



MIAMIBEACH

Mayor Matti H. Bower and Members of the City Commission

City Manager Jorge M. Gonzalez

April 14, 2009

This shall serve as written notice that a meeting of the Finance and Citywide Projects Committee has been scheduled for April 14, 2009, at 2:30 P.M. in the City Manager's Large Conference Room.

The agenda is as follows:

OLD BUSINESS

- 1. Discussion regarding status, design and budget for the New World Symphony parking garage and park.**

Tim Hemstreet – Assistant City Manager

- 2. Presentation of Flamingo Park Revised "Draft" Master Plan for Approval**

Fred Beckmann – CIP Interim Director

NEW BUSINESS

- 3. Presentation by TCBA Watson Rice LLP Regarding Building Department Organizational and Operational Review and Analysis**

Alex Rey – Building Director

- 4. Analysis of Fire Department unanticipated leave usage and overtime – 2nd Quarter FY 2008/09**

Eric Yuhr - Fire Chief

Kathie Brooks - Budget & Performance Improvement Director

- 5. Drainage improvements on 44th and Royal**

Robert Middaugh – Assistant City Manager

6. Discussion regarding closing older liens imposed by the City of Miami Beach potential amnesty and or collection scenarios and certain procedural changes to improve the lien system.

Robert Middaugh – Assistant City Manager

7. Discussion regarding a concession agreement with One Washington Avenue, Corp. for a concession in South Pointe Park adjacent to the Smith & Wollensky Restaurant to be used as an auxiliary dining area.

Hilda Fernandez – Assistant City Manager

8. Little Stage Theater Complex Basis of Design Report

Fred Beckmann – CIP Interim Director

9. Discussion regarding authorization of the neighborhood vote for the Palm and Hibiscus Island Undergrounding Projects.

Tim Hemstreet – Assistant City Manager
Fred Beckmann – CIP Interim Director

Finance and Citywide Projects Committee Meetings for 2009:

April 14, 2009

May 5, 2009

June 18, 2009

July 21, 2009

August 13, 2009

September 24, 2009

October 29, 2009

November 17, 2009

December 15, 2009

JMG/PDW/rs/ns

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Cc. Mayor and Members of the City Commission
Management Team

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MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMITTEE MEMORANDUM

TO: Finance and Citywide Projects Committee

FROM: Jorge M. Gonzalez, City Manager

DATE: April 14, 2009

SUBJECT: **PRESENTATION OF REVISED FLAMINGO PARK "DRAFT" MASTER PLAN AND DISCUSSION ON THE TENNIS CENTER/COURTS SCOPE OF WORK**

At the direction of the City Commission, the Administration proceeded with the design of the Flamingo Park Tennis Center and Courts. Once the schematic design was completed it was presented to the Historic Preservation Board (HPB) on October 14, 2008, and November 12, 2008, requesting a Certificate of Appropriateness for the complete demolition of the existing Flamingo Park Tennis Center and Courts. The HPB approved the demolition request with a 7-0 vote.

At the January 28, 2009, City Commission meeting, the Administration sought authorization to set a public hearing, pursuant to Miami Beach City Code Section 118-563, to consider granting a Certificate of Appropriateness for the complete demolition of the existing Flamingo Park Tennis Center and Courts, and to prepare the area for the future development of the new Tennis Center and Courts. Following discussion, a motion was made, and seconded, to approve the item and refer the demolition portion - as well the discussion on the location of the Tennis Center building with respect to the park entrance - to the February 11, 2009, Finance and Citywide Projects Committee (FCWPC) for further consideration. The FCWPC did not approve to move forward with the demolition and directed the Administration to make a complete presentation of the Flamingo Park "Draft" Master Plan at the February 11, 2009, meeting. At this meeting, the FCWPC recommended bringing the "Draft" Master Plan to the March 10, 2009 FCWPC meeting and asked staff to bring back a revised budget figure as to what it would cost to renovate the current tennis center to be code compliant so that the Committee can make a decision as to whether renovate, rebuild or scale down the tennis center component of the project.

Following the action taken by FCWPC, at the February 25, 2009, Commission meeting, the Public Hearing for demolition of the Flamingo Park Tennis Center and Courts was opened and continued to the March 18, 2009, Commission meeting, where it was ultimately withdrawn administratively. (Commission Agenda, Item R7A).

As directed by FCWPC, a full presentation of the Flamingo Park "Draft" Master Plan was presented on March 10, 2009, with recommended alternatives for the Tennis Center, and a discussion on the proposed specific scope of work for the proposed tennis center and courts. The Committee directed staff as well as the architect to proceed with Option "I" with the following modifications:

- Design a new tennis facility on a smaller scale, removing the multi purpose room, reducing the floor area of the Pro-Shop, and exploring if there are any significant cost savings in designing the restroom facilities in the building closer to each other.
- Include in the design, a community garden, a bike path that connects to Michigan Avenue, a walkway on the north side, and look into the possibility of adding the skate park next to the Boys and Girls Club, as long as they had no objection, and also remove the proposed gymnasium. In addition, consider the addition of shade trees in the dog park, and using passive, freeform landscaping similar to what was used at Pine Tree Park.

- With respect to the water feature in the center of the park, the committee recommended that this water feature may be added, only if the budget allows, once all other needs are met.
- Provide the costs of maintaining the current football field to see if it is cost effective to install artificial turf (Attachment).
- Renovate the existing restroom in the park rather than building new ones.
- During the Bid/Award phase of the Tennis Center and Courts project, the Committee directed staff to include in the Instruction to Bidders (ITB) documents, an Additive Alternate that captures the cost of phasing the demolition of the existing courts and new construction of the tennis center/ courts scope of work.
- Determine a programmatic use for the historic Lodge building in the park.
- Basketball courts were to remain were previously located.

Attachment 1 is a copy of the revised Flamingo Park "Draft" Master Plan presentation which reflects the direction given by FCWPC on the March 10th 2009 meeting. This is now referred to as Option "K".

Attachment 2 is the revised Flamingo Park estimate of probable cost. Wolfberg Alvarez will present the Master Plan Option "K", along with conceptual budget estimates for each one of the 22 different elements of the conceptual budget estimate.

The current capital budget for Flamingo Park reflects a total of \$6.9 million for construction, including a projected \$2.4 million appropriation in the Fiscal Year 2009 / 2010 Capital Budget. Approximately \$93K in additional FEMA funds (Hurricane Wilma) is available for use in the park. In addition there is \$ 700,000 appropriated for contingency in the FY 2009/ 2010 Conceptual Budget.

The Administration seeks guidance on the revised "Draft" Master Plan and on whether or not to proceed with the demolition of the existing Tennis Center and Courts.

Attachments:

1. Revised Flamingo Park "Draft" Master Plan Presentation.
2. Revised Flamingo Park Budget Estimate of Probable Cost.
3. Costs of maintaining the current football field turf areas.


JMG\TH\FHB\MGP

Attachment 1

FLAMINGO PARK

Proposed Neighborhood
Capital Improvements Program



MIAMI BEACH

1700 CONVENTION CENTER DRIVE
MIAMI BEACH, FLORIDA 33139

Finance and Citywide Projects Committee
Presentation
April 14, 2009

WOLFBERG



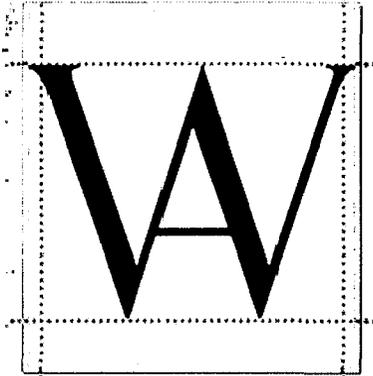
ALVAREZ

1500 San Remo Avenue
Suite 300, Coral Gables, FL 33146

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PROJECT TEAM

WOLFBERG



ALVAREZ

Architecture, Engineering & Planning

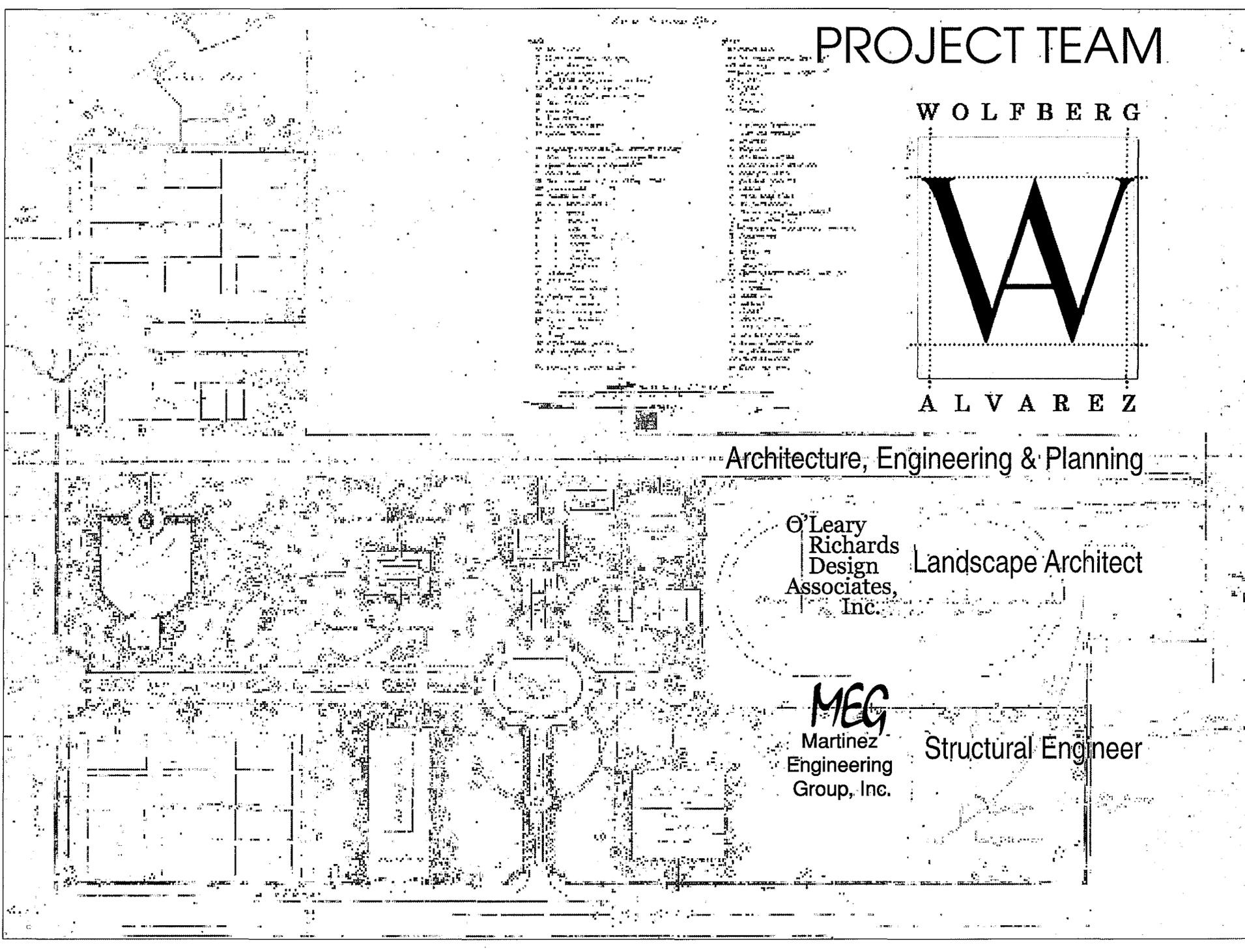
O'Leary
Richards
Design
Associates,
Inc.

Landscape Architect

MEG
Martinez
Engineering
Group, Inc.

Structural Engineer

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PLANNING PROCESS



- Kick-off Mtg. with Park Representatives
- Programming Session
- Surveying Existing Conditions
- Site Reconnaissance Visits
- Flamingo Park Charrette
- CDW (Community Design Workshop)
- Historic Preservation Board (Tennis Facility)
- Project Review Meeting with Parks & Recreation and C.I.P. Departments
- First Presentation to Finance and Citywide Projects Committee
- Second Presentation to Finance and Citywide Projects Committee
- Third Presentation to Finance and Citywide Projects Committee
- Preparation of BODR (Basis of Design Report)

ITEMS FOR DISCUSSION

- OPTION K MASTER PLAN

- New bike path on Michigan Ave
- Renovate existing softball field restrooms
- New northern walkway from north parking lot to Meridian Avenue
- New community garden
- Includes a New Smaller Tennis Building

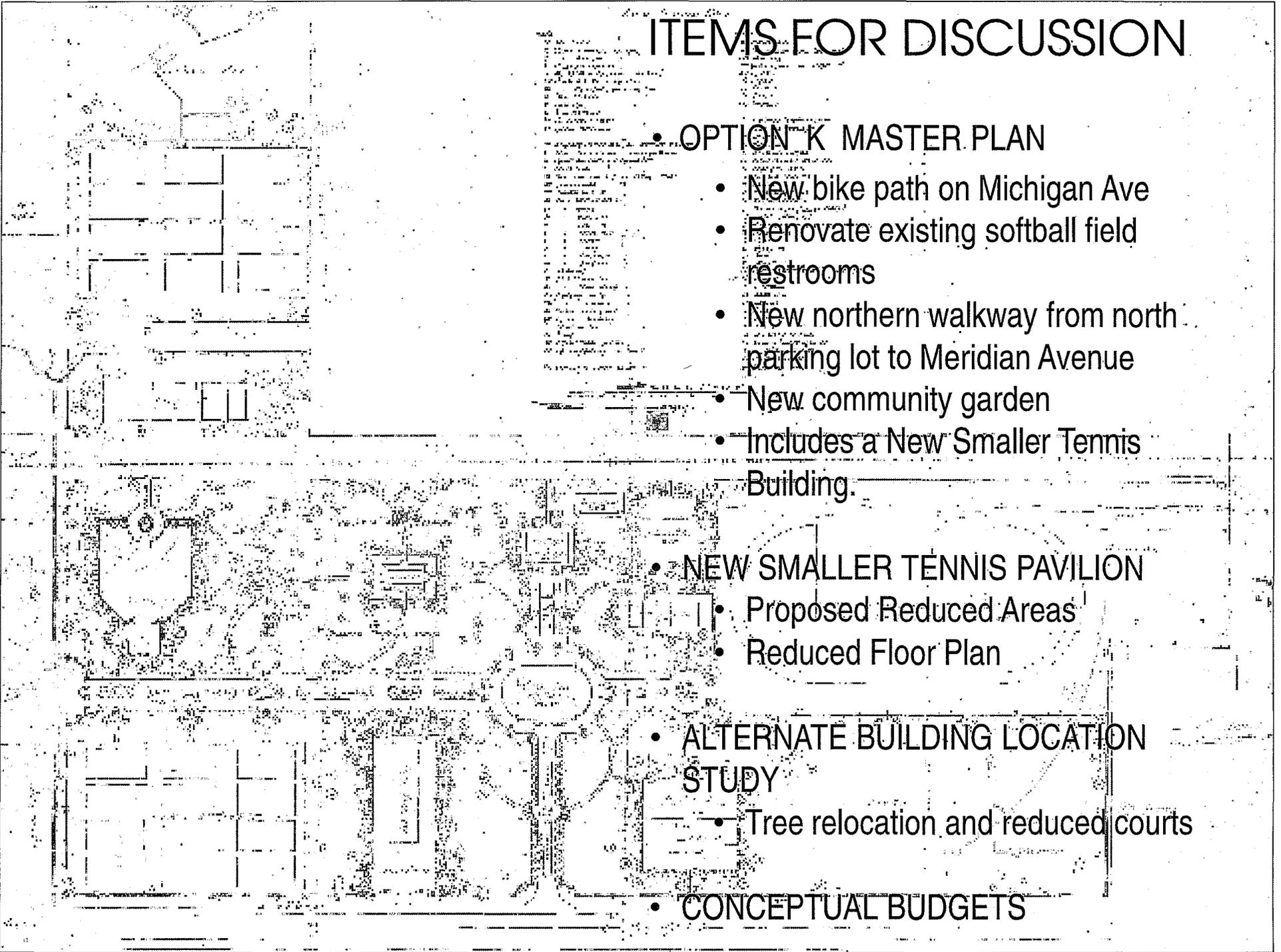
- NEW SMALLER TENNIS PAVILION

- Proposed Reduced Areas
- Reduced Floor Plan

- ALTERNATE BUILDING LOCATION STUDY

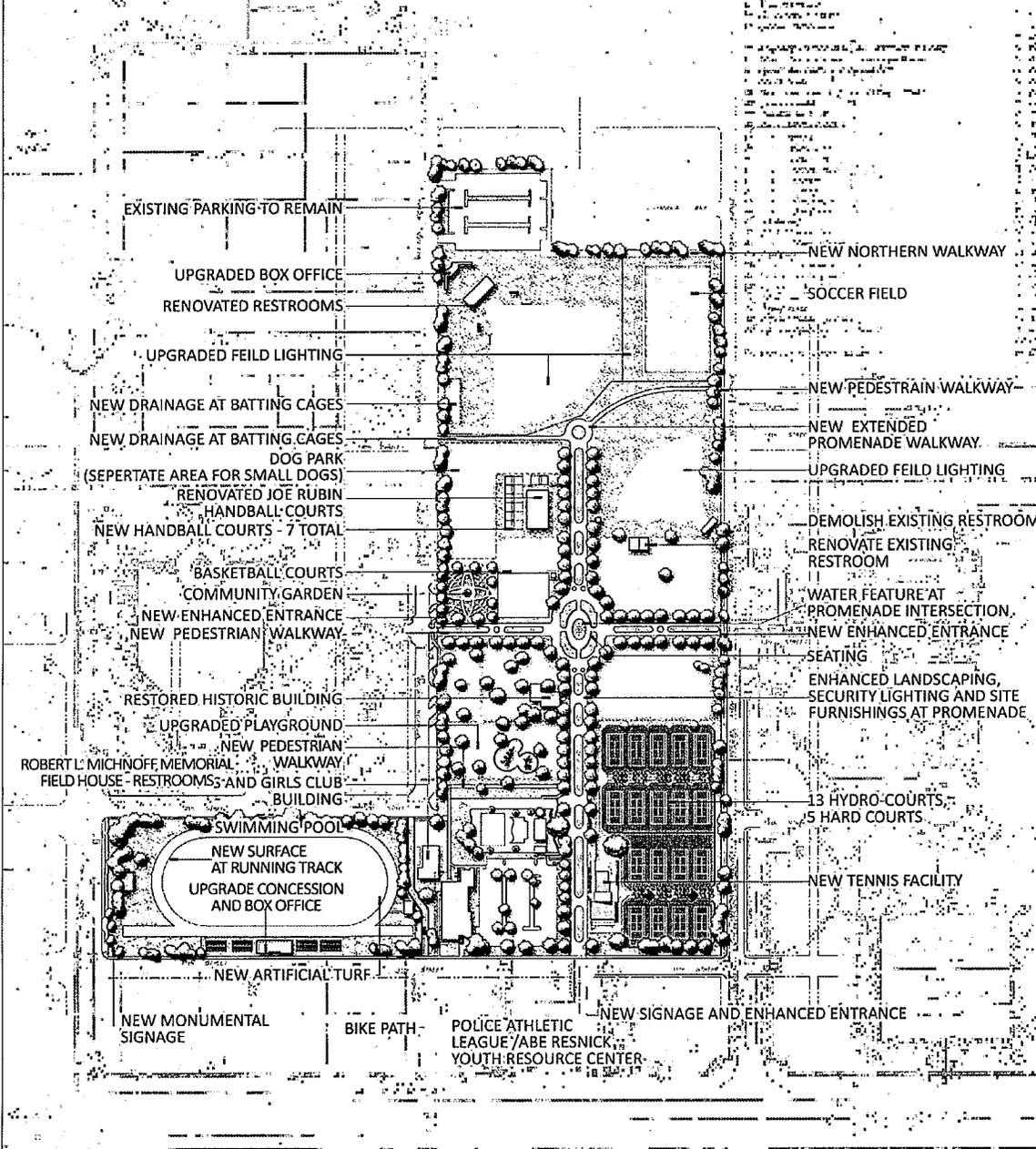
- Tree relocation and reduced courts

- CONCEPTUAL BUDGETS



PRELIMINARY MASTER PLAN

OPTION K

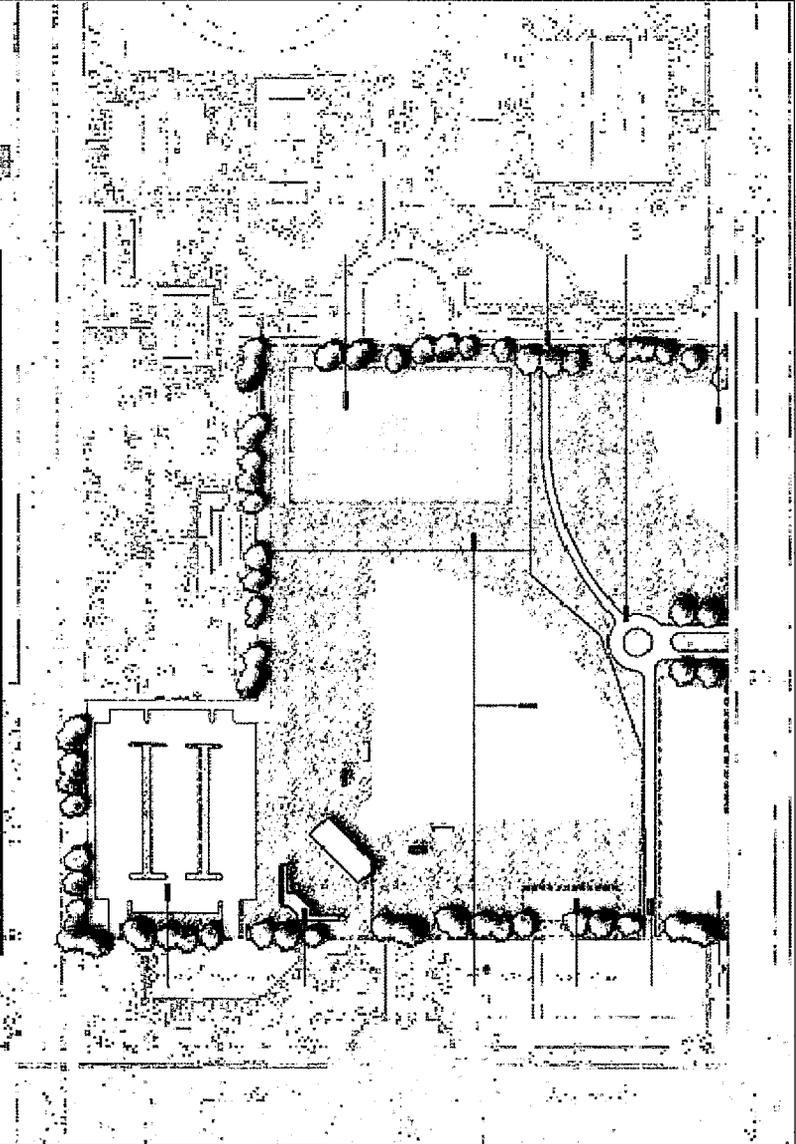


- Renovated Baseball Stadium Buildings
- New Boys and Girls Club Building
- New Handball Courts (7)
- New Entry Feature at Main Park Entrances
- New Water Feature at Park's Center
- New Pedestrian Promenade on 13th Street (west side)
- Expanded Dog Park
- New Pedestrian Pathway between Pool and Tot Lot at 12th Street.
- Enhanced Edge Conditions, Fences, & Landscaping
- New Shade Trees along all Pedestrian Promenades
- New Site Furnishings, Upgraded Lighting, Security & Signage
- Renovated Baseball Stadium Buildings
- Renovated Joe Rubin Handball Courts
- Restored Historic "Lodge" Building
- Renovated Track/Field Concession Building
- New Northern Walkway
- New Bike Path on Michigan Ave. (11th St. - 12th St.)
- Renovated Restroom Building (softball)
- New Community Garden
- New Smaller Tennis Center

PRELIMINARY MASTER PLAN

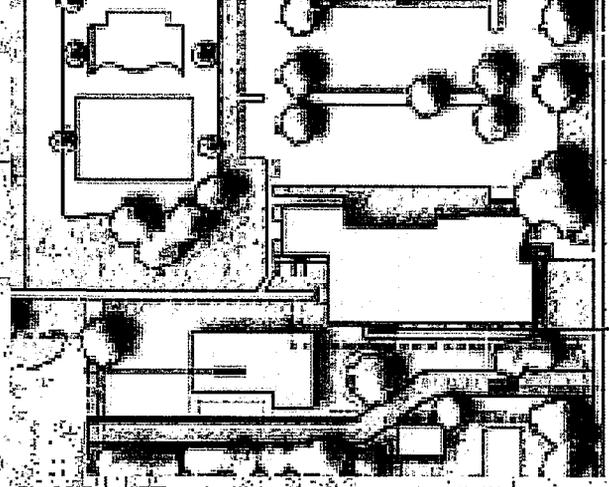
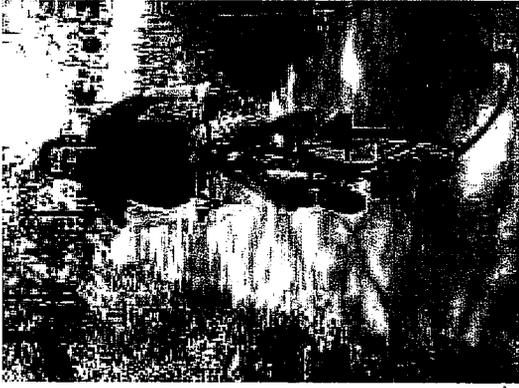
New Northern Walkway

- New pedestrian walkway linking Meridian Ave with parking lot on Michigan Avenue



PRELIMINARY MASTER PLAN

New Bike Path on Michigan Avenue

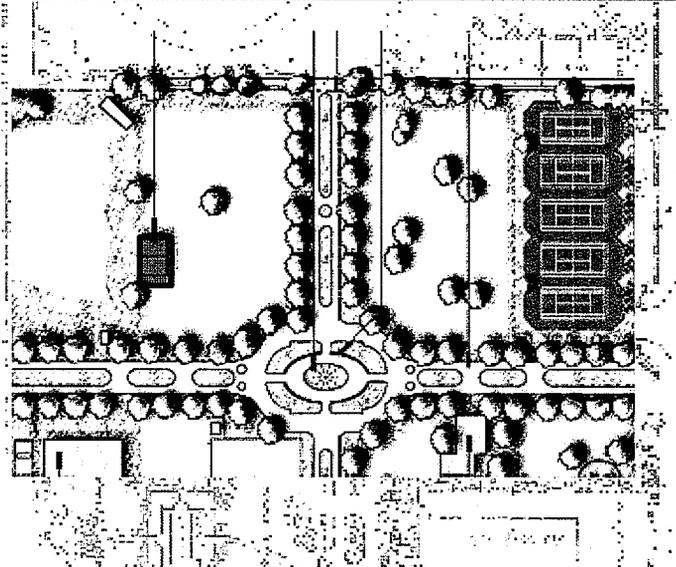
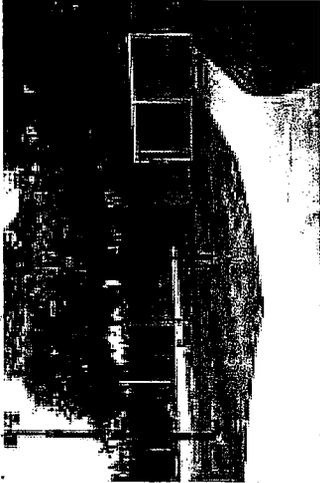


- New bike path connecting 11th and 12th Street on Michigan Avenue. (assuming existing fence can be moved)
- New Boys and Girls Club Building
- New teen plaza next to Boys and Girls Club Bldg.

