidly rising cost of real estate and construction in the City.

HOUSING STRATEGY

The most pressing housing need in Miami Beach is for high-quality rental housing. With limited vacant land available for new construction, the most effective response to this need is to rehabilitate, or acquire and rehabilitate the existing multi-family housing. This is especially appropriate in North Beach, which has many older, multifamily rental units.

Despite the focus on North Beach, the City will continue to fund housing rehabilitation projects throughout the City. It will also be the City's policy to encourage an economic mix of tenants in buildings and a geographic distribution of assistance in order to avoid concentrations.

Homeownership Program

The City plans to utilize its funds to provide assistance in all types of homebuyer programs, including acquisition, acquisition with rehabilitation, and new construction. HOME program funds, CDBG, Miami-Dade County Documentary Surtax funds, and SHIP funds will be utilized or combined to achieve these goals.

Homebuyer programs will meet basic eligibility requirements including form of ownership, eligible property, property value, property standards, residency and income eligibility, and recapture provisions.

Matching Funds for the HOME Program

The City will consider all eligible sources of match credit such as SHIP monies, HOME eligible projects, waiver or reduction of impact fees, city-funded infrastructure improvements serving specific projects, redevelopment area tax increment funds, and Miami-Dade County Surtax Program monies. To the extent needed for HOME match, the SHIP Program has been designed in accordance with the HOME Rule requirements to permit the use of a portion of these funds to match the City's HOME Program funds.

Community Housing Development Organization Program

In 1993, the Miami Beach Community Development Corporation (MBCDC) was designated as the City's first CHDO, and continues to serve in that capacity. The City of Miami Beach will provide funds from its annual HOME entitlement allocation to projects implemented by Community Housing Development Organizations (CHDO).

CHDO funds will be used for investment in housing initiatives that the CHDO will develop, sponsor or own. All CHDO projects will be reviewed by the City's Loan Review Committee. Projects recommended by the LRC will be submitted to the City Commission for approval. In addition to the CHDO project set-aside, the City will provide 5% of the annual HOME allocation to the CHDO for eligible operating expenses. In accordance with the HOME regulations, an Agreement with the CHDO will be executed within 24 months from the date HUD signs the HOME Agreement and the funds will be spent within five (5) years from that date.

Homeownership Guidelines for Recapture of HOME funds

The City requires each homebuyer assisted under the HOME Program to execute a deed restriction recorded as a lien against the property. This ensures that when the property is sold, transferred or ceases to serve as a primary residence, the homebuyer shall return to the City the full HOME subsidy that enabled the homebuyer to buy the dwelling unit. If the net proceeds are less than the full amount of the HOME subsidy, the City shall recapture the entire balance of whatever net proceeds are available, for use in other eligible HOME activities. This option will allow the homebuyer to capture market return and provides incentive for the homebuyer to utilize equity to make repairs and property improvements.

Multifamily Rehabilitation Refinancing Guidelines

In order to increase the number of affordable units in the housing stock, and to improve the condition of existing units, the City of Miami Beach intends to allow the use of HOME funds for multifamily housing rehabilitation projects that require refinancing of existing debt.

Purposes

Refinancing would be considered appropriate under a variety of circumstances, among them:

- To secure a lower interest rate,
- Due to inability or unwillingness of the existing lender to cooperate with the planned HOME program, financing, or improvements,
- Because the subrecipient (or CHDO) used interim financing in order to secure an available property,
- To secure advantageous terms, conditions, or procedures offered by a refinancing lender (Example: no payments required during the construction period), or
- Other circumstances as may be approved on an individual project basis.

Refinancing must be incidental to the overall goal of multifamily rehabilitation.

Staff Review

Each HOME project involving refinancing shall be evaluated by the Housing and Community Development staff prior to commitment of funds. The following provisions will be included in the staff review:

- A determination that rehabilitation, not refinancing, is the primary activity,
- A minimum affordability period of 15 years; however, longer affordability periods may be appropriate on a project-by-project basis, based on staff review recommendation,
- A determination that the cost of rehabilitation is not less that an aggregate cost of $10,000 per unit in any project for which refinancing is included,
- A review of management practices to demonstrate that disinvestment in the property has not occurred,
- A determination that the long -erm needs of the project can be met,
- A determination that serving the targeted population over an extended affordability period is feasible, and

- A statement of whether the new investment is being made to maintain current affordable units, or to create additional affordable units, or both.
- In any project using HOME funds for refinancing, the owner(s) will not be allowed to take cash out of the refinancing.

These policies apply to HOME activities that occur anywhere in the City. However, HOME funds cannot be used to refinance multifamily loans made or insured by any federal program, including CDBG.

In order to expedite the staff review, each project for which refinancing is sought shall be submitted to the Housing and Community Development Division with information addressing the purpose, and each of the above-mentioned review items.

The occupancy of units will be monitored annually for the required affordability period based upon the amount of direct HOME subsidy provided to the homebuyer.

Equal Opportunity/ Affirmative Fair Housing Marketing Procedures

Equal Opportunity is a condition in which individuals of similar income levels in the same housing market area have a like range of housing choices available to them regardless of their race, color, religion, sex, handicap, familial status, or national origin. All recipients receiving HOME funds are required to administer their activities relating to housing in a manner that will affirmatively further the purposes of Title VI of the Civil Rights Act of 1964, at 24 CFR 1, the Fair Housing Act at 24 CFR 100, and Executive Order 11063 at 24 CFR 107.

The City, as the entitlement jurisdiction, is required to certify that it will affirmatively further fair housing. To accomplish this goal, the City, along with the other entitlement jurisdictions in Miami-Dade County, jointly sponsored the conduct of an analysis to identify impediments to fair housing choice in the jurisdiction, and determine appropriate steps to affirmatively address those impediments.

In 2003, Housing Opportunities Project for Excellence, Inc. (H.O.P.E., Inc.) completed the "Analysis of Impediments to Fair Housing Choices" for the City of Miami Beach and for Miami-Dade County, along with the cities of Miami and North Miami.

Rationale for Housing Priorities

As the following HUD Priority Needs Summary Table displays, the City has assigned its housing assistance priorities toward helping its residents who are experiencing difficulty in the marketplace. The City assigned its highest priority to helping households that have very low incomes and are paying over 50% of their income for housing and/or living in substandard housing. The City has assigned a medium priority to helping those households with incomes between 51% and 80% of the median whose housing problems are slightly less severe and a lower priority to helping those households with incomes above 80% of the median.

How Market Characteristics Influenced the Use of Funds

Sixty-three percent of the Miami Beach households are renters versus the national average of 32% renters (2000 Census). Because of the high concentration of low-income renter households, the City has assigned renters a higher priority than owner-occupied housing.

With the influx of families into the Miami Beach housing market, the City has also developed and implemented programs to assist renter families to achieve entry-level homeownership, including acquisition/rehabilitation of existing housing. The high cost of owner units in Miami Beach has made the homeownership programs a valuable housing tool.

Proposed Accomplishments

As the following Housing Objectives chart details, the City intends to assist a number of households over the next five years:

Housing Needs

Renter

		Need Level	Units	Estimated $
Small Related	0 - 30% of MFI	High	2,000	$15,000,000
	31 - 50% of MFI	Med	1,000	$10,000,000
	51 - 80% of MFI	Low	0	$0
Large Related	0 - 30% of MFI	High	500	$10,000,000
	31 - 50% of MFI	Med	500	$10,000,000
	51 - 80% of MFI	Low	0	$0
Elderly	0 - 30% of MFI	High	1,000	$10,000,000
	31 - 50% of MFI	Med	1,000	$10,000,000
	51 - 80% of MFI	Low	0	$0
All Other	0 - 30% of MFI	None	0	$0
	31 - 50% of MFI	None	0	$0
	51 - 80% of MFI	None	0	$0

Owner

0 - 30% of MFI	Low	0	$0
31 - 50% of MFI	Med	200	$7,000,000
51 - 80% of MFI	Med	200	$7,000,000

Affordable Housing

Objective Six: Improve the City's neighborhoods through housing rehabilitation.

Strategies to Address the Problem	Actions and Programs	Proposed Five Year Accomplishments	Comments/Concerns
Housing Rehabilitation	Housing Improvement Programs	Provide repairs to 100 owner-occupied units	• Utilize SHIP/HOME/CDBG dollars

Objective Seven: Improve the stock and supply of affordable housing

Strategies to Address the Problem	Actions and Programs	Proposed Five Year Accomplishments	Comments/Concerns
Homeownership Assistance for Lower Income Residents	Provide downpayment/closing cost assistance/impact fee relief through use of incentive options	Assist 100 low and moderate income households attain homeownership	• Utilize SHIP/HOME funds for this purpose
Multifamily Housing	Utilize local funds and leverage federal/ state rental programs	Finance/revitalize 100 apartments	• Participate with CHDO's/Non-Profits and affordable housing developers • Utilize SHIP funds to leverage state funds/tax credits

Objective Eight: Provide assistance to low-income households with housing problems.

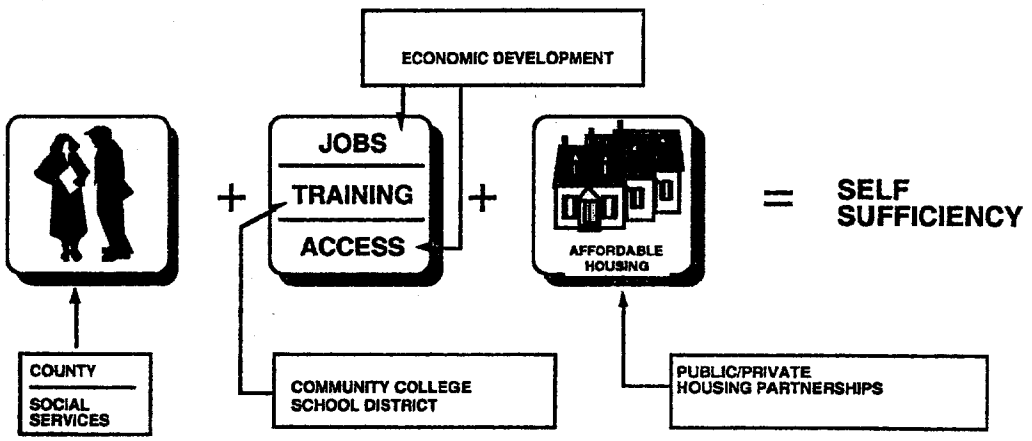
Strategies to Address the Problem	Actions and Programs	Proposed Five Year Accomplishments	Comments/Concerns
Special Needs Rental Units	Provision of small rental projects	20 Affordable rental units	• Utilize HOME/CDBG funds

HOMELESSNESS STRATEGY (CONTINUUM OF CARE)

Continuum of Care is a relatively straightforward management concept designed to effectively address the needs of the homeless, and those threatened with homelessness through a combination of services that are often provided by different agencies in a coordinated manner to help move a family from homelessness to self-sufficiency.

When the underlying problem is economic, a more comprehensive governmental response that includes social services, job training, and affordable housing is needed to move low-income households from homelessness and governmental dependent to self-sufficiency.

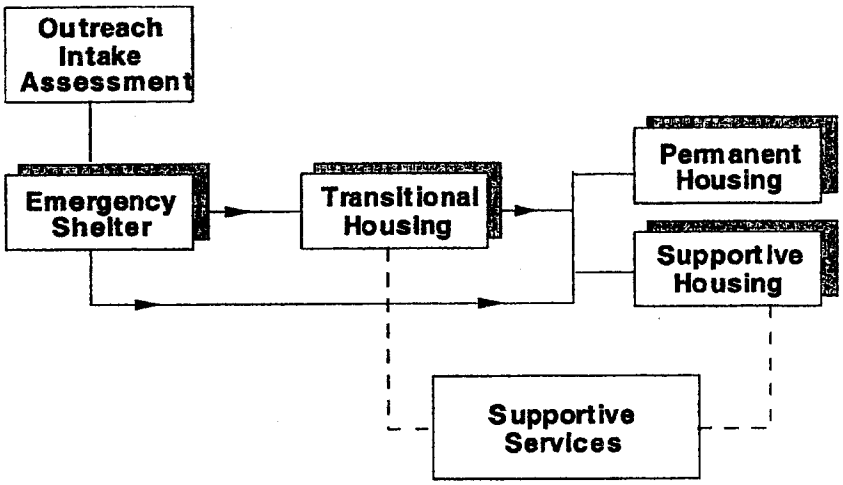
MOVING FROM DEPENDENCY TO SELF-SUFFICIENCY



Effectively addressing self-sufficiency requires a countywide public/private partnership that brings together all of the groups that traditionally deal with the problems on a separate basis.

The following chart provides the structure of a typical Continuum of Care system.

"Continuum of Care System"



The fundamental components of a continuum of care system are:

- An emergency shelter/assessment effort which provides immediate shelter and can identify an individual's or family's needs.

- Transitional housing and necessary social services. Such services include substance abuse treatment, short-term mental health services, job training, independent living skills, etc.

- Permanent housing or permanent supportive housing arrangements

While not all homeless individuals and families in a community will need to access all three components, unless all three components are coordinated within a community, none will be successful. A strong homeless prevention strategy is also the key to the success of the continuum of care.

Homeless assistance programs in Miami Beach are part of the countywide Continuum of Care implemented by the Miami-Dade County Homeless Trust. The Trust takes an active leadership role in ensuring that Miami Beach's services are coordinated and linked with services available throughout the County. This results in a multi-agency, coordinated network of organizations working throughout the County. They provide outreach, intake, referral, transportation, placement, shelter, treatment, services, education, and training.

Required ESG Match

Matching funds for the ESG program will be provided by the City and the individual homeless service providers.

Strategy for Prevention

Miami-Dade County, through its Social Services Department will continue to provide short-term financial aid, supportive services and counseling to families that are in danger of becoming homeless. The City has established an Office of Homeless Coordination to provide local outreach, case management and homeless services. The City supports those efforts by allocating funds from CDBG and ESG. The Housing Authority also allocates funds for homeless prevention.

Strategy for Outreach

The Office of Homeless Coordination provides outreach and arranges necessary referrals and transportation to available/appropriate shelter resources. The City coordinates its efforts with the Miami-Dade Homeless Trust, Better Way of Miami, and the multi-agency Continuum of Care to provide linkage to all available services.

Strategy for Shelter and Transitional Housing Needs

Miami-Dade County's Homeless Assistance Trust and non-profit service providers will continue to provide shelter and transitional housing to the County's homeless. The City, through its Emergency Shelter Grant program, will provide funding to ensure the availability of emergency shelter and transitional housing for Miami Beach homeless. HOME funds may be used for transitional housing.

Strategy for Independent Living

The recent national, state, and county welfare-to-work initiatives stress the importance of the coordinated approach to addressing homelessness and its causes. The activities of the County's WAGES program, the Continuum of Care, and the Homeless Assistance Trust are supplemented in Miami Beach by additional programs being undertaken by the City, the Housing Authority, and the City's non-profit supportive housing providers.

Rationale for Homeless Priorities

The City will continue to participate in the Miami-Dade Continuum of Care. The City has assigned a high priority to assisting homeless individuals or those homeless with special needs related to AIDS, mental illness, or alcohol and/or drug abuse, because these individuals make up the majority

of the City's on-the-street homeless. In addition, priority is assigned to homeless assistance for families, including those that are victims of spousal abuse.

Obstacles

The major obstacles to meeting the needs of the homeless are the lack of funds. In addition, the high number of homeless that are treatment resistant makes it difficult to help many homeless people.

Proposed Accomplishments

The City will continue to support non-profit and areawide initiatives. The City will continue to work with the County to strengthen its countywide Continuum of Care.

The following HUD Priority Needs Tables establish the relative priorities for the City's Homeless program. This is followed by Objective Nine, which provides the specific homeless actions the City plans to accomplish over the next five years.

NON-HOMELESS SUPPORTIVE HOUSING NEEDS

While HUD provided the City with the estimated number of households (based on national incidence rates) these estimates were not further subsetted to provide an estimate of households that might require or qualify for governmental assistance. With the higher need for affordable housing and community improvements, the City has given this area a lower priority.

Elderly/Frail Elderly

As people age they ultimately need assisted living arrangements that are typically provided through group homes or assisted congregate living facilities. The City has over 1,000 units of elderly housing and will continue to give the elderly/frail elderly a priority in all development of affordable housing, as well as working with elderly service/housing providers to meet the supportive needs of this group.

Severe Mental Illness

The Douglas Gardens Community Mental Health Center will continue to provide mental health care and supportive housing services. The Douglas Gardens Community Mental Health Center has a 40-bed transitional housing project for formerly homeless people who were mentally ill or addicted.

Continuum of Care: Gaps Analysis - Persons in Families with Children

Beds/Units

	Estimated Needs	Current Inventory	Unmet Need/ Gap	Relative Priority
Emergency Shelter	100	0	100	High
Transitional Housing	100	40	60	High
Permanent Housing	100	0	100	Med
Total	300	40	260	

Estimated Supportive Services Slots

Job Training	35	0	35	High
Case Management	35	0	35	High
Child Care	80	0	80	High
Substance Abuse Treatment	15	0	15	Med
Mental Health Care	10	0	10	Med
Housing Placement	35	0	35	High
Life Skills Training	35	0	35	Med

Estimated Sub-Populations

Chronic Substance Abusers	10	0	10	Med
Seriously Mentally Ill	10	0	10	Med
Dually-Diagnosed	5	0	5	Med
Veterans	0	0	0	Med
Persons with HIV/AIDS	0	0	0	Med
Victims of Domestic Violence	35	0	35	Med

Continuum of Care: Gaps Analysis - Individuals

Beds/Units

	Estimated Needs	Current Inventory	Unmet Need/ Gap	Relative Priority
Emergency Shelter	102	4	98	High
Transitional Housing	100	60	40	Med
Permanent Housing	100	0	100	Med
Total	302	64	238	

Estimated Supportive Services Slots

Job Training	200	20	180	High
Case Management	100	40	60	High
Substance Abuse Treatment	100	20	80	Med
Mental Health Care	100	15	85	Med
Housing Placement	100	0	100	Med
Life Skills Training	150	25	125	Med

Estimated Sub-Populations

Chronic Substance Abusers	150	0	150	Med
Seriously Mentally Ill	75	0	75	Med
Dually-Diagnosed	25	0	25	Med
Veterans	25	0	25	Med
Persons with HIV/AIDS	100	42	58	High
Victims of Domestic Violence	25	0	25	Med
Youth	15	0	15	Med

Homeless

Objective Nine: Provide services to address the needs of the City's homeless population, including homeless prevention and the transition to permanent housing.

Strategies to Address the Problem	Actions and Programs	Proposed Five Year Accomplishments	Comments/Concerns
Financial assistance	Short-term financial assistance to households threatened with homelessness	Assist 100 households	• Provided by social service agencies.
Transitional housing	Provide additional transitional housing	Provide 10 additional transitional housing beds	• CDBG/HOME or Supportive Housing funds.

Special Needs/Non-Homeless

Sub-Populations

	Priority Need	Estimated $
Elderly	High	$500,000
Frail Elderly	High	$500,000
Severe Mental Illness	Low	$500,000
Developmentally Disabled	Low	$500,000
Physically Disabled	Low	$500,000
Persons with Alcohol/Other Drug Addiction	Low	$500,000
Persons with HIV/AIDS	Med	$500,000
	TOTAL	$3,500,000

Developmentally Disabled

Developmentally disabled people need housing in a structured environment such as a group home. The City provides ongoing support to Log Cabin Enterprises, to provide training/employment for developmentally disabled individuals.

Physically Disabled

Physically disabled persons may or may not need supportive housing dependent on the nature or extent of their physical disability. The City's Code Compliance Division enforces the Americans with Disabilities Act and requires any new construction/rehabilitation projects to be handicapped accessible. The City will continue to support the provision of group homes/supportive services to meet the needs of this group.

Persons with Alcohol/Drug Addiction

People in this category usually require short stay (30-60 days) housing in conjunction with medical/psychiatric care to break the cycle of addiction. Many need transitional housing after treatment. The City will continue to support the efforts of private/public sector service providers such as Better Way of Miami to meet the supportive housing needs of this sector of the population.

Persons with AIDS

People in this category usually require supportive housing in conjunction with long-term medical care. The City supported the construction of the Shelbourne House and Fernwood Apartments, which provide 42 units of transitional housing. With a higher than average incidence of this disease within the City, the City shall continue to give this area a higher priority.

NON-HOUSING COMMUNITY DEVELOPMENT STRATEGY

With the adoption of a HUD approved *Neighborhood Revitalization Strategy* for North Beach, the City has moved to focus its non-housing community development efforts into this area of the City, in conjunction with other revitalization and improvement plans.

Priority Needs by CDBG Eligible Category

The City's non-housing Community Development Strategy will focus on the continued physical improvements to the North Beach area. The *Neighborhood Revitalization Strategy* for North Beach will then guide all revitalization activities. The following information subdivides this strategy into individual CDBG-eligible activity categories.

A. Acquisition

The Miami Beach Community Development Corporation utilizes CDBG funds for acquisition in its homeownership program.

B. Disposition

The Miami Beach Community Development Corporation utilizes CDBG funds for disposition in its homeownership program.

C. Public Facilities and Improvements

The City will continue to undertake public improvements, such as street reconstruction, landscaping, storm drainage, public utilities, commercial facade improvements, park and recreation improvements, and senior or youth-oriented community or day care centers.

D. Clearance

The City will continue to demolish and remove unsafe structures.

E. Public Services

The City will continue to assist community groups provide public services to the elderly, low-income children, and special needs residents.

F. Interim Assistance

The City may undertake neighborhood clean up or other interim assistance activities.

G. Payment of Non-Federal Share

The City does not currently plan to utilize CDBG to pay a non-federal share of another federal grant. However, if any CDBG-eligible matching grants become available to address the City's needs this remains an option.

H. Urban Renewal Completion

The City has no urban renewal projects.

I. Relocation

No displacement-causing projects are anticipated; however, the City will provide relocation benefits if relocation becomes necessary.

J. Loss of Rental Income

The City has planned no activities that will result in the loss of rental income.

K. Housing Services

Housing services for the HOME Program will continue to be provided.

L. Privately Owned Utilities

The City has planned no activities that involve privately owned utilities.

M. Section 17 Housing

The City has no Section 17 (HODAG) projects.

N. Homeownership Assistance

The City's homeownership programs will continue to be addressed through the State of Florida SHIP program, the CDBG program, and the HOME Program.

O. Microenterprise Assistance

The City may initiate new activities to assist small, start-up businesses.

P. Rehabilitation and Preservation

The City will continue to provide funding for housing rehabilitation and preservation.

Q. Economic Development

The City will continue to provide CDBG funds, Section 108 loans, and use Economic Development Initiative grants in its redevelopment and anti-poverty strategies.

R. Special Activities by Subrecipients

The City has only a few organizations that qualify under this category, and their projects will continue to be considered for funding.

S. Planning and Capacity Building Activities

The City will continue its ongoing planning and capacity building programs.

T. Administrative Costs

The City will continue to administer these programs.

Rationale for Priorities

The City intends to utilize its federal resources in support of its *Neighborhood Revitalization Strategy* for North Beach.

Obstacles

The City has insufficient funding to meet all of the identified needs.

Proposed Accomplishments

HUD CHAS Table 2 lists the City's non-housing community development proposed accomplishments by CDBG eligible category.

This is followed by the HUD Priority Community Needs tables and the Non-Housing Community Needs Objectives, which provides the specifics on the City's proposed accomplishments over the next five-years.

REDUCTION OF BARRIERS TO AFFORDABLE HOUSING

As part of a state-mandated affordable housing regulatory reduction self-review system, the City reviewed all of its development regulations in detail. The purpose of this review was to, wherever possible, reduce the cost of housing. As part of the 1993 review, the City reduced additional standards and adopted additional incentives to increase housing affordability, based on the recommendations made by the Affordable Housing Advisory Committee. (*See the "Affordable Housing Incentives Plan."*)

The City adopted an ordinance that gives priority review to all affordable housing projects; and must review any proposed new regulations for their impact on the cost of housing prior to adoption. The City, through the Housing Element of its Comprehensive Plan, must also ensure the availability of sufficient sites, with supporting infrastructure, for its affordable housing needs.

These actions have significantly reduced the regulatory barriers to affordable housing in Miami Beach.

CHAS Table 2
MIAMI BEACH
FIVE YEAR NON-HOUSING COMMUNITY DEVELOPMENT STRATEGY
SUMMARY BY CDBG ELIGIBLE CATEGORY

CATEGORY	ACTIVITY	BUDGET ESTIMATE	
A. Acquisition		$	300,000
B. Disposition		$	300,000
C. Public Facilities and Improvements		$	2,830,000
D. Clearance		$	-
E. Public Services		$	1,622,000
F. Interim Assistance		$	-
G. Payment of Non-Federal Share		$	-
H. Urban Renewal Completion		$	-
I. Relocation		$	-
J. Loss of Rental Income		$	-
K. Housing Services		$	350,000
L. Privately Owned Utilities		$	-
M. Section 17 Housing		$	-
N. Homeownership Assistance		$	-
O. Microenterprise Assistance		$	600,000
P. Rehabilitation and Preservation		$	1,150,000
Q. Economic Development		$	500,000
R. Special Activities by Subrecipients		$	-
S. Planning and Capacity Building Costs		$	-
T. Program Administrative Costs		$	3,163,000
FIVE YEAR TOTAL for ALL ACTIVITIES:		$	10,815,000

Community Needs

Anti-Crime Programs

	Need Level	Units	Estimated $
Overall	Low	0	$0
Sub-Categories			
Crime Awareness (05I)	Low	0	$0

Economic Development

	Need Level	Units	Estimated $
Overall	High	50	$2,500,000
Sub-Categories			
Rehab; Publicly or Privately-Owned Commer (14E)	High	40	$2,000,000
CI Land Acquisition/Disposition (17A)	Low	0	$0
CI Infrastructure Development (17B)	Low	0	$0
CI Building Acquisition, Construction, Re (17C)	Low	0	$0
Other Commercial/Industrial Improvements (17D)	Low	0	$0
ED Direct Financial Assistance to For-Pro (18A)	Low	0	$0
ED Technical Assistance (18B)	Low	0	$0
Micro-Enterprise Assistance (18C)	Med	10	$500,000

Infrastructure

	Need Level	Units	Estimated $
Overall	High	610	$2,100,000
Sub-Categories			
Flood Drain Improvements (03I)	Low	0	$0
Water/Sewer Improvements (03J)	Low	0	$0
Street Improvements (03K)	High	0	$1,000,000
Sidewalks (03L)	Med	500	$500,000
Tree Planting (03N)	Med	100	$500,000
Removal of Architectural Barriers (10)	Med	10	$100,000
Privately Owned Utilities (11)	Low	0	$0

Planning & Administration

	Need Level	Units	Estimated $
Overall	High	0	$0
Sub-Categories			

Community Needs (Page 2)

Public Facilities

	Need Level	Units	Estimated $
Overall	High	18	$7,000,000
Sub-Categories			
Public Facilities and Improvements (Gener (03)	High	4	$2,000,000
Handicapped Centers (03B)	Med	1	$500,000
Neighborhood Facilities (03E)	High	4	$2,000,000
Parks, Recreational Facilities (03F)	High	2	$1,000,000
Parking Facilities (03G)	Low	0	$0
Solid Waste Disposal Improvements (03H)	Low	0	$0
Fire Stations/Equipment (03O)	High	1	$500,000
Health Facilities (03P)	Med	1	$500,000
Asbestos Removal (03R)	Low	0	$0
Clean-up of Contaminated Sites (04A)	Low	0	$0
Interim Assistance (06)	Low	0	$0
Non-Residential Historic Preservation (16B)	Med	5	$500,000

Public Services

	Need Level	Units	Estimated $
Overall	High	4,504	$2,600,000
Sub-Categories			
Public Services (General) (05)	High	1,000	$1,000,000
Handicapped Services (05B)	Med	500	$50,000
Legal Services (05C)	Low	0	$0
Transportation Services (05E)	Med	4	$200,000
Substance Abuse Services (05F)	Med	500	$250,000
Employment Training (05H)	High	500	$500,000
Health Services (05M)	High	1,000	$500,000
Mental Health Services (05O)	Low	1,000	$100,000
Screening for Lead-Based Paint/Lead Hazar (05P)	Low	0	$0

Senior Programs

	Need Level	Units	Estimated $
Overall	High	2,002	$2,000,000
Sub-Categories			
Senior Centers (03A)	High	2	$1,000,000
Senior Services (05A)	High	2,000	$1,000,000

Community Needs (Page 3)

Youth Programs

	Need Level	Units	Estimated $
Overall	High	3,010	$4,000,000
Sub-Categories			
Youth Centers (03D)	High	4	$1,000,000
Child Care Centers (03M)	High	4	$1,000,000
Abused and Neglected Children Facilities (03Q)	High	2	$500,000
Youth Services (05D)	High	1,000	$500,000
Child Care Services (05L)	High	1,000	$500,000
Abused and Neglected Children (05N)	High	1,000	$500,000

Other

	Need Level	Units	Estimated $
Overall	Low	0	$0
Sub-Categories			
Urban Renewal Completion (07)	Low	0	$0
CDBG Non-profit Organization Capacity Bui (19C)	Low	0	$0
CDBG Assistance to Institutes of Higher E (19D)	Low	0	$0
Repayments of Section 108 Loan Principal (19F)	High	0	$0
Unprogrammed Funds (22)	Low	0	$0

Objective One: Provide public improvements and/or services within the North Beach neighborhoods.