PRELIMINARY MASTER PLAN

Renovate Existing Restrooms

- Accessibility upgrades
- New plumbing fixtures
- New finishes
- Patch stucco/repaint
- New lighting



PRELIMINARY MASTER PLAN

Community Garden

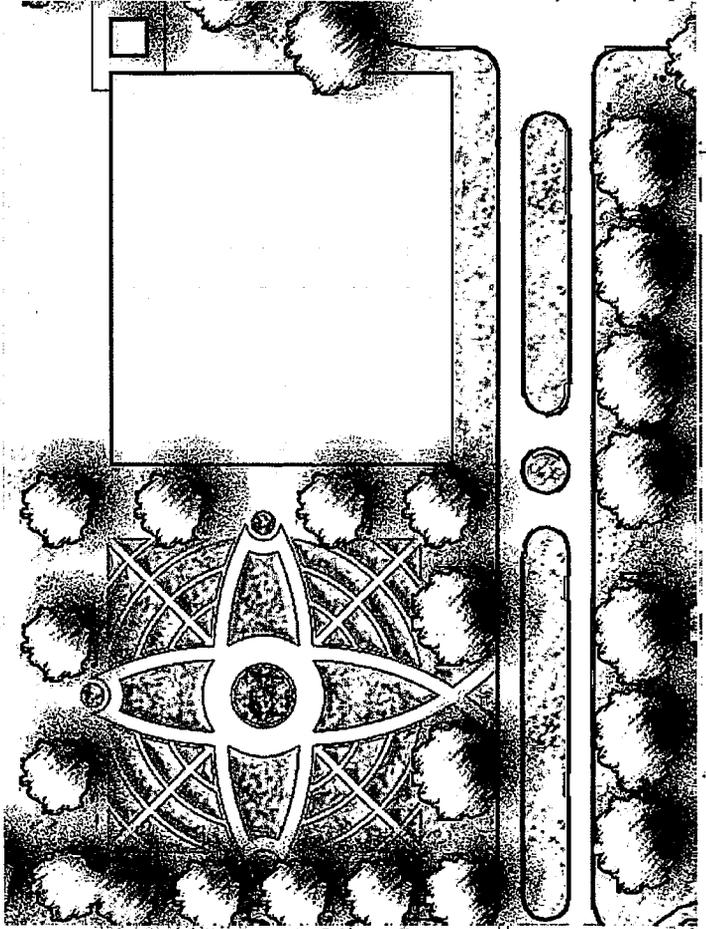


Features may include:

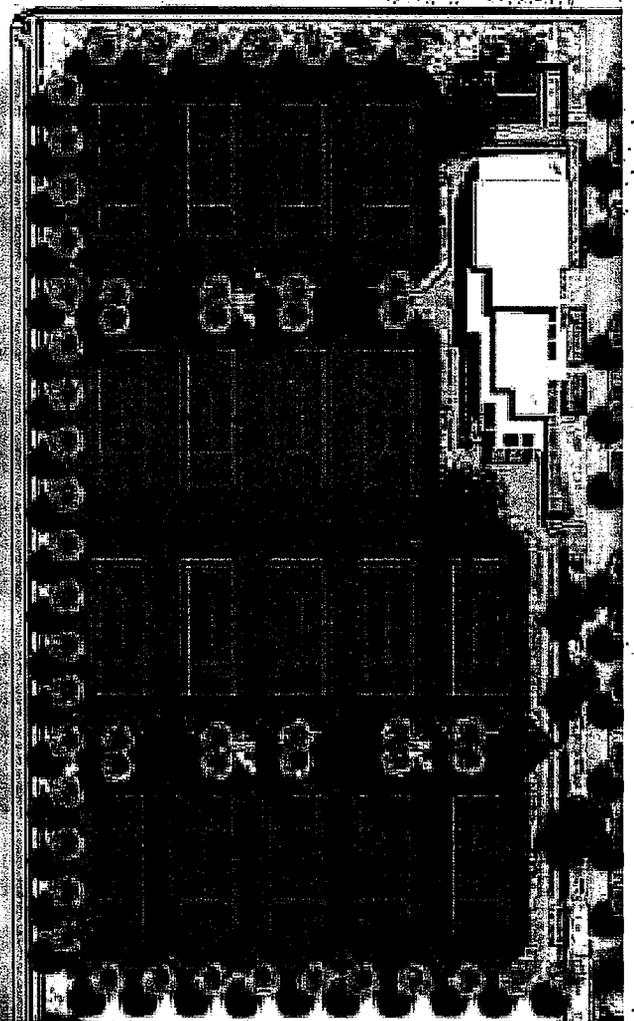
- Raised planter beds
- Bird bath
- Sun dial
- Vegetable section
- Flower section
- Benches
- Gazebo

Activities may involve:

- Preparing garden beds
- Growing plants from seed
- Identifying weeds
- Keeping garden journals
- Building bird and butterfly housing



FLAMINGO PARK NEW TENNIS CENTER



- Tennis Center
- Pro Shop
- Offices
- Stock Room
- Restrooms
- Men's Locker Room (lockers, Restrooms, Showers)
- Women's Locker Room (lockers, Restrooms, Showers)
- Video Room
- Tennis Storage
- Maintenance Shop
- Custodial
- Park Public Restrooms*
- Tennis Courts
- Total of 18 Courts
- 5 Hard Courts
- 13 Hydro Grid Courts
- Spectator Viewing Terrace
- Access Walkways
- Shaded Court Entry Kiosks
- 12ft Fence w/ Wind Screen Surrounding Courts
- Sports Lighting
- Securable Entry & Perimeter

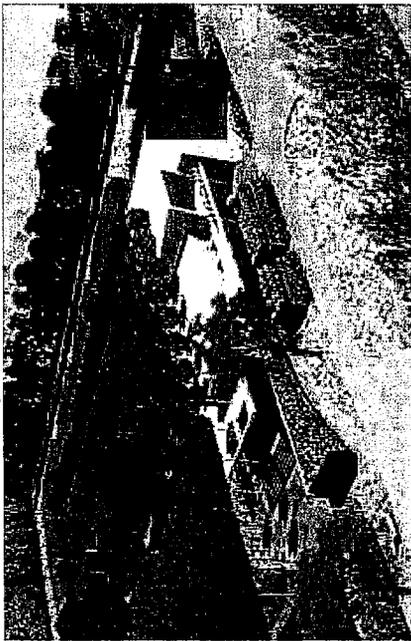
FLAMINGO PARK

NEW TENNIS CENTER

Original Floor Plan

4,970 SF Building

2,375 SF Terrace



Site Survey 2/87

1. The building is located on the east side of the site, adjacent to the parking area. It is a long, rectangular structure with a flat roof. The building is surrounded by a large, open area that appears to be a tennis court or a parking lot. There are some trees and landscaping around the building.

2. The building is situated on a slight rise in the terrain. The surrounding area is mostly flat and open. There are some trees and landscaping around the building.

3. The building is a long, rectangular structure with a flat roof. It is surrounded by a large, open area that appears to be a tennis court or a parking lot. There are some trees and landscaping around the building.

4. The building is situated on a slight rise in the terrain. The surrounding area is mostly flat and open. There are some trees and landscaping around the building.

5. The building is a long, rectangular structure with a flat roof. It is surrounded by a large, open area that appears to be a tennis court or a parking lot. There are some trees and landscaping around the building.

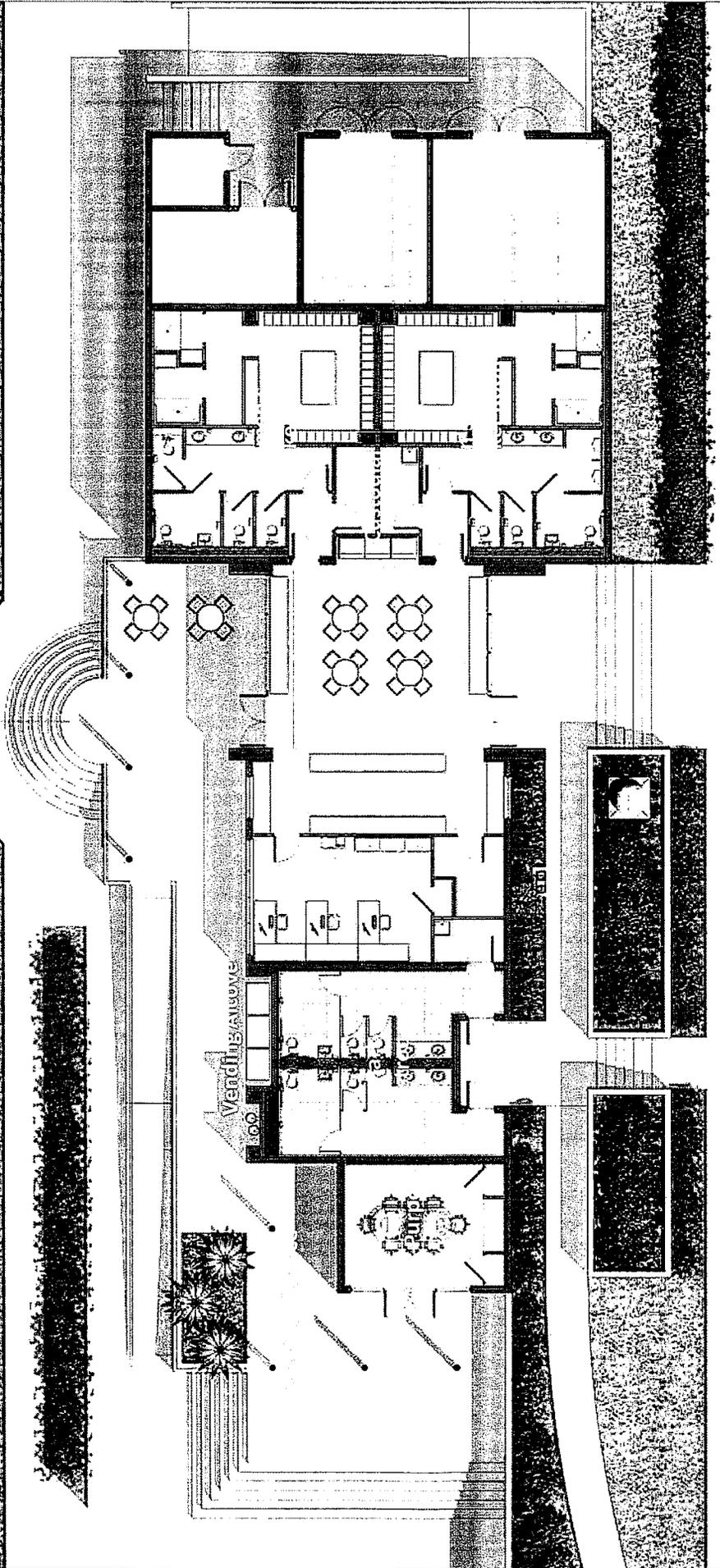
6. The building is situated on a slight rise in the terrain. The surrounding area is mostly flat and open. There are some trees and landscaping around the building.

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9. The building is a long, rectangular structure with a flat roof. It is surrounded by a large, open area that appears to be a tennis court or a parking lot. There are some trees and landscaping around the building.

10. The building is situated on a slight rise in the terrain. The surrounding area is mostly flat and open. There are some trees and landscaping around the building.



PROPOSED BUILDING REDUCTIONS

- Original building area: 4,970 SF
- Eliminate multi-purpose room: -300 SF
- Reduced pro shop: -17 SF
- Reduced lockers/showers: -151 SF
- Combine storage/maintenance shop: -233 SF
- Reduced office area: -29 SF

Sub Total = 4,232 SF

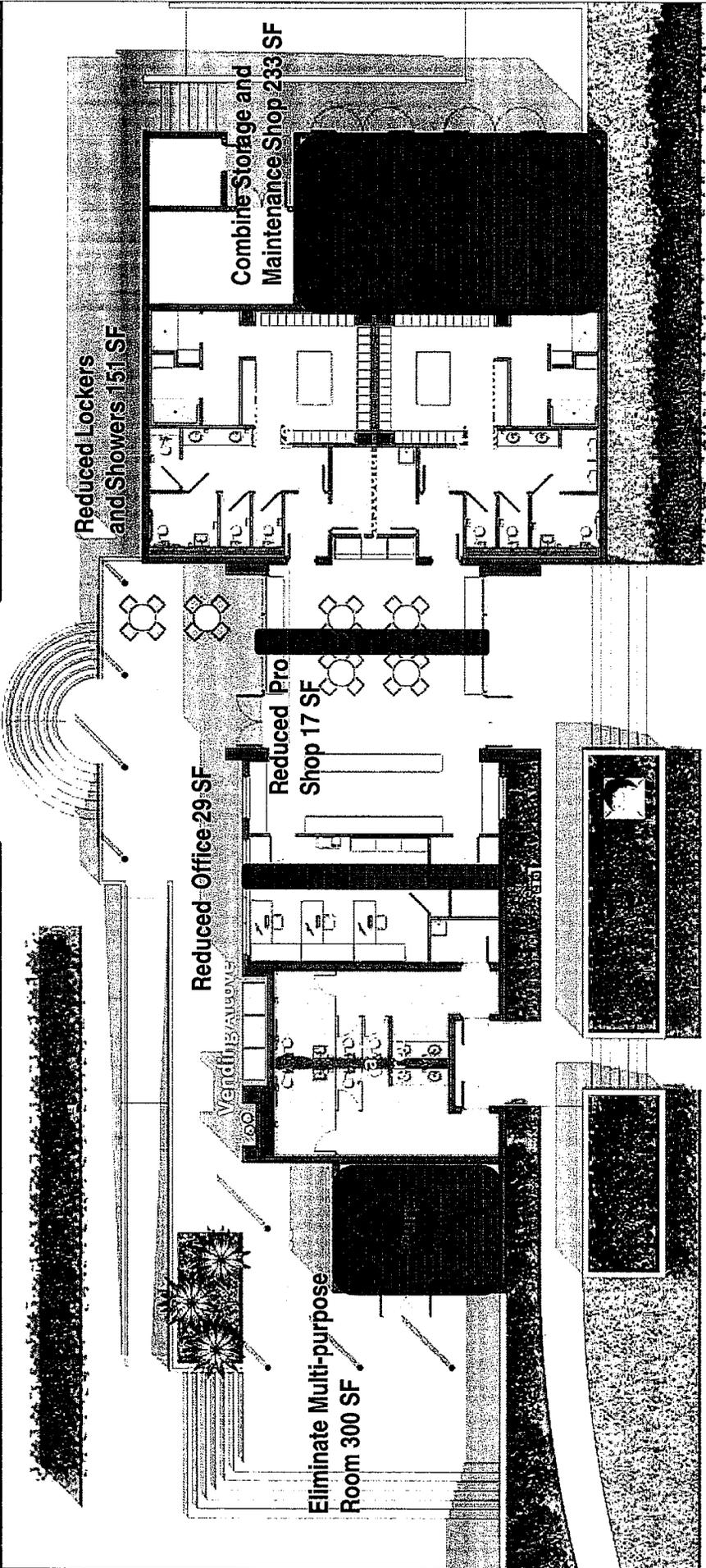
- Original terrace area: 2,375 SF
- Reduced terrace area: 1,842 SF

Sub Total = 533 SF

Total area savings = 738 SF + 533/2 = 1,005 SF

Projected savings (\$306/SF) = \$ 306,525

Estimated building cost after reduction = \$1,943,475



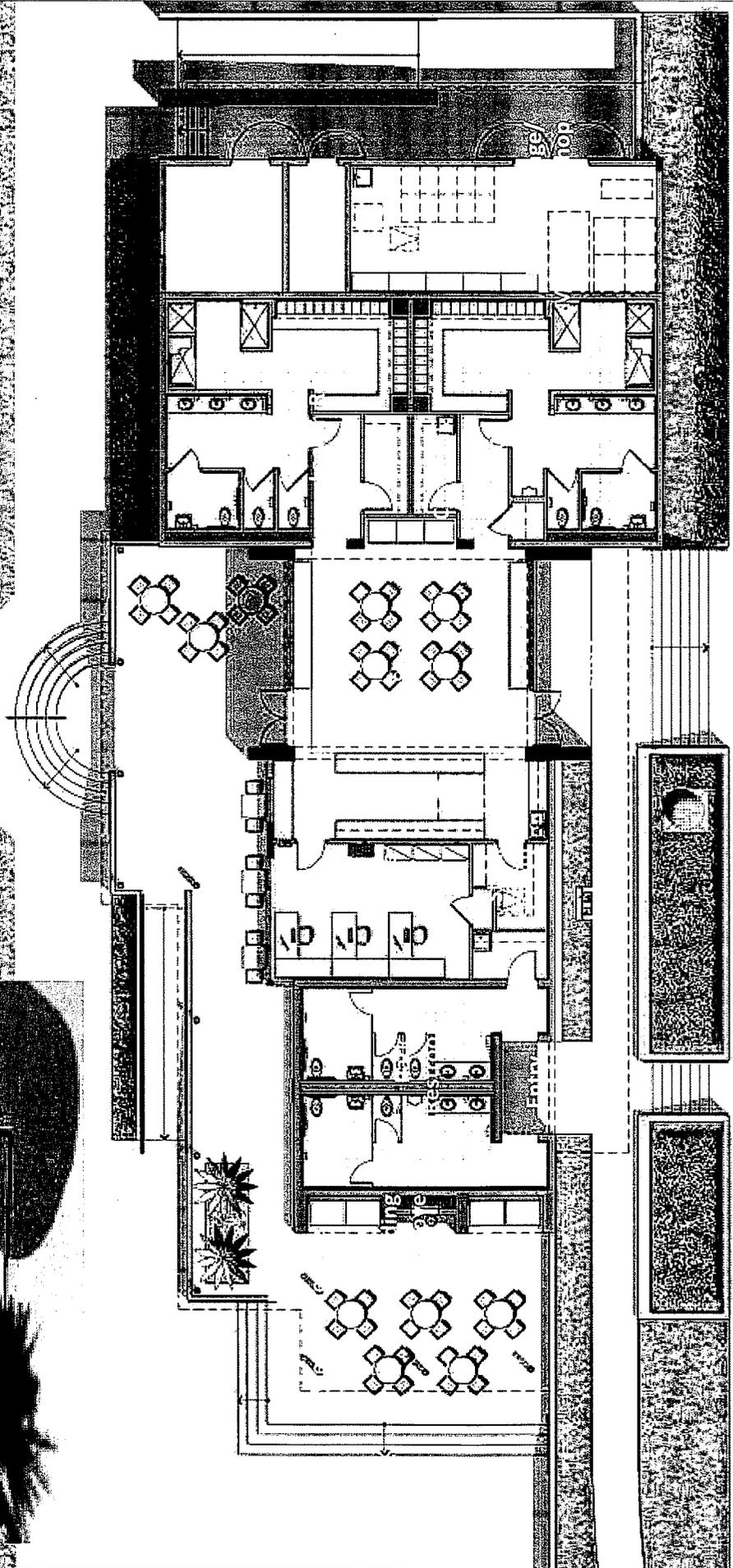
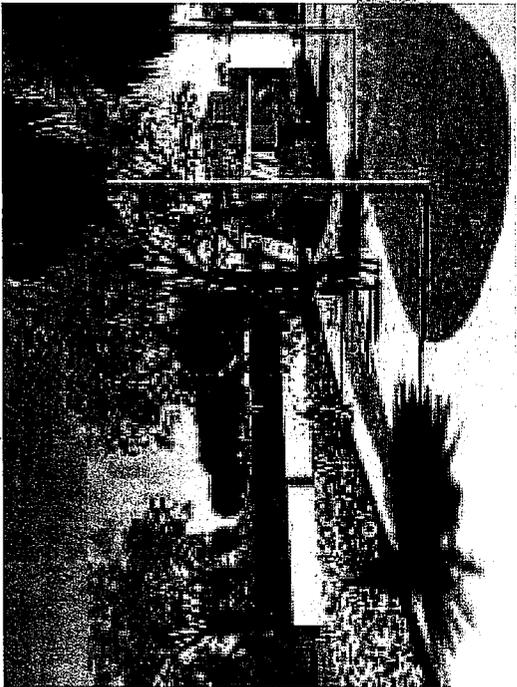
FLAMINGO PARK

NEW TENNIS CENTER

Reduced Floor Plan

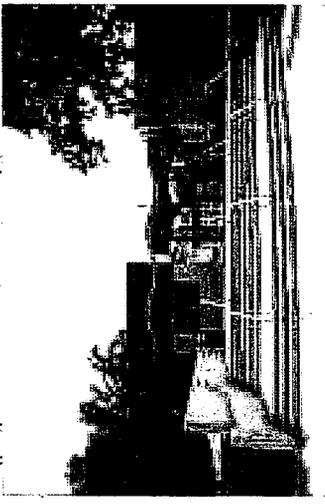
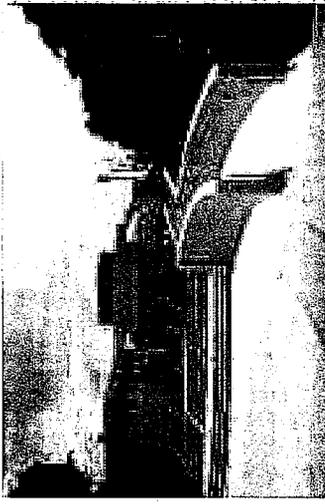
4,232 SF Building

1,842 SF Terrace



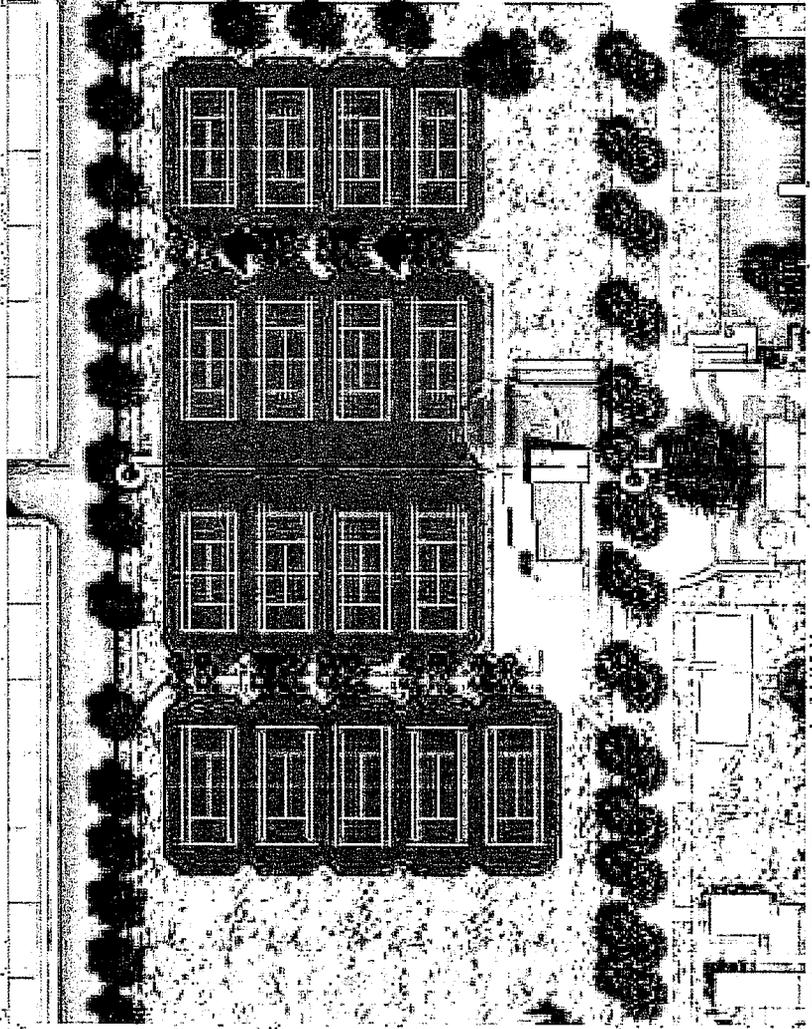
PRELIMINARY MASTER PLAN

Alternate Building Location Study



VARYING FEATURES:

- New Tennis Pavilion located directly in front of swimming pool
- 12 hydro-grid, 5 hard courts
- Removal of existing Ficus benjamina



Attachment 2



FLAMINGO PARK
CONCEPTUAL BUDGET ESTIMATE

April 08, 2009

OPTIONS

PRELIMINARY MASTER PLANS		I	K
1 Upgrade Box Office (in Baseball Field)			
* Accessibility upgrades, patch stucco/repaint, new lighting		\$40,000	\$40,000
2 Renovate Restrooms (in Baseball Field)			
* Accessibility upgrades, new plumbing fixtures, new finishes, patch stucco/repaint, new lighting		\$65,000	\$65,000
3 Upgraded Baseball Field			
* Augment field lighting, New batting cages, install new storm drainage in batting cages area		\$125,000	\$125,000
* Replace existing asphalt with landscaping around stadium seating		\$7,500	\$7,500
* Accessibility upgrades for stadium seating		\$25,000	\$25,000
4 Upgraded Dog Park			
* Upgrade fencing, re-sod, add convenience seating, introduce exercise equipment for dogs		\$18,000	\$18,000
* Relocation of Existing Dog Park			
5 Renovate Joe Rubin Handball Courts			
* Replace entry door/hardware, remove chain link fence, replace lighting, patch and paint, replace observation platform temporary roof with an awning		\$45,000	\$45,000
6 New Handball Courts			
* Demolish Robert Haas handball courts building.		\$25,000	\$25,000
* Construct (5 or 7) new outdoor handball courts with lighting. Approx. \$17,500 each.		\$122,500	\$122,500
7 Maintenance Facility			
* Demolish shop in its entirety		\$20,000	\$20,000
8 Maintenance Facility			
* Demolish shop and ancillary areas in its entirety		\$30,000	\$30,000
* Reconstitute area & landscaping		\$25,000	\$25,000
* New Maintenance Facility (allowance for 3,000sf @ \$225.00/sf)			
9 New Basketball Courts			
* Construct (2) new outdoor basketball courts with lighting		\$0	\$0



FLAMINGO PARK
CONCEPTUAL BUDGET ESTIMATE

April 08, 2009

OPTIONS

PRELIMINARY MASTER PLANS		I	K
10	New Entrances and Enhanced Pedestrian Ways		
*	Provide new entry features located at Jefferson and 11th Street, at Meridian and 13th Street, and at Michigan and 13th Street	\$60,000	\$60,000
*	Enhance pedestrian walkways with augmented landscaping, seating and site furniture	\$65,000	\$65,000
*	New concrete pathways, east west axis in northern quadrant	\$18,000	\$18,000
*	New concrete pathways in northern extension	\$0	\$18,000
11	New Restroom Building		
*	Construct a new stand-alone restroom facility located at approximately 13th Street and Michigan Avenue	\$180,000	\$0
12	Lodge Renovation		
*	Miscellaneous interior lodge renovations (allowance)	\$125,000	\$125,000
13	Football Field		
*	Reconfigure track and install new surface at track.	\$175,000	\$175,000
*	New Artificial Grass Surface excluding drainage (allowance).	\$800,000	\$800,000
*	Upgrade restrooms, concession and box office with accessibility upgrades, patch stucco/repaint, new lighting, new plumbing fixtures and new interior finishes	\$125,000	\$125,000
*	Press Box Renovations, new roof, removal of roof top observation deck, window and door replacements, new interior finishes, interior lighting, casework, wall A/C unit.	\$80,000	\$80,000
*	Upgrade field lighting	\$125,000	\$125,000
*	Renovate interior of Neham football field house to accommodate office space	\$25,000	\$25,000
14	Tennis Center		
*	New Tennis Pavilion Building	\$2,250,000	\$0
*	New (13) hydro grid tennis courts and (5) hard courts and ancillary enhancements	\$2,710,000	\$2,710,000
*	Renovate Existing Tennis Pavilion Building	\$0	\$0
*	New Smaller Tennis Pavilion	\$0	\$1,943,475
15	New Park Center Water Feature		
*	Construct a new interactive water feature located in the center of the park, seating, hardscape furniture, landscaping upgrades	\$200,000	\$200,000



FLAMINGO PARK
CONCEPTUAL BUDGET ESTIMATE

April 08, 2009

OPTIONS

PRELIMINARY MASTER PLANS		I	K
16	Demolition of Friendship Corner and Shuffle Courts		
*	Demolish Friendship Corner building and shuffle courts and landscape the area	\$20,000	\$20,000
17	Renovate Softball Field Bathrooms		
*	Accessibility upgrades and miscellaneous improvements to this building	\$35,000	\$35,000
18	Park Wide Improvements		
*	Enhance park lighting (sports lighting upgrades are included elsewhere) -	\$500,000	\$500,000
*	New signage package including monumental signage	\$70,000	\$70,000
*	Irrigation Improvements, (11 acres)	\$475,000	\$475,000
*	New perimeter state fencing and removal of existing chain link fences (6,000 +/-	\$650,000	\$650,000
*	Upgraded landscaping (allowance)	\$500,000	\$500,000
19	New Teenage Activity Area		
*	Allowance, (Scope Undefined)	\$225,000	\$0
20	New Internal Parking Lot		
*	+/- 100 parking spaces	\$0	\$0
21	Community Garden		
*	Trellis		\$15,000
*	Hardscape		\$5,000
*	Bird Bath		\$2,500
*	Sidewalks		\$15,000
22	Bike Path on Michigan Avenue		
*	Sidewalks/ Teen Plaza		\$18,000
Totals:		\$9,961,000	\$9,322,975

Differences: \$638,025

Attachment 3

**FLAMINGO PARK FOOTBALL FIELD
PROJECTED ANNUAL MAINTENANCE COSTS**

The following is a summary of estimated annual maintenance costs for the upkeep of the Flamingo Park Memorial (football/soccer) Field. This estimate is being provided as requested by the Finance/ Citywide Projects Committee at their March 10, 2009 meeting where they discussed the Flamingo Park / Tennis Center and Master Plan.

When reviewing this summary it is important to not only note the actual expense of the annual maintenance but to also keep in mind the fact that an artificial turf field will substantially enhance the hours of recreational opportunities for all our park customers. At this time requests for access to the grass turf field far exceeds our ability to provide it. The access is very restricted due to damage from play and the time needed for turf recovery and maintenance. These factors are eliminated with an artificial turf field.

In addition to enabling the Parks and Recreation Department to exponentially increase our levels of service to park customers seeking time on the field for youth and adult football, soccer and even rugby etc., there is the opportunity to increase revenue from field rentals to organized groups seeking reserved playing time.

Annual Field Maintenance Costs

• Field Mowing – 156 times per year(depending on season) x 2hrs per cut x \$19.00 average labor cost	\$ 5, 930
• Equipment cost/ depreciation and maintenance	\$ 5,700
• Field Lining labor costs & materials (150 gallons field paint)	\$ 5,650
• Contactor provided aeration, fertilization and weed control	\$26,000
• Water/ irrigation	\$10,000
• General irrigation maintenance/ repairs	\$ 1,000
• Sodding of select areas of field after season	\$25,000
• Laser grading of field once every two years (\$6,000 per service)	<u>\$ 3,000</u>
	\$82,280

It should also be noted that due to a deficiency of open sports field space the cost of maintaining the other fields in the park is more due to the increased usage.

It is acknowledged there will be costs associated with maintaining the artificial turf field but these costs could potentially be off-set by the revenue collected from the additional field rentals. There are a number of artificial turf fields now being played upon in Miami-Dade County. The Parks and Recreation Department administration has contacted the City of Miami's Parks and Recreation Department and Miami Country Day School who currently have at least one artificial turf football field in their facility portfolio. According to the managers of these facilities their annual maintenance costs have dropped dramatically, requiring only limited maintenance such as grooming the field to redistribute the artificial top dressing. The City of Miami has also seen an increase in program service levels for all populations while also increasing revenues due to additional rentals of the field, sometimes two or three in one day.

Overview of the Flamingo Park Memorial Field Use Schedule

August - December

Miami Beach High Football 8-10 games JV and Varsity
Intramural Flag Football twice a week
Optimist Youth Tackle Football 3-4 times a week
Adult Flag Football League once a week
Travel Soccer Games and Practice 2-3 times a week
Cheerleaders 2-3 times a week
After School Program
Rentals (local high schools have used this field at times to play a home game)

January - May

Travel Soccer Games and Practice 2-3 times a week
Beach High Soccer 12-15 games
Cheerleaders 2-3 times a week
Adult Flag Football League once a week
After School Program
MBPAL Annual Law Enforcement Flag Football Tournament one weekend
High School Flag Football 5-6 games
Rentals – predominately adult soccer

June - July

Summer Camp
Optimist Youth Football 3 times a week
Adult Flag Football League once a week

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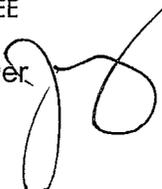


MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMISSION MEMORANDUM

TO: FINANCE AND CITYWIDE COMMITTEE

FROM: Jorge M. Gonzalez, City Manager 

DATE: April 14,, 2009

SUBJECT: **PRESENTATION BY TCBA WATSON RICE LLP REGARDING BUILDING DEPARTMENT ORGANIZATIONAL AND OPERATIONAL REVIEW AND ANALYSIS AND A PRESENTATION BY THE BUILDING DEVELOPMENT TASK FORCE ON ITS IMPROVEMENT PLAN**

BACKGROUND

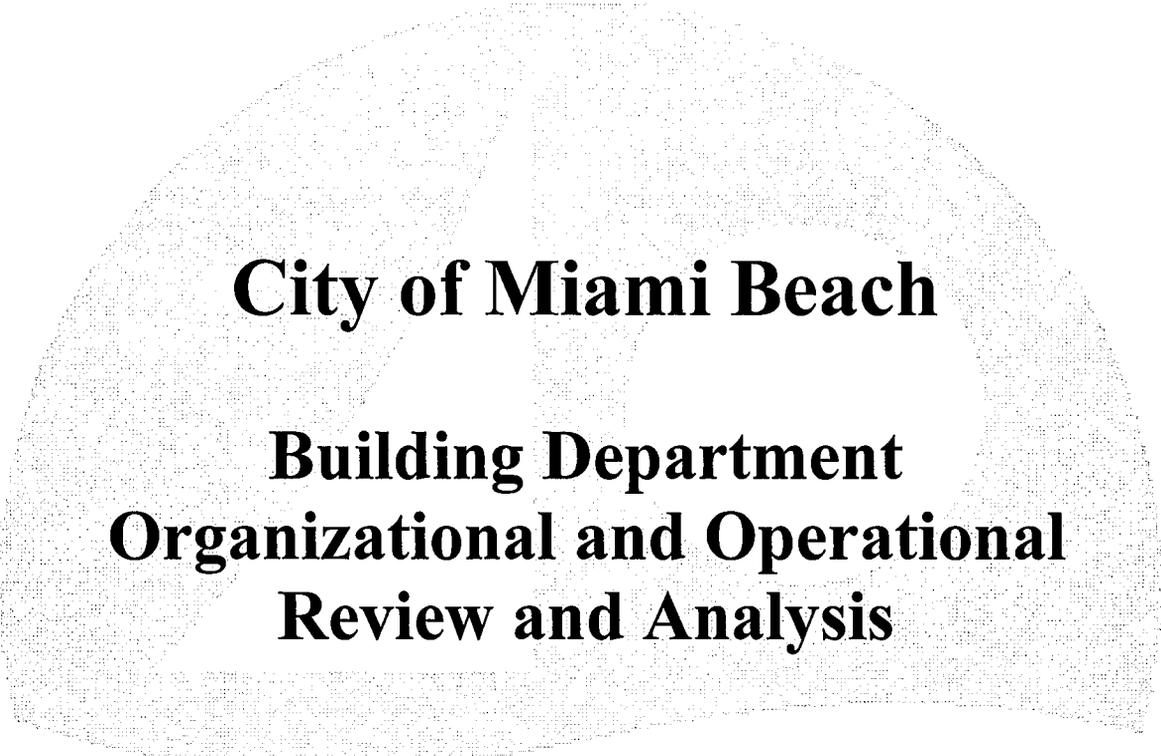
On August 13, 2008, the City entered into a contractual agreement with TCBA Watson Rice to conduct a Building Department Organizational and Operational Review. Over the last seven months, the consultants have conducted their work and are prepared to present their report.

TCBA Watson Rice completed their organizational and operational review and analysis of the Building Department. A copy of the "Introduction" and "Executive Summary" sections of their report is attached (Attachment I). The "Executive Summary" addresses the four areas of the scope of services of their engagement: an organizational and operational review and analysis of the Building Department; a review of the Permit Fee and Cost Allocation Plan request for proposal; the identification of outsourcing/privatization opportunities and considerations; and, the identification of "best practices" used by other similar organizations. A list of their comprehensive recommendations is included at the end of their "Executive Summary." Their "FINAL REPORT" will be formally delivered to us at the meeting and presentation.

The Building Development Task Force Departments (Building, Planning, Fire, and Public Works) have met with Watson Rice and reviewed all of the recommendations. In general, the Departments agreed with the recommendations and have initiated steps to implement many of them, and in some cases, have fully implemented them. This exercise has yielded well coordinated efforts, and the departments did not wait until the final report is issued to begin addressing the concerns raised by Watson Rice.

Furthermore, the Departments have developed a long list of short and long term improvements. We have separated these improvements into four general categories: technology, financial and management, service quality and internal controls. Attachment II is a copy of the synopsis of our improvement plan.

JMG/AR

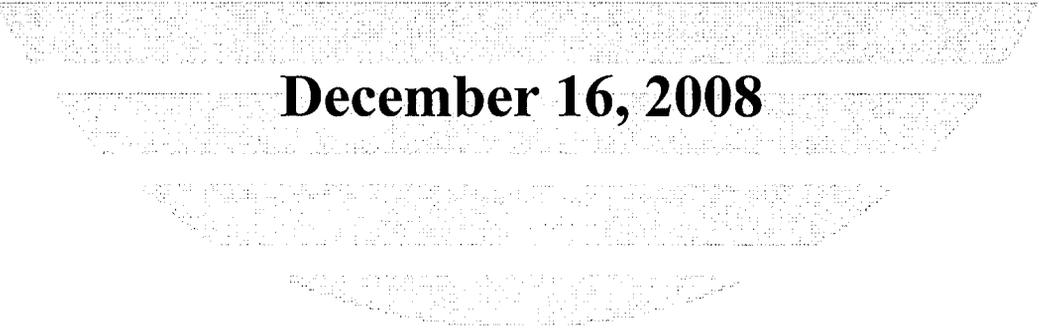


City of Miami Beach

Building Department

Organizational and Operational

Review and Analysis



December 16, 2008

City of Miami Beach Building Department Organizational and Operational Review and Analysis

I. INTRODUCTION

For several years, the City of Miami Beach's Building Department and related departments involved in the building/development process have been challenged by administrative and operating issues. As a result, the City has engaged in several studies of its building/development departments designed to improve their operations and service delivery capabilities.

In January 2000, the then City Manager made a report to the then City Commissioners (Commission Memorandum No. 55-00, dated January 12, 2000) on the status of implementing recommendations made by its Business Resolution Task Force (BRTF). The task force's recommendations, which were the result of a seven (7) month study by a group of fourteen (14) individuals with varying backgrounds, were included in its report dated November 30, 1999. The report's recommendations were grouped into five (5) categories: Expedite Permitting, Improve Customer Service, Simplify Land Use Boards Process, Improve Staffing and Hiring, and Invest in Technology. The chairperson of the task force noted in the cover letter to the report the following statement: "Tangible results can only be achieved if the City commits to implementing the recommendations and monitors the progress of their implementation."

On January 30, 2006, the City Manager announced the creation of the Building Development Process Taskforce (BDPT) in a "Letter to Commission" (LTC No. 028-2007). The mission of the task force was " ... to improve the City's service delivery in the area of construction and development services through a partnership and dialogue between City departments involved throughout the process and industry representatives." Representatives from the Building Department, Public Works, Fire Prevention, and Planning/Zoning formed an interdepartmental group charged with conducting a process review and recommending short, medium, and long-term solutions to process challenges identified in their review. Interdepartmental recommendations were to be tempered by input on issue resolution and strategy from industry representatives during public meetings. The City manager anticipated that this process would result in "significant improvements" to the building/development process. The efforts of this task force are ongoing today.

The City's Internal Audit Division conducted a regularly scheduled audit of the Building Department. Prior to the initiation of the audit, which was scheduled to start during the 2006/2007 fiscal year, Building Department management brought to the attention of Internal Audit concerns surrounding the lack of accountability, procedures, and controls in place impacting the integrity of permit fees collected. The Internal Audit Division increased the scope of their audit to include an assessment of the reliability and integrity of building permit fees collected, while considering the implementation of a simplified building permit fee structure. The audit's findings and recommendations were submitted to the current City Manager in a report dated July 3, 2008. The report covered the period October 1, 2006 through December 31, 2007. The audit mentioned numerous areas where the Department faced operational challenges and challenges associated with

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the proper assessment and collection of permit fees, and with the use and interpretation of the permit fee schedule.

In addition to the internal audit, the Internal Audit Division provided the Building Department with a separate audit staff person to conduct an ongoing review of the fee calculation process for all permits at closeout. This activity has identified over \$6 million of previously not assessed and uncollected revenue for the fiscal year ended 2007. This process is ongoing.

The Miami Beach Chamber of Commerce also commissioned a review of the City departments involved in the building and permitting process. The Chamber's Building and Permitting Committee "... was created to voice its concerns and suggest balanced solutions and improvements" to the numerous issues and complaints of dissatisfaction with City services the Chamber received from the business and residential community. The committee's findings and recommendations were addressed in a "List of Concerns & Solutions," which represented the body of its report to the Chamber dated February 19, 2008. Their report is being reviewed by the Building Department.

Other factors have also contributed to the need for the Building Department to improve its image and provide quality services to its customer base in an environment of trust.

In September 2006, a Chief Electrical Inspector in the Building Department was arrested for allegedly taking bribes. In March 2008, two Building Department employees and a Planning Department employee were arrested for participating in alleged illegal activities and one Building Department employee voluntarily resigned from the Department. The then head of the Building Department, whose performance was under question, resigned his position after being on the job approximately two and a half years. Additionally, the results of the internal audit of the Department's building permit fees identified problems in the administration of the fee process, including, but not limited to, use of a complicated, confusing, and inadequately designed system for the calculation of fees; improper assessment and under-collection of fees; and, general deficiencies in the systems and controls in effect over the process.

The Department has had five (5) department heads over the period 2005 - 2008; three of which have been the City's Building Official. In 2001, the Department had approximately 49 employees. In 2008 the Department had or is authorized 79 employees. The Department has grown so fast that its processes, systems, and procedures have not kept pace with the growth.

It is in this atmosphere that the City continues its efforts to restructure the Building Department and improve its operations and operating efficiency.

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The current City Manager's office has worked closely with Building Department management and support staff to identify areas for improvement in operations and opportunities to enhance and develop administrative systems. Through those efforts, City and Building Department management have already identified issues at the Department that needed to be addressed. The City Manager's office has sought to ensure that issues that are important to the organization's operations are identified, analyzed, and resolved through organizational, administrative, and system improvements. This project engagement was structured to facilitate those general objectives.

The objectives and scope of services for this engagement were stated in a detailed work plan which was included as "Attachment A" to this firm's contract for professional services with the City. In summary, we were to address four areas in our review and analysis of the Building Department. Those areas are identified as follows.

- Conduct an organizational and operational review of the Building Department.
- Review and comment on the City's proposal for developing a new fee structure for Building Department services.
- Identify areas in the Building Department that might benefit from outsourcing.
- Identify industry "best practices" that the Building Department could adopt.

This organizational and operational review was designed to document the major processes of the Department's operating areas, assess their effectiveness, and pinpoint inefficient operations and inadequate systems. The review of the Department's processes, systems, operations, and strategies was primarily conducted at the level of the division chief's and below. This was done to better identify areas for improvement at the staff level.

Although this review primarily focused on the Building Department, the departments that work closely with the Building Department in the building/development process (Public Works, Planning/Zoning, and Fire Prevention) were also subjected to limited reviews. These reviews focused on the interrelationships between the departments and their respective impacts on the individuals and entities who require building/development services.

The approach to conducting these reviews included the following.

- Learning about the organization, how operations function, how staff address problems and meet standards, and how staff manage operational resources.
- Gaining an understanding of the functional area's objectives, processes and information systems, and how they integrate with overall operations.

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- Evaluating information from management and staff; procedural documentation; reviews of departmental processes and performance measurement data.
- Assessing the area's total operational environment, its capabilities, requirements, and how current efficiencies compared to the past or to standard benchmarks, where applicable.
- Identifying areas that can be effectively outsourced.

The methodologies used in performing this project included interviews, information and data analysis, and trend analysis. The consultants relied heavily upon the accuracy of data and information contained in reports provided by staff. Extensive interviews were conducted with staff of the four departments, departmental management, the Mayor and City Commissioners, and external stakeholders who use the services provided by the departments. The study methodology also included data and information gathering from other building departments and a peer review. The peer review was conducted with the assistance of building department managers and staff from other area municipalities and jurisdictions, and industry professionals.

Our observations, findings, and recommendations for improvement are based on the collective efforts of this review and analysis, and the active involvement and input from City administration and departmental staff. Interim observations, findings, and recommendations have been presented to City and departmental management over the course of the project so that critical recommendations could be evaluated and, if approved, implemented immediately. The interim observations, findings, and recommendations, along with the comprehensive recommendations of this report, are included in section VII of this report.

The field work on this project was conducted over the period August 11 - December 16, 2008. Except as noted in the body of this report, the status of the Building Department's implementation of any of our interim recommendations was not specifically tracked.

An organizational and operational review and analysis, such as this project assignment, is critical to the success of any organization because it can provide a method to do the following.

- Evaluate specific operations independently and objectively.
- Assess compliance with organizational objectives, policies and procedures.
- Assess the effectiveness of management control systems.
- Identify criteria for measuring achievement of organizational objectives.
- Assess the reliability and usefulness of management reports.
- Identify problem areas and their underlying causes.
- Identify opportunities for improvement and cost reduction or containment.

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As with any project of this nature, the desired end result is an honest picture of the organization's current situation, including its strengths and weaknesses, and challenges and choices it has for the future. This assessment process was adapted to fit the needs and culture of the Building Department's organization and environment.

To facilitate our work, the City Manager insured that any resources, data, reports, analyses, studies, or other information we requested, was made available. We were also provided with complete, unquestioned access to all City staff, especially staff of the Building, Fire (Fire Prevention Division), Public Works, and Planning/Zoning departments. All staff contacts were informative and instrumental in conducting this review and analysis.

Individuals and persons representing entities that use the services of the Building Department were also key contributors to the successful completion of this project.

II. EXECUTIVE SUMMARY

Over the period 1999 through 2008, the Building Department has undergone a number of reviews, studies, and analyses of its operations. Many recommendations have been made and many have been implemented. At least five (5) directors have led the Department in the past four (4) years and organizational changes have been made throughout the structure. Operating and administrative policies and procedures are also undergoing frequent changes. New software support systems have been implemented and other technological innovations have been introduced into the Department. Although there have been numerous changes made in Building Department operations over the years, the public's perception of improved operations and change has not been realized.

This report provides a summary of the significant findings, observations, and recommendations developed as a result of a detailed review and analysis of the Building Department's organization and operations. The three departments that work closely with the Building Department as part of the building/development process (Fire, Public Works, and Planning/Zoning) have also been reviewed, at a lesser level than that of the Building Department. The report will also discuss the results of our review of the Permit Fee and Cost Allocation request for proposal; present the considerations we have outlined regarding the outsourcing/privatization of Building Department services; and, identify "best practices" the Department might consider to improve its operations. This "Executive Summary" is structured to follow the above four main elements of the scope of services of the project.

To complement our work, the Building Department prepared a summary of its short-term and long-term initiatives. Some of the initiatives are the result of our collaborative efforts. Others were inspired by the Building Department's new management philosophies and strategic planning efforts. The Department's initiatives are included in "Exhibit E" of this report.