Strategies to Address the Problem	Actions and Programs	Proposed Five Year Accomplishments	Comments/Concerns
Street Improvements	Install curbs, gutters, widening, and safety improvements	Improve 5,000 l.f. of street improvements in North Beach	In conjunction with other City Capital improvements
Landscaping Improvements	Install landscaping along the major streets	Install 5,000 l.f. of landscaping in North Beach.	In conjunction with other City Capital improvements
Improve streetlighting	Install/upgrade streetlights	Upgrade lighting in 2 neighborhoods in North Beach.	In conjunction with other City Capital improvements
Recreational Needs	Upgrade & expand parks	Upgrade/expand the neighborhood parks in North Beach.	Coordinate with school construction activities for possible adjacent parcels
Business Recruitment/Expansion	• Façade Improvement Program • Redevelop 71st Street	Assist 10 businesses in North Beach. Assess creation of CRA.	Coordinate with NBDC

Objective Two: Provide facilities and/or services to address the needs of the City's low-income persons.

Strategies to Address the Problem	Actions and Programs	Proposed Five Year Accomplishments	Comments/Concerns
Provide social services to meet the identified needs of low-income residents	Undertake needed social services activities	Assist 500 eligible people	• Utilize existing not-for-profit social service agencies

Objective Three: Provide facilities and/or services to address the needs of the County's seniors and/or persons with special needs.

Strategies to Address the Problem	Actions and Programs	Proposed Five Year Accomplishments	Comments/Concerns
Senior Citizen Services	Provision of needed senior services	Assist 250 seniors	• Matching funds for State grant(s)

Objective Four: Expand economic opportunities.

Strategies to Address the Problem	Actions and Programs	Proposed Five Year Accomplishments	Comments/Concerns
Business Recruitment/Retention	• New business recruitment • Existing business expansion	Create50 jobs paying above the countywide average	• Can be partnered with State and County economic development incentives • Coordinate with NBDC.

Objective Five: Preserve the City's historic heritage.

Strategies to Address the Problem	Actions and Programs	Proposed Five Year Accomplishments	Comments/Concerns
Historic Preservation	• Preservation • Rehabilitation • Restoration	The preservation and restoration of one non-residential historic structure Adoption of historic preservation standards for North Beach. Assess the creation of a historic district in North Beach.	• CDBG can be used as a match for State Historic Preservation Grant funds

REDUCTION OF LEAD-BASED PAINT HAZARDS

The City, through the County Board of Health continues to monitor and respond to all suspected cases of lead poisoning. However this continues to be a very minor problem in the City.

The City will also take the following actions:

1. Screen for lead-based paint in HUD housing rehabilitation programs, as required.
2. Include lead-based paint abatement as an eligible activity in all of its HUD rehabilitation activities.
3. Follow the applicable HUD regulations whenever lead-based paint is discovered.

Anti-Poverty Strategy

The City of Miami Beach's Anti-Poverty Plan is focused on the most vulnerable - primarily the individuals living at or below the poverty line. This segment of the population has the highest incidence of poverty and is the most likely to benefit from a concentrated effort to increase economic opportunities in Miami Beach. The City participates in the Miami-Dade County Economic Development Public/Private Partnership. The statewide program includes Enterprise Florida and Workforce Development, which provides business incentives and workforce training

The Anti-Poverty Plan is intended to increase the incomes and job opportunities for low-income households. Miami Beach's economy relies on lower paying service and seasonal tourism-oriented jobs. Many of these jobs are open to people with low skills and low educational attainment. As a result, the City's private sector continually creates a number of entry-level low skill jobs, many which do not require the mastery of English.. Implementation of these anti-poverty efforts remains a cooperative effort between the City, local business community, development agencies, nonprofit organizations, the City's designated CHDO, the Housing Authority and other service organizations.

The major objective of the City's economic development activity is to stimulate economic revitalization and job creation in the City by facilitating business development and expansion, job creation/retention, encouraging private development through public support, and carrying out housing and neighborhood revitalization. The development of convention-quality hotels is an economic development objective; which is an example of business development that provides significant employment opportunities for people entering the job market.

Institutional Structure

The City's Housing and Community Development Division administers its CDBG, HOME, ESG, and SHIP programs. But there is a network of organizations integrally related in their missions and operations. These include: the Community Development Advisory Committee (CDAC), the Miami Beach Community Development Corporation, the North Beach Development Corporation, the Housing Authority and the numerous non-profit organizations which provide important services, many of which are CDBG or ESG-funded.

The CDAC is a City committee whose members are appointed by City Commissioners. They include full representation from the community: geographic, ethnic, and demographic. Their role is to make funding recommendations, in concert with the administration, to the City Commission for the use of CDBG, HOME, and ESG dollars.

The two Community Development Corporations (CDCs) operating in Miami Beach play a significant role in planning and participating in these programs. They have between them undertaken a variety of housing, infrastructure and beautification, and commercial facade activities. The Miami Beach Community Development Corporation (MBCDC), the City's designated CHDO, has been in operation for 23 years, and has an impressive record of accomplishment. The City will continue to work through MBCDC as the designated CHDO and a CDBG partner, and will continue capacity development to expand services throughout the City. The North Beach Development Corporation (NBDC) works with the North Beach community and identifies and addresses community needs in North Beach. Both CDCs will be asked to participate in quarterly briefings/work sessions (with the Commission and/or CDAC) in order to increase communication and information about program accomplishments.

The Housing Authority is an autonomous organization whose Commissioners are appointed by the Mayor; but there is no City participation in the everyday operation of the Housing Authority, i.e., hiring, contracting, or procurement. The City and the Housing Authority coordinate and cooperate in a number of ways. There is an interlocal agreement between the two entities in which the Housing Authority provides fee payments to a joint bank account with the City, and the City provides child care subsidies, recreation programs, and police services for their Section 8 eligible residents. This is an unusual and successful collaboration. In addition, the Housing Authority provides contractual relocation services to anyone displaced by City action. The City pays for this service, and is eventually reimbursed through property liens. The Housing Authority is also undertaking innovative activities to serve low and moderate income populations, such as day care, homeownership opportunities, and transitional housing.

The numerous non-profit organizations that deliver program activities (primarily public services) provide invaluable service to improve the lives of the citizens of Miami Beach. They are essential to serving the diverse needs of Miami Beach's population.

In addition to all of the Miami Beach organizations listed above, Miami-Dade County is a significant part of the program's institutional structure. Miami-Dade handles homeless issues through a countywide continuum of care. Miami-Dade is also designated as the HOPWA recipient. (HousingOopportunities for Persons with AIDS). The County's social service delivery system is important to the City's special needs populations.

The partnerships that have been formed during the evolution of the CDBG, HOME, and ESG programs have been valuable and productive. It is the City's intention to continue, and strengthen all of these relationships. Any gaps that may arise in program delivery can certainly be overcome by the variety of available partners.

Public Housing Resident Initiatives

The City's public housing is 100% elderly housing, and as such has not developed any resident homeownership initiatives. The City's Downpayment Assistance Program is available to all residents and the City will support any Housing Authority resident homeownership initiatives.

COORDINATION

Miami Beach will coordinate this Consolidated Plan with the state through the mechanism of its adopted state-mandated Comprehensive Plan. All activities within this Consolidated Plan will be consistent with state law, and will be sent to the state clearinghouse for intergovernmental review.

The Housing and Community Development Division of the Neighborhood Services Department will be the primary entity responsible for coordinating and implementing these programs. In some cases, funds will be passed through to nonprofit and for profit housing providers and certain municipalities/government agencies through interlocal agreements or subrecipient agreements.

Miami Beach has a local housing finance authority. The authority uses tax exempt bond financing to assist low and moderate-income homebuyers and rental developers. This tax-exempt status generally results in a lower rate of interest than what is available conventionally.

Miami-Dade County has identified the following entities that will deliver and manage the specific housing assistance and community development programs:

Emergency Shelter Grants Program – The City allocates ESG funds to the Office of Homeless Coordination to deliver services to its homeless population.

Shelter Plus Care - Miami Beach will support existing and future applications for funds from this source by a PHA that will manage, implement and deliver all services. The City will provide technical assistance as needed.

Safe Havens - The City will encourage applications from nonprofits that will manage, implement and deliver services. The City will provide technical assistance as needed.

Section 8 Rental Vouchers and Certificates Program - The Housing Authority administers these programs in Miami Beach. The Department of Housing and Urban Development (HUD) monitor all programs.

Supportive Housing Programs - The City will encourage applications from nonprofits that will manage, implement and deliver services. The City will provide technical assistance as needed.

Community Services Block Grant - The City does not receive these funds.

Permanent Housing for the Handicapped - Miami Beach will encourage applications from nonprofits that will manage, implement and deliver services. The City will provide technical assistance as needed.

Other Federal Discretionary Funding - The City plans to encourage applications where appropriate.

Other State Programs - (FloridaFix Program, Housing Predevelopment Loan Program, State Apartment Incentive Loan Program, Homebuyers Assistance Program, etc) The City plans to monitor developments affecting the regulations and funding of these programs and submit or encourage applications where appropriate.

All requests for a Certificate of Consistency with the City's adopted Consolidated Plan must be approved by the City Commission.

MONITORING

The City will perform on-site compliance monitoring of its subreceipiants at least once a year. Technical assistance may be included if required. The monitoring program also includes inspections of projects, review of all payment requests and post project grantee performance evaluations.

MINORITY BUSINESS OUTREACH

The City advises minority/women owned businesses, developers, property owners, construction contractors and businesses of all trades and categories that are certified and listed with the Miami-Dade County Department of Business development on all bidding opportunities with the City. In addition, the City's web-site, which lists all procurement with the City is maintained in both English and Spanish to further minority business outreach.

03-103/chapter 4

RESOLUTION TO BE SUBMITTED

CITY OF MIAMI BEACH
COMMISSION ITEM SUMMARY

Condensed Title:

A Resolution authorizing appropriation of $1,466,762 from the Water and Sewer Revenue Series 2000 Bond Fund 424 to fund Citywide water and sewer construction projects.

Issue:

Shall the City Commission appropriate $1,466,762 from the Water and Sewer Revenue Series 2000 Bond, Fund 424, for Citywide water and sewer construction projects?

Item Summary/Recommendation:

On August 15, 2000, the Water and Sewer Revenue Bonds, Series 2000, provided $54,310,000 for City projects. The Water and Sewer Capital Program has five main segments. These segments are: cleaning and repairing water mains throughout the city; replacement of unlined galvanized water mains; replacement and upgrading of water storage facilities and water pump stations; sewer renovation and infiltration mitigation and sewer pump station upgrades. In addition to the program main segments, there is a miscellaneous fund (fund 424) for water and sewer construction projects.
The City's Public Works Department, Operations Division, is in the process of planning and implementing miscellaneous water and sewer projects that are necessary to maintain a sound infrastructure throughout the City. These selected projects, list below, will be executed through existing competitively awarded contracts, or performed by Public Works.

Public Works - Miscellaneous Water and Sewer Construction Projects

1) Asphalt and sidewalk restoration due to Sewer/Water Line repair $249,000
2) Alton Road 20-inch water main repairs (51st Street to 63rd Street) $350,000
3) Base compaction and pavement on Alton Road..... $200,762
4) Water Line / Fire Line extension on Indian Creek Drive $292,000
5) Repairs for Pump Station Pump Motors $200,000
6) Rental of generators and pump equipment during repairs $125,000
7) Emegency repairs and restoration to 36" waterline on Julia Tuttle $50,000

Total: $1,466,762

Administration recommends adopting the Resolution.

Advisory Board Recommendation:

Information:

Source of Funds:

Finance Dept.

	Amount	Account	Approved
1	$ 1,466,762	Water & Sewer Bond Series 2000	
2		Fund # 424	
3			
4			
Total	$1,466,762		

City Clerk's Office Legislative Tracking:

Robert Halfhill 6833/ Michael Alvarez Extension 6629

Sign-Offs:

Department Director	Assistant City Manager	City Manager

T:\AGENDA\2005\May1805\Regular\PW Water Sewer Construction Projects Sum.doc

AGENDA ITEM R7O

DATE 5-18-05

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 18, 2005

From: Jorge M. Gonzalez
City Manager

Subject: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AUTHORIZING APPROPRIATION OF $1,466,762 FROM THE WATER AND SEWER REVENUE SERIES 2000 BOND FUND 424, TO FUND WORK ORDERS FOR WATER AND SEWER CONSTRUCTION PROJECTS.**

ADMINISTRATION RECOMMENDATION

Adopt the Resolution.

BACKGROUND

On August 15, 2000, the Water and Sewer Revenue Bonds, Series 2000, provided $ 54,310,000 for City projects. The Water and Sewer Capital Program has five main segments. These segments are: cleaning and repairing water mains throughout the city; replacement of unlined galvanized water mains; replacement and upgrading of water storage facilities and water pump stations; sewer renovation and infiltration mitigation and sewer pump station upgrades. In addition to the program main segments, there is a miscellaneous fund (fund 424) for water and sewer construction projects, to fund miscellaneous outsourced or in-house projects that support the planned improvement of the City water and sewer systems.

The City's Public Works Department, Operations Division, is in the process of planning and implementing miscellaneous water and sewer projects that are necessary to maintain a sound infrastructure throughout the City. These selected projects, list below, will be executed through existing competitively awarded contracts or by Public Works.

Public Works - Miscellaneous Water and Sewer Construction Projects

1) Asphalt and sidewalk restoration due to Sewer/Water Line repair..... $249,000
   Citywide restoration of trenching and excavation performed on City streets for water and sewer line lateral replacements in advance of the construction of GO Bond capital improvement projects.

2) Alton Road 20-inch water main repairs (51st Street to 63rd Street)..... $350,000
   Excavation and replacement of leaking water main line bell clamps on Alton Road. Work was done in advance of FDOT Alton Road Improvement Project from 41st Street to 63rd Street. Appropriation reimburses operational funds.

3) Base compaction and pavement on Alton Road $200,762
Restoration of road base and pavement on Alton Road following repairs to leaking bell clamps between 51st and 63rd Streets. Work was done in conjunction with FDOT Alton Road Improvement Project from 41st Street to 63rd Street. Work was performed by FDOT paving contractor, H & R Paving. Appropriation will reimburse operational funds.

4) Water Line / Fire Line extension on Indian Creek Drive $292,000
Extension of water line on Indian Creek Drive from 41st to 42nd to improve water line pressure and fire flows needed to support new developments in this area.

5) Repairs for Pump Station Pump Motors $200,000
Due to the five year delay in the rehabilitation of the Citywide Pump Station Project, the Public Works Department has and will continue to renovate and repair many of the 20 year old pump motors in order to keep the pump stations operational.

6) Rental of generators and pump equipment during repairs $125,000
Due to the five year delay in the rehabilitation of the Citywide Pump Station Project, the Public Works Department had to rent generators and pump equipment in order to keep the pump stations operational. Appropriation reimburses operational funds. Equipment is also rented to provide by-pass capability to the pump station while under going rehabilitation.

7) Emergency repairs and restoration to a 36" waterline on the Julia Tuttle Causeway..... $50,000

Total: $1,466,762

CONCLUSION

The Administration recommends the appropriation of $1,466,762 from the Water and Sewer Revenue Bond Fund (424) Public Works allocation to fund work orders for water and sewer construction projects.

T:\AGENDA\2005\May1805\Regular\PW Water & Sewer Construction Projects Memo.doc

RESOLUTION NO._____

RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AUTHORIZING APPROPRIATION OF $1,466,762 FROM THE WATER AND SEWER REVENUE SERIES 2000 BOND FUND 424 FOR CONSTRUCTION AND MAINTENANCE PROJECTS, TO FUND WORK ORDERS FOR WATER AND SEWER CONSTRUCTION PROJECTS.

WHEREAS, on August 15, 2000, the Water and Sewer Revenue Bonds, Series 2000, were issued which allocated $54,310,000 for City projects; and

WHEREAS, the City's Public Works Department is in the process of planning and implementing miscellaneous water and sewer projects citywide such as; new water lines extensions, unforeseen water line repairs, permanent sidewalk and asphalt repairs for the construction / repairs of water and sewer lines, sewer pump stations repairs for electrical / pump equipment and rental of generators and/or pumps to maintain service until pumps stations are upgraded; and

WHEREAS, the Public Works Department is requesting appropriation of $1,466,762 from the Water and Sewer Series 2000 Bond Fund 424 for construction projects and establishment of work orders.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND THE CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that it hereby authorizes the appropriation of $1,466,762 from the Water and Sever Revenue Series 2000 Bond Fund 424, and the establishment of work orders for water and sewer construction projects to be accomplished by the Public Works Department, Operations Division.

PASSED and **ADOPTED** this ____day of _____, 2005

_____
MAYOR

ATTEST:

_____
CITY CLERK

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

City Attorney 5/11/05
Date

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CITY OF MIAMI BEACH
COMMISSION ITEM SUMMARY

Condensed Title:

A Resolution Approving And Officially Adopting The Basis Of Design Report (BODR) For The Multi-Purpose Municipal Parking Facility (MPMPF).

Issue:

Shall the Mayor and City Commission approve and officially adopt the Basis Design Report (BODR) for the Multi-Purpose Municipal Parking Facility (MPMPF)?

Item Summary/Recommendation:

On September 10, 2003, the Mayor and City Commission approved Resolution No. 2003-25332 authorizing the execution of a Development Agreement between the City of Miami Beach and the New World Symphony (NWS) for the development of a portion of the 17th Street surface parking lot for construction of an approximately 50,000 square foot educational, performance and internet broadcast facility with an exterior screen ("Soundspace"), and an approximately 320-space (+/-) public parking garage facility. In approving the execution of the Agreement, the Commission also directed that the Administration should proceed with developing a new Multi-purpose Municipal Parking Facility (MPMPF) on the site of the current City Hall surface lot. Throughout the negotiations with the NWS, the Administration has consistently stated that replacement parking must be built before displacement of either 17th Street surface parking lot. The MPMPF must be built and completed, or an alternate acceptable replacement parking location must be identified, prior to NWS's commencement of project construction.

On April 14, 2004, the City Commission approved Resolution No. 2004-25543 authorizing the execution of an agreement with Perkins and Will, Inc. for the provision of Planning, Architecture, Landscape Architecture, and Engineering Services required to design and construct the MPMPF project. At the time of the award, the City chose to define the scope of the project based on a project with 480 parking spaces, 20,000 square feet of office/retail space, a pedestrian bridge to City Hall, and required site improvements and utility extensions with an approximate construction cost of $9,085,250. Also included in the scope is the planning of Meridian Avenue improvements, which will be implemented as part of the project.

A "Visioning" Session with the City departments was held to establish a list of desired design components to be included in the facility. Three design options were presented at a Community Design Workshop (CDW) on February 10, 2005. The consensus among the Community was for a facility that maximized the number of parking spaces and provided enhanced hardscape and landscape. A draft BODR was issued and reviewed by the City departments. The major comment provided by the Administration was that additional office space was needed, which could be incorporated by adding an additional floor to the office building. The additional office space would allow relocation of the City departments as the need arises. This last change was recommended after considering the financial advantages of incorporating the additional space into the new MPMPF versus looking for alternate space. Office space, whether purchased or newly constructed in an independent building, has an average cost over $200 per square foot. By including additional office space in the MPMPF, the average cost to construct the office space is approximately $115 per square foot. An additional level of parking for public use only can also be added and funded by City Center RDA funds (estimated at approximately $1.7 million, including soft costs). The estimated construction cost for this facility is approximately $13.8 million.

The Administration recommends the approval and adoption of the Basis of Design Report with the additional parking level and additional office space.

Advisory Board Recommendation:

N/A

Financial Information:

Source of Funds:		Amount	Account	Approved
	1			
Finance Dept.	Total			

City Clerk's Office Legislative Tracking:

Diana Trettin, Senior Capital Projects Coordinator

Sign-Offs:

Department Director	Assistant City Manager	City Manager
		for JMG

T:\AGENDA\2005\May1805\Regular\MPMPF BODR summary page.doc

AGENDA ITEM R7P

DATE 5-18-05

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 18, 2005

From: Jorge M. Gonzalez
City Manager

Subject: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING AND OFFICIALLY ADOPTING THE BASIS OF DESIGN REPORT (BODR) FOR THE MULTI-PURPOSE MUNICIPAL PARKING FACILITY (MPMPF).**

ADMINISTRATION RECOMMENDATION:

Adopt the Resolution.

BACKGROUND:

On September 10, 2003, the Mayor and City Commission approved Resolution No. 2003-25332 authorizing the execution of a Development Agreement between the City of Miami Beach and the New World Symphony (NWS) for the development of a portion of the surface parking lot, bounded by 17th Street to the north, North Lincoln Lane to the south, Washington Avenue to the east and Pennsylvania Avenue to the west, for construction of an approximately 50,000 square foot educational, performance and internet broadcast facility with an exterior screen ("Soundspace"), and an approximately 320-space (+/-) public parking garage facility.

In approving the execution of the Agreement, the Commission also directed that the Administration should proceed with developing a new Multi-purpose Municipal Parking Facility (MPMPF) on the site of the current City Hall surface lot. Throughout the negotiations with the NWS, the Administration has consistently stated that replacement parking must be built before displacement of either 17th Street surface parking lot. The MPMPF must be built and completed, or an alternate acceptable replacement parking location must be identified, prior to NWS's commencement of project construction.

On September 10, 2003, the City Commission also authorized the issuance of a Request for Qualifications (RFQ) for Architectural, Engineering, Design, and Construction Administration Services needed to Plan, Design, and Construct the MPMPF on the current site of the City Hall Surface Parking Lot. On April 14, 2004, the City Commission approved Resolution No. 2004-25543 authorizing the execution of an agreement with Perkins and Will, Inc., in the amount of $1,200,788, for the provision of Planning, Architecture, Landscape Architecture, and Engineering Services required to design and construct the MPMPF project. At the time of the award, the City chose to define the scope of the project based on a project with 480 parking spaces, 20,000 square feet of office/retail space, a pedestrian bridge to City Hall, and required site improvements and utility extensions with an

approximate construction cost of $9,085,250. Also included in the scope was the planning of Meridian Avenue improvements, which will be implemented as part of the project. It should be noted that the design and construction of the Meridian Avenue Streetscape improvements are currently unfunded. Only the planning portion of this project is funded.

On December 17, 2004, a "Visioning" Session with the City departments was held to establish a list of desired design components. Three (3) planning concepts for the MPMPF were developed:

1. A 4-story office building with 23,798 total square feet of office/retail space with a 5-deck parking garage accommodating 471 parking spaces. Approximate construction cost was $9,138,734. This was the only option within budget.
2. A 4-story office building with 23,798 total square feet of office/retail space with a 6-deck parking garage accommodating 575 parking spaces. Approximate construction cost was $10,918,904.
3. The same as Option 2 but with additional hardscape and landscape elements. Approximate construction cost was $12,298,070.

Additionally, three planning concepts for the Meridian Avenue Streetscape work were developed:

A. Maximized traffic flow removing the parallel parking on the West side. Approximate construction cost was $1,488,713.
B. Controlled traffic flow and increased safety for vehicles at the 18th Street and Meridian Avenue intersection; a dedicated right turn lane on Meridian Avenue heading north for vehicles entering the MPMPF. Approximate construction cost was $1,670,692.
C. Controlled traffic flow and increased safety for vehicles at the 18th Street and Meridian Avenue intersection; a dedicated right turn lane on Meridian Avenue heading north for vehicles entering the MPMPF and a bike lane on the East side of Meridian Avenue. Approximate construction cost was $1,434,332.

On February 10, 2005, a Community Design Workshop (CDW) was held to discuss the options outlined above with the Community. Consensus among the attendees was reached. For the MPMPF, the Community expressed its desire to have Option 2, with enhanced landscaping (such as screening walls on the East and South walls) and signage. This option was later estimated to cost $11,848,467 for construction.

The Community also came to consensus on having Meridian Avenue be four (4) lanes, two (2) lanes in each direction, from 17th Street to 19th Street, the street just south of the Holocaust Memorial and Botanical Garden Center, while maintaining the majority of on-street parking on the West side of Meridian Avenue between 17th Street and 18th Street, and on the East side between 18th Street and 19th Street. This may preclude a bike path on the East side of the street due to space and Code constraints in the relationship between parking and the bike path traffic, but staff will evaluate that further as the project

proceeds into design. In addition, linear planters were included for medium size trees and bump-outs for larger canopy trees. The approximate construction cost for this option was later estimated to be $1,476,931.

On March 28, 2005 a draft Basis of Design Report (BODR) was issued and reviewed by the Administration. The recommended plan for the MPMPF in the draft BODR was for a 4-story office building (23,798 square feet of office/retail space) with 6-deck parking garage (575 parking spaces) with enhanced landscaping. The estimated construction costs for this plan was $11,848,467 (the additional parking deck was unfunded). The draft BODR also included the Meridian Avenue Streetscape plan for which consensus was obtained at the CDW.

Comments by City staff were received back, with the major comment being that additional office space was needed in the MPMPF, which could be incorporated by adding an additional floor and a bay at the south end of the building on three floors, which would add approximately 14,800 square feet to the office building, resulting in a total square footage of 38,600 square feet of office/retail space. The additional 14,800 square feet of office space would allow relocation of City departments as the need arises. For example, as the space needs of the Building Department increase, the Planning Department may have to be relocated. The Planning Department currently occupies 5,847 square feet of space in City Hall. Similarly, the occupants of the 555 17th Street building (Tourism and Cultural Development Department and Code Enforcement Division of the Neighborhood Services Department) could be relocated into the office building to allow for enhanced public access and parking close to their operations. These departments/divisions currently occupy 9,479 square feet of space in the 555 17th Street building. Funding for this additional office space would have to come from the same Parking fund sources that are already programmed for the planned MPMPF. The additional construction cost to add this additional office space is approximately $1.7 million.

Currently, the average cost per square foot to either purchase, or construct, an independent office building, is over $200 per square foot. By including additional office space with the planned MPMPF, the average cost per square foot for the office space is lowered to approximately $115 per square foot. As this may be one of the last opportunities to procure additional office space at such a low cost per square foot, the Administration believes it is financially prudent to include the additional floor of office space at this time.

With regard to the additional parking deck that was unfunded in the draft BODR, as long as the additional parking deck is reserved for non-Administration uses (i.e., it is not reserved for City vehicles) and is public parking, City Center Redevelopment Agency (RDA) Tax Increment Financing (TIF) Funds can be used to pay for both the soft and construction costs for the additional parking deck. The estimated construction impact for the additional parking deck is $1.3 million. Additional funding in the amount of $400,000 will be needed for contingency, Art in Public Places, and other related soft costs, such as additional services for design and construction administration services and CIP Office project

management fees, for a total of approximately $1.7 million from City Center RDA TIF Funds.

Overall, the estimated construction cost for the planned MPMPF, with a 5-story office building (38,600 square feet of office/retail space) with 6-deck parking garage (560 parking spaces) with enhanced landscaping, is approximately $13.8 million. This is approximately $4.7 million more than originally anticipated when the planning phase first began, not including the additional soft costs that are anticipated with the additional office space and parking deck discussed above. Approximately $1.3 million of the construction costs, and $400,000 in related soft costs, can be funded by the City Center RDA for the additional parking deck. The remaining $4.7 million in funding to completely fund the parking garage, office space and related soft costs will need to be identified, but will most likely come from the same Parking Funding sources already programmed for the project (Parking Operating Fund and Parking Impact Fees).

The current schedule calls for substantial completion of the MPMPF by May 2008 and final completion by July 2008.

CONCLUSION:

The Administration recommends approval of the Multi-Purpose Municipal Parking Facility (MPMPF) Basis of Design Report (BODR) as submitted, with 5-story office building (38,600 square feet of office/retail space) with 6-deck parking garage (560 parking spaces) with enhanced landscaping, and the planned Meridian Avenue Streetscape improvements as outlined above.

By approving the BODR, the City will officially end the planning process for this project and the design concept. The Administration will be able to proceed with the design development, construction documents, bidding and award and construction phases of the project.

T:\AGENDA\2005\May1805\Regular\MPMPF BODR Memo.doc

THE BASIS OF DESIGN REPORT (BODR) FOR THIS ITEM WILL BE DISTRIBUTED TO THE MAYOR AND CITY COMMISSION UNDER A SEPARATE COVER, AND A COPY WILL BE AVAILABLE IN THE CITY CLERK'S OFFICE.

RESOLUTION TO BE SUBMITTED

R9
New Business
And
Comm. Requests

CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH FLORIDA 33139

OFFICE OF THE CITY CLERK

CITY HALL
1700 CONVENTION CENTER DRIVE
TELEPHONE: 673-7411

COMMISSION MEMORANDUM

To: Mayor David Dermer and Members of the City Commission

Date: May 18, 2005

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
Beach Preservation Board	10	Commissioner Jose Smith	1	Page 4
Beautification Committee	8	Commissioner Simon Cruz	1	Page 5
Board of Adjustment	7	City Commission	2	Page 6

AGENDA ITEM R9A
DATE 5-18-05

VACANCIES

BOARD OR COMMITTEE:	TOTAL MBRS.	APPOINTED BY:	TOTAL VAC.	PAGE
Committee for Quality Education in MB	16	Commissioner Jose Smith	1	
		Commissioner Saul Gross	1	Page 8
Community Development Advisory Committee	14	Commissioner Jose Smith	1	
		Commissioner Matti H. Bower	1	Page 11
		Mayor David Dermer	1	
Golf Advisory Committee	12	Commissioner Luis R. Garcia, Jr.	1	Page 17
Health Advisory Committee	11	City Commission	1	Page 18
Health Facilities Authority Board	6	City Commission	1	Page 20
Hispanic Affairs Committee	7	Commissioner Luis R. Garcia, Jr.	1	
		Commissioner Matti H. Bower	1	
		Commissioner Simon Cruz	1	
		Mayor David Dermer	1	Page 21

AGENDA ITEM _____

DATE _____

VACANCIES

BOARD OR COMMITTEE:	TOTAL MBRS.	APPOINTED BY:	TOTAL VAC.	PAGE
Historic Preservation Board	7	City Commission	1	Page 22
Housing Authority	5	Mayor David Dermer	1	Page 23
Loan Review Committee	7	Commissioner Simon Cruz	1	Page 24
Miami Beach Commission on Status of Women	21	Commissioner Jose Smith Commissioner Luis R. Garcia, Jr.	1 1	Page 25
Parks and Recreational Facilities Board	10	Commissioner Jose Smith	1	Page 31
Planning Board	7	City Commission	1	Page 33

AGENDA ITEM _____

DATE _____

VACANCIES

BOARD OR COMMITTEE:	TOTAL MBRS.	APPOINTED BY:	TOTAL VAC.	PAGE
Production Industry Council	7	Commissioner Jose Smith	1	
				Page 37

Attached is breakdown by Commissioner or City Commission:

REP

JMG:REP/lg

City Commission Committees

Committee	Position	First Name	Appointed by	Appointed
Finance & Citywide Projects Committee				
	Liaison	Patricia Walker	Mayor Dermer	11/25/03
	Alternate	Commissioner Simon Cruz	Mayor Dermer	11/25/03
	Vice-Chair	Commissioner Richard L. Steinberg	Mayor Dermer	11/25/03
	Chairperson	Commissioner Jose Smith	Mayor Dermer	11/25/03
	Member	Commissioner Matti Herrera Bower	Mayor Dermer	11/25/03
Land Use & Development Committee				
	Liaison	Jorge Gomez	Mayor Dermer	11/25/03
	Alternate	Commissioner Jose Smith	Mayor Dermer	11/25/03
	Member	Commissioner Saul Gross	Mayor Dermer	11/25/03
	Chairperson	Commissioner Luis R. Garcia	Mayor Dermer	11/25/03
	Member	Commissioner Matti Herrera Bower	Mayor Dermer	11/25/03
Neighborhood/Community Affairs Committee				
	Liaison	Vivian Guzman	Mayor Dermer	11/25/03
	Alternate	Commissioner Luis R. Garcia	Mayor Dermer	11/25/03
	Member	Commissioner Richard L. Steinberg	Mayor Dermer	11/25/03
	Chairperson	Commissioner Matti Herrera Bower	Mayor Dermer	11/25/03
	Member	Commissioner Saul Gross	Mayor Dermer	11/25/03

NON-CITY COMMISSION COMMITTEES

Commissioner Matti Herrera Bower

- Miami Beach Transportation Management Association (TMA)
- Dade Cultural Alliance
- Tourist Development Council
- Performing Arts Center Trust (PACT)

Commissioner Luis R. Garcia, Jr.

- Unclassified Employees and Elected Officials Retirement System
- Greater Miami Convention and Visitors Bureau

Commissioner Jose Smith

- Metropolitan Planning Organization

Commissioner Richard L. Steinberg

- Miami-Dade County Homeless Trust Board - Appointed by Miami-Dade League of Cities
- Miami-Dade League of Cities

CITY OF MIAMI BEACH
Office of the City Manager
Letter to Commission No. 098-2005

To: Mayor David Dermer and Members of the City Commission

Date: April 19, 2005

From: Jorge M. Gonzalez
City Manager

Subject: **LETTER FROM JASON LOEB, BOARD OF ADJUSTMENT CHAIR**

Attached is a letter from Jason Loeb, Chairman of the Board of Adjustment, requesting the City Commission to make an appointment to fill the remaining vacancy on the Board. The remaining vacancy is an at-large appointment.

JMG\RH\JGG\RGL RL

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RECEIVED
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CITY CLERK'S OFFICE

Agenda Item R9A1
Date 5-18-05

CITY OF MIAMI BEACH

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

Planning Department

Telephone 305-673-7550
Facsimile 305-673-7559

Date: April 18, 2005

To: Mayor and Commissioners

From: Jason Loeb, Chair, Board of Adjustment Rtl trr Jason Loeb

Re: Board of Adjustment Appointment

As Chair of the Board of Adjustment, I am writing this letter to the Mayor and Commission in order to request that the Commission fill the remaining vacancy on the Board of Adjustment as soon as possible.

The Board currently has six members; the City Code requires seven members to be appointed to the Board. I feel that it is vitally important to the future of the City of Miami Beach that the final Board vacancy be filled as soon as possible. The Board has indicated a desire to move forward with pro-active efforts to address issues of concern with the zoning code, and needs a full board to begin discussions on this front.

The six current members of the Board are:

Michael Gongora (attorney)
Jason Loeb (general business)
Larry Herrup (accounting)
Roberto Datorre (real estate developer)
Herb Gopman (engineer)
Roberto Sanchez (at-large)

One more vacancy (at-large) needs to be filled.

The next Board of Adjustment meeting is scheduled for Friday, May 6th. It is very important to fill the remaining position on the Board of Adjustment, in order to ensure a full board for upcoming meetings.

If you have any questions with regard to this matter, please let me know.

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MIAMI PERFORMING ARTS CENTER

March 8, 2005

The Honorable David Dermer
Mayor, City of Miami Beach
1700 Convention Center Drive
Miami Beach, FL 33139

Dear Mayor Dermer,

RE: **City of Miami Beach Appointment to the Performing Arts Center Trust Board of Directors**

Pursuant to the Performing Arts Center Trust's Articles of Incorporation, the City of Miami Beach is entitled to appoint three representatives to the Board of the Performing Arts Center Trust, Inc. (PACT). Recently Bruce Davidson resigned and we are requesting that you appoint a new representative to fill the vacancy.

In order to make this appointment, the City of Miami Beach must take formal action to appoint an individual to fill this seat, subject to ratification by the Board of the Performing Arts Center Trust.

We would like to submit the following nominees for your consideration.

- Barry Chase
- Sonia Dulá
- Richard Milstein

Copies of their resumes are attached for your review. We believe that all of these individuals possess knowledge and expertise that would make them an asset to the PACT Board.

For your information, you will find attached excerpts from the PACT's Articles of Incorporation that outline the appointment process. We would appreciate you forwarding to us confirmation of the City's action in this regard at your earliest convenience. If you have any questions or require further information, please contact Valerie Riles Robinson at vriles@miamipac.org or at 305-579-7625.

Sincerely,

Michael C. Hardy
President & CEO

Attachments

copy:

Parker Thomson, Chair, PACT Board of Directors
James Herron, Chair, PACT Nominating Committee
Robert Parcher, City Clerk, City of Miami Beach
Barry Chase
Sonia Dula
Richard Milstein

Agenda Item R9A2
Date 5-18-05

1444 Biscayne Blvd. Suite 202 Miami FL 33132 USA Tel +1 (305) 579-7611 · Fax +1 (305

Excerpts from the
AMENDED AND RESTATED ARTICLES OF INCORPORATION
OF PERFORMING ARTS CENTER TRUST, INC.

4.2. Appointment of Directors:

Subject to the provisions of Section 4.3 the Board of Directors shall be appointed as follows:

(c) The City of Miami Beach Commission shall appoint 3 Directors, subject to ratification by the Board of Directors.

4.6. Term of Directors:

Each of the three Directors appointed by the City of Miami and City of Miami Beach Commissions shall be appointed for a three year term and shall be permitted to serve two (but no more than two) full consecutive three-year terms but may be re-appointed to the Board after ceasing to be a Director for one year.

Upon the expiration of a Director's term, that Director shall remain as a member of the Board of Directors until such time as he or she is replaced or is re-appointed by the appropriate appointing authority.

4.7. Filling of Vacancies:

The City of Miami or City of Miami Beach Commissions shall appoint a person to fill any vacancy of either of their respective Director positions, subject to ratification by the Board of Directors. Each person selected to fill a vacancy created by resignation or removal shall hold office for the unexpired term of his/her predecessor in office.

At the request of any appointing authority, and/or to facilitate the appointment process, the Performing Arts Center Trust may submit a slate of three candidates to an appointing authority for his/her consideration in filling any vacancies, pursuant to the process outlined in Section 6.6.

R9 - New Business and Commission Requests

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

AGENDA ITEM R9B1-2
DATE 5-18-05

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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.
VICE-MAYOR

DATE: MAY 12, 2005

RE: AGENDA ITEM

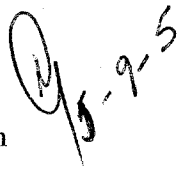
In view of the allegations (see attached package) from concerned residents of North Beach, I want to place an item on the May 18th, Commission agenda to refer the Harding Village Ltd. supportive housing project to the Planning Board and/or the Board of Adjustment.

Thank you.

Agenda Item R9C
Date 5-18-05

North Beach Citizens for a Safe Neighborhood
C/o St. Joseph's School and Home Association
8625 Byron Avenue,
Miami Beach, Fl. 33141

May 4, 2005



Commissioner Luis R. Garcia
Office of the Mayor/Commission
1700 Convention Center Drive,
Miami Beach, Fl. 33139

Re. Request for Planning Board Review/Public Hearing Pertinent to Carrfour "Supportive Housing" Inc., - Harding Village LTD –8540 Harding Ave., MBch, Fl.

Dear Commissioner:

Firstly, we thank you for the opportunity to address all of the participants of your 4/20/05 Commission Meeting. Through that exchange and other conversations with City Administrators, Elected Officials, and Ms. Maria Pellerin Barcus, Carrfour's Pres./CEO, and through the review of correspondence, municipal codes and Carrfour's funding documents, we are now certain that there are very discrepant streams between the Plans and the statements submitted to the City of Miami Beach Planning/Zoning Department and the statements found on the Funding Requests to HUD via the Miami-Dade Homeless Trust and to The Housing Authority of Miami Beach. (Please refer to stars and double line makings on the documents enclosed – they clearly state **"on-site services"**).

At both of our meetings with Ms. Pellerin, she stated that there would be **on-site** services; at one of these meetings both Mr. Lorber and Mr. Gonzales were present. This meeting prompted these Officials to write the certified letter enclosed; Carrfour's response was to negate what your Administrators had heard at our meeting. Additionally, a review of the Carrfour's plan also reveals that they did make allotment for caseworker offices. It is very clearly stated on MBch Municipal Code that if **"public or semipublic services"** are provided **in** a building, this constitutes an **"institutional use"** (refer to stars and double line markings on portions of muni-code enclosed).

Therefore, because there is written proof of divergent information there is a need for public scrutiny. In an effort to guarantee the safety and general welfare to our community, specially our children and our seniors, we request that you arrange a Planning Board Review & Public Hearing to determine the **"institutional"** character of the project.

Very truly your,

Concerned Residents of North Beach
Contact: Ma. Alina Ramirez (786)877-0171 Ray Castellano, Esq. (786) 346-3029

Cc. Mr. David Raymond, Homeless Trust Miami-Dade County
Mr. Miguell Del Campillo, Housing Authority of the City of MBch

Attachments: Partial Homeless-Trust Funding Document, Housing Authority of MBch Funding Document, Partial Municipal Code-definitions and conditional uses, Ltr. Planning Director MBch, Ltr. Ms. Pellerin, Ltr. Jose Smith, Harding Village Intake Plan

2002 Technical Submission for the Supportive Housing Program (SHP)

U.S. Department of Housing and Urban Development
Office of Community Planning and Development

Project Sponsor: Carrfour Supportive Housing
Harding Villages - Transitional Housing
Grant Number FL14B20005
PIN FL14001

Submitted by Selectee: Miami-Dade County Homeless Trust
111 NW First Street, 27th Floor, Suite 310
Miami, Florida 33128
Telephone Number: 305 375-1490
Facsimile Number: 305 375-2722

COPY

A 1

Technical Submission Submission

Project Number (Combined with Project Identifier Harding Village (transitional)

FL14B200005 FL14B200007) FL14004

Cover Page

Recipient's Name: **Carrfour Supportive Housing**	HUD Project Number: **FL14B200005 (combined with FL14B200007)**

Check the program component which classifies your project:

- ☒ Transitional Housing (TH)
- ☐ Permanent Housing for Homeless Persons with Disabilities (PH)
- ☐ Supportive Services Only (SSO)
- ☐ Innovative Supportive Housing (IP)
- ☐ Safe Haven (SH)

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20 Exhibit 2 Acquisition, Rehabilitation, New Construction, and Project Feasibility

N/A Exhibit 3 Real Property Leasing

27 Exhibit 4 Supportive Services

N/A Exhibit 5 Operating Budget

37 Exhibit 6 Administration

39 Exhibit 7 Leveraging

Certification:

Name & Title of the Person who can answer questions about this document:	Phone (include area code):
Maria Pellerin Barcus President/CEO	**305-371-8300**
Address: **155 S. Miami Avenue #1150 Miami, Fl. 33131**	

I hereby certify that all the information stated herein is true and accurate.

Warning: HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties. (18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802)

Name & Title of Authorized Official:	Signature & Date:
Maria Pellerin Barcus President/CEO	M P Barcus 2/4/04

form **HUD-40076-2** (2/2003)

A 2

Technical Submission (cont.)

Project Number (Combined with Project Identifier **FL14B200005 FL14B200007) FL14004 Harding Village**

Exhibit 2: Acquisition, Rehabilitation, New Construction, and Project Feasibility (new or expansion projects only)

Exhibit 2 consists of Sections A-G which request information on the structure address, cost, site control, zoning, and total amount of cash needed for SHP funded acquisition, rehabilitation, or new construction. Please complete a separate Exhibit 2 **for each structure** to be assisted within your project, if more than one. In addition, for Section E4b below, attach a narrative describing in-kind contributions (if any) directly related to the rehabilitation or new construction.

Please note that all projects requesting funding for acquisition, rehabilitation, and/or new construction activities are subject to environmental review requirements (see General Instructions).

A. Address of Structure

Street _8540 Harding Avenue_____
City _Miami Beach_____
State/Zip _Florida, 33141_____

Is this the same address provided in your original application to HUD? ☒ Yes ☐ No

If "No," attach a narrative describing why a different structure is proposed, including any implications for acquisition, rehabilitation, or new construction costs.

B. Site Control

A project sponsor must have control of any structure that will receive SHP funding for acquisition for supportive housing or a supportive services facility, or new construction for supportive housing.

1. Does the project sponsor have site control at this time?
   - ☒ Yes (complete question 2)
   - ☐ No (The project sponsor has one year from the date of HUD's letter to the selectee notifying it that it was conditionally selected to gain site control.)
2. Check the appropriate box below to indicate the form of site control that the project sponsor has now **and attach a copy of the document. These are the acceptable forms of site control:**
   - ☐ Deed or other proof of ownership
   - ☐ Executed lease agreement
   - ☒ Executed contract of sale
   - ☐ Executed option to purchase or lease

C. Zoning

Attach **one** of the following sources of zoning documentation:

1. A statement on letterhead stationery from the unit of general local government (in which the structure is located) indicating that the proposed use of the structure is permissible under the applicable zoning ordinances and regulations; **or**
2. A copy of the zoning ordinance, the zoning map, and the definition of the designated use; **or**
3. If the structure is zoned for a use other than that intended by the project, submit documentation that the zoning will be changed within one year from the date of HUD's letter to the selectee notifying it of its conditionally selectee status; **or**
4. Documentation that a lawsuit or a HUD complaint related to the proposed site has been filed, or a commitment that it will be filed three months (of initial notification of award), challenging the legality of the current zoning ordinance or regulations under the Fair Housing Act.

DESCRIPTION OF HOUSING TO BE ASSISTED

Project Name: **Harding Village**

Project Address: 8540 Harding Avenue
Miami Beach, Florida 33141

Lot Size: 300 X 125 (37,500 square feet)

Assisted Units: 24 transitional housing units combined with comprehensive supportive services to 12 residents who are mentally ill, and/or have multiple diagnoses and 12 residents with substance abuse issues and other diagnoses (including individuals with multiple diagnoses and/or HIV/AIDS.)

Amenities:
Swimming Pool
Furnished Rooms
Property Located Directly on Bus Stop (Routes K, T, S, G, R with a combined 222 stops per day)
Cable TV Hook Up
Close Proximity to Grocery Shopping and Hospitals

Improvements: The physical property consists of three contiguous, two-story buildings built in 1950 and currently in excellent condition. On site parking is provided on two separate parking lots. The property additionally contains a swimming pool, office, and laundry facility.

Legal Description: Beach Bay Sub PB 44-25 Lots 10 thru 14 ELY 2.5 ft. for R/W BLK 4

Section A: Project Narrative

1. Project Summary

Carrfour, a not-for-profit developer of supportive housing in Miami-Dade County, is requesting capital and supportive services funding from the Supportive Housing Program ("SHP") for Harding Village. This is a new application.

Harding Village is a new project on Miami Beach, an underserved city with a high number of mentally ill homeless on its street but a relatively low number of supportive housing units. Divided into three separate structures, Harding Village will have 91 units. Of these units, 48 will provide permanent housing targeting dually/multi diagnosed, 24 will provide transitional housing targeting veterans with substance abuse and/or multiple diagnoses, 18 will be market rate affordable rental units, and one unit will serve as a manager's office. Carrfour will close on the acquisition of this property by the end of 2002 and expects to have the rehabilitated units ready for occupancy by November 15, 2003. A relocation plan for the property will be submitted to U.S. HUD by February 1, 2003. Since the property is currently used primarily as a transient hotel, no need for relocation is expected.

Carrfour is submitting four applications for SHP funding for Harding Village: two applications will serve the permanent residents and two applications will serve the transitional residents. Each application contains requests for capital and supportive services funding. Funding from the Miami Beach Housing Authority's Section 8 Program, The Veteran's Administration's Per Diem Program and tenant contributions will cover Harding Village's operating expenses.

The funding requested in this application will be used to rehabilitate one of Harding Village's three structures and to provide transitional housing combined with comprehensive supportive services to the residents of that structure- 12 individuals with substance abuse issues and other diagnoses (including individuals with multiple diagnoses and/or HIV/AIDS). Since there are a significant number of veterans on Miami Beach, this project will target veterans.

This application will provide funding for one Service Coordinator, a part-time (16.5%) Program Director and a part-time (16.5%) Desk Clerk. Two nighttime security guards are included in the operating pro forma for the project. This support team will provide intensive case management and support services on-site. In addition, to provide the residents around-the-clock support, Harding Village will be staffed 24 hours per day.

The services provided will foster independent living, self-sufficiency and residential stability. At intake, each resident will receive a comprehensive assessment which will then be used to develop an Independent Living Plan. The Service Coordinators will then meet with the residents on a weekly basis to assist them in meeting their individualized goals. The supportive services staff will also lead a series of workshops designed to teach the residents independent living skills. The weekly workshops will cover topics

such as personal hygiene, housekeeping, budget management, basic job skills, cooking/nutrition and conflict management. These workshops, combined with frequent recreational activities, will foster a sense of community within Harding Village.

The comprehensive coordination of services requested in this application is integral to the success of this project and its residents. Without these intensive services, the population targeted in this application would not be able to live independently and would require a more restrictive and costly level of care.

2. Homeless Population to be Served

The funding requested will provide supportive, permanent housing to 12 formerly homeless adults with substance abuse issues and other diagnoses, including mental illness, physical disabilities and/or HIV/AIDS. Since there are a significant number of veterans in Miami Beach's homeless population, this project will target veterans. Currently, there is a need for 567 beds for veterans in Miami-Dade County.

It is estimated that there are over 400 homeless individuals living on the streets of Miami Beach and that approximately 50% of these individuals are chronically homeless and/or mentally ill. Recognizing the increase in the homeless population on Miami Beach, the City of Miami Beach, Douglas Garden's Mental Health Center and the Miami Beach Police Department have collaborated to develop an outreach project. Although the project has been successful, the outreach teams have found that many of Miami Beach's homeless are resistant to receiving services. They have also found that many of these individuals consider Miami Beach their "home" and refuse to leave Miami Beach for services provided in the City of Miami. Harding Village will encourage this service-resistant population to accept services by offering them transitional housing on Miami Beach, instead of asking them to move to another city. In other words, if the homeless individuals know that they can stay "home" on Miami Beach and still receive services, Carrfour anticipates that they will become less resistant to services.

In the months preceding occupancy, information about the project will be disseminated to the homeless population on Miami Beach through the outreach programs and through flyers distributed directly to prospective residents. A reservation list will be started at least six months prior to occupancy, providing prospective residents with a period of time to prepare to meet the program requirements prior to intake.

After giving priority to Miami Beach's homeless, any remaining units will be made available to Miami-Dade County's entire network of providers. Since Carrfour operates five other housing projects in Miami, it has an on-going referral network with providers. Project information, acceptance criteria, and the application packets will be distributed by fax and through presentations at the Provider's Forum meetings. These will be followed by visits to the sites of the referral sources and presentations to their case management and outreach staff.

3. Housing Where Participants Will Reside

a. How the Type of Structure and Scale Fit the Needs of Residents: Harding Village has three structures with a total of 92 units. The garden-style apartments surround a courtyard and pool. Harding Village also has a community meeting room, library and ample parking for residents and visitors. One of Harding Village's three structures will be used for the 12 residents served in this application. Each resident will have their own apartment with a kitchen, bathroom and air conditioning unit. Each apartment will be fully furnished. Residents will have one-year renewable leases and may continue to live in the apartments indefinitely as long as they are in compliance.

Harding Village's central courtyard, pool area, community room and library are designed to encourage resident interaction and active participation in the supportive community. The community room will be used extensively for recreational, educational and supportive activities (such as NA and AA meetings). The community room will also contain a computer lab.

Apartment units in projects of this scale offer each resident a fully private residence with the added benefit of a structured community environment with the opportunity for positive social interactions. Residents are members of a supportive community of individuals, all of whom are at different stages of self-sufficiency.

b. Community Amenities: Harding Village is centrally located in the North Beach section of Miami Beach. The site is located within walking distance to grocery stores, shops, a full-service library, Biscayne Elementary (which has a full array of adult education classes), the beach and several parks. Harding Village is located on a major public transportation route. Without transferring buses, the residents of Harding Village can take one bus to Douglas Garden's Mental Health Center, Miami Beach's One Stop Center, South Beach and downtown Miami.

shared or own alone

c. Accessibility to Persons with Disabilities: Harding Village's supportive services office, community room, central courtyard and ground floor units are accessible to the physically handicapped.

d. Length of Stay: Since the services provided are intensive, individuals are expected to transition into permanent housing (preferably home ownership) with 12 months.

e. Local Market Conditions: The size of this project is typical for Miami Beach and this neighborhood. Having this number of residents at one location facilitates the provision of services and activities. It also makes possible the provision of common areas and 24 hour staffing. The current inventory of transitional, supportive beds in Miami-Dade County is 1,026 while the estimated need is for 2,588 beds. The unmet need (or gap) of beds such as the ones in this program is 1,562. In light of this unmet need, a project of this size is crucial to the community.

4. Supportive Services the Participant Will Receive

a. How the Type and Scale will Fit the Need of the Participants: The supportive services will assist the residents in becoming self-sufficient and in securing permanent housing. These services are designed to assist the residents in attaining the life skills necessary to be self-sufficient, acquire productive employment and live independently. The "type" of services and the "scale" will be individually tailored to meet the needs of each resident.

At intake, each resident will meet with a Service Coordinator and the Program Director to assess their needs and to develop an Independent Living Plan ("ILP"). The ILP will include plans for substance abuse treatment, daily living (taking medication, daily hygiene, attending appointments, etc.), employment, training, transportation, mental health treatment and budgeting. The Service Coordinator will meet with each resident once per week to monitor their progress on the ILP. Since this program will serve individuals with multiple diagnoses (including HIV and AIDS), the Service Coordinator will pay close attention to each resident's compliance with substance abuse treatment, medical care, psychiatric care, mental health treatment and substance abuse after-care treatment. The Service Coordinator will work with each resident to develop a daily medication schedule and a weekly appointment schedule.

The Service Coordinator will work exclusively with the residents of this project. Services will include:

- Case Management: The Service Coordinator will link residents to necessary outpatient substance abuse treatment, social services, medical services, mental health services, psychiatric services and legal services. They will also assist residents in navigating the sometimes overwhelming system of agencies and services they need to access to attain self-sufficiency.

- Life Skills: Many homeless persons have either lost or never had the daily living skills necessary to maintain housing and employment- skills such as personal hygiene, housekeeping, time management, meal preparation, and budgeting. Through individual meetings with residents and group trainings, the Service Coordinator will assist the residents in developing these skills. The Service Coordinator will also assist residents in handling any conflicts/crisis that arise and teach the residents conflict resolution skills to deal with future situations. Program staff will also assist residents in creating a supportive community by organizing the Residents' Council, planning recreational activities to foster positive interaction among residents and by mediating conflicts between residents.

- Employment Services: Under the guidance of Carrfour's Director of Employment Services, the Service Coordinator will work individually with each resident to maximize their employability. Program staff will emphasize employment as the key to permanently sustaining independent living and self-sufficiency. Harding Village shares Carrfour's employment philosophy: "get a job, get a better job,

then get a career." Program staff will assist residents in enrolling in vocational training programs and make referrals to employment programs such as Jobs for Miami, Jewish Vocational Services, New Directions and Goodwill. Harding Village will also enter into a Memorandum of Understanding with Miami Beach's One Stop Center. Other employment services offered will include assistance in preparing employment applications, assistance in preparing for job interviews (including mock interviews) and accompanying the resident on his/her first day of work. The Service Coordinator will also meet daily with the resident during the first two weeks of employment.

- Home Ownership Training: Recognizing that home ownership provides the highest level of stability and independence, program staff will assist the residents in working towards home ownership. Carrfour will be entering into a contract with Miami Dade Neighborhood Housing Services ("NHS") to provide credit repair services, individualized counseling on creating a workable budget, and home ownership training. Once a resident is ready to purchase a home, NHS will work with them to select the most suitable mortgage product and then provide assistance during the mortgage application process. Program staff will work closely with NHS and the resident to provide them the support they need during the home buying process

b. Transportation: To the extent possible, services will be provided on-site. The supportive services will be housed within Harding Village. Transportation to employment, training and off-site services will be addressed in each resident's Independent Living Plan. The Service Coordinator will assist residents in securing transportation by providing bus schedules and mapping out bus routes with each resident. Harding Village is conveniently located near major public bus routes. Without having to transfer buses, the residents of Harding Village will be able to take one bus to Douglas Garden's Mental Health Center, Miami Beach's One Stop Center, South Beach and downtown Miami.

c. Accessing Mainstream Programs: At intake, each resident will be assessed and an individual needs analysis will be developed and integrated into the Independent Living Plan. As part of this process, the Service Coordinator, who will be trained in the types of benefits available to this population, will look at the mainstream benefits the resident is receiving and determine whether he/she is eligible for any additional benefits (such as Medicaid, SSI, food stamps, TANF, Veterans Health Care Program, etc.). If the resident is eligible for any additional benefits, the Service Coordinator will work with the resident to access these benefits. They will assist the residents in completing necessary applications and accompany them on eligibility interviews/appointments.

5. **Accessing Permanent Housing**

The supportive services are designed to equip residents with the skills they need to secure permanent housing within 12 months. As soon as a resident enters the program, the Service Coordinator will develop a plan to maximize the resident's income. Income

Section M. Additional Information

HUD needs the following information to respond to public inquiries about program benefit. Your responses will not affect in any way the scoring of your submission.

1. Which of the following subpopulations will your project serve? (Check all that apply)
   - ✓ Severely Mentally Ill
   - ✓ Chronic Substance Abusers (in recovery)
   - ✓ Dually Diagnosed
   - ✓ AIDS or Related Diseases
   - ✓ Victims of Domestic Violence
   - ☐ Youth
   - ☐ Women with Children

across from ELEMENTARY SCHOOL & SENIORS

2. Will the proposed project be located in a rural area? (A project is considered to be in a rural area when the project will be primarily operated either (1) in an area outside of a Metropolitan Area, or (2) in an area outside of the urbanized areas within a Metropolitan Area.)
   - ☐ Yes
   - ✓ No

3. Is the sponsor of the project a religious organization, or a religiously affiliated or motivated organization? (Note: This characterization of religious is broader than the standards used for defining a religious organization as "primarily religious" for purposes of applying HUD's church/state limitations. For example, while the YMCA is often not considered "primarily religious" under applicable church/state rules, it would likely be classified as a religiously motivated entity.)
   - ☐ Yes
   - ✓ No

4. Will the proposed project be located in, or make use of, surplus military buildings or properties which are located on a military base that is covered by the provisions of the Base Closure Community Redevelopment and Homeless Assistance Act of 1994?
   - ☐ Yes
   - ✓ No

If "yes," please provide the name of the military installation:_____

2002 Technical Submission for the Supportive Housing Program (SHP)

U.S. Department of Housing and Urban Development
Office of Community Planning and Development

Project Sponsor: Carrfour Supportive Housing
Harding Villages - Permanent Housing
Grant Number FL14B20001
PIN FL14001

Submitted by Selectee: Miami-Dade County Homeless Trust
111 NW First Street, 27th Floor, Suite 310
Miami, Florida 33128
Telephone Number: 305 375-1490
Facsimile Number: 305 375-2722

COPY

A-11

Technical Submission

Project Number (Combined with Project Identifier Harding Village (permanent)

FL14B200001 FL14B200032) FL14000

Cover Page

Recipient's Name: **Carrfour Supportive Housing**	HUD Project Number: **FL14B200001 (combined with FL14B200032)**

Check the program component which classifies your project:

- ☐ Transitional Housing (TH)
- ☒ Permanent Housing for Homeless Persons with Disabilities (PH)
- ☐ Supportive Services Only (SSO)
- ☐ Innovative Supportive Housing (IP)
- ☐ Safe Haven (SH)

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Certification:

Name & Title of the Person who can answer questions about this document:	Phone (include area code):
Maria Pellerin Barcus President/CEO	
Address: **155 S. Miami Avenue #1150 Miami, Fl. 33131**	**305-371-8300**

I hereby certify that all the information stated herein is true and accurate.

Warning: HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties. (18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802)

Name & Title of Authorized Official:	Signature & Date:
Maria Pellerin Barcus President/CEO	MPBarcus 2/4/04

A-12

Section A: Project Narrative

1. Project Summary

Carrfour, a not-for-profit developer of supportive housing in Miami-Dade County, is requesting capital and supportive services funding from the Supportive Housing Program ("SHP") for Harding Village. This is a new application.