A. ORGANIZATIONAL AND OPERATIONAL REVIEW AND ANALYSIS OF THE BUILDING DEPARTMENT

1. **The Building/Development Process**

The building/development process is defined by a complex set of working interrelationships between the Building, Fire, Public Works, and Planning/Zoning departments. The departments are all autonomous entities, but they must work effectively as a single unit to be effective. The Building Department serves as the basic coordinating unit for the other departments because they are the primary user department for the Permits Plus system, the system that generates the processing flow and tracks the status of building permit applications. The Permits Plus system also maintains control over all plan reviewer and inspector comments and permit status.

There is no lead coordinator for the four departments. The departments work with each other on a purely cooperative basis. One of the department heads or a third party should be appointed as the coordinator of the group, who has the authority to call the departments into meetings, analyze problems, and resolve inter-departmental issues. They should operate under a formal "charter" that defines their coordinated scope and responsibilities. Such an effort will go a long way towards the development of an efficient and effective building/development processing mechanism, able to be responsive to customer needs.

[City Manager's Follow-up: As a result of discussions with the Building Director and his follow-up discussions with the City Manager, the City Manager sent a memorandum to the members of the Building Development Task Force dated December 8, 2008, designating the Building Director as the chairperson of the inter-departmental team. As stated in the memorandum, the chairperson's role is to facilitate communication and guide process improvement initiatives of the inter-departmental team and to coordinate responses and direct staff and resources on behalf of the City Manager to facilitate building development projects. (This action affirmatively address one of the major recommendations stated in the "Comprehensive Observations, Findings, and Recommendations" section of this report, section VII.)]

2. The Building Department

The Building Department has undergone many changes in the past several years. These changes have included administrative changes, changes in the organization structure, and changes in systems and procedures. Changes in laws, rules, and regulations at the federal, state, and local level have also had their impact on the Department. And today, the far reaching effects of the global, national, and local economic recession is manifesting itself in reduced construction and renovation activities, a process that started several years ago.

The Building Department is divided into two major subdivisions: Administration and Operations. The Administration division provides a variety of staff/support services. It is composed of building records and plans routing, engineering inspections, development services coordination, front permit counter processing, structural/building plans review, and information technology support. The Operations Division provides minimum standards, provisions and requirements for safe and stable design, method of construction and uses of materials in buildings and/or structures erected, constructed, enlarged, altered, repaired, moved, converted to other uses or demolished; and, it provides for the safety of workers and others during these operations and regulates the equipment, materials, use and occupancy of all buildings and/or structures. Operations includes plan review and inspection services in all disciplines and trade areas, accessibility plans review/inspections, and building code compliance/violations.

The Building Department provides supervision of construction activities, acceptance of building permit applications, issuance of all building and trade permits, verification of compliance with the Florida Building Code and enforcement of codes promulgated by various regulatory agencies. Plumbing, building, electrical, elevator and mechanical officials inspect new and existing structures for compliance. The Department also provides building code enforcement services for buildings within the City.

Building code implementation includes plan reviews and site inspections for building, structural, electrical, mechanical, plumbing, fuel gas, accessibility, engineering and elevators; and, final review and certification of completion and occupancy.

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The Florida Building Code defines the role of the building official and the operational relationship of those certified professionals who conduct the plans review and inspection functions of a Building Department. The Code is unambiguous about the designation of the building official (building code administrator) as the direct reporting authority for plans examiners and inspectors. Based on interviews with staff and a review of the functional areas assigned to the Department's senior management, the formal (and informal) organization structure of the Building Department places certain reviewers/inspectors in a functional and structural organizational relationship where they do not report to the building code administrator, directly or indirectly; or, where they appear to report to more than one assistant director.

The "Engineering " function (sometimes referred to as "Engineering Inspections"), for example, reports to the Assistant Director for Administration. The individuals who staff the function consist of the Chief of Engineering and approximately five (5) engineering inspectors. The "Engineering" function, among other activities, is responsible for "reviewing building and structural plans in compliance with the provisions of the Florida Building Code." Additionally, based on observations, interviews, and a review of internal documents, the Assistant Director for Administration has been actively involved in the resolution of building plans review and inspection issues dealing with projects under construction and plans being reviewed. The Assistant Director for Administration does not report to the building code administrator and the position is not accountable to the building code administrator. This observation has been brought to the attention of City and Building Department management. Although the Department's organization has undergone some modifications since this point was initially brought to management's attention, as of the end of our field work on December 16, 2008, it did not appear that the organization had been restructured and/or the structural unit redefined to eliminate the concern that was raised.

[Building Director's Follow-up: On April 8, 2009, we were informed that the name of this unit was re-titled and its functions redefined in January 2009, as part of the budget process. The unit was renamed the "Governmental Compliance Section." The new responsibilities include reviewing projects submitted to the Building Department for compliance with the City of Miami Beach Flood Plain Management Ordinance, the National Flood Insurance Regulations, and implementing the provisions of the Miami-Dade County 40-year building recertification ordinance. The section also determines that all approvals have been entered into the Permits Plus system prior to processing certificates of occupancy/completion and Occupant Content paperwork for the Building Official's approval.]

ORGANIZATION AND STAFFING

Some of the Department's employees are covered by collective bargaining agreements that currently cover the period October 1, 2006 - September 30, 2009. The collective bargaining agreements are with the Communications Workers of America (CWA) and the Government Supervisors Association of Florida (GSA).

The Department's budgeted staffing level has grown over the years and has been at 79 since 2006. With reduced construction /renovation activity, the 2009 budget shows the impact of staffing and other cost increases as revenues decrease. Data was not readily available to track functional staffing levels over a time horizon so that trends, if any, could be observed.

BUDGET AND FINANCIAL OPERATIONS

The Department is funded through fees paid for the various services it provides. The collection of, expenditure of, and accounting for fees of the Building Department is guided by Section 553.80(7), F.S. In summary, that section of the Florida Statutes does the following.

- Provides for the development of a reasonable fees for services.
- Establishes that fees and related fines and investment earnings related to the fees are to be used solely for carrying out the City's responsibilities in enforcing the Florida Building Code.
- Establishes that amounts collected and earned may not exceed the total estimated annual costs of allowable activities to operate the Department.
- Allows unexpended balances to be carried forward to future years for allowable activities or may be refunded.
- Establishes that Fees charged must be consistently applied.
- Identifies activities that cannot be funded using fees collected by the Building Department.
- Instructs the City to properly account for and oversee the use of and expenditure of Building Department fees.

Fees collected by the Department are included in the "Licenses and Permits" section of the General Fund budget. As such, it is difficult to distinguish this specific purpose revenue from other general fund monies accounted for in "Licenses and Permits." Additionally, the matching of Building Department permit fee revenue with related expenses of the Department in the year collected and expended becomes a difficult, but not impossible, exercise.

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In fiscal year 2008, the City Commission conditioned its approval of a resolution (Resolution No. 2008-26771), which approved the use of a \$15 million surplus containing \$6 million of building permit fee revenue, based on a review of building/development process revenues and expenses to ensure that building/development process revenues were only being used for approved purposes. A consultant's report served as the basis to support the use of all but approximately \$911,483 of fee revenue. The report was based on the use of an indirect cost rate (34%) that was approximated as a result of a 1999 rate study commissioned by the City. During the latter part of the 2008 calendar year, a new indirect cost rate study yielded an indirect cost rate of 15.4%, substantially lower than the 34% rate used in the consultant's calculations of the building fee surplus. Given an over 50% reduction in the indirect cost rate, it is likely that using the 34% estimated rate yielded total departmental expenses that were too high over a period of years. Consequently, the \$ 911,483 calculation was too low in 2008 and was probably understated in prior years.

The Building Department's legal requirements in this area make the administrative and accounting treatment for its fee revenue and operating expenditures resemble those of an enterprise fund activity. *Along with insuring that the City's indirect cost rate is updated on a periodic basis, we recommend that the City record and report all revenues and related expenditures associated with these activities similar to an enterprise fund. Implementing this recommendation would also facilitate the proper accounting for and use of interest earnings due to building fee surpluses.*

The fiscal year 2008 budget anticipated a reduction in revenue due to a possible slow down in new large construction projects. That budget anticipated that based on the trend at the time, "... the City of Miami Beach will continue to experience a multitude of new construction and renovation projects. The future outlook may show a reduction in volume of large new construction projects, offset in part by increased renovation project activity." The projected budget for 2009 anticipates a further erosion of the Department's revenue base. However, the Department's projected expenses for 2009 have not been adjusted to reflect the anticipated downturn in construction and renovation activity. The effects of the current local, national, and global economic downturn may prove to be a challenge in maintaining expenditure levels as high as those projected.

SYSTEMS AND PROCEDURES

Over the years, the Building Department has been on an active growth path. Building activity over the years has been rapid. Improvements in the Department's systems, processes, and procedures have not been able to keep up with the rapid growth in the Department caused by dramatic increases in the need for services to its customers. In many cases the Department has implemented procedures before providing adequate documentation and training to staff and/or notification to the public. This has caused confusion on the part of staff and customers.

The Department does not have formal policy and procedures manuals for its administrative and operating areas. Although there is currently a manual that addresses many of the Department's operations ("Manual of Policies and Procedures"), it is not comprehensive nor is it all-inclusive. Additionally it continues to undergo changes based on the current evolutionary nature of the Department. *The Department should generally commit to an organizational structure; settle on the basic process flows, both overall and for each functional area; and then, proceed to formally develop policies, systems, and procedures in support of each activity. Developing a comprehensive policies and procedures manual is a much needed activity. It is also a time-consuming process and resources should be dedicated to it, if the work is to be done in a timely manner. This is an activity that can be easily contracted-out.*

STATISTICAL ANALYSIS OF OPERATIONS

In fiscal year 2008, the Building Department processed 11,764 applications for permits. During the same period, the Department approved 11,051 permits and issued certificates of completion and certificates of occupancy for 337 projects. Since 2005, the percentage change in "Permits Applied For" and "Permits Approved" has slowed. Permit applications in FY2008 represented a 13.3% reduction over FY2007 applications. Similarly, permit approvals were down by 13.1% over the same period in FY2007. An analysis of the statistical data shows a trend towards a decrease in building/renovation activity between FY 2004 and FY2008. The decreases are consistent with the general decline in global, national, and local economic conditions experienced over the past few years. The fact that the national economy has been in a recession for over a year further supports this trend that has also affected the south Florida area.

OPERATING DIVISION REVIEWS

Detailed interview sessions were conducted with representatives of all of the operating divisions of the Building Department and with representatives of Fire Prevention, Public Works, and Planning/Zoning. The reviews were conducted in such a manner to allow the consultants to gain a general understanding of each operating division or Department in the following areas.

- Staffing
- Plan review responsibilities
- Inspection responsibilities
- Permit fee system and schedule
- Single Point of Contact program
- Use of Private Providers
- Licenses and training
- Workflow
- Computer support systems
- Other areas of interest to the division/department

The summarized comments of staff follow.

BUILDING DEPARTMENT

Plans Review

- Some staff felt the walk-through process should be eliminated except for small projects. Some also felt there was too much interference from individuals outside of the Department.
- The Department does not have a checklist for each permit or inspection type.

Fee System

- The fee system and schedule is too complicated and should be simplified.

Permits Plus

- Although it is a vital system to the Department's operations, staff noted many security issues and processing issues with the system.

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Single Point of Contact (SPC) *(This process has been discontinued.)*

- The system shows favoritism to certain customers. It is a way of giving certain customers special attention and treatment. There was no consistency as to which projects were SPC and which were not. There was no objective way of determining which projects qualify for SPC.

Inspections

- Some indicated that automatically scheduling appointments through the IVR/Permits Plus systems is problematic for several divisions. In those divisions, the process does not allow for efficient scheduling of staff.
- Because of workload and lack of sufficient staffing, elevator inspections are behind.

Miscellaneous

- The morale of the Department is low because of recent events. City needs to encourage staff and make them feel they are valued.
- Supervisors do not pass information on to staff.
- Communication between plan reviewers and inspectors is lacking.
- During interactions with customers, management does not always support staff when they follow the rules.
- No processes and procedures in place. Process changes are word of mouth, not written. Information not being relayed to permit clerks.
- There are morale and trust problems in the Department.

FIRE PREVENTION

- Concern raised about the fact that Permits Plus does not have functioning audit trails.
- Additional space and drafting tables where permits are processed, plans are reviewed, customer waiting area.

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- Generally satisfied with the fee schedule for Fire.
- Would consider eliminating some walk-throughs.
- Satisfied with the RFP for cost and fee study plan.

PUBLIC WORKS

- Staff believe the fee schedule is inadequate and outdated.
- Feel an adequate cost study is critical.
- Public Works sometimes unnecessarily included in work flow.
- Suggests creating a "Building Development Permit Issuance Group" to manage the overall process with the other departments.

PLANNING/ZONING

- Would like to have projects in Permits Plus but system software is a problem.
- Would like to have a systematic approach to calculating the Parking Impact Fee and the Concurrency Mitigation fee.
- Zoning inspections are not part of the IVR/Permits Plus system. Inspections sometimes not scheduled.
- Sometimes included in work flow when not necessary.

INTERNAL AUDIT REPORT (July 3, 2008)

The July 3, 2008 Internal Audit Report was conducted to determine whether transactions, adjustments, and processing procedures were established, authorized, and maintained in accordance with laws, regulations, contracts, and management's policies; whether transactions were accounted for and were accurately and promptly recorded; whether recorded balances were periodically substantiated and evaluated; and, whether City assets, records and files were properly safeguarded, controlled, and access restricted in accordance with management's criteria. The overall opinion concluded as a result of the audit was that accountability and controls over permit revenue collections need to be addressed. A related review has identified millions of dollars in permit fees that were not assessed; and therefore, were not collected.

QUALITY CONTROL REVIEW (October 2008)

In early October 2008, the permit clerk supervisor and the Assistant Director for Administration started to perform spot (“random”) audits of permit fees other than building permit fees. As of mid-October, they noted errors in calculations of the sanitation impact fee, the fee for alterations/remodeling for single family, duplexes, and areas in condos; and, the fee for alterations/repair to marine structures. Investigations into the discrepancies revealed that the problem with properly calculating the fees was related to a mis-interpretation of the proper methodology for calculating the fee; errors in the Municipal Code Book, errors in the Ordinance that was presented to the Commission for approval; and/or the municipal code information on the web site (Municode). Errors were also found in the “Blue Book” of fees that was distributed to the public and there were errors in the manner that Permits Plus calculates certain fees. *These and other errors in the method that fees are calculated should be identified and corrected immediately.*

3. Customer Processing

Customers have several points at which they interface with the Building Department. Information on the Department and its overall operations can be obtained using the internet and the City and Department’s web site.

The Department’s offices are located in close quarters on the second floor of City Hall. The main processing starting point in the Department is too small for the volume of people served. Large numbers of customers occupy this space for extended periods of time, giving the impression of general chaos and confusion. Because of the lack of seating and general work space, customers sit on the floors and crowd the halls in the immediate area, making the smooth flow of traffic impossible. With large numbers of people waiting to be served and the Q-Matics system calling out processing numbers and giving directions, the noise level is high and one gets the impression that the operation is inefficient and disorderly. Given the number of people served by the Department, the cramped service areas create logistical problems that get translated into actual or perceived service delivery problems.

Consideration should be given to relocating the Department to a first floor location in a building where the Department would be in space that is not uncomfortably crowded and where customers can be easily served.

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Staff estimate that the City's Call Center receives approximately 80,000 calls in a year. They further estimate that only approximately 25% of calls are responded to. As a result, the Department's image suffers and customers go unserved and are frustrated. Staffing limitations prevent the Department from assigning more resources to this function. Although a vital function of the Department, it is not a function that the City has to perform internally. The function could be easily contracted-out.

4. Technology Solutions

The Department embraces the use of technology to increase the efficiency of its operations. In 2007, the Department introduced the use of computers to be used in the field to accumulate and transmit inspection status information to the Department's central computer operation. This allowed the Department to have up-to-date status information on projects under construction. Other technological tools introduced to the Department included on-line permit application for certain permit types, Q-Matics (a customer queuing program application), Permits Plus (a process control system), Interactive Voice Response (IVR - a customer call-in scheduling application), Permit Manager - Online Permitting, and BuildFax.

The Permits Plus system is a critical tool in the smooth operation of the building/development process. It is the primary support system for the Building Department's operations. It is also a tool used by other City departments.

The Building Department uses Permits Plus to, among other things, manage a project from application to completion (final approved occupancy). Its effective operation is critical for the Department to effectively carry-out its responsibilities. The software handles tasks such as calculating permit fees, issuing permits, managing the plan review cycle, and recording plan review and inspection results. It is also used for monitoring the inspection process. Permits Plus has been used by the Department for approximately ten years. Staff find it to be complex and not user friendly. As currently configured, it lacks the security needed to properly manage the building/development process.

During the course of this review and analysis, several significant issues related to the Department's use of the Permits Plus system were identified and brought to the attention of City and Department management. Those issues include the following.

- The current permit fee schedules, which are the basis for inputting much of the permit data into Permits Plus for the purpose of making fee calculations, do not match the current fee screens in Permits Plus.

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- Building Department inspectors use of the inspection assignment module does not result in the effective and efficient use of inspectors. Human intervention is required to efficiently assign inspectors. One inspector is solely responsible for manually assigning inspections to projects.
- The system does not have a functioning audit trail to determine what changes have been made and by whom.
- The approval screen within Permits Plus is virtually open to all employees of the Department and likely any department that uses the shared system.
- The July 8, 2008 internal audit report on the Building Department revealed significant deficiencies that left the Department open to abuse.
- There is concern about the security of Permits Plus in all of the City departments that use the system. One of the major concerns raised among departments was the belief that anyone in any user department has access to input data into the various screens within Permits Plus.

Due to the significant role Permits Plus plays in the building/development process for the City, interim recommendations have been made to City and Building Department management to address the security and processing issues found in reviewing the system.

The Q-Matics system is capable of generating reports which show waiting times, transaction times, customer flow patterns and trends for each service category. Decisions concerning staffing can also be made based on the data. Although the system has these reporting capabilities, the features are not being used effectively or at all. Staff responsible for supporting the system are not familiar with the basic operations of the reporting system. The system's management reports are not being utilized and the types of data the system maintains is not well known by support personnel. Such data was not utilized as part of the analyses in this report because the data and its interpretation could not be relied on. Therefore, we were without sufficient information on which some basic analyses of staffing patterns, waiting times, and processing times could be conducted.

The effective use of technology can assist the Department in reducing the cost of its operations and in providing more efficient and effective services to the Department's customers. Additionally, the Department could increase its operating efficiency by better understanding the features of the technology it currently has and using those features to enhance the Department's operations and service delivery.

5. Building Development Process Focus Group

In February 2007, the City created a Building/Development Process Focus Group. This represents another step in its efforts to work with City departments and user representatives to improve the systems and procedures involved in the building/development process. This is the first formal undertaking by the City since implementing the recommendations of the Business Resolution Task Force, whose efforts concluded in November 1999. The Building/Development Process Focus Group is primarily a City staff effort composed of representatives of the Building, Planning/Zoning, Fire Prevention (Fire Department), and Public Works departments. However, the meetings are open to the public to receive their feedback. Members of the four City departments form the nucleus of a team that is charged with conducting a process review to provide the City Manager with recommendations for the short-term (recommendations that can be implemented immediately or "easy fixes"), medium-term, and long-range (recommendations geared toward the future vision of the respective processes, which could be implemented over the next five to seven years).

Many of the issues identified by the Building/Development Process Focus Group, are similar to ones identified in the earlier study by the Business Resolution Task Force. They are also similar to issues identified and discussed at a Building Department retreat held in late 2005/early 2006.

The City's management has exercised wisdom in undergoing periodic reviews of the Department's operations to ensure that service improvements are identified and implemented in a timely manner. However, the degree to which identified changes have improved the Department's operations, and the public's general perception of improvements in the Department and the services it provides has not been realized.

6. Stakeholder Interviews

In an effort to obtain input from the individuals most affected by the operations of the Building Department, we interviewed Department stakeholders. Lists of individuals and entities who represented a broad spectrum of Building Department stakeholders were developed. A cross-section of the prospective participants was selected. They represented many of the groups who interface with the Department. The pool of possible external participants included individual homeowners, large and small property owners, builders, developers, lawyers, expeditors, architects, engineers, and similar individuals and professions. From the pool, a final list was developed and individuals were contacted to participate in the interview process.

Our requests for interviews was greeted with appreciation by some individuals and apprehension from others. Some refused to participate for fear of possible retaliation or retribution by the City or the Department, even though they were assured their participation would be anonymous. Some felt their participation was their civic duty. All who participated appeared to have the best interests of the City and the Department in mind. There was no indication that any participants were vindictive or were in any way trying to cast a negative cloud over the Department. Respondents promised to be honest and candid in their responses to questions.

Some of the comments received are anecdotal and may not be supportable by specific evidence; however, some comments were based on supportable documentation that was reviewed by the interviewer. The comments received are important because they represent people's perceptions of the nature of the Department, its staff, and its activities. Perceptions that are held by a large enough group of individuals tend to become viewed as "reality" in peoples' minds.

The Miami Beach Chamber of Commerce (the "Chamber") was one of the external stakeholder groups identified. A Chamber committee had recently completed its own review of the City's Building Department. The findings and recommendations of the Chamber's committee report are included in this report.

Although they are not external participants, the Mayor and all City Commissioners participated in the interview phase of the project. As elected officials, they serve constituency groups and receive input from constituents that is important to this project. Their comments and perceptions are also included in the body of the report.

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Except for the comments contained in the Chamber of Commerce report, to ensure anonymity, the comments received from stakeholders were not attributable to any individual or group.

Many of the comments from the Chamber of Commerce's report were echoed in comments from the individuals and entity representatives interviewed. Interviewee comments were generally critical of the Building Department's staff, processes, and procedures. However, on a number of occasions, staff were praised for their fairness, knowledge, and work attitude.

Although the comments received from interviewees were made in 2008, some of them are representative of comments that have been documented by the City since the review conducted in 1999. While some who were interviewed were complementary about the staff and operations of the Department, most interviewee comments were not. The Department's perceived ability to perform its services efficiently, effectively, and courteously is in doubt.

B. PERMIT FEE AND COST ALLOCATION REVIEW

The current permit fee schedule is very complex consisting of numerous and varying fees for different types of projects and scopes of work. Although the actual calculation of the fees is automated (calculated using the Permits Plus system), the accuracy of the data that is entered into the system is difficult to accurately determine because of the fee schedule's complexity and the lack of standardized processes and procedures for calculating it. Consequently, the accurate collection of permit fees is very difficult. Additionally, the Building Department fee schedule was last revised on October 1, 2003.

A basic component of the Building Department's cost structure is its indirect cost rate. The City currently does not know if the existing fee structure covers their costs, particularly indirect costs. Indirect costs were last calculated in a fiscal year 1999 study. They have not been formally updated since that study.

The City's objective in having its permit fee structure and system reviewed was to ensure that fees are set at a level and in a manner to cover the direct and indirect costs of the building development process, are implementable, are understandable, are easily updated in response to change, and can ensure the integrity of the permitting process and collection of fees.

Building Department management officials and staff from the various Building Department disciplines, as well as building development officials in other departments, opined almost universally, that they need and are in favor of having a simplified fee schedule developed.

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We reviewed the Request for Proposal for a Building Development Process Cost Allocation and Fees Study (RFP) and made recommendations on it during the first few weeks of the project engagement. In the process of developing our recommendations, we reviewed the RFP document and the existing fee schedule, in detail; analyzed the pertinent findings and recommendations of the Internal Audit report which addressed the proposed projects; and, obtained input from the other departments who are part of the building/development process. Our findings and recommendations, which were presented to City and Department management in the early stages of the project, included the following.

- *The RFP's statement of scope of services and its requirements of the successful proposer are adequate for accomplishing management's objectives.*
- *The study should be separated into two distinct projects and separate RFPs should be issued. One project would be the development of a city-wide and building/development process specific indirect cost rate plan. The second project would be the development of a simplified permit fee structure and calculation mechanism.*
- *The resulting RFPs should be released immediately.*

C. OUTSOURCING/PRIVATIZATION

This aspect of the project was devoted to performing a detailed review of the Building Department and identifying those areas the City might be able to receive benefit from by contracting-out the activity. To provide a basis on which to evaluate the significance of privatizing activities and establish the City's exposure to having a core function outsourced, City and Building Department officials were asked to identify the "core" functions of the Department. The "core" functions were identified as follows.

- Insure that all construction projects comply with Florida Building Code
- Review building plans
- Perform building inspections
- Issue permits
- Issue occupancy certificates
- Collect proper fees

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The Building Department currently participates in several activities that can be categorized as outsourcing or "contracting out." The Department has developed a contractual relationship with companies that provide staff support in the plans review and inspection areas. The Department also uses contractors to provide inspection services for certain projects requiring expedited treatment. In these cases, the developer/owner reimburses the Department's costs billed by the contractor.

As a result of our review, several areas were identified as possible prospects for outsourcing. An outsourcing feasibility table was created showing the "Reasons to Outsource" and the "Reasons to Retain as a City Function." Since a decision to outsource should be based on a series of analytical determinations, it is not in the scope of this analysis to make a formal recommendation to the City to contract-out or retain a function. *However, as a result of analyzing the information in the table, some of the areas where the Department might benefit from contracting out are the following.*

- *Permit Counter*
- *Records Management*
- *Call Center*

These areas are not core functions of the Department; they are support services; staffing can be flexible depending on activity; the collective bargaining considerations are not onerous; and, the functions easily lend themselves to outsourcing.