Harding Village is a new project on Miami Beach, an underserved city with a high number of mentally ill homeless on its street but a relatively low number of supportive housing units. Divided into three separate structures, Harding Village will have 91 units. Of these units, 48 will provide permanent housing targeting dually/multi diagnosed, 24 will provide transitional housing targeting veterans, 18 will be market rate affordable rental units, and one unit will serve as a manager's office. Carrfour will close on the acquisition of this property by the end of 2002 and expects to have the rehabilitated units ready for occupancy by November 15, 2003. A relocation plan for the property will be submitted to U.S. HUD by February 1, 2003. Since the property is currently used primarily as a transient hotel, no need for relocation is expected.

Carrfour is submitting four applications for SHP funding for Harding Village: two applications will serve the permanent residents and two applications will serve the transitional residents. Each application contains requests for capital and supportive services funding. Funding from the Miami Beach Housing Authority's Section 8 Program, The Veteran's Administration's Per Diem Program and tenant contributions will cover Harding Village's operating expenses.

The $500,000 requested in this application will be used to rehabilitate one of Harding Village's three structures and to provide comprehensive supportive services to the residents of that structure- 24 dually/multi diagnosed individuals (including individuals with HIV and AIDS). This application will provide funding for two Service Coordinators, a part-time (30%) Program Director and a Desk Clerk. Two nighttime security guards are included in the operating pro forma for the project. This support team will provide intensive case management and support services on-site. In addition, to provide the residents around-the-clock support, Harding Village will be staffed 24 hours per day.

The services provided will foster independent living, self-sufficiency and residential stability. At intake, each resident will receive a comprehensive assessment which will then be used to develop an Independent Living Plan. The Service Coordinators will then meet with the residents on a weekly basis to assist them in meeting their individualized goals. The supportive services staff will also lead a series of workshops designed to teach the residents independent living skills. The weekly workshops will cover topics such as personal hygiene, housekeeping, budget management, basic job skills, cooking/nutrition and conflict management. These workshops, combined with frequent recreational activities, will foster a sense of community within Harding Village.

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The comprehensive coordination of services requested in this application is integral to the success of this project and its residents. Without these intensive services, the population targeted in this application would not be able to live independently and would require a more restrictive and costly level of care.

2. Homeless Population to be Served

The funding requested will provide supportive, permanent housing to 24 formerly homeless adults with a history of substance abuse, mental illness, and/or multiple diagnoses.

It is estimated that there are over 400 homeless individuals living on the streets of Miami Beach and that approximately 50% of these individuals are chronically homeless and/or mentally ill. Recognizing the increase in the homeless population on Miami Beach, the City of Miami Beach, Douglas Garden's Mental Health Center and the Miami Beach Police Department have collaborated to develop an outreach project. Although the project has been successful, the outreach teams have found that many of Miami Beach's homeless are resistant to receiving services. They have also found that many of these individuals consider Miami Beach their "home" and refuse to leave Miami Beach for services provided in the City of Miami. Harding Village will encourage this service-resistant population to accept services by offering them permanent housing on Miami Beach, instead of asking them to move to another city. In other words, if the homeless individuals know that they can stay "home" on Miami Beach and still receive services, Carrfour anticipates that they will become less resistant to services.

Prior to entering Harding Village, many of the residents may need to undergo treatment programs for substance abuse, mental health and/or medical disabilities. In the months preceding occupancy, information about the project will be disseminated to the homeless population through the outreach programs and through flyers distributed directly to prospective residents. A reservation list will be started at least six months prior to occupancy, providing prospective residents with a period of time to prepare to meet the program requirements prior to intake.

6 MONTHS ONLY

After giving priority to Miami Beach's homeless, any remaining units will be made available to Miami-Dade County's entire network of providers. Since Carrfour already operates two similar programs in Miami, it has an on-going referral network with providers. Project information, acceptance criteria, and the application packets will be distributed by fax and through presentations at the Provider's Forum meetings. These will be followed by visits to the sites of the referral sources and presentations to their case management and outreach staff.

3. Housing Where Participants Will Reside

A-14

a. How the Type of Structure and Scale Fit the Needs of Residents: Harding Village has three structures with a total of 92 units. The garden-style apartments surround a courtyard and pool. Harding Village also has a community meeting room, library and ample parking for residents and visitors. One of Harding Village's three structures will be used for the 24 residents served in this application. Each resident will have their own apartment with a kitchen, bathroom and air conditioning unit. Each apartment will be fully furnished. Residents will have one-year renewable leases and may continue to live in the apartments indefinitely as long as they are in compliance. Rental assistance will be provided through the Section 8 Project Based Moderate Rehabilitation Assistance Program.

Harding Village's central courtyard, pool area, community room and library are designed to encourage resident interaction and active participation in the supportive community. The community room will be used extensively for recreational, educational and supportive activities (such as NA and AA meetings). The community room will also contain a computer lab.

Apartment units in projects of this scale offer each resident a fully private residence with the added benefit of a structured community environment with the opportunity for positive social interactions. Residents are members of a supportive community of individuals, all of whom are at different stages of self-sufficiency.

b. Community Amenities: Harding Village is centrally located in the North Beach section of Miami Beach. The site is located within walking distance to grocery stores, shops, a full-service library, Biscayne Elementary (which has a full array of adult education classes), the beach and several parks. Harding Village is located on a major public transportation route. Without transferring buses, the residents of Harding Village can take one bus to Douglas Garden's Mental Health Center, Miami Beach's One Stop Center, South Beach and downtown Miami.

12 BLOCKS AWAY IS WALKING?

c. Accessibility to Persons with Disabilities: Harding Village's supportive services office, community room, central courtyard and ground floor units are accessible to the physically handicapped.

d. Length of Stay: Not applicable to permanent housing.

e. Local Market Conditions: The size of this project is typical for Miami Beach and this neighborhood. Having this number of residents at one location facilitates the provision of services and activities. It also makes possible the provision of common areas and 24 hour staffing. The current inventory of permanent, supportive beds in Miami-Dade County is 964 while the estimated need is for 2,244 beds. The unmet need (or gap) of beds such as the ones in this program is 1,280. In light of this unmet need, a project of this size is crucial to the community.

4. **<u>Supportive Services the Participant Will Receive</u>**

A-15

a. How the Type and Scale will Fit the Need of the Participants: The supportive services will assist the residents in living independently in a permanent housing project. These services are designed to assist the residents in attaining the life skills necessary to be self-sufficient, acquire productive employment and live independently. The "type" of services and the "scale" will be individually tailored to meet the needs of each resident.

At intake, each resident will meet with a Service Coordinator and the Program Director to assess their needs and to develop an Independent Living Plan ("ILP"). The ILP will include plans for daily living (taking medication, daily hygiene, attending appointments, etc.), employment, training, transportation, treatment and budgeting. While the strength-based ILP encourages each resident to be as active and productive as possible, the level of self-sufficiency targeted will be adjusted depending on the individual's degree of disability. Service Coordinators will meet with each resident once per week to monitor their progress on the ILP. Since this program will serve individuals with multiple diagnoses (including HIV and AIDS), Service Coordinators will pay close attention to each resident's compliance with medical care, psychiatric care, mental health treatment and substance abuse after-care treatment. Service Coordinators will work with each resident to develop a daily medication schedule and a weekly appointment schedule.

Two Service Coordinators will work exclusively with the residents of this project. Services will include:

- Case Management: Service Coordinators will link residents to necessary social services, medical services, mental health services, psychiatric services and legal services. They will also assist residents in navigating the sometimes overwhelming system of agencies and services they need to access to attain self-sufficiency.

- Life Skills: Many homeless persons have either lost or never had the daily living skills necessary to maintain housing and employment- skills such as personal hygiene, housekeeping, time management, meal preparation, and budgeting. Through individual meetings with residents and group trainings, the Service Coordinators will assist the residents in developing these skills. The Service Coordinators will also assist residents in handling any conflicts/crisis that arise and teach the residents conflict resolution skills to deal with future situations. Program staff will also assist residents in creating a supportive community by organizing the Residents' Council, planning recreational activities to foster positive interaction among residents and by mediating conflicts between residents.

- Employment Services: Under the guidance of Carrfour's Director of Employment Services, Service Coordinators will work individually with each resident to maximize their employability. Program staff will emphasize employment as the key to permanently sustaining independent living and self-sufficiency. Harding Village with share Carrfour's employment philosophy: "get a job, get a better job, then get a career." Program staff will assist residents in enrolling in vocational training programs and make referrals to employment programs such as Jobs for

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Miami, Jewish Vocational Services, New Directions and Goodwill. Harding Village will also enter into a Memorandum of Understanding with Miami Beach's One Stop Center. Other employment services offered will include assistance in preparing employment applications, assistance in preparing for job interviews (including mock interviews) and accompanying the resident on his/her first day of work. Service coordinators will also meet daily with the resident during the first two weeks of employment.

b. Transportation: To the extent possible, services will be provided on-site. The supportive services will be housed within Harding Village. Transportation to employment, training and off-site services will be addressed in each resident's Independent Living Plan. Service Coordinators will assist residents in securing transportation by providing bus schedules and mapping out bus routes with each resident. Harding Village is conveniently located near major public bus routes. Without having to transfer buses, the residents of Harding Village will be able to take one bus to Douglas Garden's Mental Health Center, Miami Beach's One Stop Center, South Beach and downtown Miami.

c. Accessing Mainstream Programs: At intake, each resident will be assessed and an individual needs analysis will be developed and integrated into the Independent Living Plan. As part of this process, the Service Coordinators, who will be trained in the types of benefits available to this population, will look at the mainstream benefits the resident is receiving and determine whether he/she is eligible for any additional benefits (such as Medicaid, SSI, food stamps, TANF, Veterans Health Care Program, etc.). If the resident is eligible for any additional benefits, the Service Coordinator will work with the resident to access these benefits. They will assist the residents in completing necessary applications and accompany them on eligibility interviews/appointments.

5. **Accessing Permanent Housing**

The supportive services will be designed to equip residents with the skills they need to continue living independently within the permanent housing project. The Service Coordinators will be the front line of defense against issues that could result in loss of housing. The Program Director and the Service Coordinators will meet with the property manager on a weekly basis to discuss any issues that could result in eviction or loss of housing. These issues typically include not paying rent on time, failure to properly maintain their unit and interpersonal disputes with other residents. When these issues are reported by the property manager, the Service Coordinators will immediately assist the resident in rectifying the problem.

More importantly, the Service Coordinators will work regularly with the residents on preventing these issues from occurring. Individually and through group workshops, the Service Coordinators will teach residents how to manage their money, properly maintain their unit and resolve disputes with other tenants. Recognizing that attaining these skills is key to maintaining permanent housing, each resident's Independent Living Plan will address how he/she will attain these skills.

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Certification of Consis' ncy with the Consolidated Plan

U.S. Department of H-using and Urban Develop .t

I certify that the proposed activities/projects in the application are consistent with the jurisdiction's current, approved Consolidated Plan. (Type or clearly print the following information:)

Applicant Name: Carrfour Corporation

Project Name: Harding Village

Location of the Project: 8540 Harding Avenue
Miami Beach, Florida 33141

Name of the Federal Program to which the applicant is applying: Supportive Housing Program

Name of Certifying Jurisdiction: City of Miami Beach

Certifying Official of the Jurisdiction Name: Jorge M. Gonzalez

Title: City Manager

Signature: [signature]

Date: 5/8/02

APPROVED AS TO FORM & LANGUAGE & FOR EXECUTION

[signature] 4-29-02
City Attorney Date

form HUD-2991 (3/98)

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RESOLUTION NO. 2002-24843

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING AND AUTHORIZING THE CITY MANAGER TO ISSUE A CERTIFICATION OF CONSISTENCY WITH THE CITY'S CONSOLIDATED PLAN TO CARRFOUR CORPORATION TO UTILIZE FUNDS PROVIDED DIRECTLY BY THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT TO PROVIDE SUPPORTIVE HOUSING TO FORMERLY HOMELESS INDIVIDUALS AT HARDING VILLAGE, 8540 HARDING AVENUE, MIAMI BEACH.

WHEREAS, on July 1, 1998 the Mayor and City Commission adopted the City of Miami Beach Consolidated Plan for Fiscal Years 1998-2002; and

WHEREAS, Carrfour Corporation is proposing to submit an application to the U.S. Department of Housing and Urban Development (U.S. HUD) for funding to provide supportive housing to formerly homeless persons residing at Harding Village located at 8540 Harding Avenue; and

WHEREAS, U.S. HUD requires that applicants for Federal funding submit a Certification of Consistency with the Consolidated Plan from the entitlement jurisdiction where the proposed activity is located; and

WHEREAS, Carrfour Corporation requested that the City issue the required Certification of Consistency with the Consolidated Plan; and

WHEREAS, in accordance with the City's adopted Consolidated Plan, each request for a Certification of Consistency with the Consolidated Plan requires City Commission review and approval; and

WHEREAS, the Administration has reviewed the proposed activity and found it to be consistent with the Consolidated Plan.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the City Manager is authorized to issue a Certification of Consistency with the City's Consolidated Plan to Carrfour Corporation to utilize funds provided directly by the U.S. Department of Housing and Urban Development to provide supportive housing to formerly homeless individuals at Harding Village, 8540 Harding Avenue, Miami Beach.

PASSED AND ADOPTED this 8th day of May, 2002.

ATTEST:

CITY CLERK

MAYOR

CERT_C~1\CRC-SRO.RES

APPROVED AS TO FORM & LANGUAGE & FOR EXECUTION

City Attorney

4-25-02
Date

CITY OF MIAMI BEACH
COMMISSION ITEM SUMMARY

Condensed Title:

A resolution authorizing the City Manager to issue a Certificate of Consistency with the City's Consolidated Plan to Carrfour Corporation to utilize funds provided directly from U.S. HUD to provide Supportive Housing to formerly homeless individuals at Harding Village, 8540 Harding Avenue, Miami Beach.

Issue:

Shall the City authorize the City Manager to issue a Certificate of Consistency with the Consolidated Plan to Carrfour to be submitted as part of an application to U.S. HUD to provide supportive housing to formerly homeless individuals at Harding Village, 8540 Harding Avenue, Miami Beach?

Item Summary/Recommendation:

On April 22, 2002, Carrfour Corporation requested a Certificate of Consistency with the City's Consolidated Plan to be submitted as part of an application for funds from U.S. HUD. Carrfour is in the process of obtaining funds to acquire and rehabilitate three buildings located at 8540 Harding Ave. The buildings are to be combined into one facility to provide 92 units of supportive housing and case management for formerly homeless individuals. The Harding Village will serve individuals emerging from Miami-Dade County's Continuum of Care who, after two years in the homeless program, are ready to become part of the community once again. In accordance with the adopted City of Miami Beach Consolidated Plan, for Fiscal Years 1998-2002, each request for a Certification of Consistency with the Consolidated Plan requires City Commission review and approval.

Advisory Board Recommendation:

N/A

Financial Information:

Amount to be expended:
N/A

Source of Funds:

N/A

Finance Dept.

	Amount	Account	Approved
1	N/A		
2			
3			
4			
Total			

Sign-Offs:

Department Director	Assistant City Manager	City Manager

AGENDA ITEM C70

DATE 5-8-02

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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 8, 2002

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 CITY MANAGER TO ISSUE A CERTIFICATION OF CONSISTENCY WITH THE CITY'S CONSOLIDATED PLAN TO CARRFOUR CORPORATION TO UTILIZE FUNDS PROVIDED DIRECTLY BY THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT TO PROVIDE SUPPORTIVE HOUSING TO FORMERLY HOMELESS INDIVIDUALS AT HARDING VILLAGE, 8540 HARDING AVENUE, MIAMI BEACH.**

ADMINISTRATION RECOMMENDATION

Adopt the Resolution.

ANALYSIS

On April 22, 2002, Carrfour Corporation (Carrfour) requested a Certification of Consistency with the City's Consolidated Plan as part of an application for funds from the U.S. Department of Housing and Urban Development (U.S. HUD). Carrfour is submitting a grant application to U.S. HUD for $1,500,000 in grant funding from the Supportive Housing Program (SHP). The grant will be used to pay for service coordinators to provide case management to the residents of Harding Village at 8540 Harding Avenue, Miami Beach. These services are to be integrated with a variety of community resources, including vocational training and employment, to be effective in empowering residents to lead stable and productive lives in the community.

This application from Carrfour is included as part of an application to be submitted to U.S. HUD by the Miami-Dade Homeless Trust (Homeless Trust) in response to the annual Notice of Funding Availability (Super NOFA). The Homeless Trust submits a countywide application to U.S. HUD on behalf of local housing providers requesting funding under the Super NOFA.

U.S. HUD requires that applicants for funding obtain and submit a Certification of Consistency with the Consolidated Plan from the entitlement jurisdiction where the activity is to be located for each application. In accordance with the adopted City of Miami Beach Consolidated Plan, for Fiscal Years 1998-2002, each request for a Certification of Consistency with the Consolidated Plan requires City Commission review and approval.

Carrfour Corporation is a not-for-profit corporation that has been working to develop supportive housing for formerly homeless people since 1993. In 1998, Rivermont House, developed by Carrfour Corporation, was opened in Miami. This facility now houses 76 formerly homeless, single adult men and women. Carrfour has also developed other residences and programs to assist formerly homeless people become self-sufficient.

Carrfour is in the process of obtaining funds from the State of Florida to acquire and rehabilitate three buildings located at 8540 Harding Avenue, Miami Beach. The buildings are to be combined into one facility and provide 92 affordable units of supportive housing and case management services for formerly homeless individuals. Forty-six units will be provided to disabled individuals.

The Harding Village will serve individuals emerging from Miami-Dade County's Continuum of Care who, after two years in the homeless program, are ready to become part of the community once again. This project serves as part of the final "bridge" between the Continuum of Care and assimilation back into the community.

The Administration has reviewed the documentation submitted by Carrfour describing the proposed activities and has concluded that the supportive housing is consistent with the City's Consolidated Plan. The Consolidated Plan identifies long term objectives in Chapter 4, "Five Year Strategy". Under the Homelessness Strategy (Continuum of Care), page 54, the Plan states: "...to effectively address the needs of the homeless, a combination of services (often provided by different agencies) must be brought together in a coordinated manner to help move a family from homelessness to self-sufficiency." The Plan further states: "When the underlying problem is economic, a more comprehensive governmental response that includes social services, job training, and affordable housing is needed in order to move low-income households from homelessness and governmental dependency to self-sufficiency."

The Administration recommends adoption of the attached Resolution of the Mayor and City Commission of the City of Miami Beach, Florida, approving and authorizing the City Manager to issue a Certification of Consistency with the City's Consolidated Plan to Carrfour Corporation to utilize funds provided directly by the U.S. Department of Housing and Urban Development to provide supportive housing to formerly homeless individuals at Harding Village, 8540 Harding Avenue, Miami Beach.

JMG/RCM/VPG/MDC/RS
F:\NEIG\Housing\MIGUELL\CARRFOUR 2002 Harding Village.doc

STATE OF FLORIDA
COUNTY OF DADE

I, ROBERT PARCHER, City Clerk of the City of Miami Beach , Florida, do hereby certify that the above and foregoing is a true and correct copy of the original thereof on file in this office.

WITNESS my hand and the seal of said City this 8th day of May, A.D. 2002.

ROBERT PARCHER
City Clerk of the City of Miami Beach, Florida

BY Mercedia Williams
DEPUTY CLERK

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THE HOUSING AUTHORITY OF THE CITY OF MIAMI BEACH

BOARD OF COMMISSIONERS

MARIA BEATRIZ GUTIERREZ
CHAIRWOMAN

STEVEN E. CHAYKIN
VICE CHAIRMAN

ROSALIA LOPEZ
COMMISSIONER

200 Alton Road
MIAMI BEACH, FL 33139-6742
TELEPHONE: 305-532-6401
FAX: 305-674-5001
TDD 305-672-5501

MILLI MEMBIELA
COMMISSIONER

LEONARD TURKEL
COMMISSIONER

KATHRYN T. HAYNES, CMH
EXECUTIVE DIRECTOR

November 4, 2004

Maria Pellerin Barcus, President
Harding Village, Inc.
155 South Miami Avenue, Suite 1150
Miami, Florida 33131

Re: Project-Based Section 8 Voucher Program
Harding Village – 8500, 8520, 8540 Harding Avenue, Miami Beach, FL

Dear Maria:

Congratulations! The application submitted by your agency for the above referenced property has been selected for inclusion in the HACMB's Project-Based Section 8 Voucher Program. The HACMB has approved your request for 20 Section 8 Project-Based vouchers. ***The vouchers will be assigned based upon availability.***

The selection of your property is made in accordance with RFP # 02-2004 Project-Based Section 8 Voucher Program, U.S. HUD regulations, the provisions set forth in HUD's January 16, 2001 Initial Guidance (66 FR 3605), and any future notices issued by HUD. The selection of your property can be terminated by the HACMB or HUD if the contract units were not eligible for selection in conformity with HUD requirements.

Please contact Vashtye Leon, Section 8 Manager at (305) 532-6401, extension 3050 to begin the process of assigning vouchers to your property.

Sincerely,

Miguell Del Campillo
Interim Executive Director

cc: Orlando Prendes, Housing Programs Director
Vashtye Leon, Section 8 Manager
Fabian Guarnizo, Purchasing Manager

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The Housing Authority of the City of Miami Beach

Project-Based Section 8 Voucher Program
RFP # 02-2004

APPLICATION COVER FORM

Check all that apply:

- ☐ Existing Housing
- ☒ Rehabilitation
- ☐ New Construction
- ☐ Senior
- ☒ Disabled
- ☐ Families

Fill in the blanks:

No. of units in the project 92
No. of buildings in project 3

No. of units to be project-based assisted 20
No. of units to be unassisted 72

No. of occupied units to be project-based 0
No. of vacant units to be project-based 20

Applicant Name Harding Village, Inc.
Contact Person Maria Pellerin Barcus
Business Address 155 S. Miami Avenue, Ste. 1150
Miami, FL Zip Code 33131
Mailing Address (if different from above)
Zip Code
Phone # (305) 371-8300 Fax # (305) 371-1376 E-mail mpb@carrfour.org
Tax ID # 75-3046656 D/B/A

Name of Managing Agent (If applicable) Lane Company
Contact Person Angela Isham
Business Address 5300 Powerline Road, Ste. 200
Fort Lauderdale, FL Zip Code 33309
Mailing Address (if different from above)
Zip Code
Phone # (954) 772-5269 Fax # (954) 772-7159 E-mail aisham@lanecompany.com
Tax ID #
D/B/A

Estimated project construction completion/Certificate of Occupancy date March 2005

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A. PROJECT SUMMARY

Carrfour Supportive Housing (Carrfour) is requesting Project-Based Section 8 Vouchers for 20 Single Room Occupancy (SRO) units for the disabled. The project, Harding Village, is located at 8500, 8520 and 8540 Harding Avenue in the City of Miami Beach. Carrfour closed on the acquisition of this property on June 28, 2004. A copy of the Warranty Deed is attached as Exihibt 1.

Harding Village was an operating hotel and is in very good condition. Since the property was operated as a hotel, there is no need for relocation. Carrfour expects to have the rehabilitated units ready for occupancy by March 2005. This rehabilitation will be a great benefit to Miami Beach, an underserved city with a high number of mentally ill homeless on its street but a relatively low number of supportive housing units. Harding Village will be a mixed-income 92 unit SRO project providing 74 units for homeless individuals (a mixture of permanent and transitional housing units) and 18 affordable units targeted to individuals earning less than 60% Area Medium Income.

Project Features

The project consists of three, adjacent, two-story buildings surrounding a courtyard and pool for outdoor recreation. Other project features include a community meeting room, a library, a computer lab, and ample parking for residents and visitors. The property also has a well-equipped laundry facility that will be made available to residents. Each resident will have his or her own private fully furnished unit with one-year renewable leases. They may continue to live in the units indefinitely as long as they remain in compliance with terms of their lease. Additionally, apartments at Harding Village will offer each resident a fully private residence with the added benefit of a structured community environment including a desk clerk to monitor and control access. By providing these features in a termite and pest free environment, Carrfour creates an opportunity for positive social interactions designed to encourage active participation in the community.

shared b/w 2 parties! Not private

Funding

The Harding Village project is fully funded, with all funding committed. Capital sources include the following: Florida Housing Finance Corporation, tax credit equity, Miami-Dade County, the Federal Home Loan Bank of Atlanta, the City of Miami, and US HUD. Supportive Services are fully funded through the US HUD Supportive Housing Program in an SHP grant of $500,230 to provide on site supportive services to the residents of Harding Village.

Please refer to a Funding Commitments in Exhibit 2.

On-site Supportive Services to the Disabled

On-site supportive services are fully funded by the Supportive Housing Program. These services are designed to assist the residents in attaining the life skills necessary to be self-sufficient, acquire productive employment and live independently. The "type" of services and the "scale" will be individually tailored to meet the needs of each resident.

At intake, each resident will meet with a Service Coordinator and the Program Director to assess their needs and to develop an Independent Living Plan ("ILP"). The ILP will include plans for daily living (taking medication, daily hygiene, attending appointments, etc.), employment, training, transportation, treatment and budgeting. While the strength-based ILP encourages each resident to be as active and productive as possible, the level of self-sufficiency targeted will be adjusted depending on the individual's degree of disability. Service Coordinators will meet with each resident once per week to monitor their progress on the ILP. Since this program will serve individuals with multiple diagnoses, Service Coordinators will pay close attention to each resident's compliance with medical care, psychiatric care, mental health treatment and substance abuse after-care treatment. Service Coordinators will work with each resident to develop a daily medication schedule and a weekly appointment schedule.

Two Service Coordinators will work exclusively with the residents of this project. Services will include:

Case Management: Service Coordinators will link residents to necessary social services, medical services, mental health services, psychiatric services and legal services. They will also assist residents in navigating the sometimes overwhelming system of agencies and services they need to access to attain self-sufficiency.

Life Skills: Many homeless persons have either lost or never had the daily living skills necessary to maintain housing and employment- skills such as personal hygiene, housekeeping, time management, meal preparation, and budgeting. Through individual meetings with residents and group trainings, the Service Coordinators will assist the residents in developing these skills. The Service Coordinators will also assist residents in handling any conflicts/crisis that arise and teach the residents conflict resolution skills to deal with future situations. Program staff will also assist residents in creating a supportive community by organizing the Residents' Council, planning recreational activities to foster positive interaction among residents and by mediating conflicts between residents.

Employment Services: In providing employment services to residents, Carrfour abides by the principles developed by the Corporation for Supportive Housing:

- Employment services must be multi-faceted. Integrated support services paired with the offer of a job is most effective.

While accompanying the participant, Carrfour staff model to the resident the skills necessary to accomplish each activity on his/her own. Research has shown that many service providers assume that participants have the knowledge and skills to follow through on tasks that appear simple to the service provider. Then, when the participant does not follow through, the service provider assumes that it is because the participant is unmotivated. Therefore, by initially having a very "hands-on" approach, Carrfour ensures that the resident has the skills and knowledge necessary to accomplish the employment and training goals on his/her Self Sufficiency Plan.

Carrfour also provides residents with tangible assistance during the job search and placement process. Residents are provided with bus passes, uniforms, tools, clothing for interviews, child care and anything else the resident needs in order to get a job.

All job placements are celebrated as a success. All of the residents in the project are invited to the celebration. In addition to boosting the morale of the newly employed resident, these celebrations serve to motivate the unemployed residents.

Retention Services/Follow-up Services

Recognizing that job retention is as important as securing a job, the employment and training coordinators meet with residents daily during the first two weeks of employment and once per week thereafter for the first 3 months. During these meetings, the coordinators trouble shoot problems at the worksite and develop a plan with the resident to resolve the identified problems. If necessary, the employment and training specialist will provide on-site job coaching. Residents who are employed are also encouraged to continue participating in the soft skills acquisition sessions. In addition to providing the newly employed resident with continued peer support and the opportunity to continue developing their skills, the employed residents serve as motivators for the residents that are not yet employed.

Job Development

Successful employment programs have shown that a credible, standing offer of employment is needed to capitalize on a participant's engagement and motivation. Carrfour uses the following strategies to create standing work offers:

- ***Hiring participants "in-house"*** In-house includes within Carrfour (usually within Carrfour's property management component) and the Business Advisory Committee which is composed of local small business owners who serve as advisors to Carrfour's staff.

- ***Linking with private sector employers through individualized and group placements and training/placement partnerships:*** Carrfour has tapped into large employers in South Florida such as Precision Corporation and Marriott for group training/employment opportunities. Carrfour has used the model created by Thresholds, Chicago's largest mental health provider, to market group training/placement opportunities. Highlights of this marketing plan include:

    - Diversification of workforce
    - Lower absenteeism
    - Reduced turnover
    - Lower hiring costs

- On-the-job training at no cost to employer
- Employer tax credits
- Marketing advantage
- Tailored services at no cost to employer

- ***Creating jobs by starting or expanding business***: Carrfour has partnered with My Father's Place to start a computer refurbishing business. Carrfour is currently looking for a new business opportunity that can be operated by Carrfour residents

Services Staff

Stephanie Berman, Carrfour's Director of Resident and Property Services, has over 10 year of experience working with homeless families and a Master's Degree from Harvard University in program administration, planning and social policy. Stephanie previously served as the Program Director of Emergency Shelter Services for the Children's Home Society. Jay Jackson, Carrfour's Director of Employment and Training, has a Master's Degree in Education and over fifteen years of experience working with individuals with multiple barriers to employment. Sandra Newson, Del Prado's Program Director, is a Licensed Clinical Social Worker (LCSW) with extensive experience in case management services from her previous work with the Children's Home Society and the Department of Children and Families. Carlos Laso, the Program Director for both Rivermont and Wynwood, is a licensed clinician that has over a decade of experience in counseling and program development. Ann Cumbie, the Program Director for both Transition to Affordable Housing and Transition to Homeownership, has over 15 years of experience in employment programs and program administration.

The program staff for Harding Village has not yet been hired. The Program Directors will be qualified mental health practitioners with extensive experience working with this population. Every effort will be made to hire program staff that is linguistically and culturally reflective of the population served in this development.

Transportation

Harding Village is centrally located in the North Beach section of Miami Beach. The site is located within walking distance to grocery stores, shops, a full-service library, Biscayne Elementary (which has a full array of adult education classes), the beach and several parks. Harding Village is located on a major public transportation route. Without transferring buses, the residents of Harding Village can take one bus to Douglas Garden's Mental Health Center, Miami Beach's One Stop Center, South Beach and downtown Miami. Furthermore, Harding Village's supportive services office, community room, central courtyard and ground floor units are accessible to the physically handicapped.

THERE IS NOTHING CLOSE EXCEPT THE BEACH
94TH & 69TH CLOSEST SUPER MARKET
NOT AROUND CORNER

To the extent possible, services will be provided on-site. The supportive services will be housed within Harding Village. Transportation to employment, training and off-site services will be addressed in each resident's Independent Living Plan. Service

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Coordinators will assist residents in securing transportation by providing bus schedules and mapping out bus routes with each resident. Harding Village is conveniently located near major public bus routes.

Location at 8540 Harding Avenue in Miami Beach, the neighborhood is highly urbanized. It is near the commercial district, which provides access to jobs, grocery stores and pharmacies all within walking distance from the subject property.

Please see attached map.

69 TH & 94 TH ST. NOT AROUND CORNER NOTHING CLOSE EXCEPT BEACH!

HAP Term

The proposed term of the HAP contract is 10 years.

Implementation Schedule

Action Steps:	Completion
1. Environmental Study	Jan 04
2. Housing Credit Application	April 04
3. Apply for Building Permit	April 04
4. Select General Contractor	June 04
5. Acquisition	June 04
6. Close on Construction Financing	July 04
7. Start Construction	Aug 04
8. Monitor Construction	Oct 04
9. Begin Tenant Intake & Qualification	Jan 05
10. Monitor Construction	Jan 05
11. Finish Construction	Mar 05
12. Certificate of Occupancy	Mar 05
13. 100% Lease-up	Mar 05

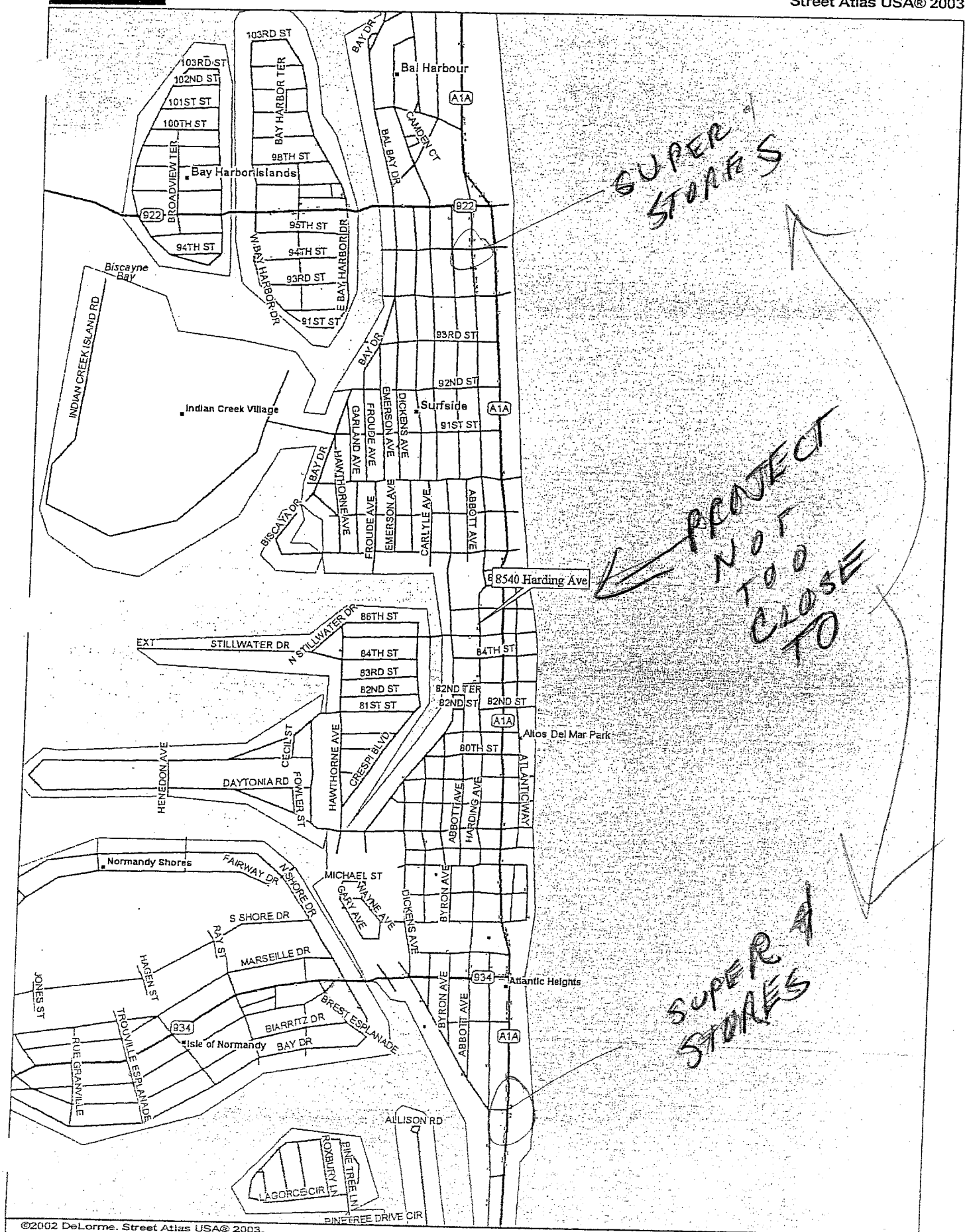
Please also refer to the attached diagram.

Management Plan

Carrfour Supportive Housing will contract with Lane Company for the property management services. Please see Management Plan in Exhibit 3.

DeLORME

Street Atlas USA® 2003



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TN

MN (5.2°W)

Scale 1 : 22,400

1" = 1870 ft

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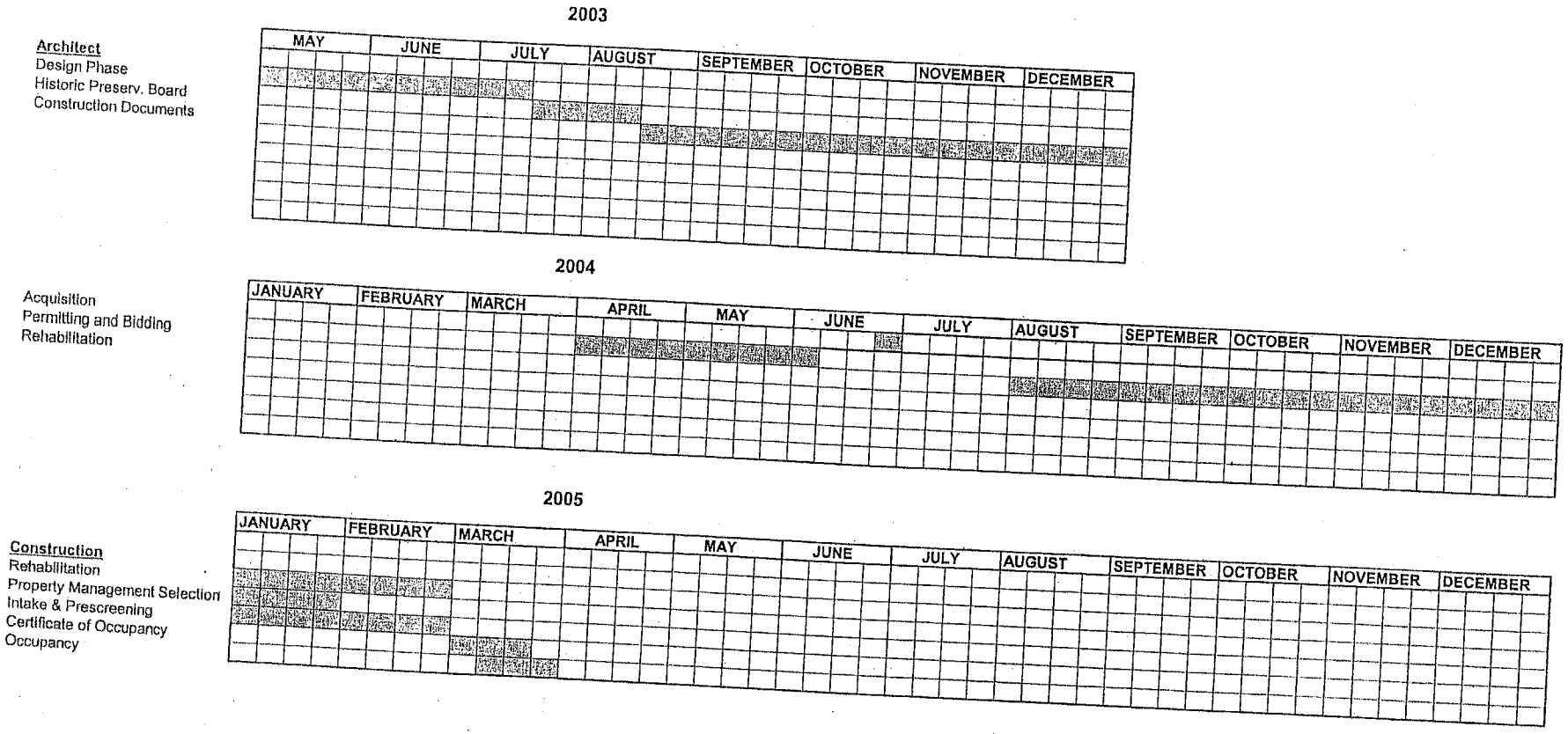
CARRFOUR S[illegible]RTIVE HOUSING
HA[illegible] ILLAGE
PRO[illegible] TIMELINE



8/2/2004

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CITY OF MIAMI BEACH
BUILDING DEPARTMENT
1700 CONVENTION CENTER DR
MIAMI BEACH, FL 33139

305-673-7610 OFFICE

305-673-7857 FAX

#37,002

WORK PERMIT APPLICATION

(PLEASE FILL OUT COMPLETELY)

DATE: / /

CODE IN EFFECT: FLORIDA BUILDING CODE

IF SUBSIDIARY OR REVISION PROVIDE THE MASTER BUILDING PERMIT NUMBER HERE: B040285

LOCATION OF IMPROVEMENTS

JOB ADDRESS: 8500 - 8540 HARDING AVE
FOLIO NUMBER: 02-3202-005-0320
LOT: 10 THRU 14 LESS ELY 2.5 FOR F/W
BLOCK: 4
SUBDIVISION: BEACH BAY SUBDIVISION
P. B. PAGE: 44, 25
YEAR BUILT: 1950

CONTRACTOR INFORMATION

LICENSE #: TBD
SS #:
COMPANY:
QUALIFIER:
ADDRESS:
CITY/STATE/ZIP:
PHONE #:

OCCUPANCY CLASSIFICATION

ASSEMBLY OCCUPANCY - GROUP A		HAZARDOUS OCCUPANCY - GROUP H	
BUSINESS OCCUPANCY - GROUP B		INSTITUTIONAL OCCUPANCY - GROUP I	
DAY-CARE OCCUPANCY - GROUP D		MERCANTILE OCCUPANCY - GROUP M	
EDUCATIONAL OCCUPANCY - GROUP E		RESIDENTIAL OCCUPANCY - GROUP R	✓
FACTORY/INDUSTRIAL OCCUPANCY - GROUP F		STORAGE OCCUPANCY - GROUP S	

TYPE OF IMPROVEMENTS

DESCRIPTION OF WORK: DRYWALL, PAINT, REPLACE SINK ALTERATIONS ADD HC ROOMS WITH PLUM, MECH, ELECT REPLACE WINDOWS 48 OPEN

VALUE OF WORK: $1,000,000 NO BLDGS: 3/1 NO OF UNITS: 46 APTS NO OF FLOORS: 2/1

SQUARE FEET: 28,000 LINEAL FEET: N/A POOL GALLONAGE: N/A

( ) NEW CONSTRUCTION ON VACANT LAND	( ) FOUNDATION ONLY	( ) SHELL ONLY	( ) SIGNS
(✓) ALTERATION INTERIOR	( ) ENCLOSURE	( ) ADDITION ATTACHED	( ) ROOFING
( ) ALTERATION EXTERIOR	( ) REPAIR	( ) ADDITION DETACHED	( ) SWIMMING POOL/SPA
( ) STRUCTURE RELOCATION	( ) REPAIR DUE TO FIRE	( ) AWNING/CANOPIES	( ) HURRICANE SHUTTERS
	( ) DEMOLISH	( ) FENCING	( ) WINDOWS/SLIDING DOORS

PERMIT TYPE

(✓) BUILDING	( ) MECHANICAL
( ) ELECTRICAL	( ) PLUMBING
( ) ELEVATOR	( ) LPGX

CHANGE TO EXISTING

( ) CHANGE CONTRACTOR	( ) PERMIT UPGRADE
( ) REVISIONS	( ) SUPPLEMENTAL
( ) EXTENSION	( ) REINSPECTION

OWNER'S INFORMATION

NAME: HARDING VILLAGE, INC. (CONTRACT VENDEE)
ADDRESS: 155 S. MIAMI AVE #1150
CITY/STATE/ZIP: MIAMI, FL 33131
PHONE NUMBER: 305-371-8300

MORTGAGE LENDER'S INFORMATION

NAME:
ADDRESS:
CITY/STATE/ZIP:
PHONE NUMBER:

ARCHITECT'S INFORMATION

NAME: GILLER & GILLER, INC.
ADDRESS: 975 41 STREET, #401
CITY/STATE/ZIP: MIAMI BEACH, FL 33140
PHONE NUMBER: 305-538-6324
AA C001364
IRA GILLER

ENGINEER'S INFORMATION

NAME:
ADDRESS:
CITY/STATE/ZIP:
PHONE NUMBER:

PLEASE SEE REVERSE SIDE OF THIS DOCUMENT

(2)
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305-673-7610 OFFICE

CITY OF MIAMI BEACH
BUILDING DEPARTMENT
1700 CONVENTION CENTER DR
MIAMI BEACH, FL 33139

305-673-7857 FAX

Application is hereby made to obtain a permit to do work and installation as indicated. I certify that all work will be performed to meet the standards of all laws regulation construction in this jurisdiction. I understand that **SEPARATE PERMITS ARE REQUIRED** for ***Electrical, Mechanical, Plumbing, Signs, Swimming Pools and Spas, Windows and Sliding Glass Doors and Roofing***. As per Florida Building Code 104.4.1.4:

NOTICE: In addition to the requirements of this permit, there may be additional restrictions applicable to this property that may be found in the public records of this county, and there may be additional permits required from other governmental entities such as water management districts, state agencies or federal agencies.

_____

SIGNATURE OF QUALIFIER ONLY

STATE OF FLORIDA **COUNTY OF DADE**

Sworn to and subscribed before me this _____ day of _____, 2002, By:

_____

PLEASE PRINT QUALIFIER'S NAME

( ) Personally Known to me. ( ) Procured Indentification:

Type of Indentification: _____

( ) DID TAKE OATH. ( ) DID NOT TAKE OATH

_____

Signature of Notary Public

2

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CITY OF MIAMI BEACH
Miami Beach, Florida 33139

RECEIPT OF PAYMENT

(This is not a permit it is a receipt only)

04-29-2004

Receipt: R010091998

Activity Number: B0402851
Status: APPLIED

Date Applied: 04/12/2004
Date Completed:

Date Issued:
Date Expired:

Entered By: BUILCOBY

Site Address: 8500 HARDING AV MBCH
Parcel #: 32020050320

Balance Due: $32,002.20
Valuation: $1,000,000.00

Applicant: TO BE ASSIGNED

Owner: ATLANTIC ASSOCIATES INC
8520 HARDING AVE
MIAMI BEACH FLORIDA 33141

Description: INT. AND EXT. RENOVATIONS TO APARTS, RENOVATE FOR

Payments made for this receipt:

Type	Method	Description	Amount
Payment	Check	14604	5,000.00

Payment Made: 04/12/2004 01:09 PM Accepted By: YC

Total Payment: 5,000.00 Payee: GUILLER & GUILLER INC

Current Payment Made to the Following Items:

Account Code	Description	Amount
011800032210	Building Permits	5,000.00

Account Summary for Fees and Payments:

Item#	Description	Account Code	Tot Fee	Paid	Prev. Pmts	Cur. Pmts
10	Building Permits	0118000322100	32,431.00	5,000.00	.00	5,000.00
270	Zoning	0118000322630	100.00	.00	.00	.00
280	Fire	0118000322640	1,091.20	.00	.00	.00
420	SFBC Compliance Fee	6017000229217	600.00	.00	.00	.00
430	Training	6017000229253	1,000.00	.00	.00	.00
440	Sanitation Impact Fe	4358000363293	1,500.00	.00	.00	.00
460	RADON Surcharge	6017000229213	280.00	.00	.00	.00

[RECEIPT]

(4)

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Harding Village
Sources & Uses

		Total Budget
Land		
	Existing Buildings, owned	3,625,000
	Other - Brokerage fee	0
Subtotal Land		**3,625,000**
Construction Costs		
	Hard Costs	1,054,813
	Contractor Fee	102,658
Subtotal Construction Contract		1,157,471
	Fence/Security	125,000
	Construction - Other (furniture)	250,000
	Contingency	472,730
Subtotal Construction Costs		**2,005,201**
Soft Costs		
	Accounting	15,000
	Appraisal & Mkt. Study	7,500
	Asbestos Removal/Enviro Monitor	0
	Architect/Engineering	110,000
	Surveys	4,000
	Legal Fees	100,000
	Property Taxes	71,079
	Title Insurance & Recording Fees	40,000
	Environmental Report & Soil Test	3,770
	Contingency	100,000
	Inspection Fees	12,000
	Building Permit	35,000
	Insurance	55,000
	Builder's Risk Insurance	55,000
	Wachovia, Bridge Loan Interest	60,000
	Loan Commitment Fees/Closing C	55,000
	Construction Loan Interest	20,000
	FHFC Application Fee	1,000
	FHFC Credit Underwriting & Admin	38,838
	FHFC Compliance Fee	65,984
	Exit Tax Reserve	170,000
	Initial Operating Reserve	137,519
	Operating Deficit Reserve	1,514,208
	Developer Fee	530,858
Subtotal Soft Costs		**3,201,756**
Total Project Costs		**8,831,957**

Source of Funds:		Status
FHFC SAIL	$2,000,000	committed
Tax Credit Equity	$3,531,651	committed
Miami-Dade County Surtax	$1,400,000	committed
FHLB AHP	$500,000	closed
City of Miami HOPWA	$296,492	committed
Federal SHP	$1,070,456	committed
Deferred Developer Fee	$33,358	committed
Total Sources:	$8,831,957	

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Rent Plan

The Section 8 Project-Based Subsidy requested is for 20 units at $475. This rent amount is calculated by the Payment Standard multiplied by 75% SRO Factor for the term of 10 years.

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Harding Village
8540 Harding Avenue
Miami Beach, Florida

Harding Village

15 YEAR OPERATING PROFORMA

Program	No. Units	Yr 1 Gross Rent	Less: Util.Allow	Yr 1 Net Rent	Annual Net Rent
60% AMI	18	553	0	553	119,448
Sec 8 SRO**	20	475	0	475	114,000
SRO	54	143	0	143	92,664
TOTAL	92				326,112

Rents increase at 3% per year
Expenses increase at 4% per year

**Sec 8 SRO rent = $634 Payment Standard X 75% SRO factor

	Year #1	Year #2	Year #3	Year #4	Year #5	*Year #6	Year #7	Year #8	Year #9	Year #10	Year #11	Year #12	Year #13	Year #14	Year #15
Gross Rent Potential	326112	335895	345972	356351	367042	378053	389395	401077	413109	425502	438267	451415	464958	478906	493274
Less vacancy/collection loss 5%	(16306)	(16795)	(17299)	(17818)	(18352)	(18903)	(19470)	(20054)	(20655)	(21275)	(21913)	(22571)	(23248)	(23945)	(24664)
Other Income (laundry)	2000	2060	2122	2185	2251	2319	2388	2460	2534	2610	2688	2768	2852	2937	3025
Effective Gross income	311806	321161	330795	340719	350941	361469	372313	383483	394987	406837	419042	431613	444561	457898	471635
Less: Operating Costs															
Mgt. Fee	(30912)	(32148)	(33434)	(34772)	(36163)	(37609)	(39114)	(40678)	(42305)	(43997)	(45757)	(47588)	(49491)	(51471)	(53530)
Site Manager	(15750)	(16380)	(17035)	(17717)	(18425)	(19162)	(19929)	(20726)	(21555)	(22417)	(23314)	(24246)	(25216)	(26225)	(27274)
Clerk	(16640)	(17306)	(17998)	(18718)	(19466)	(20245)	(21055)	(21897)	(22773)	(23684)	(24631)	(25617)	(26641)	(27707)	(28815)
Building Supervisor	(16640)	(17306)	(17998)	(18718)	(19466)	(20245)	(21055)	(21897)	(22773)	(23684)	(24631)	(25617)	(26641)	(27707)	(28815)
Payroll Taxes/Work.Comp	(11122)	(11567)	(12030)	(12511)	(13011)	(13532)	(14073)	(14636)	(15221)	(15830)	(16463)	(17122)	(17807)	(18519)	(19260)
Legal	(4000)	(4160)	(4326)	(4499)	(4679)	(4867)	(5061)	(5264)	(5474)	(5693)	(5921)	(6158)	(6404)	(6660)	(6927)
Audit	(6000)	(6240)	(6490)	(6749)	(7019)	(7300)	(7592)	(7896)	(8211)	(8540)	(8881)	(9237)	(9606)	(9990)	(10390)
Office Supplies	(2250)	(2340)	(2434)	(2531)	(2632)	(2737)	(2847)	(2961)	(3079)	(3202)	(3331)	(3464)	(3602)	(3746)	(3896)
Telephone & Answering	(2000)	(2080)	(2163)	(2250)	(2340)	(2433)	(2531)	(2632)	(2737)	(2847)	(2960)	(3079)	(3202)	(3330)	(3463)
Janitorial/Grounds Supplies	(4000)	(4160)	(4326)	(4499)	(4679)	(4867)	(5061)	(5264)	(5474)	(5693)	(5921)	(6158)	(6404)	(6660)	(6927)
Maintenance & Repair	(15000)	(15600)	(16224)	(16873)	(17548)	(18250)	(18980)	(19739)	(20529)	(21350)	(22204)	(23092)	(24015)	(24976)	(25975)
Security	(25000)	(26000)	(27040)	(28122)	(29246)	(30416)	(31633)	(32898)	(34214)	(35583)	(37006)	(38486)	(40026)	(41627)	(43292)
Exterminating contract	(3000)	(3120)	(3245)	(3375)	(3510)	(3650)	(3796)	(3948)	(4106)	(4270)	(4441)	(4618)	(4803)	(4995)	(5195)
Garbage Removal	(5000)	(5200)	(5408)	(5624)	(5849)	(6083)	(6327)	(6580)	(6843)	(7117)	(7401)	(7697)	(8005)	(8325)	(8658)
Yard Maintenance	(4500)	(4680)	(4867)	(5062)	(5264)	(5475)	(5694)	(5922)	(6159)	(6405)	(6661)	(6928)	(7205)	(7493)	(7793)
Water and Sewer	(21000)	(21840)	(22714)	(23622)	(24567)	(25550)	(26572)	(27635)	(28740)	(29890)	(31085)	(32329)	(33622)	(34967)	(36365)
Gas	(7600)	(7904)	(8220)	(8549)	(8891)	(9247)	(9616)	(10001)	(10401)	(10817)	(11250)	(11700)	(12168)	(12655)	(13161)
Electricity	(22000)	(22880)	(23795)	(24747)	(25737)	(26766)	(27837)	(28950)	(30109)	(31313)	(32565)	(33868)	(35223)	(36632)	(38097)
Insurance	(56500)	(58760)	(61110)	(63555)	(66097)	(68741)	(71491)	(74350)	(77324)	(80417)	(83634)	(86979)	(90458)	(94077)	(97840)
Real Property Taxes	(79000)	(82160)	(85446)	(88864)	(92419)	(96116)	(99960)	(103959)	(108117)	(112442)	(116939)	(121617)	(126482)	(131541)	(136802)
Local & State Assessments	(4000)	(4160)	(4326)	(4499)	(4679)	(4867)	(5061)	(5264)	(5474)	(5693)	(5921)	(6158)	(6404)	(6660)	(6927)
Total Operating Expenses	(351914)	(365991)	(380630)	(395855)	(411690)	(428157)	(445283)	(463095)	(481619)	(500883)	(520919)	(541755)	(563426)	(585963)	(609401)
Per Unit	(3825)	(3978)	(4137)	(4303)	(4475)	(4654)	(4840)	(5034)	(5235)	(5444)	(5662)	(5889)	(6124)	(6369)	(6624)
Replacements Reserves ($250/unit)	(23000)	(23920)	(24877)	(25872)	(26907)	(27983)	(29102)	(30266)	(31477)	(32736)	(34046)	(35407)	(36824)	(38297)	(39829)
Net Operating Income	(63108)	(68750)	(74712)	(81008)	(87656)	(94671)	(102073)	(109879)	(118109)	(126783)	(135923)	(145550)	(155688)	(166361)	(177595)
Operating Deficit Reserve															
Beginning Equity Balance*	1514208	1484409	1447775	1403715	1351595	1290743	1220442	1139927	1048385	944952	828707	698673	553810	393014	215114
Interest Earned (4%)	60568	59376	57911	56149	54064	51630	48818	45597	41935	37798	33148	27947	22152	15721	8605
NOI (deficit)	(63108)	(68750)	(74712)	(81008)	(87656)	(94671)	(102073)	(109879)	(118109)	(126783)	(135923)	(145550)	(155688)	(166361)	(177595)
Debt Service	(27260)	(27260)	(27260)	(27260)	(27260)	(27260)	(27260)	(27260)	(27260)	(27260)	(27260)	(27260)	(27260)	(27260)	(27260)
Ending Balance	1484409	1447775	1403715	1351595	1290743	1220442	1139927	1048385	944952	828707	698673	553810	393014	215114	8605
DSCR (combined)	(2.32)	(2.52)	(2.74)	(2.97)	(3.22)	(3.47)	(3.74)	(4.03)	(4.33)	(4.65)	(4.99)	(5.34)	(5.71)	(6.10)	(6.51)
SAIL ($2m, 15 yrs, 1%)	27,260	27,260	27,260	27,260	27,260	27,260	27,260	27,260	27,260	27,260	27,260	27,260	27,260	27,260	27,260
Total Debt Service	27,260	27,260	27,260	27,260	27,260	27,260	27,260	27,260	27,260	27,260	27,260	27,260	27,260	27,260	27,260
Accumulated Replacement Reserves	23,000	46,920	71,797	97,669	124,575	152,558	181,661	211,927	243,404	276,140	310,186	345,594	382,417	420,714	460,543
Cash Flow After Debt Service	(90,368)	(96,010)	(101,972)	(108,268)	(114,916)	(121,931)	(129,333)	(137,139)	(145,369)	(154,043)	(163,183)	(172,810)	(182,948)	(193,621)	(204,855)

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MANAGEMENT & OCCUPANCY PLAN
Harding Village

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MANAGEMENT AND OCCUPANCY PLAN

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MANAGEMENT AND OCCUPANCY PLAN

Management of housing for low- and moderate-income individuals and families entails special consideration, particularly pertaining to social and economic problems of residents, collection of rents and proper physical maintenance of the facilities. In view of these concerns, the following program for management of the property has been devised.

I. RELATIONSHIP BETWEEN OWNER AND MANAGING AGENT

The Owner of Del Prado Apartments (Owner), cognizant that effective management is needed in order to sustain a successful operation, has appointed Lane Management Corporation (Agent) as the Managing Agent for the management of the property. The management services, policies, procedures and regulations which are implemented are the responsibility of the Agent and are described in the Management and Occupancy Plan and the Management Agreement. It is the intent of the Managing Agent and consenting parties that the Plan and Management Agreement for the property is sufficient to insure an adequate understanding of the duties and obligations of all parties. Also, it is believed that all basic responsibilities have been identified and assigned; however, it is recognized that reasonable acknowledgment must be made on the part of all parties involved when unexpected or unusual situations are encountered.

A. Disclosure of Identity of Interest. There is no identity of interest between the Owner of subject property and Lane Management Corporation. The relationship between the Owner and Agent is contractual, and the respective duties and obligations are as specified in this Plan and the Management Agreement.

B. Supervisory Relationships. All required decision powers are vested in the Agent. The Senior Vice President of Property Management is the key contact person within the Agent's organization. Decisions regarding property management personnel policy and condition of employment are made by the Agent. The Managing Agent selects and supervises the on-site staff. The on-site Property Manager reports directly to the Agent's Regional Manager for the day-to-day operation of the property. While the Agent assumes ultimate responsibility for the successful operation of the property, some of these responsibilities are delegated to the property staff.

C. Statement of Limiting Conditions. The Managing Agent must consult the Owner on all matters involving an expenditure of $5,000.00 or more, unless an emergency exists which poses a risk to the safety of persons or damage to property.

D. Disclosure of Owner's Key Contact Person. The Owner's key contact person for the Agent is that representative endorsing the Management Agreement as a Consenting Party, unless the Owner designates another individual by written notification to the Agent.