Also, given that building activity is undergoing a slowdown due to global, national, and local economic conditions, the City should consider staffing the review and inspection areas at minimum levels required to conduct a base level of service delivery and contracting out, as required, to meet periodic higher level staffing needs or the need to staff particular projects. Appropriate analyses should be conducted to determine the feasibility of this and other efforts to reduce costs and to determine the resultant impacts on the Department and its operations. In implementing any outsourcing activities, the City must consider any requirements placed on it by the collective bargaining agreements it has in place.

D. BEST PRACTICES (BENCHMARKING)

In an effort to find ways to improve its operations, policies, and procedures, the City wanted to compare certain operational aspects of its Department to comparable cities. The City wanted to know what it could learn from other Building Departments. The intent of such a review was to identify the "best practices" followed by these organizations so that, where possible and where applicable, they could be incorporated into the City's Building Department operations. To accomplish this objective, two projects were undertaken. One project utilized a survey questionnaire which was sent to ten (10) carefully selected jurisdictions. The other project utilized a "peer review" process in which knowledgeable building professionals were invited to meet with the Building Department and comment on

City of Miami Beach Building Department
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certain processes followed by the Department.

The seven (7) jurisdictions who responded to the survey provided the City of Miami Beach and the Building Department with a wealth of information that can serve as the basis for improving some of the Department's systems, procedures, and operations. The survey information will be turned-over to the Building Department. The benefit to be derived from the information in the survey responses will come as the Department's staff analyzes the information, in detail, and does formal follow-up work with the respondents. This survey represents the first step in developing a meaningful dialogue with peer organizations.

A peer review is the process of submitting one's work to the judgment of another who is equally qualified. The point of peer review is to help each other understand and improve the quality of their work. A peer review identifies any deviation from standards; suggests improvement opportunities; and, promotes the exchange of techniques and education of the participants. The process can be used to diagnose weaknesses; provide a supportive environment within which possible improvements can be determined; and, provide a context within which one can reflect upon the practices the Department follows.

The senior staff of the Building Department demonstrated their dedication and support for the Department by subjecting themselves to such a process. Opening oneself to the critical review of peers was not easy, but the outcome of the process we think was rewarding.

Several building professionals participated in the peer review discussion. Topics were offered for open discussion. As a result of the interchanges between participants, recommendations were made that may be of benefit to the Department. The recommendations are summarized in the body of the report.

Now that closer relationships have been established among the participants, this effort can be continued on an informal basis between the staff of the Miami Beach Building Department and the respective staff of peer entities. Process participants should be expanded to include members of the Fire Department, Public Works, and Planning/Zoning. To be comprehensive in its approach, staff at all levels of the organization should be able to participate in an appropriately structured program. This initial peer review session should be considered as the beginning of a "cross cultural" educational process, not the end. Expanding the Department's experiential base would go a long way to creating a Department able to develop more innovative, efficient, and effective processing systems and procedures and a departmental environment more open to being responsive to customer needs.

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E. OBSERVATIONS, FINDINGS, AND RECOMMENDATIONS

Our observations, findings, and recommendations are found in section VII of this report. They include the observations, findings, and recommendations from the two interim meetings with City and Department staff, and the comprehensive observations, findings, and recommendations developed for presentation with this final report. The comprehensive observations, findings, and recommendations of this report are summarized below.

1. *Ensure that the Building Department's formal and informal organization and responsibility reporting structure is in compliance with the Florida Building Code.*
2. *Separate the duties of fee assessment and receipt of fee payments.*
3. *Implement customer service improvements.*
4. *Develop and implement a simplified permit fee structure and calculation methodology.*
5. *Develop policies and procedures to implement the Private Provider process.*
6. *Develop a system of exception reporting and staff accountability and responsibility reporting.*
7. *Require inspectors and reviewers to document and support plan or construction modifications that are in excess of established thresholds or requirements.*
8. *Provide adequate and timely training for staff.*
9. *Enhance monitoring and control over Building Department fiscal operations.*
10. *Conduct a comprehensive review of the methodology used to calculate all fees and ensure that all documents containing fee information are consistent.*
11. *Provide adequate physical space for Building Department operations.*
12. *Create and staff a high-level customer advocate (ombudsman) position responsive to customers interacting with building/development process departments.*

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13. *Require inspectors and reviewers to internally resolve interdisciplinary, inter-departmental, and/or intra-departmental conflicts before they are communicated to the customer.*
14. *Use issues or conflicts as material for training of inspectors and plan reviewers.*
15. *Consider outsourcing the Call Center operation.*
16. *Consider outsourcing the permit counter and records management service areas.*
17. *Analyze the effectiveness of the Department's technology solutions to providing customer support.*
18. *Increase operating efficiency through the effective use of technology.*
19. *Review and analyze staffing levels.*
20. *Appoint an individual to coordinate the efforts of the building/development process departments.*
21. *Develop formal policies and procedures manuals for all building/development process disciplines.*
22. *Complete the process of developing plan review and inspection checklists.*
23. *Enhance staff knowledge and use of Department technology.*
24. *Global Recommendation*

Based on our detailed review and analysis of the Building Department, we recommend the following strategic approach to improving the Department's operations and effectiveness.

- a. *Stabilize senior management.*
- b. *Create a friendly and open work environment for staff and clients.*
- c. *Train and properly equip staff.*

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- d. Create an open and non-congested work environment for staff and clients.*
- e. Gain the trust and respect of staff and clients.*
- f. Include stakeholders in developing process improvements.*
- g. Make customer service one of the Department's highest priorities.*
- h. Understand and effectively use the Department's systems.*

Attachment II

BUILDING DEVELOPMENT PROCESS

LONG AND SHORT TERM INITIATIVES

There are many long and short term improvements that are being implemented in the Building Department and the other City departments involved in the Building Development Process.

We have separated these improvements into four general categories: technology, financial and management issues, service quality and internal controls issues. Below is a synopsis of each of these initiatives:

A. Technology

- i. Electronic Plan Review System – This system will expedite the plan review process by providing concurrent reviews, standardize the review criteria, track changes to the revisions as they are submitted, make the submittal process easier, and eliminate paper. A contract for the purchase of this system has already been executed and we will begin a pilot of the system during the summer.
- ii. Central Record Automation – The Department is moving aggressively towards digitizing our old paper and microfiche files. This process started earlier this year and is expected to be completed by the end of the year. As a result of this project, we will be able to reduce staff and turn-around time for records request.
- iii. Expanding on-line permit applications – The current permitting system allows for permits to be processed on-line in situations where there is an approved master permit and a subsidiary permit is requested under that master. The system is being programmed to be able to accept more permit types for on-line applications.
- iv. Complete forms on-line – We are also expanding the system capabilities so that the customer can complete forms on-line for other permits that required plans to be submitted and have our staff can upload it into our system when the customers come to the department.
- v. Hand-held computer in the field – The Building Department has successfully implemented the use of hand-held and several other departments involved in the Building Development process are currently in the implementation phase.
- vi. Implementation of new website – This project was recently completed. It provides a more organized and accessible interface with our residents and it expands the number of transactions that can be completed in the website such as on-line payments. The website link is: <http://web.miamibeachfl.gov/building>.
- vii. Permit Plus System Replacement – The City is pursuing the replacement of its permitting system to ensure better security and auditing controls, improve web

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Building Development Task Force Improvements – DRAFT

access, allow information sharing with other databases in the City and make it easier for our customer to do business with the City. We expect to complete this project in the fall of 2010.

- viii. Vehicle tracking system – The Department will be implementing a vehicle tracking system to ensure the efficiency of the inspectors, provide more real time data to our customers and serve as an internal control tool.

B. Financial and Management Issues

- i. Multi-year financial reconciliation – The City has recently completed a five year financial reconciliation of revenues and expenses for the Building Department. The available balance has been identified for future Building Department expenditures and to implement the technological improvements listed above.
- ii. Update of Fee Ordinance – A consultant has been selected to develop a new fee structure. The objectives of the new fee structure are:
 - a. Simplicity for staff and customers
 - b. Move away from a value based system
 - c. Revenue neutral in the current year but have a self adjusting trigger in future years
 - d. Establish a more equitable fee basis between new construction and renovation
- iii. Data Integrity Process – In order to access the improvements in the Building Department, it is critical that the data used to measure performance being reported by the Department to measure its performance is highly reliable. All of the data routinely reported by the Department will be subjected to a detailed integrity process.
- iv. Outsourcing Opportunities – The Department has started to explore outsourcing opportunities, such as:
 - a. Call Center – The contract was executed and service will begin by May 2009.
 - b. Elevator Maintenance – A bid has been issued and recommendations for awards will go to the Commission in April 2009.
 - c. Records Management – A contract has been executed and we expect all records to be digitized within one-year.
 - d. Permit Clerk Function – This was recommended by the Watson Rice consulting group. We will explore the viability of this issue over the next few months.

City of Miami Beach
Building Development Task Force Improvements – DRAFT

- e. Plans Reviewers and Inspectors – We have established contracts to retain plans reviewers and inspectors on an hourly basis to be able to better adjust to changes in service demand.

C. Service Quality

- i. Modify space configuration to better serve our customers – We will be modifying the space on the second floor to make more counter space available to service the customers, we will be moving our greeter (ticketing issuing and customer information person) to the first floor lobby area and create a nicer area for the customers waiting to get served.
- ii. Complete procedures manual for building department – The Department has began a process of identifying all of the processes utilized in the Department and procedures will be developed for all of them. The first phase will include cataloging all of the department's processes has already been completed. This is a long term effort.
- iii. Complete Plan Review Guide – The Building Development Task Force is working on the new Plan Review Guide.
- iv. Private Providers Process – The Building Department is finalizing the procedures to be followed by projects following the State optional process to have a private provider performed the initial plans review and inspection process. This will be completed in April 2009.
- v. Implement Plan Review Checklist – The plan review checklist will be implemented this summer as part of the phase-in of the electronic plan review process.
- vi. Implement Inspection Checklist - The capability of the existing permitting system to implement the inspection checklist is being determined, once this assessment is completed, we will know if this can be accomplished prior to the conversion to the new system.
- vii. Set-up quality control and inspection mechanism - The function of a quality control inspector has been created in the Building Department. This person also serves as an ombudsman to help resolve problems that our customer may have with any area of the operation.
- viii. Implement 24 hour walk-thru process - Currently, our customers have two options on how to get their plans reviewed through the Building Development Process, the Drop-Off and the Walk-Thru systems.

The plans that qualify for the walk-thru system are for small jobs and revisions to larger job that will take less than 15 minutes to review per trade. All other jobs are required to be Drop-Off.

City of Miami Beach
Building Development Task Force Improvements – DRAFT

We are looking to implement a third alternative to provide a different service option to our customers. The new alternative, that we are calling the “24 hr walk-thru process” will allow customers, whose permits qualify for a walk-thru, the option to drop-off their plans and pick-them up the following day.

This program is intended to provide an expedited service for small jobs. The pilot phase commenced on March 30, 2009.

Phase I - Pilot Phase

The pilot phase that has the following restrictions:

- Homeowners – We will initially accept only permit applications from homeowners, as per the guidelines currently in effect to grant homeowners priority in the afternoon hours.
- Maximum of 5 drop-offs per day will be accepted
- Drop-off time: Before 1:30pm; (if after 1:30 pm they can pick it up in 2 business days)
- Pick up time: after 3 pm the following business day
- 2 copies of the plans will be required

We are imposing these limitations on the pilot program to ensure we can deliver on our promise to deliver the plans in 24 hours. We will run the pilot phase for approximately two months.

Phase II- Implementation of 24hr walk-thru

Based on the results of the pilot phase, we will adapt the parameters for the permanent 24hr walk-thru process. We will evaluate options such as increasing the number of plans accepted per day, expanding the program to accept small projects, varying drop off and pick up times, etc.

- ix. Technical Training for plans processors and inspectors - The Building Department is in the process of finalizing a training plan for each functional section of the Building Department. Once approved, the Building Department will be investing approximately \$100,000 per year over the next three to four years to give our technical staff the knowledge base, tools and resources required to be on top of the most current design and construction trends in the industry.
- x. New Queuing System – QMB - The current queuing system utilized for managing the walk-thru process is very rigid, does not provide for a transparent process as to where a person is in the process, does not show all customers that are still pending for each discipline’s plan review, does not provide the information for the section Chiefs to adjust staff levels depending on work load, nor does it allow for an individual to be in multiple queues at the same time.

City of Miami Beach
Building Development Task Force Improvements – DRAFT

Understanding these limitations, during our meeting with the professional Plans Expeditors, they recommended that we look at the system utilized by the City of Miami. We have assessed their system and will be modifying to meet the City's security requirements.

As part of this system, we will place large monitors in the lobby area showing the different queues. This will make the process more transparent for customers, and avoid having customers wondering where they stand in the queue. This system will be implemented by June 2009.

xi. Customer Service

- a. Staff meetings – Routine staff meetings are being conducted to improve communications, discuss procedures and customer services standards and improve morale, these include:
 - i. Monthly meetings of the Building Development Task Force
 - ii. Bi-weekly Section Chiefs meetings in the Building Department
 - iii. Monthly Department-wide meetings in the Building Department
- b. Customer service training - The City offers mandatory Customer Service Training pursuant to the City's Standards of Excellence. In addition to this training the Building Department will bring in International Code Council (ICC) to target the sensitive issues regarding code officials and customer service.

D. Internal Controls

- a. Permit Plus Security Issues - The Permit Plus permitting software that the Building Department uses to process permit applications and records plan review and inspection data was lacking certain security protocols. Over the past two years, Building Department Support Services has been applying internal security controls into the system as much as is practical and feasible.
- b. Closed Circuit Television (CCTV) – The Building and Planning Departments have implemented a CCTV system to monitor the activities in these departments.
 - ii. Transfer cashier function to Finance Department – To enhance internal controls, the Department is coordinating with the Finance Department the transfer of the cashiering functions.

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LETTER TO COMMISSION

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

FROM: Jorge M. Gonzalez, City Manager

DATE: March 10, 2009

SUBJECT: Analysis of Fire Department Unanticipated Leave Usage and Overtime –
Quarter 1 FY 2008/09

This letter summarizes an analysis of Fire Rescue Overtime and Leave Usage based on direction from the Budget Briefings at the Finance and Citywide Projects Committee meeting June 30, 2008.

Background

At the City's annual Commission retreat in May 2008 and during the City's budget briefings, the impact of the Fire Department unanticipated leave usage and overtime was discussed as overtime has traditionally been an issue but had become even more pronounced since the minimum staffing ordinance was implemented in February 2003 -- based on a review conducted in mid FY 2006/07, the Fire Department level of unanticipated leave usage had the highest of any other department in the City. Unanticipated leave (or unscheduled leave) includes, sick leave, injury, and emergency vacation.

As compared with FY 2002/03, overtime in the Fire Department Suppression, Rescue, and Support Divisions has increased from \$365,362 to \$1.27 million through FY 2007/08. While the FY 2007/08 overtime reflected a decrease from the prior year, as well as a lower amount than had been projected at mid-year, the total cumulative increase over FY 2002/03 is still significant at 247%.

Fiscal Year	Adopted Budget	Actual	Over/(Under)
FY 02	426,986	368,680	(58,306)
FY 03	321,013	365,362	44,349
FY 04	321,013	700,805	379,792
FY 05	587,974	1,010,179	422,205
FY 06	652,488	1,057,701	405,213
FY 07	1,238,731	1,518,898	280,167
FY 08	1,272,219	1,269,597	(2,622)

Prior to FY 2007/08, efforts made to address control overtime usage, including increasing the overtime budget, adding positions, hiring in advance of anticipated vacancies and instituting a sick leave sell-back program as well as a random drug testing for employees whose leave balance fall below 200 hours (300 hours for shift personnel) continued to fall in yielding results -- between FY 2001/02 and FY 2007/08, 7 fire fighter positions were added.

Current staffing levels provides coverage for leave types such as R-days, scheduled leave, training, and some level of unanticipated leave. However, over the years unanticipated leave usage increased, resulting in the need for more overtime. As a result, one of the alternatives analyzed for the FY 2008/09 budget, was the impact of changing the minimum staffing ordinance to allow for a decrease from 44 to 42 in times of higher levels of unanticipated leave usage. In the event of a major fire, in addition to the ability to call in additional personnel on overtime, the Department would still have the ability to use mutual aid from other Fire departments.

Based on this analysis, it was estimated that over \$800,000 in department overtime (approximately 2/3rs) could be eliminated by reducing the minimum staffing requirement from 44 to 42. The \$800,000 was estimated using 365 days times 2 personnel for 24 hours at \$57.00/hour (average OT Hourly rate) and reflects a mix of 60% FF1s and 30% FF2's, 5%Lts and 5% Cpts, and was based on the following data at that time.

The average hourly rate for OT was based on the formula of the average of six FFI's (two senior, two mid career and two new, with three in Rescue and three in combat), three FFII's (one senior, one mid career and one junior) and the aggregation of two Lieutenants and two Captains in to one position for averaging into the FFI and FFII positions. The average rate was calculated at \$57.28 and rounded to \$57.00/hour.

Potential savings will always be a range. The max of the range in going from 44 positions to 42 is just over 1 million dollars. Based on staffing and usage from last year we projected an 80% coverage rate to project the 800K in savings.

Shift staff assigned:	62(A Shift),61(B Shift), 61(C Shift)
Less staff not available*:	
(Based on averages)	
Vacancies (hiring once per year)	2.0
R-Days:	8.8
Scheduled Leave:	6.0 (maximum)
Training:	0.5
Total Unanticipated leave:	3.2 per day
Total Shift Positions Unavailable:	20.5
 Net Positions Available:	 41.5 (A Shift), 40.5 (B & C Shifts)
 Resulting Overtime FTE's	
At 44 Minimum Staffing	2.5 (A Shift), 3.5 (B & C Shifts)
At 42 Minimum Staffing	0.5 (A Shift), 1.5 (B & C Shifts)

* Actual daily staff availability may be greater or less on any given day due to fluctuations around the average but, but generally vary by one or two positions.

The current minimum staffing for Fire Suppression of 44 positions is based on the following assignments:

Equipment		Minimum Positions Before Incurring Overtime	
Type	Number	Per Equipment	Total
Rescue	6	3	18
Ladder	2	4	8
Engines	4	4	16
Battalion Chief and EMS Lt.	2	1	2
TOTAL	14		44

The minimum staffing alternative of 42 positions during periods of higher unanticipated leave usage assumed the following assignments:

Equipment		Minimum Positions Before Incurring Overtime	
Type	Number	Per Equipment	Total
Rescue	6	3	18
Ladder	2	3	6
Engines	4	4	16
Battalion Chief and EMS Lt.	2	1	2
TOTAL	14		42

As part of the budget discussions, it was agreed that, in lieu of changing the minimum staffing ordinance to reflect a reduction to 42 positions during periods of higher unanticipated leave usage, the City would implement a more restrictive sick leave policy and monitor the results. The Fire Department was directed to monitor results for the first quarter and report back with the results of the restrictive sick leave policy. If the results were unsuccessful after the first quarter, the City would then pursue the prior proposed change to the minimum staffing ordinance.

Status as of Quarter 1 FY 2008/09

In preparing the analysis for Quarter 1 2008/09, both overtime usage and unanticipated leave usage were analyzed. As can be seen in the attached charts, during the first quarter of FY 2008/09, overtime decreased significantly for all days of the week, for a total overtime reduction from \$386,108 to \$206,733 during the quarter for the Fire Suppression and Fire Rescue Divisions. However, this cannot be attributed solely to the recently implemented restrictive leave policy as there was only a very slight decrease in the use of unscheduled leave. The main component of the savings were derived from the five additional personnel were added to the staffing of the Fire Suppression and Fire Rescue Divisions from the Fire Prevention Bureau as the result of a separate initiative.

As part of the FY 2008/09 budget, 5 fire inspector positions, previously staffed by Fire Fighter 1's, were designated to be replaced by certified civilian positions. As a result, the five FF1s returned to the Suppression Division and are available to provide excess staffing levels and reduce the overtime normally associated with unanticipated leave usage, until 5

FF1's retire in March 2009. The impact of the five positions can be estimated by using the Q1 difference in OT hours worked by the Fire Suppression and Fire Rescue Divisions in 2007 and 2008. Those Divisions worked 3702 OT hours more in Q1 07/08 than in Q1 08/09. Using the average OT rate of \$57.00, this represents a \$211,014 savings that came from the higher staffing levels.

Unanticipated leave usage during the same time period only decreased by 147 hours for the first quarter. In the first quarter of 07/08 there were a total of 1355.75 hours of EVAC and 2945 hours of Sick Leave for a total of 4,300.75 hours of unscheduled leave. In the first quarter of 08/09 there were a total of 1,228.5 hours of EVAC and 2,925 hours of Sick leave for a total of 4,153.5 hours of unscheduled leave.

Looking at the graphs of both quarters, it is clear that the trend of unscheduled leave being significantly higher on Friday, Saturday and Sunday was unchanged, and the need for additional overtime to backfill on those days continued.

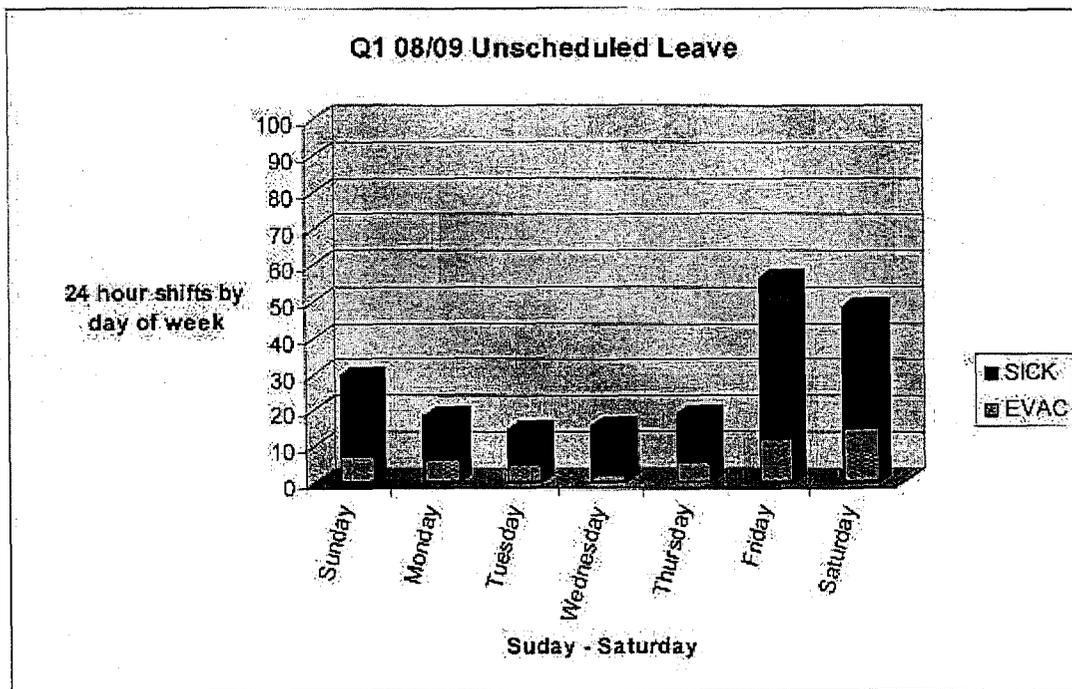
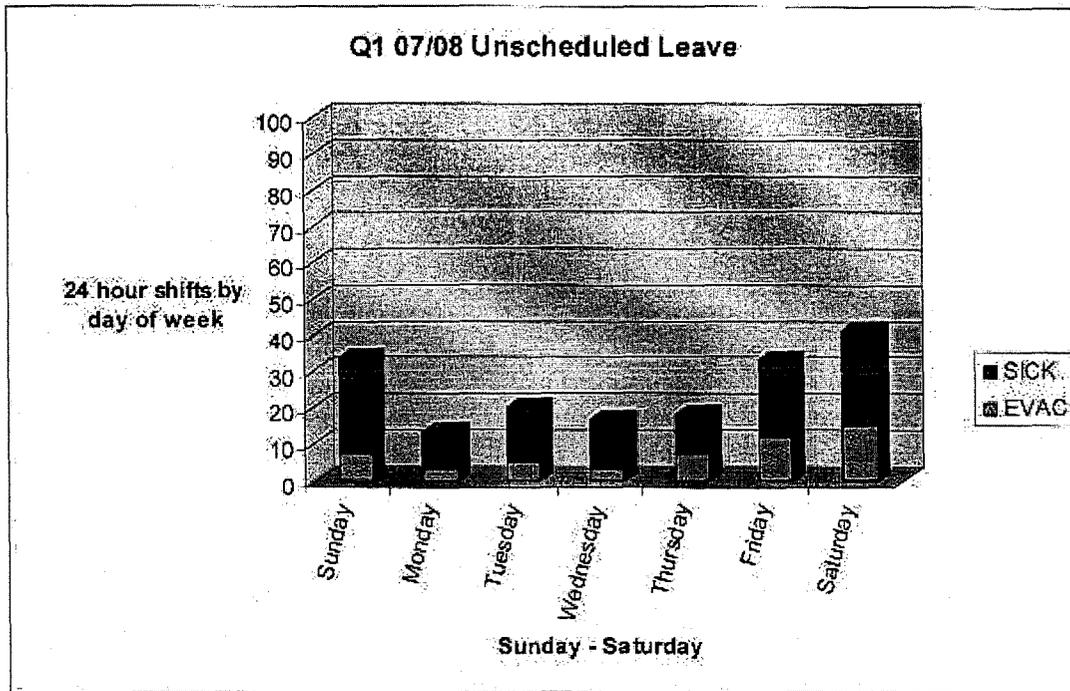
Unanticipated Leave Usage Quarter 1 FY 2007/08