E. Responsibilities of the Owner and the Managing Agent. The Owner must provide the Agent with access to all reports, records, books and accounts of the property, including beginning balances brought forward in the form of a schedule of assets and liabilities. The Owner's intent is to review the physical condition and fiscal viability of the property through periodic inspections and monthly reports and statements submitted by the Agent. Property inspections are made by the Owner periodically to insure the Agent's performance.

The Managing Agent reports to the Owner on a periodic basis concerning aspects of the operation. The Managing Agent advises the property employees of their job responsibilities and duties, ensures that their duties are enacted, and sees that the Owner is apprised of them.

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II. PERSONNEL POLICY AND STAFFING ARRANGEMENTS

A. Equal Employment Opportunity Policy. The Agent subscribes and adheres to existing laws and regulations pertinent to Equal Opportunity for employment. All hiring within Lane Management Corporation is in conformance with Federal, State and local laws pertaining to Equal Opportunity. Hiring is done on the basis of capabilities and potential; never on the basis of race, color, sex, religion, national origin, handicap, or any affiliation with the Owners.

Each management employee, including maintenance staff, receives instruction pertaining to the provisions of the Federal, State and local Civil Rights laws. The Property Manager, on a regular basis, engages in Civil Rights compliance review sessions with all personnel to further clarify any doubts or ambiguities. In addition, an Equal Housing Opportunity poster with logo is prominently displayed at the property. The Equal Housing Opportunity logo also appears on all advertising, signs and publicity.

B. Recommended Staff Positions. The staffing plan for this property has been designed by the Managing Agent to provide all day-to-day management and maintenance operations. Designated duties, time frames, on-call, and other responsibilities are coordinated by the Managing Agent.

C. Property Manager. The Property Manager is responsible for day-to-day operations of the property. This includes, but is not limited to, facilitating repair requests, making rental collections, coordinating minor repairs, making calls to appropriate contractors (builders for warranty items, electricians, plumbers), and helping with resident functions and resident organizations (if applicable). The Property Manager is salaried, and his/her compensation is in the form of rent and/or salary. The Property Manager is an employee of the property, and his/her compensation, including but not limited to salary, is treated as a property expense. The Managing Agent is reimbursed by the property for any salary-related expenses it may incur on behalf of the property.

All bonuses and rewards are suggested by the Regional Manager and reviewed by the home office using an objective system of measuring performance. The bonus is treated as a property expense when it is determined that property funds are available for such an expenditure and providing that the Owner approves the bonus as a budgeted expense.

The Property Manager is vested with the authority to make discretionary decisions in the event circumstances occur that are not covered by written instructions or known policies and procedures as outlined in the policies and procedures manual. The Property Manager reports to the Regional Manager, and both are accountable to the Managing Agent. All decisions for major repairs are made with the Owner's approval through the Managing Agent's Regional Manager and home office.

D. Training. Lane Management Corporation offers an intensive program designed to train all employees for the management of multi-family housing communities. Initial training for all employees is accomplished through extensive procedures directed by our training guides and manuals which outline, in detail, all aspects of the property's operation.

The Managing Agent also engages the services of organizations such as the Institute of Real Estate Management, National Association of Home Builders, National Apartment Association, Housing Credit College, National Center for Housing Management, and other similar organizations to train personnel. Whenever these organizations sponsor classes that relate to the operation of multi-family developments, employees are given an opportunity to attend. As continuing education, the staff may be required to attend State and Federal agency-sponsored classes that relate to the operation of the property. The cost of these programs is borne by the property and treated as a property expense.

The Regional Manager visits each community in his/her portfolio not less than once per month during which time procedures are reviewed and instruction is given to the on-site personnel. Additionally, the Managing Agent holds meetings for all employees at which time new procedures and policies are reviewed and explained.

III. MARKETING AND LEASING PROCEDURES

Lane Management Corporation operates and markets the property in accordance with the Fair Housing Law. It is our policy to treat all current, prospective and former residents in a fair and professional manner without regard to race, color, religion, sex, familial status, handicap or national origin.

A. Leasing and Marketing. Newspaper advertising, rental guides and distribution of flyers are used to maintain the highest possible level of occupancy. Because this property is a new construction lease-up, there may be incentives planned to achieve maximum occupancy.

The identification sign displaying the name of the community and the Equal Housing Opportunity and the Americans for Disabilities Act logo must be placed at the entrance to the property. Another sign displaying the office hours and the telephone number will be displayed outside the office.

During initial lease-up, local referral agencies such as real estate firms, city governments, county governments, housing groups, churches, business interests, and service clubs will be contacted as part of the leasing procedure to acquaint them with the community. Brochures and rental application packages were made available to these organizations to forward to prospective applicants. Communication with these local entities will be maintained to keep the property known in the market.

B. Waiting List Procedures. The procedure used in the maintenance of a waiting list is as follows:

1. If an eligible applicant is not assigned a unit initially, the applicant will be placed on a waiting list in the chronological order in which the application was received.
2. A different waiting list or a master waiting list with different categories or priorities indicated on it may be maintained as long as each list is in chronological order. If there are separate lists, they must be cross-referenced for applicants who fit more than one category or priority.

   Separate lists may be maintained for:

   a. Various size units
   b. Units for senior citizens and handicapped
   c. Displacement, such as victims of natural disasters and eminent domain to whom priority consideration may be given, and any federally mandated preferences.

3. Applicants determined eligible would be selected by chronological order.
4. No application may be removed from a waiting list after a period of time without prior notification to the applicant or at least a good, fair attempt to locate the applicant.

The waiting list has at a minimum the following information: Date/time of application, name of applicant, family size, size of unit needed, date(s) contacted, disposition, date removed from list, and prospect notification.

The waiting list may be periodically updated by forwarding the applicant a status inquiry requiring a response from the applicant within a specified period of time in order to maintain his or her position on the list. The applicant is advised that failure to respond shall be deemed to indicate concurrence of removal of his or her name from the waiting list.

C. Resident Orientation. Generally, the better informed the resident, the smoother the operation of the property. Residents should know the rules and regulations of the rental community in which they will live. Experience has demonstrated that families will abide by equally applied, reasonable controls that will make the rental community more desirable and pleasant for all concerned.

The applicants for units who are accepted are taken on a tour of the buildings and recreational and social facilities for an orientation of their new environment. Afterwards, a general and thorough session is held to discuss office hours, proper payment of rent, rules and regulations, the resident's responsibilities, as well as the Management's responsibilities, proper use of equipment, etc. The Managing Agent conducts a meeting with prospective residents before they are scheduled to move in. The unit is inspected before the resident takes possession. The resident is required to complete

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a move-in checklist indicating agreement between prospective resident and Property Manager as to the condition of the unit and that it is in good and livable condition. The resident is provided a copy of the executed checklist. It is made clear to every resident that the Managing Agent is available, by appointment, to discuss any problem, hear any complaint, and assist the resident in resolving the problem or complaint.

Residents are encouraged to participate in recreational and educational programs and activities. Lists of local health, recreational and educational facilities will be maintained in the office, and this information will be available for residents.

D. Resident Selection. Resident selection is one of the most important factors of the management function. The property operates with written qualifying criteria, also known as a Resident Selection Criteria. The criteria are established in accordance with the Fair Housing law and low income tax credit program. The criteria include income, rental history, credit history and criminal history and are readily available for review in the office. The Managing Agent and the on-site staff perform the screening and selection process in accordance with the regulations and guidelines of the governing program for the property. The prospective residents must provide detailed information as proof of eligibility for occupancy in the rental community.

If an applicant is ineligible, or eligible but unacceptable, he or she will be advised as to the reasons for ineligibility or unacceptability, and the reasons shall be stated on the application and kept on file. A prospective applicant rejected because of credit will be provided with the source of the report as required by the Fair Credit Reporting Act.

IV. RESIDENT ELIGIBILITY, CERTIFICATION AND RECERTIFICATION OF INCOME

A. Application Processing Procedures. Upon receipt of a request from an applicant for a unit, the Property Manager is instructed to take the following action:

1. The applicant is given a written listing of rental information for the subject property including rental rates, security deposit requirements, credit check fees, if any, income, family size and composition requirements. The applicant is given a copy of the rental application with instructions that it must be returned with all of the requested information fully completed. Applications are then reviewed on a first-come-first-served basis according to the chronological order of each categorized waiting list for assignment of an available unit.
2. The Property Manager shall notify the applicant within seven (7) days of receipt of the initial application of specific additional information needed to complete the eligibility review.
3. The applicant's present landlord, listed credit references and sources of income, along with assets, are verified using forms prescribed by the governing programs.
4. Upon receipt of written verification of income source(s) and amounts and confirming previous residential history, credit references, criminal history; we will make a determination as to the applicant's acceptability. No individual will be allowed to move into a project who has given false statements on the application.
5. If the decision is affirmative, the applicant will be so notified and will be advised as to the date they can move in. If the prospect is not approved, they will be notified of the reasons why they were denied.
6. Canceled and/or rejected applications are retained in the property's rental files for a period of three (3) years to facilitate any reviews or examinations which may be required at a future date.
7. If there is no available unit, the applicant is placed on the property waiting list in order of date and time that the application is received.

B. Eligibility Requirements. Eligibility requirements regarding family size and needs as they relate to unit size are as follows:

1. The number of occupants must be in accordance with occupancy standards set by the Owner/Agent based upon local codes and ordinances.
2. The maximum occupancy limit will depend on local ordinances and regulations and the square footage of usable sleeping areas, as defined by codes and suggested by HUD.

Notwithstanding the above, Owner/Agent shall have the right to make reasonable accommodations for individuals with disabilities and may adjust occupancy limits to further the goal of reasonable accommodation.

3. Generally, to be eligible for occupancy, an applicant must meet the criteria listed in the Resident Selection Criteria.
4. To be determined eligible, prospective residents must be capable of independent living, be able to provide for their own sustenance and possess the legal age and capacity to enter into a lease agreement.

C. Resident Recertification Procedure. A recertification of the resident's eligibility will be accomplished annually. An initial notice will be given to the resident at least ninety (90) days prior to the recertification date. If the resident has not visited the on-site office and given the appropriate information to the staff by thirty (30) days prior to the recertification date, they will be given a 30-Day Notice to Vacate, at which time they must immediately comply with the re-certification requirements or plan to move at the end of the lease term. Attempts will be made to notify the resident of the urgency of the situation advising what will take place if the information is not received.

V. LEASING AND OCCUPANCY POLICIES

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A. Leasing Forms/Discrimination Policy Statement. Leasing policies require that the Agent and applicant execute a one-year Rental Agreement, written Rules and Regulations, and a detailed Move-In Inspection Report.

Lane Management Corporation is committed to the objective of providing housing to all eligible applicants regardless of race, color, religion, sex, familial status, handicap or national origin. All management personnel are reminded of the provisions of Title VIII of the Civil Rights Act of 1968 and its amendments to provide fair housing opportunity to all persons. Specific actions which are prohibited include:

1. Refusing to rent a particular dwelling because of race, color, religion, sex, age (if a factor), familial status, handicap or disability, or national origin.
2. Directing or "steering" persons only to specific areas.
3. Requiring applicants to meet different terms or conditions of occupancy that differ from the Resident Selection Criteria.
4. Including language in advertising showing a preference for specific applicants against the provisions of Title VIII of the Civil Rights Act of 1968 and its amendments.

B. Lease Agreement. The lease being used including all addenda has been approved by the State Finance Authority and/or HUD. The standard lease being used is in accordance with all state and applicable laws. The resident is given one copy of the lease and the Property Manager retains a copy for on-site files. The Managing Agent's staff is required to have complete understanding of lease provisions and prohibitions, occupancy standards, and admissions policies.

C. Public Housing Authority. Lane Management Corporation is committed to provide housing for households on the Public Housing Authority's Waiting List.

VI. RENT COLLECTION POLICIES AND PROCEDURES

A. Collection and Nonpayment Policies. All rents are due and payable on or before the first of the month as stipulated in the Lease Agreement. Residents are advised of this fact and will be expected to pay rents in a timely, conscientious manner. Partial payments are not accepted unless approved by the Regional Manager. In such instances, the Property Manager is responsible for ensuring that the delinquent resident is advised of referral services available in the community to families with budget problems. An effort will be made to work with the delinquent resident; however, the financial stability of the property takes priority in these situations. Late fees and grace periods are assessed according to company policy or as prescribed in State Law, whichever date shall occur first. The resident is served with a three- (3) day notice of nonpayment on the

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fourth of the month. The three (3) day notice is served pursuant to State statute and affords the delinquent resident advance notice that adverse action will be initiated by the close of business on the tenth of the month, if either the rental payment or possession of the unit has not been submitted. Suit for possession is then initiated on the eleventh of the month if the resident has not remitted payment. After eviction proceedings have been initiated, the Property Manager will have the option to accept a resident's rent with the accompanying late charge and incurred legal fees one time only. The second time an individual's rent is past due after the tenth of the month, he or she is evicted. All rental checks returned for insufficient funds are levied surcharges pursuant to State statutes.

B. Rent Payment Location. Rents are collected at the on-site rental office. Residents are advised of this procedure and are provided with the mailing address of the rental office, should they be unable to remit the rental payment during the posted office hours. Also, a mail drop is provided in the rental office door for after-hours payment of rents made by check, cashier's check or money order.

C. Collection Responsibility and Deposit Schedule. The Property Manager is responsible for the on-site rental collections and is further charged with the responsibility of making daily deposits into the appropriate general funds or escrow banking accounts. Depositories are selected on the basis of proximity to the property and the availability of after-hours depositing.

D. Rent Collection Records/Receipts. All rental payments are recorded in a computer system, operated by the Managing Agent. The rental payments are deposited in a separate rental account on behalf of the property. The computerized resident account system creates a delinquency report that is closely monitored by the on-site staff and the Managing Agent. The system also maintains an individual ledger on behalf of each resident at the community. Bank validated deposit slips accompany the collections summary to the Agent's office, and the copy of the collection summary is retained on-site.

E. Security Deposit. Accurate accounting records of the escrowed security deposits include the posting of the security deposit on the individual resident's ledger. Additionally, monthly reconciliations are performed for the security deposit account to insure that the total escrowed funds correspond to the project's security deposit liability. Security deposit refunds are made pursuant to State statute and the terms of the lease agreement.

F. Rent Increase Process. The procedures used for rent increase are in compliance with contractual and regulatory obligations of the property. Residents are notified of a rent increase by written thirty-(30) day notice. This notice affords the residents a thirty (30) day period during which they may decide to remain in the community or find other housing.

VII. ACCOUNTING, RECORD KEEPING, AND REPORTING REQUIREMENTS

A. Payables and Receivables. All residents' ledgers are maintained in an integrated computerized management system both at the property and the Agent's home office. Invoices for property purchases are first signed off by the Property Manager who posts them for payment, then forwards them to the Regional Manager for additional approval. Approved invoices are then processed by the property accountant.

B. Recordkeeping and Audit. Bank account information, financial statements and accounts payable are maintained in the home office. Each property has a separate bank account for its reserve. All interest earned on these monies remains in that account. The tenant lease files reside with the Property Manager. With supervision from the Regional Manager, the Property Manager is responsible for the normal upkeep of these records.

C. Reports. The Managing Agent prepares all reports and budgets as required by the Owner, State Finance Authority and/or HUD, if applicable. At the end of each month, a Balance Sheet, Income and Expense Statement, and General Ledger is prepared. All bank accounts are reconciled monthly. Any required monthly, quarterly and annual reports are also prepared. A project accountant under the direction of the Controller is responsible for the required reports.

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VIII. MAINTENANCE AND REPAIR PROGRAM

A. Preventive Maintenance. A preventive maintenance procedure providing for regular checking and servicing of equipment and systems has been implemented in compliance with manufacturers' service information. While the on-site maintenance staff is responsible for such items as routine oiling, adjusting and replacing of filters, service technicians specially trained in the preventive maintenance schedules of mechanical systems are employed for these items. The Service Manager is responsible for monitoring the preventive maintenance program.

B. As-Built Plans and Specifications. The Developer/Sponsor of the subject property is responsible for providing the Managing Agent with the property's "as-built" plans and specifications. The project Architect, in concert with the General Contractor, is responsible to update said plans and specifications whenever property modifications are made. As-built drawings and specifications are maintained at the home office or maintenance/storage facility to insure accessibility if the plans should be required in the event of an emergency. Example: location of water shut-offs, electrical meters, etc.

C. General Maintenance Procedures and Schedules.

1. Appliances and Mechanical Equipment. All mechanical equipment such as heating and air conditioning units, stoves and kitchen appliances and bathroom fixtures are inspected at least once a year to insure correct operation and absence of leaks. Regular checking and servicing of equipment and systems are done as required by service information, manufacturer's manuals and specifications. Filters for HVAC units are changed every six months at which time the operation of the equipment is checked. Residents are advised to inspect filters on a monthly basis and to request a change-out if required prior to the regularly scheduled inspection.

2. Safety Checks and Security Program. Management ensures that exterior lights at the property remain in operation during night hours. Management also insures that all vacant units are locked and that no one can gain entry to any unit without the correct key. The Managing Agent will gain the cooperation of the local police department to encourage patrolling of the area.

3. Unit Inspection. Upon move-out, an inspection is made of the vacant unit by the manager using the Move-Out Inspection Form. In addition, the procedure for inspecting and carrying out maintenance activities for each succeeding move-in is as set forth in the Maintenance Punch-Out Report. Detailed work orders to correct all deficient items are prepared by the Property Manager and assigned to the correct on-site personnel and/or service contractor. The resident is assessed for damages believed to be beyond normal wear and tear.

4. Vacant Unit Preparation. Upon move-out, all vacant units are immediately swept clean, refrigerators are cleaned and defrosted, if required, and pest control services called to spray. On-site personnel are expected to have a vacated unit ready for occupancy not to exceed a period of three (3) days for a normal vacated unit. This includes repainting where necessary, the repair of minor maintenance items to include recaulking of tubs, replacement of washers, replacement of screens with holes and/or cracked windows. All windows, light fixtures, glass and cabinet surfaces and appliances are washed with a disinfectant. All floors are cleaned and locks are changed. On-site personnel are instructed to insure that the unit upon occupancy is to be as near new as possible for the age of the unit. No one will be allowed to move into a unit not ready for occupancy.

5. Interior and Exterior Painting. Interior and exterior painting is done as required but as a general rule, this maintenance item is usually performed at least once every three (3) years. Interior painting of units which have been occupied for a period of twenty-four (24) months is performed at the Agent's discretion providing the current resident executes a one-year lease renewal.

6. Major Repairs. Major repairs are handled by contacting professional trades people (plumbers, electricians, roofing contractors, etc.) and soliciting competitive bids for the work to be performed. The Managing Agent then reviews the qualifications and proposals for the required repair work and selects whichever proposal best addresses the scope of work within the budget of the property. The Owner is advised of any repairs required in excess of the maximum established expenditure. Maintenance projects requiring specialized tools, equipment and/or ability are contracted out to the lowest bidder. This normally includes heating and air conditioning repair work, major electrical work requiring either rewiring of a unit, or appliances and major plumbing repairs.

7. Grounds Upkeep and Maintenance. Grounds upkeep and maintenance is on a contract basis. Grounds upkeep and maintenance includes the mowing of the lawns, trimming of hedges and grass, fertilization and mulching. The Property Manager is responsible for insuring that the grounds of the property are maintained in a professional manner, cleared of litter daily and that the areas around trash containers are kept in a sanitary condition

8. Garbage and Trash Removal. Scheduling of garbage and trash removal is through the appropriate local vendor servicing the property's area. Where feasible, containers are positioned strategically throughout the property at locations convenient to all residents. It is the resident's responsibility to place all trash and debris into the dumpster for removal.

9. Maintenance and Cleaning of Common Areas. Common areas such as hallways, porches, sidewalks and parking areas are swept clean a minimum of once per week. Public areas of the property; i.e., hallways, stairways, mechanical spaces, community areas, parking spaces and grounds are inspected by managerial personnel for defects or obstructions and cleanliness, and these personnel are responsible for seeing that any observed condition is corrected. In addition, a maintenance and service repair contract may be executed for technical inspections on a scheduled basis for the property facilities.

D. Maintenance Requests. Residents are advised that routine maintenance requests are to be either called into the rental office or submitted in writing. A work order is then issued, and the request is serviced Monday - Friday during normal office hours. Only emergency requests are serviced after hours or on weekends. Emergency requests consist of no water, running water, no heat, electrical failure or fire. Routine maintenance requests are handled by work orders assigned by the Property Manager. The Managing Agent feels the normal requests for maintenance that can be taken care of by the maintenance staff should not take longer than twenty-four (24) hours to be completed from the time of receipt of the request.

E. Major Replacement. Major maintenance or replacement items are budgeted or reserve funds are requested for these expenditures. Requests for reserve funds include a copy of the invoice or contractor's bid.

IX. ENERGY CONSERVATION MEASURES AND PRACTICES

A. Resident Orientation to Energy Conservation. The residents have direct control of and responsibility for electrical utilities in addition to any other utilities referenced in the Lease Agreement. Regardless of payment responsibility for water, the resident also has direct control over the usage of this energy resource.

Residents are oriented to energy conservation measures through periodic newsletters and through verbal instruction during the move-in inspection. Appropriate energy conservation literature provided by the respective utility companies is also made available to the residents.

Residents are counseled on the importance of the conservation of utilities and requested to promptly report any leaks to the Property Manager. Other conservation instructions include reducing winter thermostat setting, increasing summer thermostat setting, reducing hot water flow

in showers and faucets, reducing energy use when unit is unoccupied, proper use of draperies to maximize energy efficiency, and the prompt reporting of air leaks around windows and doors.

B. Energy Conservation. The Agent instructs the on-site personnel on the importance of energy conservation and requires that inspections be made to insure that the weather stripping and caulking of doorways and windows are sufficient to prevent the flow of air. Ducts, piping and individual water heaters are also examined to insure sufficient levels of insulation. Watering of the lawn and landscaped areas is done in a manner which insures maximum efficiency and conservation.

X. RESIDENT PARTICIPATION AND MANAGEMENT-RESIDENT RELATIONS

A. Social Services. The Managing Agent employs a Social Services Director who monitors all resident activity programs and communication. This person assists the on-site Property Managers and assures continuity in resident-management relations. The on-site staff, with the assistance of the Agent's Social Services Director, provides any assistance possible to residents who are experiencing difficulties in obtaining needed services. They also publish a periodic newsletter. This newsletter is utilized as a means of reviewing problem areas in the community as well as exchanging general information of interest to the residents.

B. Grievances. Generally, resident grievances fall into three categories: complaints about others, complaints about the unit, complaints about the property.

1. Grievances About Others. Some of these complaints are frivolous, others are serious. Handling of grievances about others requires that the Property Manager assess the immediacy of the situation. If the grievance deals with an emergency or civil disturbance, management needs to ascertain whether or not the complainant has already notified the police or fire department. If the resident has not notified these agencies, then the Property Manager needs to act quickly if life or property is threatened. Management does not become involved with civil disturbances, particularly fights resulting from domestic quarrels. These are jobs for the police. Management, however, does respond to such disturbances on a follow-up basis by advising the offending resident whether or not the disturbance will affect his or her right to continued occupancy.

   Complaints about others that are not of an emergency nature are requested to be presented to the Property Manager in writing. The offending resident is then contacted and advised of the grievance without identifying the resident initiating the complaint. Once the situation is resolved, the Property Manager personally contacts the resident who filed the grievance and advises him or her of what action has been taken.

2. Grievances About the Unit. These grievances include requests for repairs and maintenance and are handled by means of a written service request. The resident is advised of the need for access to the unit and informed that the request will be serviced within normal business hours, assuming it is not an emergency. All requests are taken care of within 24 hours of notification, if possible. If not, the resident is notified of the reason for the delay and the anticipated date the work to be performed will be completed.

   The maintenance worker takes the written service request to the unit, and when the repair is completed, he notes this on the request and leaves a copy with the resident. If parts are needed to complete the repair, this is noted along with the estimated date the repair will be completed. If there is nothing wrong, the maintenance person notes this on the form with the request that the resident contact the office so the situation can be discussed. In cases where the complaint stems from the resident's misuse of the unit or equipment, the maintenance worker notifies the Property Manager, who will in turn obtain payment from the resident.

3. Grievances About the Property. If residents complain about the way the property is maintained, management makes a written record of all complaints. These criticisms of the property in general are often important signals of resident dissatisfaction in other areas, and

every effort is made to communicate with the resident to ascertain the specific nature of the complaint in order that management can address the grievance in the appropriate manner. Should budget restrictions prohibit an adequate response on behalf of management, the Owner is advised of what corrective measures are required, along with proposed means and method of execution.

Grievances that cannot be satisfactorily handled by the Property Manager are sent to the Regional Manager. The Regional Manger either solves the problem or reports it to the Senior Vice President of the company for action or guidance. All grievance responses are in writing. If the grievances are numerous, the Managing Agent will go to the community and personally respond. It is the responsibility of the Managing Agent to visit the community on a regular basis and, if requested, meet with the residents.

XI. TERMINATION OF LEASES AND EVICTIONS

A. Material Noncompliance and Other Good Cause. The Agent may not terminate or refuse to renew any occupancy except upon the basis of material noncompliance with the lease or for other good cause. Generally, lease termination and/or evictions are initiated against residents for actions or conduct which is disruptive to the livability of the community, which adversely affects the health or safety of any person, or which adversely affects the right of any resident to the quiet enjoyment of the leased premises. The majority of evictions are for nonpayment of rent, which adversely affects the financial viability of the property.

B. Agent's Action. The Agent is required to serve the resident prior notice that his or her actions and/or conduct will constitute a basis for termination of occupancy prior to initiating an eviction for other good cause.

In any event, the notice of termination must refer to the relevant provisions of the lease, state the reasons for the termination and that the residency is terminated on a specified date. All notices are prepared and served according to the governing State and Federal laws. Once the tenancy has been terminated, should an eviction be required, the Property Manager retains the services of an attorney who is familiar with eviction procedures.

Chapter 114 GENERAL PROVISIONS

Sec. 114-1. Definitions.
Sec. 114-2. Interpretation, purpose and conflict.
Sec. 114-3. Relationship to the comprehensive plan.
Sec. 114-4. Compliance with regulations required.
Sec. 114-5. Permits and plot plans.
Sec. 114-6. Outstanding building permits and projects which have received zoning approval.
Sec. 114-7. Enforcement.
Sec. 114-8. Violations and penalties.

Sec. 114-1. Definitions.

The following words, terms and phrases when used in this subpart B, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

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Conditional use means a use that would not be appropriate generally or without restriction throughout a particular zoning district, but would be appropriate if controlled as to number, area, location, or relation to the neighborhood.

Conditional use permit means a permit issued by the planning and zoning director and recorded in the public records of the county allowing a specific conditional use that was approved for a particular property pursuant to procedures set forth in chapter 118, article IV.

Consistency or consistent means compatible with the principles of, and furthering the objectives, policies, land uses, and intensities of the city comprehensive plan.

C - I

Institution means a use, building or organization of a public character or providing a public or semipublic service.

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DIVISION 3. RESIDENTIAL MULTIFAMILY DISTRICTS

Subdivision I. Generally

Secs. 142-131--142-150. Reserved.

Subdivision II. RM-1 Residential Multifamily Low Intensity

Sec. 142-151. Purpose.

The RM-1 residential multifamily, low density district is designed for low intensity, low rise, single-family and multiple-family residences.

(Ord. No. 89-2665, § 6-2(A)(1), eff. 10-1-89; Ord. No. 92-2786, eff. 7-19-92)

Sec. 142-152. Main permitted uses.

The main permitted uses in the RM-1 residential multifamily, low density district are single-family detached dwelling; townhomes; apartments; hotels, for properties fronting Harding Avenue or Collins Avenue, from the City Line on the north, to 73rd Street on the south; and bed and breakfast inn (pursuant to article IV, division 7 of this chapter).

(Ord. No. 89-2665, § 6-2(A)(2), eff. 10-1-89; Ord. No. 92-2786, eff. 7-19-92; Ord. No. 95-3020, eff. 11-4-95; Ord. No. 2000-3257, § 1, 7-12-00)

Sec. 142-153. Conditional uses.

The conditional uses in the RM-1 residential multifamily, low density district are adult congregate living facility; day care facility; nursing home; religious institutions; private and public institutions; schools; and commercial or noncommercial parking lots and garages. 11*

(Ord. No. 89-2665, § 6-2(A)(3), eff. 10-1-89; Ord. No. 92-2786, eff. 7-19-92)

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ARTICLE IV. CONDITIONAL USE PROCEDURE

Sec. 118-191. Purpose.

The purpose of this article is to establish a process which is designed to determine if certain uses, referred to as conditional uses in this article, should be permitted, at a given location. Special review of conditional uses is required not only because these generally are of a public or semi-public character and are essential and desirable for the general convenience and welfare of the community, but also because the nature of the uses and their potential impact on neighboring properties, requires the exercise of planning judgment as to location and site plan.

(Ord. No. 89-2665, § 17-4(A), eff. 10-1-89)

Sec. 118-192. Review guidelines.

Conditional uses may be approved in accordance with the procedures and standards of this article, provided that:

(1) The use is consistent with the comprehensive plan or neighborhood plan if one exists for the area in which the property is located.

(2) The intended use or construction will not result in an impact that will exceed the thresholds for the levels of service as set forth in the comprehensive plan.

(3) Structures and uses associated with the request are consistent with these land development regulations.

(4) The public health, safety, morals, and general welfare will not be adversely affected.

(5) Adequate off-street parking facilities will be provided.

(6) Necessary safeguards will be provided for the protection of surrounding property, persons, and neighborhood values.

(7) The concentration of similar types of uses will not create a negative impact on the surrounding neighborhood. Geographic concentration of similar types of conditional uses should be discouraged.

(Ord. No. 89-2665, § 17-4(B), eff. 10-1-89; Ord. No. 99-3179, § 1, 3-17-99)

Sec. 118-193. Applications for conditional uses.