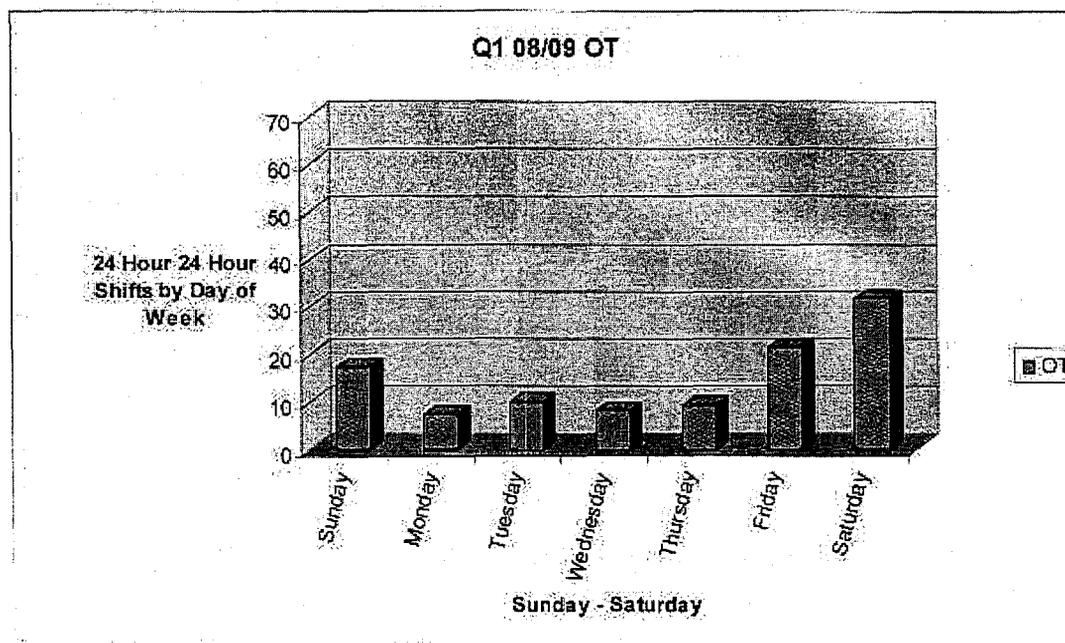
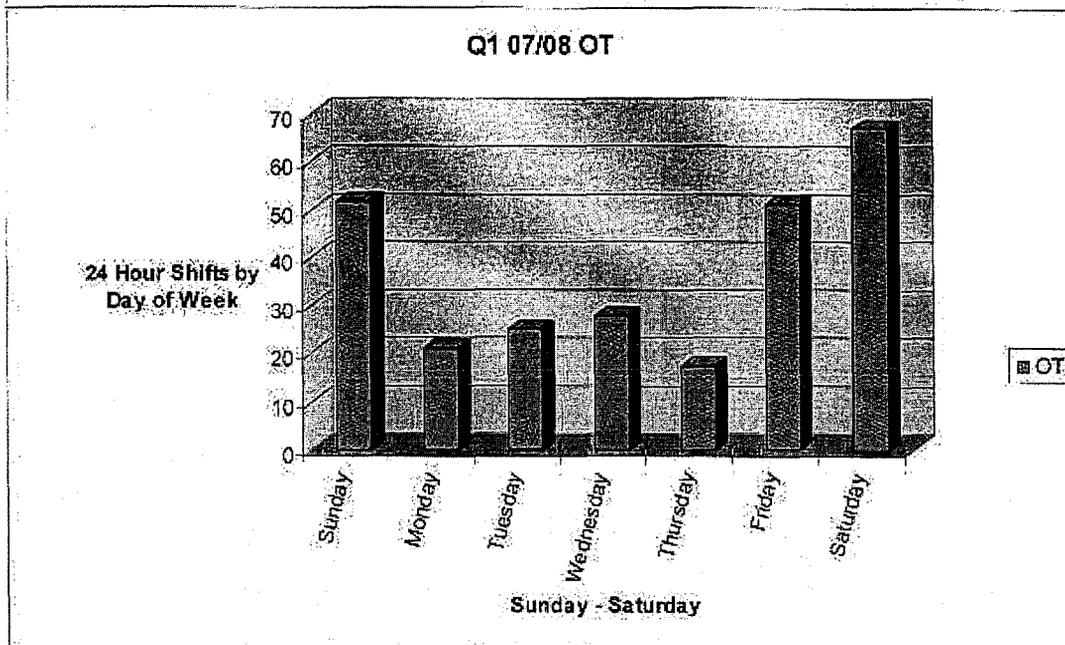
	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
EVAC	8	3.37	5.62	3.67	8	12	15.72
SICK	26	10.25	14.79	13.5	10.66	21.5	26
Total	34	13.62	20.41	17.17	18.66	33.5	41.72

Unanticipated Leave Usage Quarter 1 FY 2008/09

	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
EVAC	7.45	6.5	5	2.22	6	12	15
SICK	22	11.75	9.66	13.33	12.79	44.41	34
Total	29.45	18.25	14.66	15.55	18.79	56.41	49

Recently, the Fire Chief and I met with the union President, Adonis Garcia, to review the data and requested his assistance in ensuring that the necessary steps are taken to address the continued high levels of unanticipated leave usage. At that meeting, he assured us that he would bring up the issue with his membership in an effort to have them adjust their behavior. Staff will continue to monitor and will provide you with a full report at the next Finance and Citywide Projects Committee.





JMG/EY/KGB



MIAMI BEACH

OFFICE OF THE CITY MANAGER

NO. LTC # 094-2009

LETTER TO COMMISSION

RECEIVED
2009 APR -9 PM 12:44
CITY CLERK'S OFFICE

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

FROM: Jorge M. Gonzalez, City Manager

DATE: April 9, 2009

SUBJECT: Analysis of Fire Department Unanticipated Leave Usage and Overtime – Quarter 2 FY 2008/09

This letter provides the Fiscal Year (FY) 2008/09 Quarter 2 update to the analysis of Fire Rescue Overtime and Leave Usage based on direction from the Budget Briefings at the Finance and Citywide Projects Committee meeting June 30, 2008. The Quarter 1 analysis was distributed March 10, 2009 and is attached for reference purposes.

Background

During the first quarter of FY 2008/09, overtime decreased significantly for all days of the week, for a total overtime reduction from \$386,108 to \$206,733 (a 47 percent decrease) for the Fire Suppression and Fire Rescue Divisions. However, the savings were derived from the five additional personnel that were added to the staffing of the Fire Suppression and Fire Rescue Divisions from the Fire Prevention Bureau as the result of a separate initiative (using civilian fire inspectors in the Fire Prevention Bureau), that were equivalent to \$211,014 in savings rather than from any significant decrease in unanticipated leave usage. Unanticipated leave usage only decreased from 4,300.75 hours to 4,153.5 hours, a decrease of only 3 percent.

After presenting the results of the first quarter to the Union President on February 19, 2009, the union wanted to continue to work on the use of Emergency Vacation and Sick Leave with the membership.

Status as of Quarter 2 FY 2008/09

For the Second Quarter of 08/09 the combined use of Emergency Vacation and Sick Leave was 3,140 hours as compared to 4,346.75 hours for Q2 FY 07/08, a decrease of 1206.75 hours, or 28 percent. Part of these savings should be attributed to the presence of the 5 personnel from the Fire Prevention Division through the month of January (Five personnel left the Division the 02/01/2009 after completion of the City's Deferred Retirement Option Program - DROP). In addition, any improvements effectuated after the meeting with the Union President would represent a partial impact to the quarter.

Despite this improvement in the second quarter, the trend of unscheduled leave being significantly higher on weekends continues, although at lower levels than in the prior years on all days except Saturdays. This has resulted in the continued need for additional overtime to backfill on those days, although at lower levels than in prior years.

Unanticipated Leave Usage Quarter 1 FY 2007/08

	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
EVAC	8	3.37	5.62	3.67	8	12	15.72
SICK	26	10.25	14.79	13.5	10.66	21.5	26
Total	34	13.62	20.41	17.17	18.66	33.5	41.72

Unanticipated Leave Usage Quarter 1 FY 2008/09

	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
EVAC	7.45	6.5	5	2.22	6	12	15
SICK	22	11.75	9.66	13.33	12.79	44.41	34
Total	29.45	18.25	14.66	15.55	18.79	56.41	49

Unanticipated Leave Usage Quarter 2 FY 2007/08

	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
EVAC	9.88	5.83	3.29	3.88	9.08	16.38	12.16
SICK	18	7	15.91	26	9	21.13	23.56
Total	27.88	12.83	19.2	29.88	18.08	37.51	35.72

Unanticipated Leave Usage Quarter 2 FY 2008/09

	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
EVAC	13.5	4.5	5.5	10	2.35	8	16.58
SICK	5.25	7.08	6.63	7	10.5	7.88	25.5
Total	18.75	11.58	12.13	17	12.85	15.88	42.08

These results are shown graphically on Attachment 1 (Unanticipated Leave Usage by Day of the Week) and Attachment 2 (Overtime Usage by Day of the Week).

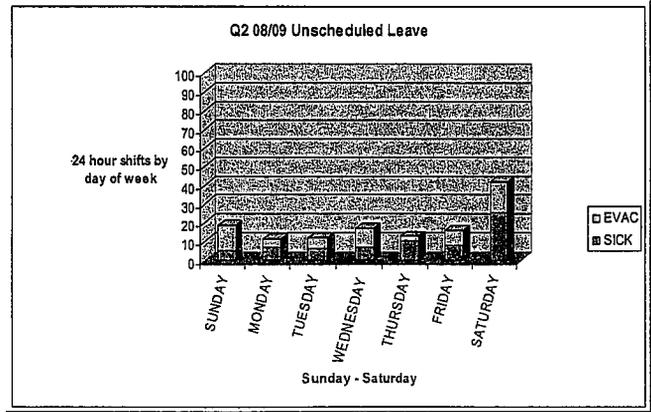
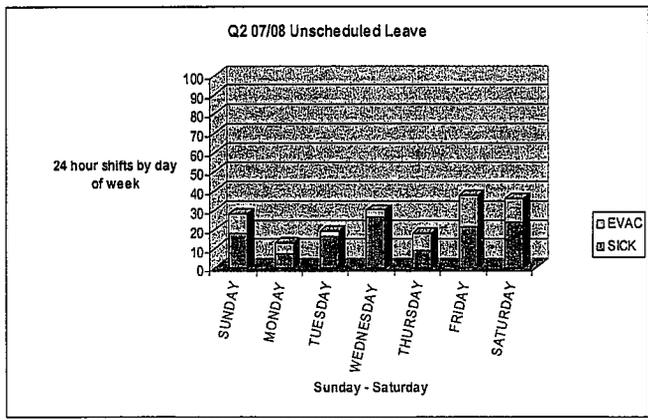
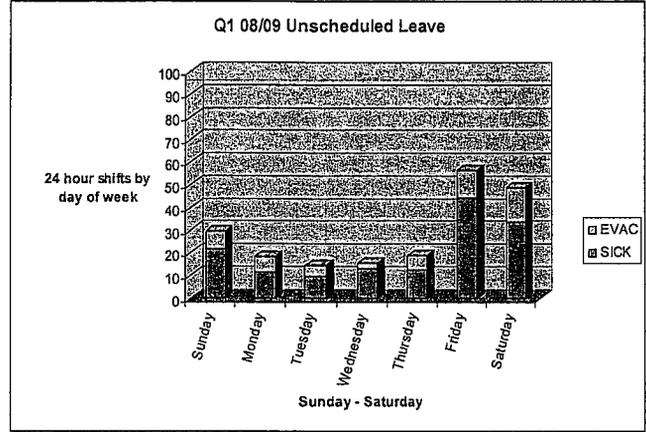
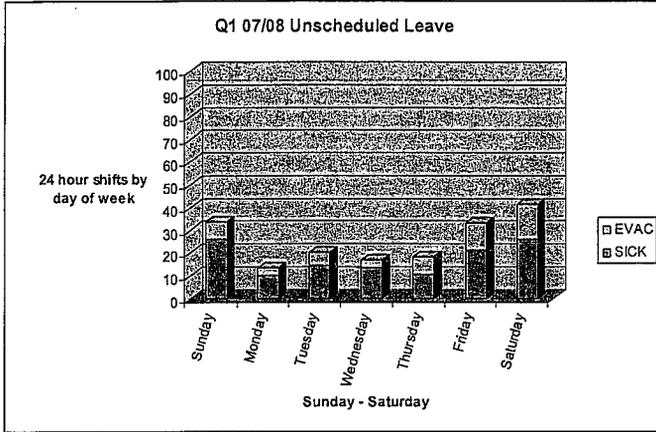
Combining both quarters shows that that Emergency Vacation and Sick Leave for FY 07/08 was 8,647.5 hours and for FY08/09 WAS 7,293.5 hours, a reduction of 1354 hours this fiscal year, and a decrease of 16 percent.

A comparison of overtime expenditures for the Fire Suppression and Fire Rescue Divisions for Q1-Q2 FY 07/08 and Q1-Q2 FY 08/09 was also conducted. Through 13 payroll periods in FY 07/08 the overtime costs for the two divisions was \$766,583.68. Through 13 payroll periods in this FY the overtime costs for the two divisions has been \$358,080 which represents a 53% decrease from the previous FY 07/08.

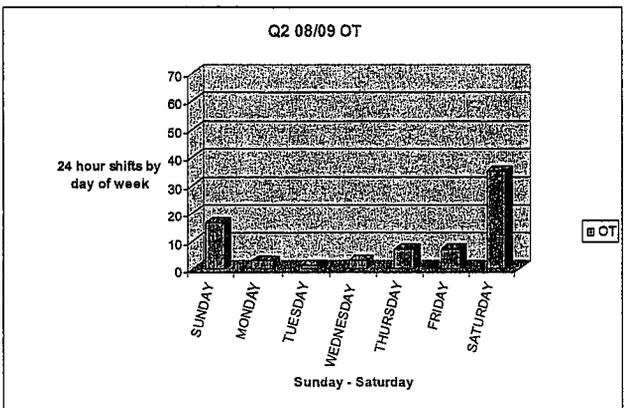
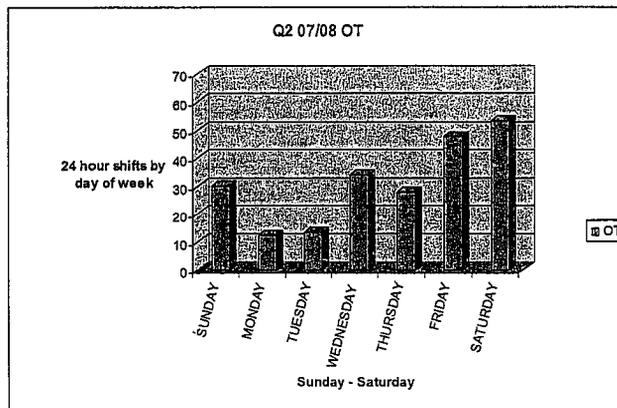
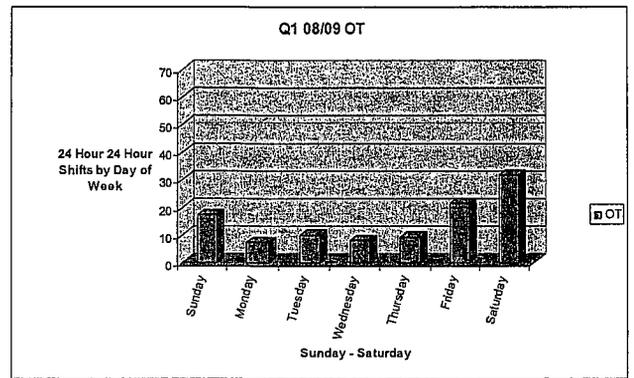
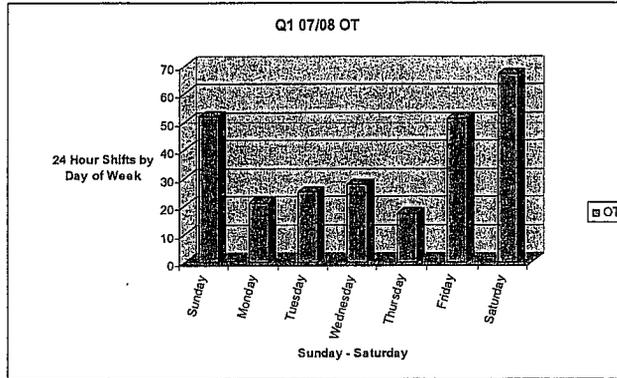
If the present use of unscheduled leave, and by extension overtime expenditures, remains the same for the remainder of the fiscal year, the Fire Department is projecting a total overtime cost for the two divisions of \$716,160. This would be \$25,580 under budget for the two divisions and would be \$483,684 less than 07/08 FY actual expenditures (a 40 percent decrease from FY 2007/08).

As a result, it is recommended that, the unanticipated leave usage and resulting overtime continue to be monitored and the results brought back to the Finance and Citywide Projects for review during the budget process.

Attachment 1
Unanticipated Leave Usage by Day of the Week



Attachment 2
Overtime Usage by Day of the Week



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MEMORANDUM

TO: Finance and Citywide Projects Committee

FROM: Jorge M. Gonzalez, City Manager

DATE: April 14, 2009

SUBJECT: Drainage Improvements on 44th St and Royal Palm Ave.

Background

In October 1997, the City accepted the Comprehensive Stormwater Management Program Master Plan (Master Plan). The Master Plan delineated over one-hundred sixty (160) individual basins and prioritized them based on pollutant loading, pollutant concentration, flooding potential, complaints, and City staff rankings. Thirty four (34) of the basins were designated as "stormwater priority drainage basins" and designated to meet the Miami-Dade drainage system design criteria which specify a five-year storm level of service for collector and local streets in residential and commercial areas. Under the five-year storm criteria, roads must be passable allowing flooding to the crown of the street, or within 15 feet of occupied buildings, whichever is lower. Consequently, priority basins were designated to receive stormwater revenue bond funds for drainage system improvements that would satisfy the five-year storm criteria.

The Master Plan concluded that the existing drainage system at Orchard Park in the Nautilus Neighborhood were classified as non-priority basins therefore, no significant improvements to the system were planned to be built (Exhibit A).

On May 20, 2007, during the early morning hours, some of the streets in Miami Beach were significantly flooded following a torrential rainfall event that registered an intensity of approximately six (6) inches in about six (6) hours. The spread of rainfall was further intensified during the hours of 10 AM and 11 AM when 2.7 inches fell within one (1) hour alone. Statistically, a rainfall of this intensity has a chance of occurring once every ten (10) years. During this particular rainfall event there was excessive flooding at different low points throughout the City. Notable flooding was identified along Alton Road, Sunset Isles, and at Orchard Park, where flooding was witnessed at an elevation of approximately 12 inches above the crown of the road (Exhibit B).

The location where this excessive level of flooding was witnessed was the intersection of 44th Street and Royal Palm. This intersection is currently registered as the lowest elevation of a significantly large drainage basin of approximately 73 acres located within the Orchard Park neighborhood.

Orchard Park

Orchard Park is located east of the Nautilus West Neighborhood and covers approximately 152 acres. The area is bounded by Surprise Lake on the north, Arthur Godfrey Road on the south, Indian Creek on the east, and Biscayne Waterway on the west. Since Orchard Park is comprised of four (4) non-priority basins, no significant storm drainage improvements were

planned by the City. Only very minor modifications were considered, as part of the existing neighborhood right-of-way (ROW) improvement project. These improvements consisted of some elevation and grade adjustments to improve flows to the existing drainage structures and swales.

Drainage Study February 2008

Immediately following the May 2007 flooding incident, the Administration was directed to investigate, in further detail, the drainage characteristics of the contributing basin(s) at this location. Staff was requested to analyze the drainage problems and stormwater system and identify potential improvements and/or operational approaches to address them. In early 2008, a comprehensive drainage study of the subject watershed area was commissioned. The Capital Improvement Projects Office (CIP) directed the design-build Contractor, RicMan International (RMI), to prepare a study of the drainage systems that are tributary to the low spot at 44th Street and Royal Palm. RMI was asked to analyze the existing system and to submit a study offering various design alternatives.

RMI developed a hydraulic model that analyzed the existing stormwater system and its existing conveyance capacity and evaluated the performance effectiveness, or flood protection of the existing system, and provided various stormwater system enhancement alternatives to address a five year storm event. The hydraulic model indicated that, during a five year storm event, flooding of as much as 18 inches above the crown of the road could result for more than 24 hours at the intersections of 44th Street and Royal Palm. The study included engineering cost estimates for each of the alternatives.

The study provided nine (9) alternatives for upgrading the stormwater system. These alternatives offered various levels of effectiveness, ranging from new inlets and larger pipes on 44th Street that would offer improved conditions (Alternative 5), to three pumps stations and a total of 15 injection wells that would eliminate flooding during a five year storm event. The engineering cost estimates for the various alternatives ranged from approximately \$780,000 to \$8,600,000. These alternatives were developed to provide the City with variable cost/benefit scenarios which looked at the value added of infrastructure improvements vs. the results achieved in reduction of flooding (Exhibit C). The study also aimed at giving the City the option of undertaking one solution and adding incremental improvements, at a later time, if so warranted.

Following a review of the study by Staff, Alternative # 5 was presented as the most feasible alternative during the May 29, 2008 Finance and Citywide Projects Committee (FCWPC) meeting. This option suggested adding new inlet structures, connecting to and replacing the existing 21-inch pipe along W. 44th Street with a 36-inch diameter pipe, and upsizing the existing outfall pipe in Muss Park from 15-inch to a 36-inch diameter, the total estimated figure for this alternative was \$780,066.70. This cost estimate was only presented as a budgetary place holder as opposed to a formal negotiated fee with RMI. The model results for this alternative suggested that the solution provided would yield a maximum flood stage of 13 inches over the crown, which would last for a period of 5 hours.

Subsequent to the presentation to the FCWPC, Mr. William Goldsmith, a private developer and Miami Beach resident and former member of the Capital Improvement Projects Oversight Committee, expressed concern with the engineering cost estimate, and submitted an informal quote from an outside contractor for an amount of \$366,750.00, even though this figure did not include general conditions in the price (Exhibit D). Based on these

observations, the Administration withheld submittal of its proposal for Commission consideration, pending additional review and development of cost/beneficial solutions – including one of not implementing any drainage improvements.

Drainage Study November 2008

Pursuant to the concerns expressed by Mr. Goldsmith and members of the City Commission, the Public Works Department was subsequently tasked to commission an independent engineering evaluation to provide comparative analyses as well as to further explore the most adequate and cost beneficial solution that would mitigate flooding in the area. Milian Swain and Associates was selected to prepare this analysis and provide technical recommendations and mitigation measures based on the modeling results for the drainage basin.

At a meeting held on February 2, 2009 by the Capital Improvement Projects Oversight Committee (CIPOC), the Public Works Department introduced the technical recommendations and mitigation measures pursuant to the modeling results and recommendations performed by Milian Swain and Associates for the drainage basin support generating flooding at 44th and Royal Palm (Exhibit E). The preferred option, alternative three (3), proposed to sever the current collection system at a strategic location along the existing system and create a continuous conveyance pipe along 44th street from the intersection of 44th and Royal Palm to a new discharge point at the seawall located in Muss Park. The proposed conveyance pipe and outfall would be upsized to 48 inches as well as new catch basins would be provided to more efficiently intercept the surface runoff. The expected results, as suggested by the model output data demonstrated a significant reduction in the duration of the storm peak from the previous model and down to 6 hours, as well as reduction in flooding depth to approximately 3 inches.

The significant difference between the results of the February 2008 (RMI) and the January 2009 (MSA) studies, is associated more with the fact that the former study although it did propose a direct connection to the bay, it did not consider severing the current collection system. The MSA (January 2009) study took this matter into account thus allowing the contributing basin to be isolated and to behave as a completely independent system. The MSA study looked particularly at the natural conditions of the 44th and Royal Palm watershed and provided a solution which made this watershed behave as a complete independent system, hence, the significant reduction in both flood stages as well as time of flooding.

At the same meeting, City staff clarified that, in order to proceed with the new outfall construction, an Army Core of Engineer's (ACOE) permit would potentially be required. Staff indicated that an ACOE permit would take approximately 6 months to procure. The options presented at the committee were that the project can proceed through a conventional design-bid-build project, by the City issuing a Request for Qualifications (RFQ) for a design engineer, and then receiving proposals to subsequently award in accordance with the City established procurement guidelines. This would be followed by a standard Invitation to Bid (ITB) for a contractor. The other option presented by the City was to prepare a Design Criteria Package (DCP) and subsequently engage the services of a design-build team to streamline the final design, permitting, and construction. In discussing timelines, specifically the long lead time to achieve the ACOE permit for the upsizing of the outfall, the City underlined the fact that construction would not likely begin until after the rainy season. The CIPOC accepted the technical solution presented by MSA as well as the proposed method of procurement proposed by Staff. The CIPOC recommended that staff proceed

expeditiously with the preparation of the Design Criteria Package for the drainage improvements at 44th Street and Royal Palm Ave.

Current Status

In the interest of reducing costs by retaining services of outside consultants, the Engineering Division of the Public Works Department has engaged in the development of the Design Criteria Package. The preliminary model outputs, as well as the substantiated technical solutions provide sufficient data to establish the baseline criteria and outline specifications to generate a comprehensive DCP. Moreover, the straightforward technical nature of the project is adequate enough for the City's internal engineering resources to develop such package, and therefore reduce costs and timelines associated to retaining an outside consultant.

The project is currently unfunded and has not yet been adopted by the City Commission as a Capital Project. The Engineering Division of the Public Works Department is underway with the DCP and expects to have this package completed and ready to go to bid upon approval by the City Commission. Through its due diligence process, staff recommends that these drainage improvements be approved by the Commission as a project and that funding be allocated in order to meet the mitigation requirements stated herein. The City has developed an opinion of cost more directly associated to the specific technical requirements of this project following Milian and Swain's proposed solutions. The estimated construction cost for this project ranges between \$600,000.00 and \$640,000.00. The City also received an estimate from RMI, directly associated to the aforementioned scope in the amount of \$588,000.00. These budgetary opinions have also taken into account the removal and disposal of unsuitable material and import of suitable material along a section east of the park where recent subsurface explorations have determined the presence of such materials. The Administration, including the City Manager's Special Assistant, have reviewed these costs, and is confident that the range provided would be adequate enough to provide a comfortable budgetary earmark for which staff can obtain a competitive price through the ITB process.

In addition, the Capital Improvements Office has been working in the reconfiguration of the intersection of Chase and Prairie Ave. The scope of the project would be to reconfigure the intersection to provide additional park area along Muss Park. This reconfiguration would provide for additional green space southeast of the Park's Building. (Exhibit F). These improvements would include the demolition of certain portions of the roadway, the reconstruction of the intersection at Chase and Prairie Avenues, new sidewalks and walkways, a new bus drop off area, street signage, and extension of driveways to connect the new road alignment, as well as new drainage catch basins to capture runoff from the grade reconfigurations. This project is also currently unfunded; however, the CIP office is submitting the project for consideration in the FY 2009 Capital Budget. The estimated budgetary earmark for this project is \$490,000 including engineering fees and a construction contingency.

Should the 44th and Royal Palm drainage improvements be accepted for recommendation by the FCWPC, City staff would also recommend including in the Design Criteria package, the Muss Park expansion and intersection improvements. The rationale behind this approach is to allow both projects to be designed congruently, and in the event the Muss Park project is incorporated in the FY 09 Capital Program, then allow both projects to be constructed simultaneously, so as to minimize impacts in the neighborhood.

Upon recommendation by the FCWPC to establish the 44th and Royal Palm Ave drainage project as a Capital Project, staff will proceed to the next available City Commission meeting for formal approval. A funding source from current resources has not been possible to identify. If approved as a project grant resources, funds that might become available later in the fiscal year or next year Capital Funds will be explored. The City expects the procurement process to take approximately 90 days. The construction timelines will be primarily subject to the procurement of the ACOE permit. Once ACOE is procured, it is anticipated that the overall construction will not take longer than 2 months.

Attachments:

- Exhibit A City of Miami Beach, Drainage Basins Map
- Exhibit B Calibrated Event Photo
- Exhibit C Estimated Construction Costs (Neighborhood No. 7/Orchard Park), Drainage Study
- Exhibit D Sullivan Bros, Inc. Proposal
- Exhibit E Orchard Park Stomwater Model Review, Refinement, and Alternative Solution Analysis
- Exhibit F Muss Parking Lot and Chase Realignment Project Schematic

JMG/RCM/FAV

- c: Tim Hemstreet, Assistant City Manager
- Robert C. Middaugh, Assistant City Manager/Interim Public Works Director
- Fred H. Beckmann, P.E., Interim Capital Improvements Project Director
- Fernando Vazquez, P.E., City Engineer

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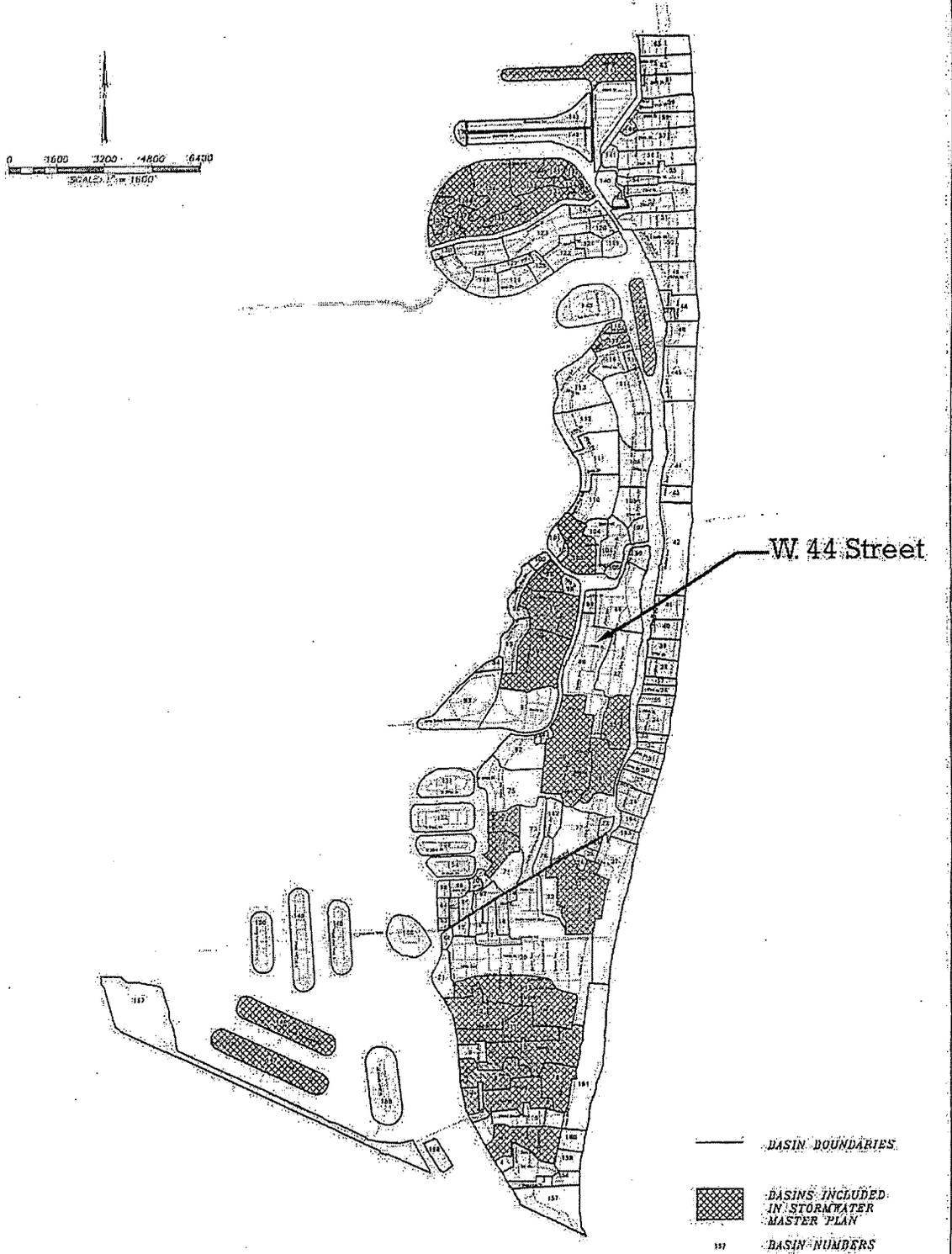
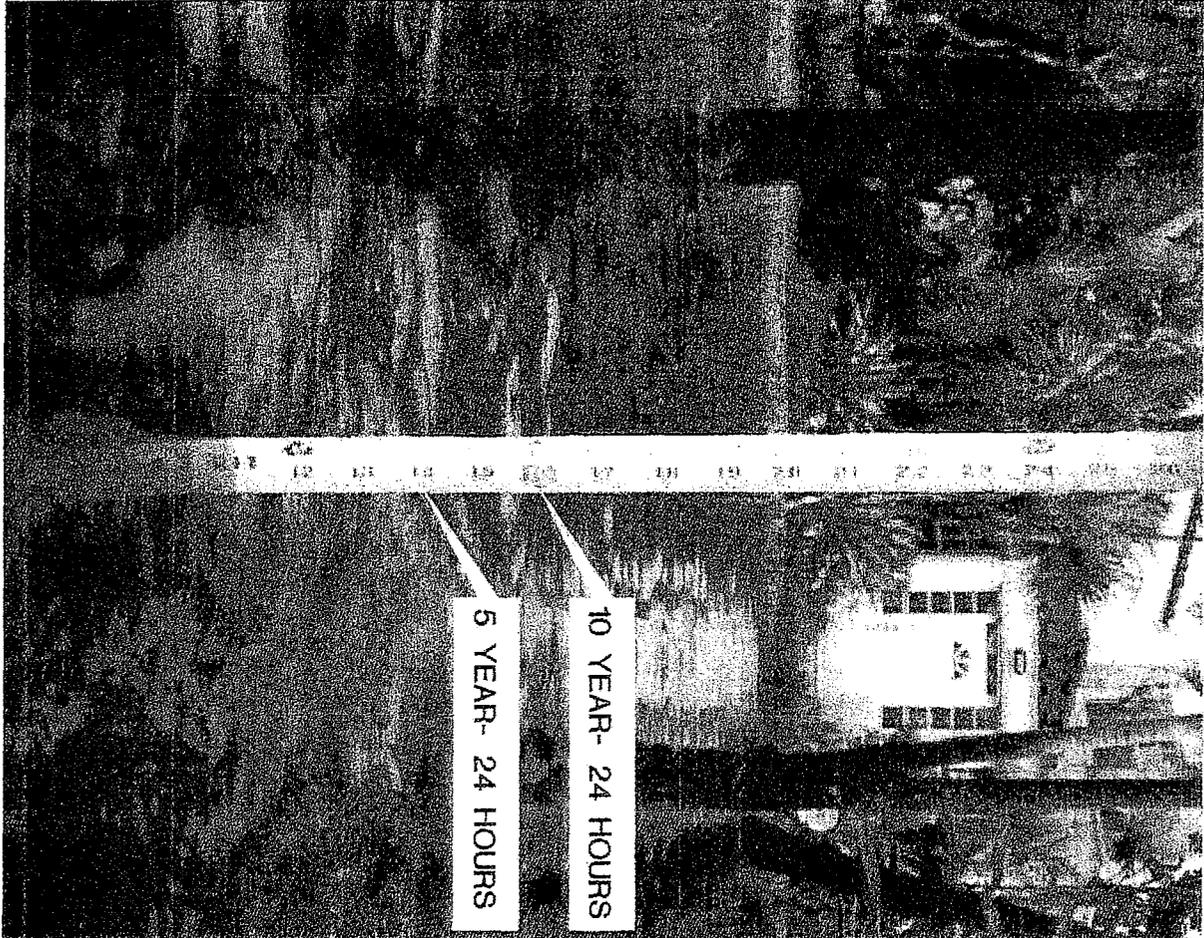


Figure 2-2
 CITY OF MIAMI BEACH
 DRAINAGE BASINS **CH2M HILL**

Exhibit B



C-1	SCALE AS SHOWN	CHECKED BY -	DESIGNED BY -	PROJECT CITY OF MIAMI BEACH PUBLIC WORKS DEPT.	APPROVED BY DATE	MSA <i>Milan, Swain & Associates, Inc.</i> 2025 S.W. 32ND AVENUE, MIAMI, FLORIDA 33140 TEL. (305)441-0122 FAX (305)441-0688 ENG. & ENVIRONMENTAL ENGINEERS • UTILITY MANAGEMENT • SURVEYING • GEOLOGICAL CERTIFICATE OF AUTHORIZATION NO. 5460	REVISIONS	
	CHS-05	DATE 02/05/00	DESCRIPTION					

~~ESTIMATED CONSTRUCTION COSTS (NEIGHBORHOOD No. 7 - ORGHARD PARK)~~
DRAINAGE STUDY

ALTERNATIVES	MAXIMUM STAGING/TIME OF FLOODING	PROPOSED IMPROVEMENTS	ESTIMATED COST
EXISTING CONDITIONS	18" over crown > 24 hours	N/A	N/A
Alternative 1	9" over crown >24 hours	New manholes and inlets on 44 ST and side streets, upsize existing outfall from 15" to 72" and new 72" pipe on 44th Street.	\$ 4,390,890.10
Alternative 2	9" over crown for 5.5 hours	New manholes and inlets on 44 ST and side streets, upsize existing outfall from 15" to 36" and new Pump Station (Muss Park), 4 Injection Wells and 1 Control Structure.	\$ 5,545,750.40
Alternative 3	4.5" over crown for 1 hour	Same as Alt. 2 with other Pump Station (Pine Tree Dr. between, 44 and 45 Street), and 6 Injection Wells, and new pipe along 44 ST.	\$ 8,323,367.31
Alternative 3A	0.86" over crown for 0.38 hours	New manholes and inlets on 44 ST and side streets, new Pump Station (Muss Park) and 4 Injection Wells. Other Pump Station (44 Street between, Royal Palm and Post Avenue), 6 injection wells and 1 control structure.	\$ 6,916,311.37
Alternative 4	no flooding	New manholes and inlets on 44 ST and side streets, new Pump Station (Muss Park) and 3 Injection Wells. New Pump Station (44 Street between, Royal Palm and Post Avenue), 6 injection wells and other Pump Station (Pine Tree Dr. between 44 and 45 Street), 6 injection wells and 1 control structure.	\$ 8,656,273.68
Alternative 5	13" over crown for 5 hours	New manholes and inlets on 44 ST, upsize existing pipe from 21" to 36" and existing outfall to the west from 15" to 36" pipe	\$ 780,065.70
Alternative 6	12" over crown for 3 hours	Same as Alt. 5 with a new 36" outfall east to Indian Creek	\$ 1,503,487.00
Alternative 7	12" over crown for 3.7 hours	Same as Alt. 6 with 1 Pump Station (Muss Park), 4 Injection Wells, and 3 Control Structures	\$ 3,138,491.45
Alternative 8	6" over crown for 2 hours	Same as Alt. 7 with new Pump Station (44 ST between, Royal Palm and Post), and 6 Injection Wells, and a 36" Pipe along 44 ST.	\$ 3,920,666.25

A more detailed review of the Stormwater Basins and general Hydraulic Model efforts follow.

Exhibit D



SULLIVAN BROS. INC.

2471 Port West Blvd.

West Palm Beach, Florida 33407

Tel: (561) 848-5536 - Fax: (561) 848-5559

SCHEDULE 3
Est. CONSTRUCTION
COSTS

Proposal

To:

Project: ORCHARD PARK R
 Description: ORCHARD PARK
 Bid Location: MIAMI BEACH
 Bid Date:
 Revision Date:

ITEM / DESCRIPTION	BID QTY	U/M	UNIT BID	AMOUNT
2000 ROAD & DRIVEWAY RESTORATION	1,500.000	SY	45.00	\$67,500.00
3006 TYPE C INLET	4.000	EA	2,800.00	\$11,200.00
3049 J- STORM MH	5.000	EA	6,500.00	\$32,500.00
3050 SPECIAL MANHOLE	1.000	EA	8,500.00	\$8,500.00
3115 15" RCP	20.000	LF	60.00	\$1,200.00
3124 24" RCP	3.000	LF	70.00	\$210.00
3136 36" RCP	1,050.000	LF	100.00	\$105,000.00
3506 36" CONCRETE ENDWALL	1.000	EA	3,800.00	\$3,800.00
			Subtotal:	\$229,910.00
4000 MOBILIZATION / MOT	1.000	LS	25,000.00	\$25,000.00

Proposal

ITEM / DESCRIPTION	BID QTY	U/M	UNIT BID	AMOUNT
4002 BOND & INSURANCE	1.000	LS	7,500.00	\$7,500.00
4004 OVERHEAD & PROFIT 15%	1.000	LS	39,300.00	\$39,300.00
			Subtotal:	\$71,800.00
5000 ENGINEERING SERVICES	1.000	LS	65,000.00	\$65,000.00
TOTAL BID:				\$366,710.00

Totals

Base Bid \$366,710.00

Signature: _____

Proposal

THIS PROPOSAL IS FOR BUGET PURPOSES ONLY

These are unit prices for a typical road job with pipe installed with minimum cover, material being able to be stored along road, dry ditch, ample room to work in, ect. There are no provisions for dewatering, material storage yards, demucking, removal of existing pipes, sod restoration, removal of excess fill, ect.

Unit prices are subject to change upon a complete set of plans, City specifications, soil borings and site investigation.

Orchard Park Stormwater Model Review, Refinement and Alternative Solution Analysis

Introduction

Orchard Park Basin 86 has been designated by the City of Miami Beach (henceforth referred to as the City) as a high priority area to alleviate regular flooding conditions. The existing drainage system of Basin 86 is located on the Southwest corner of the Orchard Park neighborhood and has approximately 73 acres that drain from its longest reach and lowest point at the intersection of W 44th Street and Royal Palm Avenue to a 36-inch terminal outfall into Biscayne Waterway underneath Arthur Godfrey Road. The outfall is approximately 2500 feet away from mentioned intersection (Please refer to Exhibit "A" for existing conditions). Although the City of Miami Beach Stormwater Master Plan did not include this basin as a priority basin, localized flooding is substantial and frequent in some areas under existing conditions. Hence a study of this basin within the Orchard Park Neighborhood was deemed necessary to address these occurrences.

Hydraulic Analysis

The program that has been used to model the basin is Streamline Technology's Advanced Interconnected Pond Routing (AdICPR) version 3.00. This program is well known and accepted by Miami-Dade County Department of Environmental Resource Management (DERM), South Florida Water Management District (SFWMD) and all other reviewing agencies in this area.

The data collected for this basin modeling effort was gathered from the City's "as-built" drawings and existing surveys. We also built upon previous modeling work products provided to us by the City. The existing conditions for this model were both verified through field observations and the use of aerial photography.

The model information that was then extracted from the provided information and inputted into the model includes, but is not limited to, the following:

- Sub-basin Areas
- Curve Numbers for Runoff Coefficients
- Rainfall Distributions
- Structure Rim and Road Crown Elevations
- Pipe Sizes and Inverts

The sub-basin area delineation was developed through the use of existing surveys provided by the City to determine the high and low points of the existing roadways. The elevations of structures, pipe inverts, road crowns, and pipe sizes were also identified through the use of the existing surveys and verified through field observation for accuracy. The runoff curve numbers in the model were verified for representative basins by conducting independent calculations using aerial photographs, information from Miami-Dade County property records and existing survey information. The rainfall and

tidal information was provided by the City's Public Works Department, as well as extracted from the Stormwater Master Plan and the South Florida Water Management District Volume IV Manual.

The worst-case scenario was taken into account for each model run therefore the following assumptions were made: The tidal elevation at the outfall was maintained at 2.38 NGVD; the design storm for a 5-year, 24-hour storm was assumed to have a volume of 7.5 inches; the 10-year, 24-hour storm was assumed to have a volume of 9.2 inches; and the rainfall distribution that was provided by the City was used for purposes of modeling the rainfall.

The model was run and then calibrated using the information provided by the City for the high water mark for the May 20, 2007 rainfall event that caused heavy flooding in the areas at and near the corner of Royal Palm Avenue and W 44th Street, for which there was a concurrent photograph showing a flooding depth of 11 inches (Please refer to Exhibit "B" for photograph). The calibration was done conservatively, that is, the predicted elevation was slightly higher than the recorded water level, in case that the recorded level was not the absolute maximum during the event since the time of the picture is unknown and the drainage system could have started equalizing thus reducing the peak flooding depth.

Proposed Drainage System Improvements

The existing and proposed systems have been modeled using the AdICPR hydrologic and hydraulic model. The model has the capabilities to analyze the system taking into consideration basin storage areas in the roadways and retention/detention areas, pumping water out of the system via drainage wells or outfalls, gravity flow systems to a terminal outfall and how pipe size and configuration add to the losses in the system. All of the existing and new analysis was done under a 5-year, 24-hour storm condition for consistency of comparison. The potential improvements that have been explored have entailed breaking down the system into smaller watersheds with combinations of increased pipe diameters, pump sizes and locations, and in one case force mains to the outfall at Muss Park. By breaking the overall system into smaller watersheds, we were able to sever the portion of the watershed experiencing the worst flooding, and provide a shorter, quicker route for discharge of stormwater to tidal waters. This stormwater originates from the watershed itself, plus overland sheet flow from adjacent areas. This expedited routing resulted in the beneficial side effect of minor improvements to the conditions of the remainder of the watershed.

The various alternatives consisted of the following:

- Alternative One – Severing the system at a strategic location and connecting the system run along W 44th Street to the existing 15-inch outfall. (See Exhibit 1).

- Alternative Two – Same as Alternative One, but upsizing the pipe diameter of the current system along the W 44th Street to 36 inches and upsizing the outfall at Muss Park to a diameter of 36 inches. (See Exhibit 2).
- Alternative Three - Same as Alternative One, but upsizing the pipe diameter of the current system along W 44th Street to 48 inches and upsizing the outfall at Muss Park to a diameter of 48 inches. (See Exhibit 3).
- Alternative Four – Same as Alternative One, but upsizing the pipe diameter of the current system along W 44th Street to 36 inches, increasing the outfall diameter to 36 inches and adding a pump and force main to the outfall at the corner of W 44th Street and Royal Palm Avenue. (See Exhibit 4).

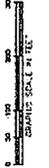
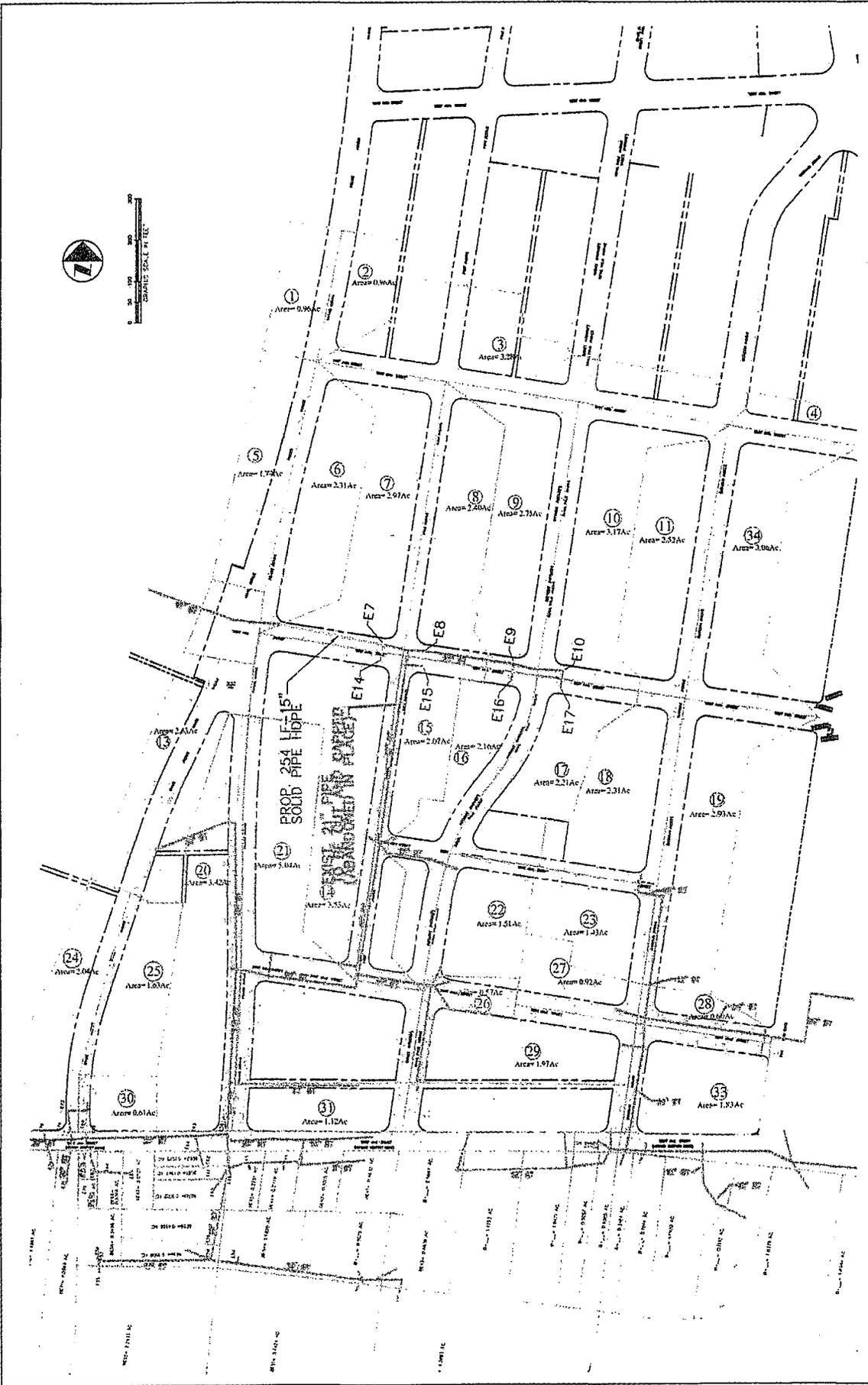
Results

- Alternative One – Reduced the elevation of the flooding appreciably from over 24 hours to 15 hours. However, the reduction in the maximum depth of the flooding was only minor, approximately 2 inches resulting in a peak flooding depth of 12 inches from grate elevation. Therefore we proceeded to investigate the other alternatives.
- Alternative Two – Reduced the duration of flooding significantly from over 24 hours to 6 hours. The reduction in depth of the maximum flooding was 7 inches resulting in a peak flooding depth of 7 inches from grate elevation. While these improvements were significant, we pursued greater improvements via Alternative Three.
- Alternative Three – Reduced the duration of flooding significantly, from over 24 hours to 4 hours. The reduction in depth of maximum flooding was 11 inches resulting in a peak flooding depth of 3 inches from grate elevation. These improvements are judged to be satisfactory. Still, we investigated Alternative Four.
- Alternative Four – Reduced the duration of flooding significantly from over 24 hours to 6 hours. The reduction in depth of maximum flooding was 9 inches (that is, a reduction less than the reduction yielded by Alternative 3). It is noted that Alternative Four included pumping to a 36-inch pipe, and that the pump would be located at the corner of W 44th Street and Royal Palm Avenue. Because of site limitations, the capacity of the pump was restricted to 100 gallons per minute. The option of locating a pump downstream at Muss Park (where the site would allow a larger pump) was not practical because in light of the time of travel to the park, the pump start would be delayed and thus the benefit upstream at the problem area would be minimal.