Applications for approval of a conditional use shall be submitted to the planning department, which shall prepare a report and recommendation for consideration by the planning board, and when required, by the city commission. Within a reasonable time, but in no instance less than 30 days after receipt of a completed application, the board shall hold a public hearing, at which parties in interest and citizens shall have an opportunity to be heard. Approximately 15 days prior to the public hearing date, a description of the request, and the time and place of such hearing shall be posted on the property and advertised in a paper of general paid circulation in the community. Notice shall also be given by mail to the owners of record of land

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lying within 375 feet of the property. This notification requirement shall be the responsibility of the applicant.

(1) *Site plan required.* Each application for a conditional use permit shall be accompanied by a site plan meeting the requirements of section 118-1, and such other information as may be required for a determination of the nature of the proposed use and its effect on the comprehensive plan, the neighborhood and surrounding properties.

(2) *Time limitations.*

a. An applicant shall have up to 18 months, or such lesser time as may be specified by the board, from the date of the board meeting at which a conditional use was granted to obtain a full building permit, a certificate of occupancy, a certificate of use or a certificate of completion, whichever occurs first. The foregoing 18-month time period, or lesser time period, includes the time period during which an appeal of the decision of the planning board may be filed. If the applicant fails to obtain a full building permit within 18 months, or such lesser time period as is specified, of the board meeting date at which a conditional use was granted and/or construction does not commence and proceed in accordance with said permit and the requirements of the applicable Florida Building Code, the conditional use shall be deemed null and void. Extensions for good cause, not to exceed a total of one year for all extensions, may be granted by the planning board, provided the applicant submits a request in writing to the planning and zoning director in advance of the expiration of the original approval, showing good cause for such an extension. In the event a proposed code amendment renders a project with a conditional use approval non-conforming, as more specifically set forth in sections 118-168 and 118-169 of this Code, then such a project shall not be eligible to receive an extension of time granted by the planning board for any reason. Notwithstanding the foregoing, in the event the original decision of the planning board, with respect to a conditional use request, is timely appealed, the applicant shall have 18 months, or such lesser time as may be specified by the board, from the date of final resolution of all administrative and/or court proceedings to obtain a full building permit, a certificate of occupancy, a certificate of use or a certificate of completion, whichever occurs first. This tolling provision shall only be applicable to the original approval of the board and shall not apply to any subsequent requests for revisions or requests for extensions of time.

b. Time limitations for adult congregate living facilities:

1. Approval of an a adult congregate living facility under the conditional use procedures shall become null and void if a building permit has not been issued within one year after the date of approval. Such conditional use shall become null and void if a certificate of occupancy, certificate of completion or an occupational license is not issued within one year after the building permit is issued.

2. When extenuating circumstances or compelling reasons prevent

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the applicant from complying with conditions of approval within the above stated time periods, the applicant may submit a request to the planning board which may approve one extension of time of up to three months to obtain a building permit, or one extension of time of up to six months to complete all construction work and obtain a certificate of occupancy, certificate of completion or occupational license.

3. The public notice requirements shall be satisfied by placing the request on the board's agenda. Appeal of the board's decision shall be to the city commission. A five-sevenths vote of the commission shall be required to overrule a decision of the planning board relating to an extension of time requested. The appeal shall be filed within 30 days of the date on which the board's decision is reached.

c. An approved and operational conditional use which remains idle or unused in whole or in part for a continuous period of six months or for 18 months during any three-year period whether or not the equipment, fixtures, or structures remain, shall be required to seek re-approval of the conditional use from the board. Resumption of such use shall not be permitted unless and until the board approval has been granted.

(Ord. No. 89-2665, § 17-4(C), eff. 10-1-89; Ord. No. 90-2722, eff. 11-21-90; Ord. No. 94-2959, eff. 12-17-94; Ord. No. 2000-3270, § 1, 9-27-00; Ord. No. 2003-3416, § 1, 6-11-03)

Sec. 118-194. Compliance with conditions.

(a) No occupational license, certificate of use, certificate of occupancy, or certificate of completion shall be issued until all conditions of approval have been met. The establishment of a conditional use without complying with the conditions of approval shall constitute a violation of these land development regulations and shall be subject to enforcement procedures as set forth in section 114-8, and as provided herein.

(b) Within a reasonable time after a conditional use application or amendment has been approved, the applicant shall record the planning board's action and conditions in the public records of the county. No building permit, certificate of use, certificate of occupancy, certificate of completion or occupational license shall be issued until this regulation has been complied with.

(c) The board may revoke or modify a conditional use approval pursuant to the following procedures:

(1) The planning director shall notify the applicant by certified mail of the failure to comply with the conditions of the approval;

(2) If, after expiration of a 15-day cure period commencing on the date of the notice, the applicant fails to comply with the conditions, or the applicant has exhibited repeated or intermittent noncompliance with the conditions prior to the cure period and the planning director is concerned about further repeated or intermittent noncompliance, the planning director shall advise the board at the next meeting and the board may consider setting a public hearing for the purpose of examining the noncompliance issues;

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(3) If the board elects to set a public hearing, the planning director shall place the matter on the board's agenda in a timely manner and all notice requirements imposed for conditional use applications as set forth in section 118-193 shall be applicable, with the addition of notice to the applicant; and

(4) The board shall hold a public hearing to consider the issue of noncompliance and the possible revocation or modification of the approval, and, based on substantial competent evidence, the board may revoke the approval, modify the conditions thereof, or impose additional or supplemental conditions.

(d) In determining whether substantial competent evidence exists to support revocation, modification or the imposition of additional or supplemental conditions to the approval, intermittent noncompliance with the conditions, as well as the frequency, degree and adverse impact of such intermittent noncompliance, may be considered by the board.

(e) In the event the board takes any of the enforcement actions authorized in this section, the applicant shall reimburse the planning, design and historic preservation division for all monies expended to satisfy notice requirements and to copy, prepare or distribute materials in anticipation of the public hearing. The applicant shall not be permitted to submit a new application, for related or unrelated matters, nor shall an application be accepted affecting the subject property, for related or unrelated matters, for consideration by the board of adjustment, planning board, design review board, historic preservation board, or the design review/historic preservation board until repayment in full of all monies due and payable pursuant to the foregoing sentence.

(f) In addition to all other enforcement actions available to the board, based upon a board finding that the applicant has failed to comply with the conditions of the approval, the board may recommend that the code compliance director (or his/her successor in interest with respect to the issuance of occupational licenses and certificates of use), in his/her discretion, revoke or suspend the certificate of use for the subject property and/or the applicants occupational license applicable to the business conducted at the subject property.

(Ord. No. 89-2665, § 17-4(D), eff. 10-1-89; Ord. No. 96-3047, § 2, 7-3-96; Ord. No. 2001-3314, § 2, 7-18-01)

Sec. 118-195. Amendment of an approved conditional use.

(a) When an applicant requests an amendment to an approved conditional use, the planning and zoning director shall first determine whether the request is a substantial or minor amendment. A minor amendment may be authorized by the planning and zoning director. If the planning and zoning director determines that the request is a substantial amendment, the review process shall be the same as for a new application. In determining whether the request is a substantial or minor amendment, the planning and zoning director shall consider the overall impact of the change, increase or decrease in parking or floor area, landscaping and design, consistency with these land development regulations, efficient utilization of the site, circulation pattern and other pertinent facts. Any increase in lot area, parking requirements, floor area ratio, density or lot coverage shall be considered as a substantial amendment.

(b) If the planning and zoning director determines the request is a minor amendment, the applicant may submit an application for a building permit; however, the planning and

A - 58

zoning director shall approve the site plan prior to the issuance of a building permit.

(Ord. No. 89-2665, § 17-4(E), eff. 10-1-89)

Sec. 118-196. Fees.

The fees in this section are for the purpose of defraying expenses of public notices and other administrative costs in connection with processing applications:

(1) Any applicant requesting and obtaining a public hearing before the planning board shall pay the following fees:

a. *Conditional use.* When a fee has not been established for a specific use there shall be a fee as provided in appendix A.

b. *Adult congregate living facility.* For an adult congregate living facility there shall be a fee as provided in appendix A.

(2) A request for minor amendment to an approved conditional use, clarification of conditions or an extension of time shall require a fee as provided in appendix A.

(3) A request for a substantial amendment to an approved conditional use shall require a fee as provided in appendix A.

(4) If an applicant withdraws his application prior to the date of the public hearing and requests a new hearing date, a fee as provided in appendix A shall be required. The fee is to defray the costs of scheduling the new public hearing, to notify the property owners of the cancellation of the original public hearing and establishment of the revised hearing date.

(5) If the applicant requests a deferral of a public hearing, a fee commensurate with all costs shall be assessed; however, the fee shall not be less than as provided in appendix A.

(6) A fee as provided in appendix A shall be required in order to file an appeal of the planning and zoning director's decision, with respect to article VIII of this chapter. If notification of property owners is required, the fees shall be as set forth in this section.

(7) Any after-the-fact conditional use application shall automatically incur triple fees. Notwithstanding this provision, the board may adjust the after-the-fact fee based on substantial competent evidence that there are extenuating circumstances that warrant such an adjustment. The request for a fee adjustment shall be in writing and made part of the conditional use application. The adjusted after-the-fact fee shall not be less than the regular application fee.

(Ord. No. 89-2665, § 17-4(F), eff. 10-1-89; Ord. No. 90-2722, eff. 11-21-90; Ord. No. 92-2820, eff. 10-31-92; Ord. No. 94-2959, eff. 12-17-94; Ord. No. 95-2993, eff. 5-27-95)

Sec. 118-197. Review of conditional use decisions.

(a) An applicant may appeal a decision of the planning and zoning director to the planning board within 15 days of the date on which the director reached a decision on the conditional use application. The appeal shall be placed on the planning board agenda

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within 45 days of receipt of the appeal.

(b) In order to reverse, amend, or modify a conditional use decision of the planning and zoning director, the board shall find that the director did not do one of the following:

(1) Provide procedural due process;

(2) Observe essential requirements of law; or

(3) Base his/her decision upon substantial competent evidence.

The board shall issue a written order setting forth its decision, which shall be promptly mailed to all parties to the appeal.

(c) An applicant, the city manager, on behalf of the administration, the owner of property located within 375 feet of the subject property, and in the case of a historic site or property located within a historic district, Miami Design Preservation League and Dade Heritage Trust may seek review of a conditional use decision of the planning board. Review of a conditional use decision of the planning board shall be to a court of competent jurisdiction by petition for writ of certiorari.

(d) Any review stays all work on the premises and all proceedings including a request for a building permit, certificate of completion or occupational license.

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CITY OF MIAMI BEACH

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

Planning Department

Telephone 305-673-7550
Facsimile 305-673-7559

January 26, 2005

BY CERTIFIED MAIL

PREVIOUS REQUESTS IGNORED

Ms. Maria Pellerin Barcus
Carrfour Supportive Housing
155 South Miami Avenue, Suite 1150
Miami, FL 33131

Dear Ms. Pellerin:

On Wednesday, January 12, 2005, we met at St. Joseph's School in North Beach to discuss the project your organization is working on at 8450 Harding Avenue. As you know, the building permit plans for the renovation of the previously existing motel into the Harding Village apartment project were approved for zoning by the City's Planning Department on the basis that Apartments are a permitted use in the RM-1 Residential Multi-family zoning district.

At the meeting of the 12th, you and your staff described the project to the assembled group of neighbors as one that would be "supportive housing" for the recently homeless, and described the possibility of several on-site services that were contemplated to be provided to the residents by your organization. However, when I attempted to get more information from you on the nature of the on-stie services that would be provided, you indicated to me that you would not discuss these matters without your lawyer being present.

The Planning Department supports the goals and objectives of your organization, to provide important and needed services to our community. Nevertheless, it is important for all organizations to follow the proper procedures the City has in place for development within the City. You should be aware that Institutional Uses, while permitted in the RM-1 zoning district, require Conditional Use approval from the City's Planning Board. If, in fact, Carrfour intends to provide on-site services to their residents at Harding Village, it is in your best interest to start the Conditional Use application process as soon as possible, to avoid any unnecessary delays upon completion of the renovations. *(On-site personal services are any services in addition to housing and food service, which include, but are not limited to, personal assistance with bathing, dressing, ambulation, housekeeping, supervision, emotional security, eating, supervision of self-administered medications, and assistance with securing health care from appropriate sources.)*

Prior to the issuance of a Certificate of Occupancy for the Harding Village project, Carrfour will be required to give the Planning Department a detailed explanation of the intended use of the project, including any proposed on-site services. Please contact me to discuss this matter further.

Sincerely,

FEDERAL FUNDING OBTAINED BY STATING ON-SITE.

JORGE G. GOMEZ
Planning Director

JGG:RGL
F:\PLAN\$ALL\GEN_CORR\EXTERNAL\carrfour harding village 2.doc

c: Jorge Gonzalez, City Manager
Alina Ramirez by email

Read HUD/MBch Housing funding A-61 excerpts.

CARRFOUR
SUPPORTIVE
HOUSING

BOARD OF DIRECTORS

Officers
Linda Quick
Chair
Tere Garcia
Vice Chair
Monsignor Franklyn Casale
Secretary
Stephen Danner
Treasurer

Directors
Claude Baptiste
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Aleida Calderin
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Janet McAliley
Barbara Romani
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February 10, 2005

Mr. Jorge G. Gomez
Planning Director
City of Miami Beach
1700 Convention Center Drive
Miami Beach, Florida 33139

Dear Mr. Gomez:

In response to your letter of January 26th, the purpose of the meeting at St. Joseph's School was to assure the PTA parents that, if anything, the proposed apartment use will make the area safer for their children than the prior low-rate, transient hotel use. We were trying to dispel their misconceptions about the project and its residents. It was not intended as a discussion of zoning matters and we were not advised you would be in attendance.

I assure you the proposed use is apartments, as permitted in the RM-1 Residential Multi-family zoning district and as submitted and approved by the City Planning Department. Residents have a lease and the building is governed by landlord/tenant laws. We do not intend to do anything that would require a Conditional Use permit.

LANE MGMT? COMPANY

In addition to housing, Carrfour does help residents obtain whatever community services they need to succeed. However, the services themselves are provided off-site. Similar situations already in operation on Miami Beach include the Mayfair Hotel operated by Douglas Gardens and Shelborne House.

FUNDING DOCUMENTS STATE DIFFERENTLY READ THEM

If you still have questions, feel free to call me.

WHY DOCS. DO ~~[illegible]~~ STATE ON-SITE READ DOCUMENTS

Sincerely,

Maria Pellerin Barcus
President/CEO

cc: Ira Giller, AIA

155 SOUTH MIAMI AVENUE
SUITE 1150
MIAMI, FLORIDA 33131
TEL: 305.371.8300
FAX: 305.371.1376
E-MAIL: info@carrfour.org
WEBSITE: www.carrfour.org

"Celebrating 10 Years of Achievement"

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CITY OF MIAMI BEACH
1700 CONVENTION CENTER DRIVE
MIAMI BEACH, FLORIDA 33139

JOSE SMITH
COMMISSIONER

February 15, 2005

Susan C. Johnson
8600 Byron Avenue
Miami Beach, FL 33141

Dear Mrs. Johnson,

I am in receipt of your letter regarding the Carrfour facility in North Beach. In order to correct certain misunderstandings, I will address the issues that you have raised:

1. Using primarily Federal funds, Carrfour legally acquired the property several years ago. The City of Miami Beach was not involved in that acquisition.
2. Thereafter, Carrfour submitted an application to the City asking that their use of the facility be found consistent with the City's federally approved Consolidated Plan.
3. When the issue came before the City Commission two years ago, I separated the item from the consent agenda to allow any interested member of the public to speak on the matter. Nobody spoke in opposition. Indeed, the City Attorney advised the Commission that failure to approve the application would result in financial sanctions by the Federal government since the proposed use was consistent with the Consolidated Plan.
4. Contrary to your assertion, no City "official" voted to "approve" the project. The project did not need City approval since its operation is permitted by City code and the funds used did not come from the City.
5. There was a valid concern raised dealing with whether the project needed "conditional use" approval from the Planning Board. Carrfour has submitted in writing their assertion that the facility will not be used for anything other than apartments and therefore will not need a conditional use permit.

While I understand your concerns, there is nothing the City Commission could have done to prevent Carrfour from purchasing the property. Carrfour has assured the City that it will be using the facility for housing only. City staff will monitor the property and take appropriate action if Carrfour is found to be committing any infractions.

NO COMMISSIONER EVER VISITED ANY OF THE NEIGHBORS NOR OUR SCHOOL OR STELLA MARIS

Who was advised? Nobody knew, have only you object -

NOT TRUE

COMMR. STEINBERG SITS ON THE BOARD OF THE HOMELESS TRUST

LOOK AT THEIR FUNDING SOURCES! A-63

If you have any additional comments or questions please feel free to contact my assistant, Erica Shafir, at (305) 673-7106.

Sincerely,

Jose Smith

Jose Smith
Commissioner

Cc: Mayor and City Commissioners

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Harding Village Intake Plan

Carrfour Supportive Housing ("Carrfour") will target the City of Miami Beach's homeless population for residency at Harding Village, located at 8540 Harding Avenue, Miami Beach, Florida. Harding Village has capacity for 74 formerly homeless adults. The other units will be made available to non-homeless adults that earn less than $29,500 per year.

Recognizing that they are skilled in identifying and engaging this population, Carrfour has asked the City of Miami Beach's Office of Community Services (which runs the City's homeless outreach program) to partner with them in conducting the outreach for Harding Village. The City of Miami Beach's Office of Community Services has agreed to the partnership.

The City of Miami Beach's Office of Community Services will maintain the waiting list for Harding Village until the project is operational. Once the project is operational, Carrfour will maintain the waiting list. The City of Miami Beach's Office of Community Services will open the waiting list on December 1, 2004. ***From this date until the project is operational, the waiting list will only be open to homeless adults that have been identified as being homeless within the city limits by the City of Miami Beach Office of Community Services***. The City of Miami Beach's Office of Community Services will maintain three waiting lists. First priority (Waiting List #1), will be given to homeless adults living on the streets of North Beach (north of 63rd Street). Second priority (Waiting List #2), will be given to individuals who meet the U.S. HUD definition of chronically homeless (at least 18 beds must be occupied by adults who meet this definition). Third priority (Waiting List #3), will be given to homeless individuals who are not chronically homeless.

The City of Miami Beach's Office of Community Services will maintain the following information on the waiting list: name of perspective applicant, date they were placed on waiting list, social security number, date of birth, address (or where they can be found) and phone number (if they have access to a telephone). The City of Miami Beach's Office of Community Services will periodically send a copy of the waiting lists to Carrfour.

In order to be eligible for residency at Harding Village, individuals must:

1) be homeless as per U.S. HUD's definition,
2) be clean and sober for at least 6 months,
3) have some sort of income either from benefits or employment,
4) not have a criminal history of violent crime, and
5) must have the ability to live independently and in harmony with others.

a lifetime of addiction cured in 6 months

Ø waiting time

In addition, 48 of the individuals that move into Harding Village must be disabled as per U.S. HUD's definition.

people unsophisticated

A-65 not possible!

Carrfour anticipates that many of the homeless individuals targeted for residency at Harding Village will need to undergo substance abuse, mental health and/or medical treatment in order to meet the eligibility requirements. Therefore, once placed on the waiting list, the City of Miami Beach's Office of Community Services will refer them to an appropriate service provider to receive treatment. If the individual needs assistance securing employment or entitlement benefits, the City of Miami Beach's Office of Community Services will refer the individual to Carrfour's Employment and Training Program for assistance. The expectation is that the individual will enter treatment and that the treatment will enable them to meet the eligibility criteria once Harding Village is ready for occupancy. This "reservation" system, will allow an individual to reserve a unit (by being placed on the waiting list) if he/she agrees to enter treatment and engage in services.

Once Harding Village is ready for occupancy, Carrfour will begin the screening (to ensure that the individual meets the eligibility criteria) and intake process. Carrfour will start by screening/conducting intake on all adults on Waiting List #1, reserving sufficient space to meet the requirement that 18 of the people be chronically homeless. After exhausting Waiting List #1, Carrfour will move to Waiting List #2 and then Waiting List #3. If an applicant from Waiting List #1 or Waiting List #2 does not meet the eligibility criteria because they are still in treatment, Carrfour will keep them on the waiting list in their original slot until they successfully complete the treatment program they started at the time they were placed on the waiting list. If necessary, the City of Miami Beach's Office of Community Services will assist Carrfour in locating the individuals once their name comes to the top of the waiting list.

A-66

C: Tim
Gomez
Lorber
—Lilia

RECEIVED
2005 APR 26 AM 10:00
CITY MANAGER'S OFFICE
BY

CITY OF MIAMI BEACH
OFFICE OF THE MAYOR & COMMISSION
MEMORANDUM

TO: JORGE M. GONZALEZ
CITY MANAGER

FROM: LUIS R. GARCIA, JR.
VICE MAYOR

DATE: APRIL 25, 2005

RE: AGENDA ITEM-, DISCUSSION

Please place on the May 18, 2005 Commission Agenda, that either Ms. Pellerin, or a Carrfour representative attend the meeting as a follow up to the April 20, 2005 Carrfour facility discussion.

Thank you.

LRG/ept

Agenda Item R9C1
Date 5-18-05

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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 18, 2005

From: Jorge M. Gonzalez
City Manager

Subject: **REPORT ON MEMORIAL DAY WEEKEND 2005 (THURSDAY, MAY 26, 2005 – MONDAY, MAY 30, 2005)**

Similar to the City's successful planning efforts for Memorial Day Weekend 2002, 2003, and 2004, the City has begun a comprehensive and coordinated planning effort to prepare for the upcoming Memorial Day 2005 Holiday Weekend (Thursday, May 26, 2005 – Monday, May 30, 2005). Our estimates from Memorial Day 2001, 2002, 2003, and 2004 weekends are that approximately 250,000 people visited Miami Beach over the course of each of the weekends causing the City's resources to be strained. Irrespective of any events and based upon early occupancy reports, it is anticipated that this year's holiday weekend will attract at least as many people.

During Memorial Day 2003 and 2004, Luther Campbell, on behalf of UMOJA LLC, submitted a special events application and was granted a permit for an art/culture park festival. To date, Mr. Campbell has not contacted the City with a similar request. Furthermore, the City has advised event promoters that its resources would be fully extended during the Memorial Day weekend (a major holiday weekend) and unavailable to support any events.

As part of the City of Miami Beach's Major Events Plan (MEP), in 2003, the City began submitting 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 Memorial Day holiday weekend. This year, the County included In-Kind support for Memorial Day weekend in their annual budget, which eliminates the need for a separate request. This will be done annually based upon actual costs.

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 110 Miami–Dade County Police officers and additional assistance from Florida Highway Patrol, City of Miami, Florida Department of Law Enforcement, and Miami-Dade Corrections Department.

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 between Collins Avenue and Washington Avenue from 6th Street to 16th Street from 7:00 p.m. until 7:00 a.m. daily, beginning Friday, May 27 through Monday morning, May 31.

Agenda Item R9D
Date 5-18-05

Transportation Plan

As stated above, the Miami Beach Police Department has developed a transportation plan that will be implemented on Thursday, May 26, 2005 (if needed) beginning at 7:00 p.m. until Tuesday, May 31, 2005 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. 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 the 600, 1200 and 1400 blocks of Washington Avenue will be barricaded to allow for pedestrian overflow on the sidewalks or valet. This will require the relocation of valet operations and taxi stands that are being coordinated with the respective associations. Additionally, Washington Avenue will remain under construction. The possibility exists that two work zones will be in place (1) 800 to 1000 block and (2) Espanola Way to 1600 block east right-of-way (northbound lanes). If these work zones are implemented, at a minimum, the southbound lanes will be converted to maintain one lane in each direction.

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) and the Hotel Association of Greater Miami and the Beaches.
- 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.
- 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 hotels has been ongoing.
- Internal staff meetings have been conducted and expanded to include County beach maintenance, public safety, code compliance and transportation system staff and community stakeholders.
- Goodwill Ambassadors will be utilized and a training session will be scheduled for May.
- Transportation plan(s) being developed and implemented based upon population expectations including provisions for shuttle transportation in the Entertainment District to alleviate congestion.
- The Miami Beach Community Relations Board (CRB), including the Miami-Dade

County CRB representatives, have been actively participating with City Staff.

- Implementing traffic counting measures to monitor and estimate visitors to the area.
- Developing a community outreach and pre-publicity campaign with media partners.
- South Pointe Park Parking Lot has also been identified as an area recently used as a place for loitering and other activities during major event periods. The Administration will be manning the lot and extending hours until midnight. Additionally, the Police Department indicated the area is part of their regular patrol sweeps and will also utilize the security officer already stationed on the Baywalk just west of this lot through midnight as well. Parking is also evaluating an increase to the flat rate for parking for non-residents.

Community Outreach

Additionally, the attached scheduled lists meetings attended or those that staff plans to attend and provide a report on the City's planning efforts.

To date, and based on early indications of full occupancy in the region's hotels, the City is continuing to conduct a broad and concerted outreach effort throughout the community, as delineated above. This outreach has been coordinated with the assistance of the Nightlife Advisory Task Force, the Greater Miami and the Beaches Hotel Association, GMCVB, South Beach Restaurant and Hotel Association, and Miami-Dade County.

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 incident, the City is effectively planning and preparing its resources to assure a safe, clean, and successful weekend.

JMG\TH\mas
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Meeting Schedule

DATES	TIME	MEETING NAME	LOCATION	Completed
April 15, 2005	1:00 pm	MEP Meeting – Memorial Day	Mayor's Conference Room	X
April 19, 2005	4:00 pm	NITE Monthly Meeting	City Manager's Large Conf Room	X
April 19, 2005	9:00 am	Art in Public Places	TCD Conference Room, 555 17th St	X
April 19, 2005	6:00 pm	Police Citizens Relations Committee	Police Community Room	X
April 26 2005	NOON	Convention Center Advisory Board	Convention Center Board Room	X
April 26, 2005	4:00 pm	Lincoln Road Marketing	Mayor's Conference Room	X
April 27, 2005	4:00 pm	VCA Meeting	TCD Conference Room, 555 17th St	X
April 29, 2005	10:00 am	Miami-Dade County Coordination Meeting	Steven P. Clark Center	X
May 2, 2005	3:30 pm	T& P	Convention Center Executive Conference Room	X
May 3, 2005	4:00-6:00 pm	MB Chamber – Board of Governors	MB Chamber of Commerce	X
May 6, 2005	8:30 am	Cultural Arts Council Meeting	City Manager's Large Conf Rom	X
May 6, 2005	10:30	MEP Meeting – Memorial Day	City Manager's Large Conference Rm	X
May 10, 2005	9:00 am	MB CRB	Mayor's Conf Room	X
May 10, 2005	9:00 a.m.	PIC Monthly Meeting	Eco. Development Conference Room	X
May 13, 2005		Goodwill Ambassador Training	Convention Center - Room A201	
May 13, 2005	10:00 am	MEP Meeting – Memorial Day	City Manager's Large Conference Rm	
May 17, 2005	4:00 pm	NITE Monthly Meeting	1st Floor Conference Room	
May 17, 2005	5:00 pm	Meeting with Nightclubs	1st Floor Conference Room	
May 18, 2005		Report to Miami Beach Mayor & City Commission	City Commission Chambers	
May 20, 2005	3:00 p.m.	Meeting with Hotels	City Manager's Large Conf Room	
May 20, 2005	10:00 am	MEP Meeting – Memorial Day	City Manager's Large Conference Rm	
		Ocean Drive Association	Park Central	

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CITY OF MIAMI BEACH

OFFICE OF THE MAYOR & COMMISSION
MEMORANDUM

TO: **JORGE M. GONZALEZ**
CITY MANAGER

FROM: **DAVID DERMER**
MAYOR

DATE: **May 3, 2005**

RE: **May 18, 2005 COMMISSION AGENDA REQUEST**

Please place a presentation by the Orange Bowl Committee on the May 18, 2005 Agenda. Mr. Michael Kosnitky will speak on behalf of the Orange Bowl Committee.

Thank you.

DD/jb

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2005 APR 33 AM 10:00
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BY _____

Agenda Item R9E
Date 5-18-05

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C: Bob
Lilia

CITY OF MIAMI BEACH

Office of the Mayor and Commission
Memorandum

To: **JORGE M. GONZALEZ**
CITY MANAGER

Cc: **MAYOR & COMMISSION**

From: **JOSE SMITH**
COMMISSIONER

Date: **May 5, 2005**

Re: NEW BEACH WALK

Please schedule a discussion at the next commission agenda regarding the rules and regulations governing dogs, bicycles, and skateboards at the new Beach Walk.

JS/rsl

Agenda Item R9F
Date 5-18-05

Lief, Rachel

From: FIORENTINO@aol.com

Sent: Wednesday, May 04, 2005 10:36 AM

To: Dermer, David; Bower, Matti H.; Cruz, Simon; Garcia, Luis; Gross, Saul; Smith, Jose; Steinberg, Richard

Cc: City Manager's mailbox

Subject: The New Beach Walk

Dear Mayor Dermer and City Commissioners,

The new Beach Walk has been a great success. It is wonderful seeing tourists and residents strolling, walking their dogs, biking and rollerblading. It is a great asset to our community and to our city.

Suddenly, over the last few days "*Security Guards*" from **"Internal Intelligence Services"** are bicycling along the walk stopping people who are walking with their dogs, rollerblading or bicycling and asking them to leave! Miami Beach prides itself in being a pedestrian and pet-friendly city. There are many pet-friendly hotels here including The Loew's, The Tides and The Raleigh. Having everyone out there using the walk, greeting each other and enjoying our open spaces makes it a true reflection of our diverse and exciting neighborhood. Tourists with little children stop to chat with dog-walkers often telling them how much they miss their own pets back home. We can bike to Lincoln Road or dine outdoors with our dog at our side. It makes no sense to deny responsible dog owners, bikers and skaters access to the Beach Walk.

Sadly, the very people who are being told they can't use the walk are those people we want to attract to the area to keep it safe and give it a sense of community.

The Beach Walk should be treated as an extension of Lummus Park. This area was never meant to be like the wooden boardwalk where bicycles, rollerblades and dogs are not permitted. In fact the Beach Walk contractor was given clear instructions from the city to place the brick pavers in upside down so that the surface of the walk would be smooth for bicycles and skaters.

With so many serious quality of life problems in our city it should be no surprise that tourists and residents are bewildered by security guards patrolling the Beach Walk asking them to leave.

Who are these "guards" and how can we redirect them to more productive endeavors? I hope that we can address this issue quickly and begin to put our efforts towards addressing the real quality of life problems in our city.

Hoping to enjoy our new Beach Walk along with our friends and neighbors...

Frank Fiorentino, President
1500 Ocean Drive Condominium Association
cell 305 785-3094
Fiorentino@aol.com

C: Bob
Lilia

CITY OF MIAMI BEACH
OFFICE OF THE MAYOR & COMMISSION
MEMORANDUM

TO: JORGE M. GONZALEZ
CITY MANAGER

FROM: LUIS R. GARCIA JR.
VICE-MAYOR

DATE: MAY 9, 2005

RE: AGENDA ITEM

Please place as a discussion item on the May 18th agenda, the lack of maintenance of the Bark Park area and enforcement of the Leash Law at Pine Tree Park with a time certain after 5:00 p.m.

Thank you.

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2005 APR 29 AM 10: 50
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BY

Agenda Item R9G
Date 5-18-05

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c: Kathie
Trish
Lilia

CITY OF MIAMI BEACH

Office of the Mayor and Commission
Memorandum

To: **JORGE M. GONZALEZ**
CITY MANAGER

From: **JOSE SMITH**
COMMISSIONER

Date: **MAY 10, 2005**

Re: **BYRON CARLYLE GRANT APPROPRIATION**

Please place on the May 18, 2005 City Commission agenda a Resolution urging Governor Bush to support the City's $500,000 grant appropriation for the Byron Carlyle Theater that is included in the budget approved by the Florida Legislature.

JS/rsl

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2005 APR -0 PM 12:48
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Agenda Item R9H
Date 5-18-05

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INFORMATION ITEMS

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 18, 2005

From: Jorge M. Gonzalez
City Manager

Subject: **STATUS REPORT ON THE REHABILITATION OF THE EXISTING BUILDING AND CONSTRUCTION OF THE NEW FIRE STATION NO. 2.**

The improvements to Fire Station No. 2 include full historic renovation of the existing building, and construction of a new facility that will include three apparatus bays and living quarters for the fire crews, as well as an Emergency Operations Center.

The 25th Street water storage tanks and pumping station project was added to the Jasco Construction Company (Jasco) Construction Manager at Risk Contract. STA Architectural Group (STA) is the architect/engineer (A/E) for the Fire Station components and Camp Dresser & McKee (CDM) is the A/E for the water tanks/pump station components.

Construction on the Water Tanks and Pumping Station Project began on June 9, 2003. Jasco substantially completed the tanks and pump station on June 16, 2004. The tanks are now in use, and the pumps are working as designed. CDM issued a "punch-list" of work items required prior to final completion, and Jasco has recently completed carrying out the items on this list. The contractor is currently closing out all permits for this phase of the project, and gathering all required submittals and documents required for final completion.

On November 25, 2003, Jasco presented to the City their Guaranteed Maximum Price (GMP) for the Fire Station portion of the project, which includes the construction of a new fire station, including an Emergency Operations Center (EOC), renovation of the existing building for use as administrative offices, and needed modifications to the site drainage. On December 10, 2003, the Mayor and City Commission approved the GMP in the amount of $8,096,580, awarded a contract to Jasco, and appropriated the funding necessary to complete the Project.

CIP Office staff has coordinated the design of a temporary parking lot that will be used by Fire Department staff, as well as employees of the contractor during construction. Plans for the temporary parking layout were approved and permitted January 2005. Construction of the lot began in February and work was completed in March 2005.

The first Notice to Proceed for construction of the new Fire Station was issued on November 22, 2004. The second Notice to Proceed was issued on January 20, 2005 setting a contractual substantial completion date of February 14, 2006, and allowing construction activities to commence. Final completion shall be accomplished within 60 calendar days from the date certified as the date of substantial completion of Phase 1

Agenda Item A
Date 5-18-05

(April 17, 2006), which includes the time frame for fire station personnel to move in. The groundbreaking ceremony took place on February 2, 2005 during the Commission meeting break.

Demolition of the new building area both above and below ground is 100% complete. Foundation piling is currently 60% complete. The existing maintenance building water meter and water main have been relocated. The shell and plumbing contractor mobilization is to occur within the next two weeks. A new construction sign has been installed. Construction fencing around site has been completed, and the IT department has removed the transmission tower which is adjacent to proposed new building.

Construction and move in of fire personnel to the new Fire Station is expected to require 15 months. Following this, renovation of the historic Fire Station building, and its conversion into administrative offices, will require an estimated 13 months to be substantially complete.

JMG/RCM/TH/JEC/KLM/MB

T:\AGENDA\2005\May1805\Regular\FS#2 Commission Status Report 5-18-2005.doc

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 18, 2005

From: Jorge M. Gonzalez
City Manager

Subject: **STATUS REPORT ON THE CONSTRUCTION OF FIRE STATION NO. 4**

On August 4, 2004, the CIP Office issued a Notice-to-Proceed to Carivon (JOC Program Contractor) to initiate the seawall construction. Carivon submitted a schedule that showed mobilization by the end of the month, but due to extreme weather conditions the mobilization to the site was completed on September 23, 2004. The sidewalk along the seawall was removed, all piles were replaced, and concrete was placed at the deadmen (concrete stabilization structures). The wooden docks have been installed and are being secured. All debris identified in the DERM permit was removed, including three sunken boats. The seawall cap has been poured, the rip rap installed, and Carivon is grading the surrounding ground. This scope is scheduled to be completed in approximately two weeks, with the submittal of all documentation, including an as-built survey, by the end of May 2005.

A First Notice to Proceed for the new Fire Station building was issued on October 1, 2004, which allowed Carivon to obtain building permits and prepare and seek approval by the City and its Consultants of all the required schedules, including the list of subcontractors, the schedule of values, and the Critical Path Method (CPM) time table. The Second Notice to Proceed was issued on November 15, 2004. This Notice allowed Carivon to start with the site and foundation work activities. The temporary construction fence was extended to include the street end of 69th Street. The pile survey and the installation of the augercast piles have been completed. Concrete has been poured at the grade beams and stem walls and the soil was compacted in preparation of the grade slab. Currently, the retaining wall along the west side of the property is being built with concrete block. In addition, civil work, including the water, irrigation and fire line connections, is well underway. The sanitary sewer and drainage systems are being installed, including the drainage well box and roof drains.

On March 28, 2005, Carivon submitted a recovery plan and corresponding schedule to regain lost time, approximately 40 days, for review by the City and its consultants, and is already working extended hours and on Saturdays.

JMG/RCM/KH/CH/KLM:ar
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Agenda Item B
Date 5-18-05

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CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139
www.miamibeachfl.gov

COMMISSION MEMORANDUM

To: Mayor David Dermer and Members of the City Commission

Date: May 18, 2005

From: Jorge M. Gonzalez
City Manager

Subject: **INFORMATIONAL REPORT TO THE MAYOR AND CITY COMMISSION, ON FEDERAL, STATE, MIAMI-DADE COUNTY, U.S. COMMUNITIES, AND ALL EXISTING CITY CONTRACTS FOR RENEWAL OR EXTENSIONS IN THE NEXT 180 DAYS.**

The City Commission adopted Resolution No. 2000-24141, which provided that all existing city contracts for renewal or extensions, which by their terms or pursuant to change orders exceed $10,000, and all extensions or renewals of such contracts, shall be presented as an informational report to the Mayor and City Commission, at least 180 days prior to the contract extension or renewal date. Subsequent thereto, the City Commission adopted Resolution No. 2001-24332, changing the reporting requirement from $10,000 to $25,000.

The administration in addition to reporting on all existing City contracts, will now report information relative to Miami-Dade County, State of Florida, U.S. Communities and Federal GSA contracts that are approved for utilization by the City Manager. Pursuant to information contained in Miami-Dade County, State of Florida, U.S. Communities and Federal General Services Administration (GSA) bid list, the following are contracts that will expire within the next 180 days:

	DESCRIPTION	VENDOR	EXPIRATION DATE	RENEWAL TERMS
1.	Pursuit, Administrative Non-Pursuit, Utility Vehicles, Trucks & Vans, Fire/Rescue Vehicles, and Other Fleet Equipment	See attached Designated Dealers List	09/30/2005	None
2.	Automobile and Light Trucks	Alan Jay Chevrolet Cadillac, Inc.	09/30/2005	None
3.	Automobile and Light Trucks	Beck Auto Sales	09/30/2005	None

AGENDA ITEM C
DATE 5-18-05

4.	Automobile and Light Trucks	Caruso Chrysler/Jeep	09/30/2005	None
5.	Automobile and Light Trucks	Carl Gregory Pro-Fleet (DBA) Carl Gregory Dodge	09/30/2005	None
6.	Automobile and Light Trucks	Don Reid Ford	09/30/2005	None
7.	Automobile and Light Trucks	Duval Motors (DBA) Duval Ford	09/30/2005	None
8.	Automobile and Light Trucks	Garber Ford Mercury, Inc	09/30/2005	None
9.	Automobile and Light Trucks	Garber Chevrolet, Inc.	09/30/2005	None
10.	Automobile and Light Trucks	Jack Caruso's Regency Dodge	09/30/2005	None
11.	Automobile and Light Trucks	Maroone Chrysler-Jeep	09/30/2005	None
12.	Automobile and Light Trucks	Maroone Dodge LLC	09/30/2005	None
13.	Automobile and Light Trucks	Milton Ford (DBA) Orville Beckford Ford Mecury	09/30/2005	None
14.	Automobile and Light Trucks	Mike Davidson Ford	09/30/2005	None

DESIGNATED DEALERS

Alan Jay Chevrolet Cadillac, Inc.
P.O. Box 9200
Sebring, FL 33871-9200
Contact: Chris Wilson
Phone: 863-402-4234
Fax: 863-402-4221
E-Mail: chris.wilson@alanjay.com

Alan Jay Pontiac Buick GMC, Inc.
P.O. Box 9200
Sebring, FL 33871-9200
Contact: Chris Wilson
Phone: 863-402-4234
Fax: 863-402-4221
E-Mail: chris.wilson@alanjay.com

Alan Jay Toyota
P.O. Box 9200
Sebring, FL 33871-9200
Contact: Chris Wilson
Phone: 863-402-4234
Fax: 863-402-4221
E-Mail: chris.wilson@alanjay.com

All American Ford
243 North Magnolia Drive
Tallahassee, FL 32301
Contact: Don Gates
Phone: 850-671-6152
Fax: 850-877-4106
E-Mail: dong@allamericanford.us

Atlantic Truck Center
85 Hollow Branch Road
Apopka, FL 32703
Contact: George Ellison
Phone: 888-763-7626
Fax: 407-862-3849
E-Mail: geowing@aol.com

Beck Auto Sales, Inc.
256 Hwy. 17 North
Palatka, FL 32177
Contact: Chuck Boner
Phone: 800-382-3692 ext. 136
Fax: 386-328-0891
E-Mail: chuck_boner@beckchrysler.com

BMW Motorcycles of Fort Myers
16090 S. Tamiami Trail
Fort Myers, FL 33908
Contact: Ed Gallo
Phone: 239-481-8100
Fax: 239-425-3100
E-Mail: edgallo@bmwmotorcyclesftmyers.com

Caruso Chrysler/Jeep
1750 Southside Blvd.
Jacksonville, FL 32216-1994
Contact: William "Bill" Futrill
Phone: 800-654-8426
Fax: 904-642-7061
E-Mail: bfutrill@jax4cars.com

Champion Chevrolet, Inc.
3127 W. Tennessee Street
Tallahassee, FL 32304
Contact: Fred Schmucker
Phone: 850-580-7653
Fax: 850-575-9027
E-Mail: fschmucker@championchevy.com

Classic Chevrolet
P.O. Box 1720
Winter Park, FL 32790
Contact: Peter Popiel/Skip Reiker
Phone: 407-298-1535 ext. 270
Fax: 407-298-6170
E-Mail: ppopiel@asnmail.com

Deland Truck Center, Inc.
1208 S. Woodland Blvd.
Deland, FL 32720
Contact: Doug Nosbisch, Jr.
Phone: 800-342-0880 ext. 20
Fax: 386-738-7165
E-Mail: dougnjr@aol.com

Don Reid Ford
P.O. Box 940005
Maitland, FL 32794
Contact: Eric Jore
Phone: 407-644-8111 ext. 293
Fax: 407-647-4779
E-Mail: ejore@aol.com

DESIGNATED DEALERS *(Continued)*

Duval Ford
P.O. Box 7687
Jacksonville, FL 32238
Contact: Nelson Eason
Phone: 904-388-2144
Fax: 904-387-6816
E-Mail: neason@duvalford.com

Freightliner of Tampa, LLC
8211 Adamo Drive
Tampa, FL 33619
Contact: Phil Poffenberger
Phone: 813-781-4947
Fax: 813-621-7262
E-Mail: ppoffenberger@freightlineroftampa.com

Ft. Lauderdale Harley-Davidson
443 S. State Road 7
Ft. Lauderdale, FL 33317
Contact: Barry Kuhnly
Phone: 954-791-6295
Fax: 954-791-6128
E-Mail: Harleydog1@aol.com

Garber Buick, Pontiac GMC Trucks, Inc.
P.O. Box 945
Green Cove Springs, FL 32043
Contact: Daniel C. Devries
Phone: 904-264-4502 ext. 1148
Fax: 904-284-8717
E-Mail: garberfleet@garberautomall.com

Garber Chevrolet, Inc.
P.O. Box 945
Green Cove Springs, FL 32043
Contact: Daniel C. Devries
Phone: 904-264-4502 ext. 1148
Fax: 904-284-8717
E-Mail: garberfleet@garberautomall.com

Garber Ford Mercury, Inc.
P.O. Box 945
Green Cove Springs, FL 32043
Contact: Daniel C. Devries
Phone: 904-264-4502 ext. 1148
Fax: 904-284-8717
E-Mail: garberfleet@garberautomall.com

Great Southern Peterbilt, Inc.
36940 Slice Lane
Grand Island, FL 32735-8445
Contact: Dave Mellott
Phone: 321-663-5976
Fax: 352-357-2398
E-Mail: peterbilttrash@direcway.com

Highland Tractor Company
P.O. Box 1810
Ocala, FL 34478
Contact: Jim Strange
Phone: 352-732-4646
Fax: 352-732-8820
E-Mail: jstrange@highlandtractor.com

Hill-Kelly Dodge, Inc.
P.O. Box 12763
Pensacola, FL 32676-2763
Contact: Keith Fowler
Phone: 850-476-9078
Fax: 850-478-2235
E-Mail: kfowler@hillkellydodge.com

Jack Caruso's Regency Dodge
10979 Atlantic Blvd.
Jacksonville, FL 32225-2921
Contact: William "Bill" Futrill
Phone: 800-654-8426
Fax: 904-642-7061
E-Mail: bfutrill@jax4cars.com

Kenworth of Central Florida
1800 N. Orange Blossom Trail
Orlando, FL 32804
Contact: Richard Smith
Phone: 800-871-2244
Fax: 407-648-2786
E-Mail: rsmith@kenworthcentfl.com

Maroone Chevrolet, LLC
P.O. Box 848480
Pembroke Pines, FL 33084-0480
Contact: David Fridgant
Phone: 954-447-2150
Fax: 954-433-8503
E-Mail: fridgantd@autonation.com

DESIGNATED DEALERS *(Continued)*

Maroone Chrysler-Jeep
21151 N.W. 2nd Avenue
Miami, FL 33169
Contact: Steve Henry
Phone: 305-493-5310
Fax: 305-653-8250
E-Mail: schenry1@comcast.net

Maroone Dodge, LLC
21151 N.W. 2nd Avenue
Miami, FL 33169
Contact: Steve Henry
Phone: 305-493-5310
Fax: 305-653-8250
E-Mail: schenry1@comcast.net

Maroone Honda
21151 N.W. 2nd Avenue
Miami, FL 33169
Contact: Steve Henry
Phone: 305-493-5310
Fax: 305-653-8250
E-Mail: schenry1@comcast.net

Mauldin International Trucks, Inc.
4900 N. Orange Blossom Trail
Orlando, FL 32810
Contact: Jeff Rotella
Phone: 407-295-9777
Fax: 407-295-9727
E-Mail: jrotella@maudlinintl.com

Nextran Truck Center – Lake City
328 S.W. Ring Court
Lake City, FL 32025
Contact: Barry Sessions
Phone: 800-559-6225
Fax: 386-754-8833
E-Mail: bsessions@nextrancorp.com

Nextran Truck Center – Miami
6801 N.W. 74th Avenue`
Miami, FL 33166
Contact: N. J. Nichols
Phone: 305-883-8506
Fax: 305-883-9808
E-Mail: nnichols@nextrancorp.com

Nextran Truck Center – Tampa
7810 Adamo Drive
Tampa, FL 33619
Contact: John A. Louer
Phone: 800-932-6225
Fax: 813-622-8831
E-Mail: jlouer@nextrancorp.com

Nortrax Equipment Company
4546 Oak River Circle
Valrico, FL 33594
Contact: Bob Rainey
Phone: 813-323-2149
Fax: 813-655-4685
E-Mail: robert.rainey@nortrax.com

Orville Beckford Ford-Mercury
6400 Hwy. 90
Milton, FL 32570
Contact: Joseph L. Windrow
Phone: 800-525-2234 ext. 259
850-981-7411
Fax: 850-626-9591
E-Mail: windrow1@bellsouth.net

Proctor Honda
3122 Mahan Drive
Tallahassee, FL 32308
Contact: Jim Bass
Phone: 850-878-3171 ext. 230
Fax: 850-201-3191
E-Mail: jim_bass@proctorcars.com

Proctor Pontiac-GMC Trucks
3122 Mahan Drive
Tallahassee, FL 32308
Contact: Jim Bass
Phone: 850-878-3171 ext. 230
Fax: 850-201-3191
E-Mail: jim_bass@proctorcars.com

Ring Power Corporation
P.O. Box 30169
Tampa, FL 33630-3169
Contact: Clark Ricke
Phone: 813-671-3700 ext. 8214
Fax: 813-671-3118
E-Mail: clark.ricke@ringpower.com

DESIGNATED DEALERS *(Continued)*

Saturn of Manatee
4770 14th Street West
Bradenton, FL 34207
Contact: Patrick Carswell
Phone: 941-752-1000
Fax: 941-751-0429
E-Mail: patatsaturn@hotmail.com

Sterling & Western Star of Tallahassee, Inc.
P.O. Box 6569
Dothan, AL 36302
Contact: Larry Reeves/Griffin Petranka
Phone: 800-239-8785
Fax: 334-793-1047
E-Mail: larryreeves@alabamafreightliner.com
griffinpetranka@alabamafreightliner.com

Sun State International Trucks
6020 Adamo Drive
Tampa, Fl 33619
Contact: Mike Kleespies
Phone: 813-621-1331 ext. 1005
Fax: 813-628-0527
E-Mail: mike@mail.sunstintl.com

Tom Nehl GMC Truck Co.
417 S. Edgewood Avenue
Jacksonville, FL 32254-3792
Contact: Bret Catto
Phone: 904-389-3653 ext. 274
Fax: 904-384-4131
E-Mail: bretcatto@tomnehl.com

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 6, 2005

RE: For Your Information-Provided by the Performing Arts Center Trust

Attached please find the minutes of the March 8, 2005 PACT Board Meeting and the agenda for the May 10, 2005 Meeting.

MB/lw

RECEIVED
2005 APR 26 AM 11:53
CITY MANAGER'S OFFICE
BY

Agenda Item D1
Date 5-18-05

Minutes of the Board
Miami Performing Arts Center Trust
March 8, 2005
TEMPLE ISRAEL of GREATER MIAMI
137 NORTHEAST 19TH STREET
THE KAHN ROOM
8:30 AM

IN ATTENDANCE:
Ricky Arriola
Stu Blumberg
Sonia Burini
Roger Carlton
T. Willard Fair
Ruth Greenfield
James Herron
Robert Ingram
Betsy Kaplan
Susie Krajsa
Stanley Levine
Antonio Roca
Richard Shack
Parker Thomson
Penny Thurer
Judy Weiser
David Wilson
Velia Yedra

ABSENT:
Stanley Arkin
Matti Herrera-Bower
Elizabeth Ruth Johnston
Juan Loumiet
Jay Pons
Mario Ernesto-Sanchez
Rosa Sugrañes
Marco Rubio

PACT
Michael Hardy
Yadira Boada
Gail Eaton
Susan Harris
Judy Litt
Justin Macdonnell
Antonio Necuze
Luis Palomares
Teresa Randolph
Valerie Riles-Robinson
James Thompson
Richard Walker

PACMO
Ron Austin

OTHERS IN ATTENDANCE

Suzy Valentine – Miami Today
Eddie Padilla-Morales – Downtown NET Office
Beth Boone – Miami Light Project
Hubert Harriman – Miami-Dade resident
Mitch Morales – SMG
Fred Tasker – The Miami Herald
Fred Swindle – Miami-Dade resident
Lou Falzarano – IATSE
Alan Bernstein – Former PACT Board Member – Member Finance Committee
Adrianne Arsht – PACF Board Member
Charmille Walters – Intercultural Dance and Music Institute

James Herron called the meeting to order.

PRESIDENT'S REPORT

Michael Hardy introduced the following employees who recently joined the Trust and Foundation Staff:
Susan Harris – Membership Manager
Chantal Honore – Receptionist
Antonio Necuze – Accountant
Omayra Stylianoudakis – Development Coordinator
James Thompson – Information Technology Manager
Christopher Wallingford – Web Content Manager

Dr. Hardy introduced Beth Boone, the Executive Director and CEO of Miami Light Project. The Miami Performing Arts Center has partnered with Miami Light Project to commission and present the work of several Miami based artists. Ms. Boone briefly described the "Here and Now" program and invited Board members to attend future performances.

Urban Development Committee Report

Michael Hardy explained that the Parking Task Force has now merged with the Urban Development Committee. Stu Blumberg reported that FDOT has agreed that the letters "PAC" will be included on all highway signs directing traffic to the Center. Mr. Blumberg also reported that FDOT has agreed to begin Phase I of the reconstruction of Biscayne Boulevard at 15th Street and proceed south in an effort to ease traffic for patrons during the Center's 2006 opening festivities.

Roger Carlton reported on the outcomes of his meeting with City of Miami Commissioner Johnny Winton pertaining to the infrastructure needs surrounding the Center. Infrastructure is being defined as sidewalks, lighting and landscaping. The targeted area would be the area to the east of the Center to the Knight Ridder property, to the north of the Center to the Omni and the School Board parking garages and to the west of the Center for at least a block west of the Ballet Opera House.

The concept is to have the CRA/City of Miami authorize the design of the described infrastructure project within the boundaries delineated. The project would be viewed as a pilot project for other infrastructure projects throughout the CRA area. Necessary funding for the design and construction would be acquired from a variety of public and private sources. Design would take about six months and construction would take approximately a year.

Jim Herron made a motion to support the CRA /City of Miami's proposed revitalization efforts in the area adjacent to the Center. Ruth Greenfield seconded the motion and the motion passed unanimously.

Roger Carlton also updated the Board on the status of parking negotiations. Mr. Carlton has met with the owners of the Omni to discuss interim parking solutions. The owners have expressed a strong interest in having 1000 parking spaces in the Omni garage available. Mr. Carlton stated that another important consideration that needs to be

discussed by the Urban Development Committee is how to facilitate a transportation system that will improve accessibility to the Center.

A motion was made requesting authorization for the Committee to investigate the feasibility of using electro-wave buses as a transportation system to the Center. Motion was seconded by Sonia Burini and the motion passed unanimously.

Request for Excused Absences

Retroactive excused absences were requested by Teresa Randolph for the January 18, 2005, meeting for Velia Yedra who was out of town. For today's meeting, Carole Ann Taylor is out of town and Stanley Arkin is ill.

Stu Blumberg moved to accept the excused absences. Sonia Burini seconded the motion and the motion passed unanimously.

A motion to approve the minutes of the January 18, 2005, meeting was made by Antonio Roca, seconded by James Herron and the motion passed unanimously. Dr. Hardy requested all Board members to complete the "Board Member Information Sheet" included in their packages. The information will be used to update contact information.

Board members reviewed the proposed Performing Arts Center Trust Slate of Officers for 2005 . A motion was made to approve the 2005 Slate of Officers by Stanley Levine. Antonio Roca seconded the motion and the motion passed unanimously.

Dr. Hardy directed the Board's attention to the Sunset Review Questionnaire which governs Miami-Dade County Boards and requires approval to continue the Board's existence. Roger Carlton made a motion to approve the questionnaire and Sonia Burini seconded the motion. The motion passed unanimously.

The Board reviewed the proposed benefits for the Charter Membership campaign. After a lengthy discussion Dr. Robert Ingram moved to accept the Charter Membership benefits. The motion was seconded by Sonia Burini and was passed unanimously.

Executive Committee Report

The Executive Committee met on March 7, 2005, and approved the proposed 2005 Slate of Officers and the Charter Membership benefits. Way finding signage and Biscayne Boulevard reconstruction issues were also discussed.

Finance Committee Report

David Wilson commended Finance Committee members Alan Bernstein, Bruce Davidson and John Messer, for their contributions to the Committee. None currently serve on the PACT Board. Messrs. Bernstein and Davidson are both former PACT Board members who remain active with the Trust and share their expertise with the Finance Committee.

Mr. Wilson reported that total funding needed for items required for opening is $15.6 million. The total funding for items not necessarily required for opening is $6 million.

The Committee proposed starting a revenue generating sub-committee to look for creative ways of generating funds.

Audit Committee Report
The 2004 audit report was distributed to the Board. Antonio Roca moved to accept the audit as presented and Ruth Greenfield seconded. The motion passed unanimously.

Nominating Committee Report
Jim Herron commented on the high caliber of individuals who submitted resumes for consideration for PACT Board membership. He reported that the following slates have been developed for proposal to the varying entities:

City of Miami Beach - Barry Chase, Sonia Dula and Richard Milstein;
Miami-Dade County Commissioner Dennis Moss – Donald Graham, Gerald Grant and Robert Parks;
Miami-Dade County Commissioner Barbara Jodan – T. Willard Fair, Alex Fraser and Jeff Hicks;
Miami-Dade County Commissioner Carlos Gimenez – Juan Loumiet, John Messer and Richard Milstein.

Mr. Herron made a motion to approve the nomination slates for the City of Miami Beach, Commissioner Barbara Jordan, Commissioner Dennis Moss and Commissioner Carlos Gimenez. Ruth Greenfield seconded and the motion passed unanimously.

Stanley Levine made a motion requesting that staff send thank you letters to applicants not selected. The motion was seconded by Ricky Arriola and passed unanimously.

Construction Committee Report
Ron Austin reported that construction is proceeding steadily. He invited Board Members to schedule a tour of the facility in order to have a better appreciation of the construction.

Michael Hardy reported that the construction team has indicated that they are very confident about the August date for substantial completion. Dr. Hardy has begun formalizing contracts for the 2006 performance season. The Trust and the Foundation have established a Steering Committee that is responsible for planning the opening gala festivities. An independent producer will be hired to work with the Steering Committee.

Parker Thomson encouraged Board Members to attend the Construction Committee meetings in order to receive detailed information on the progress of the Center's construction.

Cultural Affairs Presentation Report
Michael Spring reported that Governor Jeb Bush has proposed to restore funding for Florida's Department of State's Cultural Affairs grant programs to the 2003 level. Miami-Dade County's Department of Cultural Affairs will continue to advocate that arts funding remain in this fiscal year's budget.

On April 27, 2005, the Chairman of the Miami-Dade Cultural Affairs Council, Rosa Sugrañes, will deliver the annual State of the Arts address. All Board Members are invited to attend.

Other Business

Antonio Roca expressed concern that the February 19, 2005, minutes of the Management Committee contained only excerpts of the revisions to the Operating Policies.

Michael Hardy explained that amendments to the clause were necessary to make them consistent with the booking policy now being developed. Exhibit A will be presented in its entirety with all of the proposed changes at the next Board meeting.

The next Hard Hat concert is scheduled for Friday, March 11, 2005, at noon at the Ballet Opera House site. The Florida Grand Opera Young Artists will perform.

Velia Yedra conveyed her concern over reports which have appeared in the paper pertaining to the agreement between Miami Performing Arts Center and the Cleveland Orchestra. She reminded the Board that every effort should be made to be inclusive of local artists and arts organizations.

Michael Hardy explained that the recent reports in the newspaper are premature. No agreement has been finalized with the Cleveland Orchestra. Under authorization of the Management Committee, negotiations are in progress. The proposed agreement includes an extensive educational component for Miami-Dade County Public Schools. In addition, the Orchestra would also engage in collaborative work with the New World Symphony.

Meeting adjourned.

Reported by
Yadira E. Boada
Assistant to the President/CEO

MIAMI PERFORMING ARTS CENTER

AGENDA

PACT BOARD MEETING
Tuesday, May 10, 2005
Temple Israel
137 Northeast 19 Street – Miami, FL 33131
8:30 AM

I. Request for Excused Absences

II. Approval of Minutes

III. President's Report, Michael C. Hardy, PACT President & CEO

IV. PACT Committee Reports
- A. Executive Committee
- B. Management Committee
- C. Construction Committee
- D. Nominating Committee
- E. Finance Committee
- F. Urban Development Committee

V. Reports
- A. Department of Cultural Affairs
- B. PACT Board Members

VI. Other Business