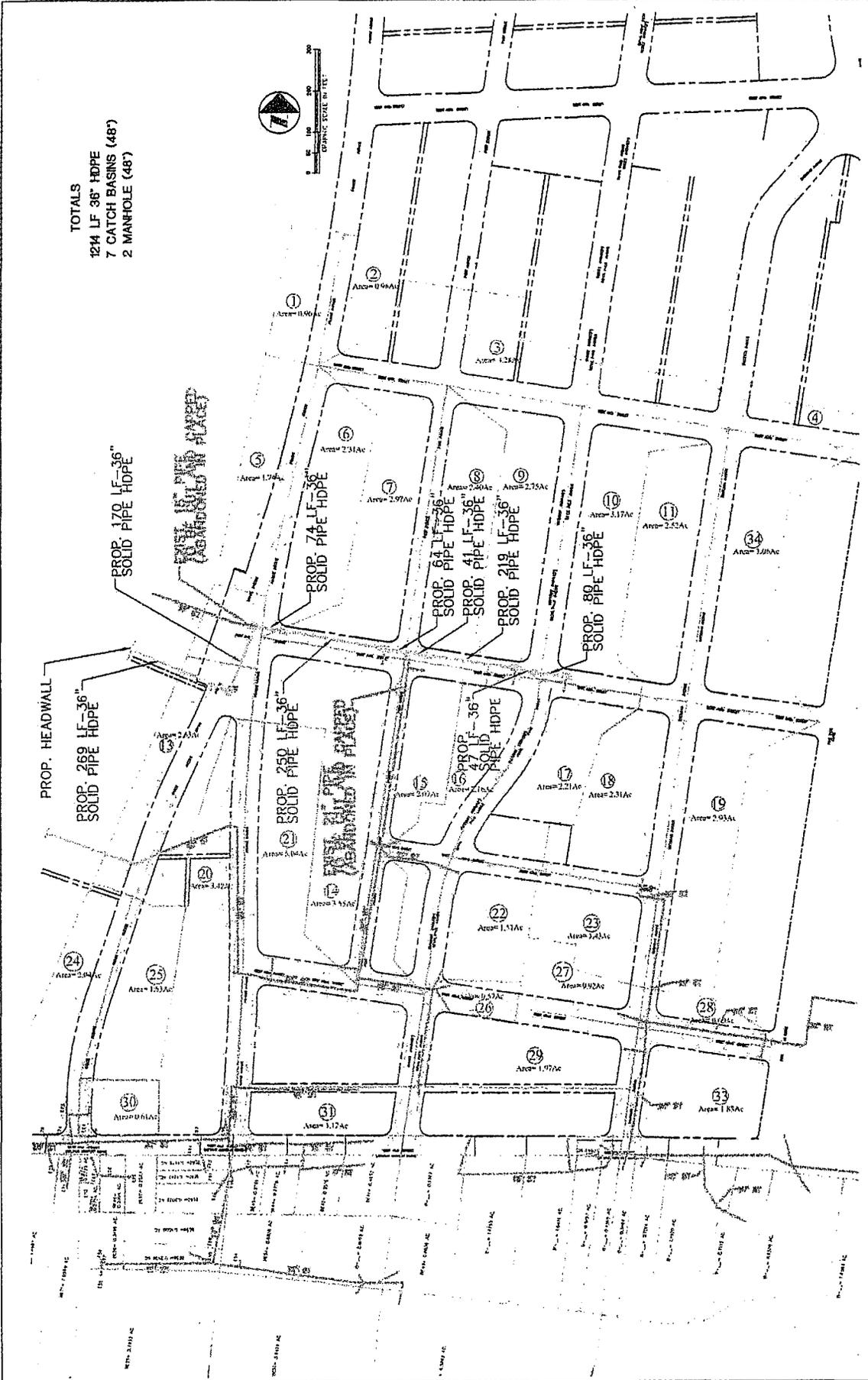
Conclusions

As a result of this preliminary evaluation and analysis of the system, it seems reasonable to conclude that the preferred alternative in this case would be Alternative Three, that is, the 48-inch gravity system. The existing system does not provide adequate flood protection as it causes over 14 inches of flooding over grade during a 5-year storm event for a period over 24 hours. A 48-inch diameter pipe system would decrease considerably not only the duration of the flooding, but the severity of the flooding as well.

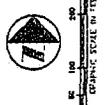
If the City accepts this recommendation, the next steps would be to design and obtain permits for the system. It should be noted that during the design and construction processes, field conditions and other factors may require adjustment to the design geometry, and as a result the reductions in flooding may vary somewhat from those predicted in the model. Also, the geometry for Alternative Three includes a baffle to be located at the outfall. This feature, which would provide water quality improvement benefits, was included based on a preliminary conversation with DERM staff. It is conceivable that as the project proceeds to permitting, DERM might request additional water quality features. If so, the flood control reductions predicted might be affected somewhat, and the cost of the project would increase. Therefore, effective communications and negotiations with DERM would be advisable.



MSA MILLER, SWAIN & ASSOCIATES, INC. 2225 S.W. 32nd AVENUE, MIAMI, FLORIDA 33144 TEL: (305) 441-4133 FAX: (305) 441-0888 CITY & COUNTY ENGINEERS LICENSE NO. 10000 COUNTY OF HARRIS, TEXAS		SHEET EXHIBIT-1 (S' PIPE) ALTERNATIVE-1 SCALE: 1"=100' PROJECT NO.: C19-03
DRAWN BY CHECKED BY DATE: 01-07-09	CITY OF MIAMI BEACH PUBLIC WORKS DEPT. APPROVED BY DATE: 01-07-09	SHEET NO.
REVISIONS NO. DATE DESCRIPTION		



TOTALS
 1214 LF 36" HDPE
 7 CATCH BASINS (48")
 2 MANHOLE (48")



PROP. HEADWALL
 PROP. 269 LF-36"
 SOLID PIPE HDPE

EXIST. 170 LF-36"
 SOLID PIPE HDPE

EXIST. 74 LF-36"
 SOLID PIPE HDPE

EXIST. 250 LF-36"
 SOLID PIPE HDPE

EXIST. 47 LF-36"
 SOLID PIPE HDPE

EXIST. 80 LF-36"
 SOLID PIPE HDPE

EXIST. 64 LF-36"
 SOLID PIPE HDPE

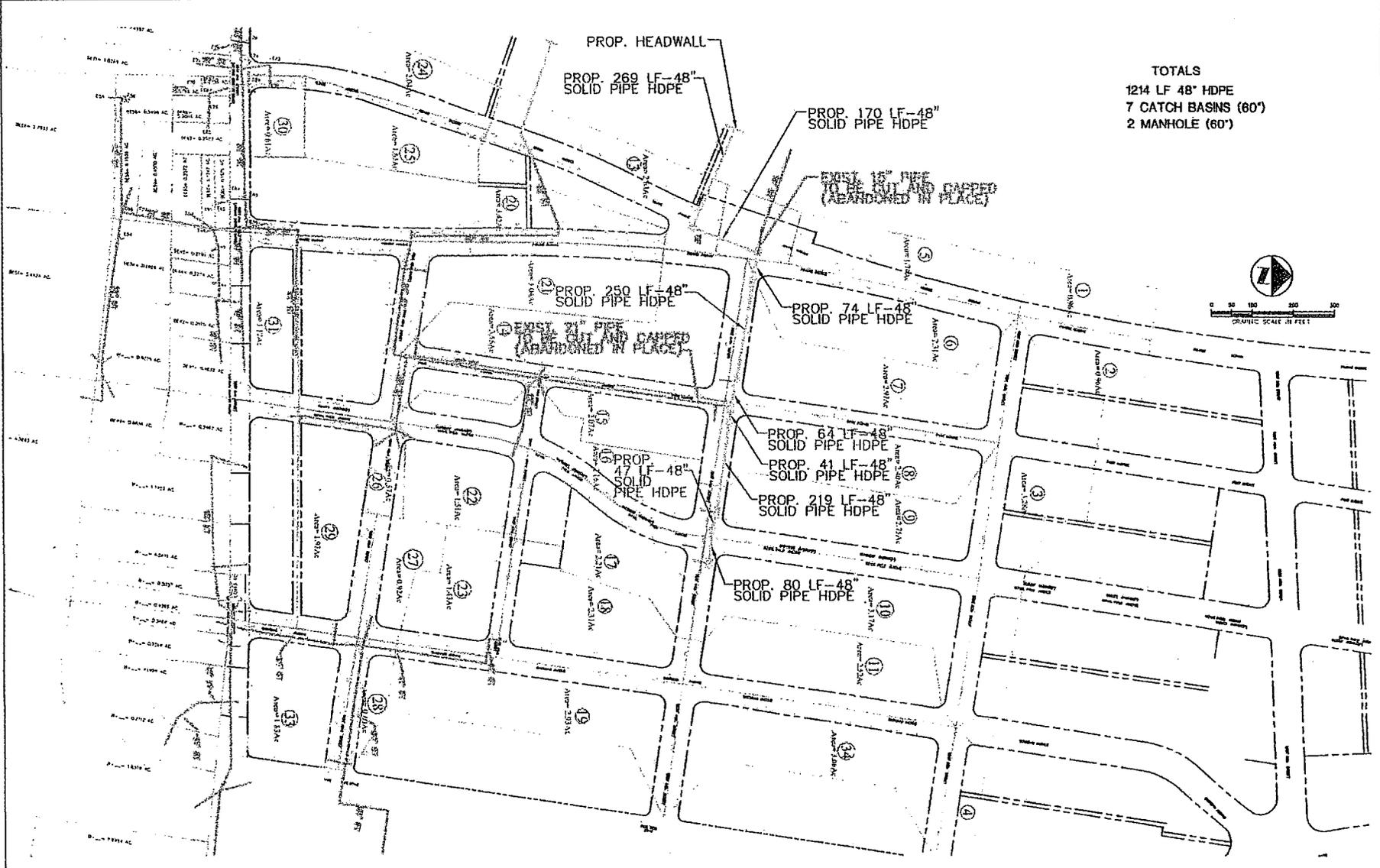
EXIST. 41 LF-36"
 SOLID PIPE HDPE

EXIST. 218 LF-36"
 SOLID PIPE HDPE

EXIST. 21' PIPE
 TO BE REPLACED
 (ABANDONED IN PLACE)

EXIST. 21' PIPE
 TO BE REPLACED
 (ABANDONED IN PLACE)

<p>MSA Milroy, Seais & Associates, Inc. 2225 SW 32nd Avenue, Miami, Florida 33155 TEL: (305) 441-0113 FAX: (305) 441-8188 10000 Biscayne Blvd., Suite 1000, Miami, Florida 33156 STATE OF FLORIDA LICENSED PROFESSIONAL ENGINEER NO. 5000</p>		<p>DATE: 01-07-05</p>
<p>PROJECT NO.: 05-01-05</p>	<p>SCALE: 1"=100'</p>	<p>ALTERNATIVE 2</p>
<p>CITY OF MIAMI BEACH PUBLIC WORKS DEPT.</p>	<p>EXHIBIT-2 (36" PIPE)</p>	<p>SHEET</p>

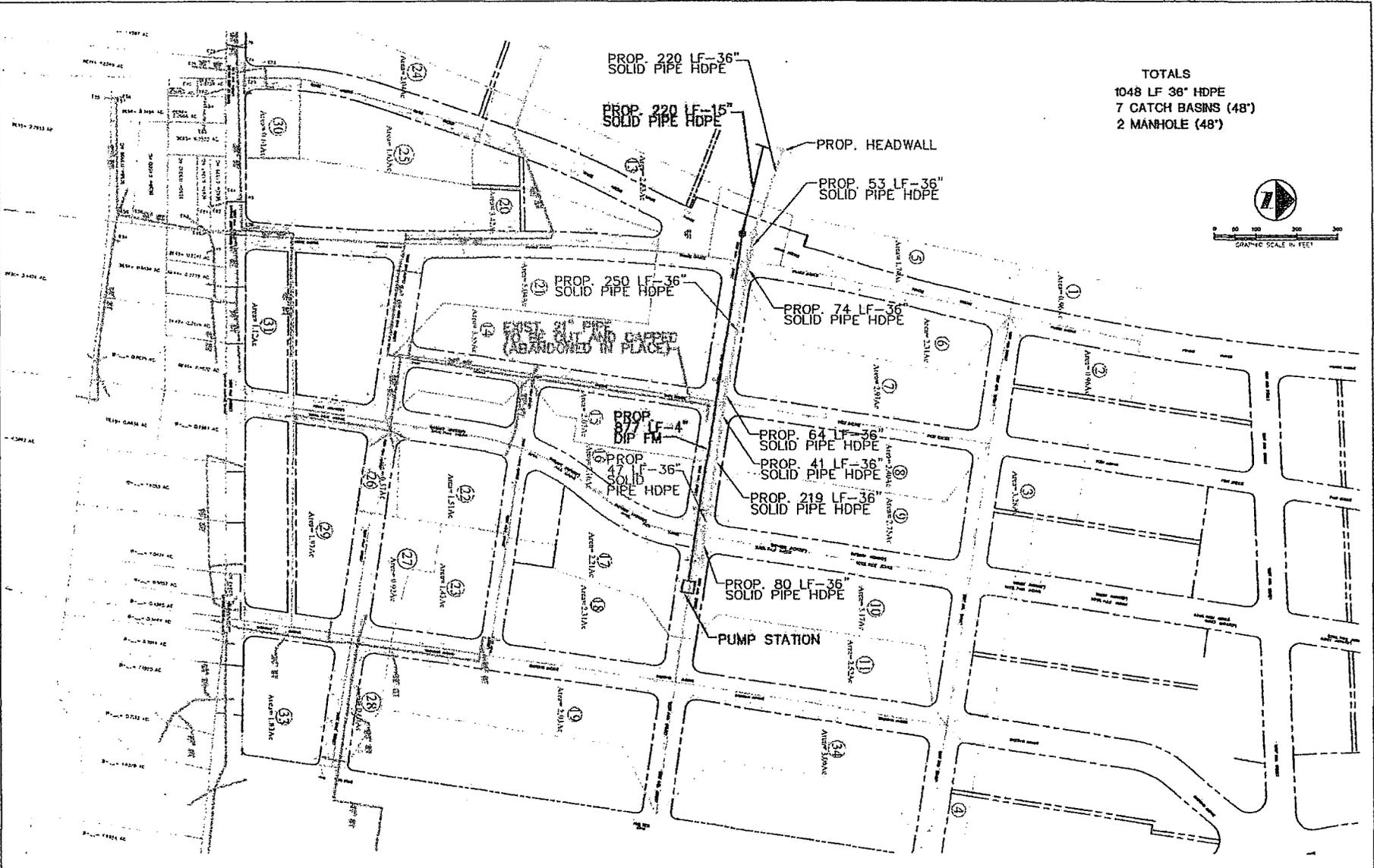


TOTALS
 1214 LF 48" HDPE
 7 CATCH BASINS (60')
 2 MANHOLE (60')



REVISIONS		DESCRIPTION	DATE	BY	CHECKED BY	DATE	PROJECT NO.
NO.	DESCRIPTION						

MSA Milias, Swain & Associates, Inc. 2023 S.W. 3224 AVENUE, MIAMI, FLORIDA 33148 TEL: (305)441-0123 FAX: (305)441-9888 CIVIL & ENVIRONMENTAL ENGINEERS • UTILITY MANAGEMENT • FINANCIAL CONSULTANTS CERTIFICATE OF ADEQUACY NO. 5402	DESIGN BY: --- DRAWN BY: --- CHECKED BY: --- DATE: 01-07-08	CITY OF MIAMI BEACH PUBLIC WORKS DEPT. APPROVED BY: --- DATE: ---	EXHIBIT-3 (48" PPPE) ALTERNATIVE 3 SCALE: 1"=100'	SHEET --- PROJECT NO.: C18-05
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TOTALS
 1048 LF 36" HDPE
 7 CATCH BASINS (48")
 2 MANHOLE (48")

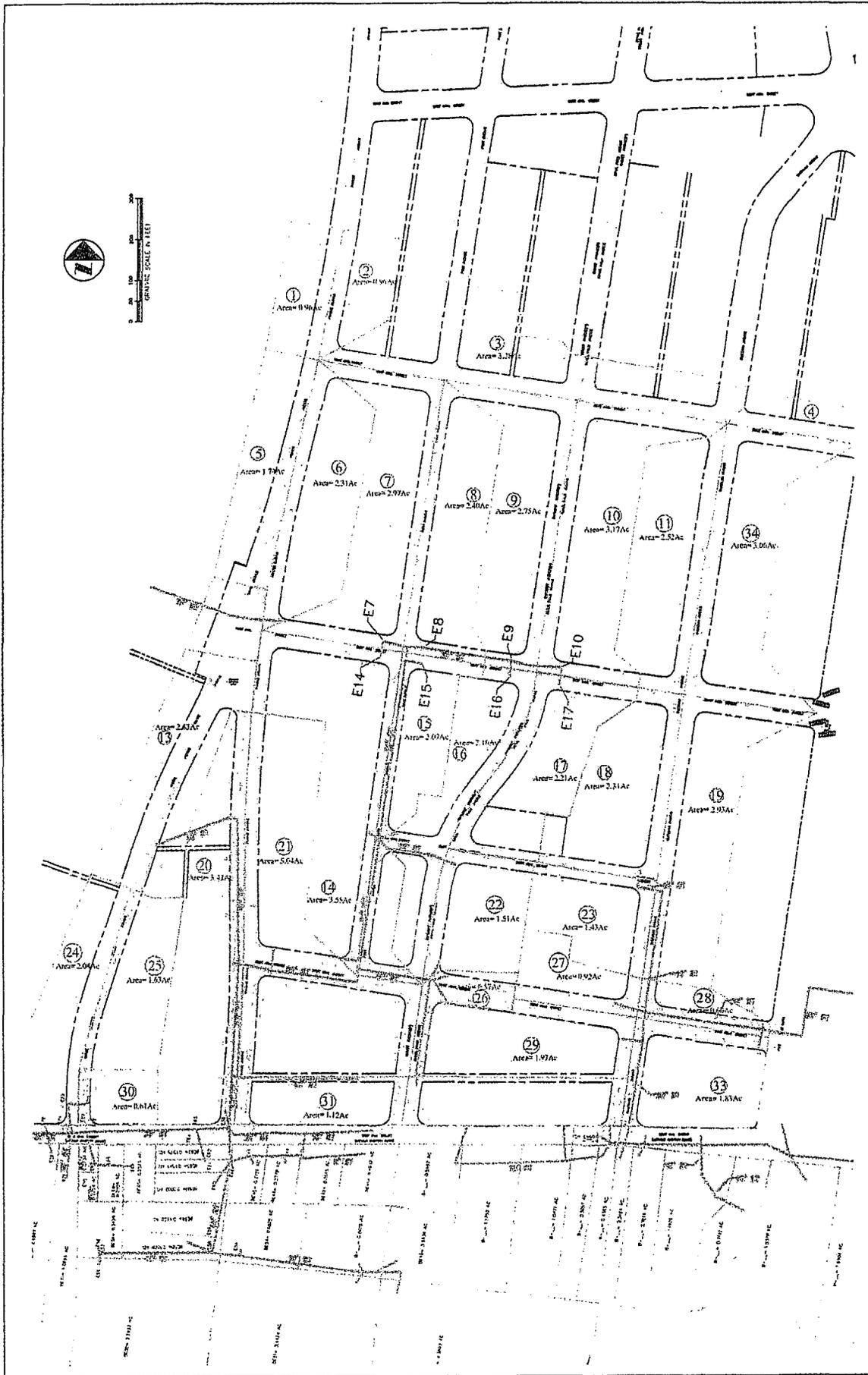


REVISIONS	
NO.	DESCRIPTION

MSA Milian, Swain & Associates, Inc.
 2025 S.W. 32nd AVENUE, MIAMI, FLORIDA 33145
 TEL. (305)441-0123 FAX (305)441-0438
 CEA & PROFESSIONAL ENGINEERS SOCIETY LICENSED IN FLORIDA, GEORGIA, ALABAMA
 CONTRACT OF AUTHORIZATION NO. 5460

DESIGNED BY	—	FOR	CITY OF MIAMI BEACH
DRAWN BY	—		PUBLIC WORKS DEPT.
CHECKED BY	—	APPROVED BY	
DATE	01-07-08	DATE	

EXHIBIT-4 (36" PIPE & PUMP STATION)	SHEET
ALTERNATIVE 4	
SCALE: 1"=100'	PROJECT NO.: C18-05



MSA Milnes, Smith & Associates, Inc. 302 S.W. 32nd Avenue, Suite 3115 Fort Lauderdale, FL 33309 TEL: (954) 41-0133 FAX: (954) 41-0188 C/O: A PROFESSIONAL CORPORATION IN FLORIDA		CITY OF MIAMI BEACH PUBLIC WORKS DEPT. 2500 BISCAYNE BLVD., 11TH FLOOR MIAMI, FL 33133		EXHIBIT-A EXISTING CONDITIONS SCALE: 1"=100' PROJECT NO.: 01-07-08
SHEET NO. 1	DATE: 01-07-08	DRAWN BY:	CHECKED BY:	PROJECT NO.: 01-07-08
REVISIONS	NO.	DESCRIPTION	DATE	BY

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MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMITTEE MEMORANDUM

TO: Finance and Citywide Projects Committee

FROM: Jorge M. Gonzalez, City Manager

DATE: February 11, 2009

SUBJECT: **DISCUSSION REGARDING STRATEGIES TO CLOSE OLDER LIENS IMPOSED BY THE CITY OF MIAMI BEACH POTENTIAL AMENESTY AND/OR COLLECTION SCENARIOS AND CERTAIN PROCEDURAL CHANGES TO IMPROVE THE LIEN SYSTEM.**

Using a cut-off date of January 2007, the City has approximately 395 liens that are older than that date. Of the total number of liens approximately 134 are in excess of \$100,000, and 261 are less than \$100,000 in value. The distribution of the liens by value is as follows:

Those liens less than \$100,000

Dollar Amount	Percentage %
Less than \$5,000	17%
Less than \$5,000 to \$15,000	17%
Less than \$15,000 to \$30,000	22%
Less than \$50,000 to \$60,000	22%
Less than \$60,000 to \$100,000	22%

Of those liens exceeding \$100,000 are distributed by value as follows:

Dollar Amount	Percentage %
\$100,000 to \$150,000	43%
\$150,000 to \$200,000	21%
\$200,000 to \$300,000	15%
\$300,000 to \$500,000	13%
Over \$500,000	8%

The January 2007 threshold date was selected as most representative of the older cases in the City's system. Cases newer than January 1, 2007 are typically smaller in lien value and/or still within the jurisdiction of the Special Master and more easily and appropriately dealt with.

Administratively, the data base on liens is being updated to identify more precisely those properties that are still not in compliance with an enforcement order and to establish an address or contact point for the respective properties that is valid. One of the historic problems the City has in managing liens is that many of the older liens have a property

address or contact address based on tax records that has not been updated or may have been incorrectly entered at the initial violation. As such, notice to some of these properties has been problematic and has been one of the reasons that several of these liens still remain outstanding or unresolved. In the Administrative update process, the older liens will be compared against property tax records as a first check and then with other resources such as www.sunbiz.org which is more current with property contact address information.

A member of the Administrative staff has been detached for a short period of time to focus on the resolution and closure of the outstanding liens.

For those liens which are in compliance, each property owner will be contacted and offered an opportunity to settle the outstanding lien amount. For those liens within the Administration's ability to settle (less than a \$100,000 reduction in the lien amount) an amnesty program will be developed and implemented that allows the City to close the majority of the outstanding liens and generally purge the system of a significant volume of the older liens. Of those liens that require in excess of \$100,000 reduction in the lien amount, this referral to the Finance and City Wide Projects Committee has been scheduled to discuss the policy position to be assumed by the City on these liens.

In previous discussions, the City Commission has indicated a willingness to support a relatively short movement in the enforcement timeline to the level of foreclosure. The volume of outstanding liens and the necessity to address liens on a priority basis driven by property owner financing issues has not allowed the initiation of a systematic approach to the problem or a blanket approach, such as rapid foreclosure. As each lien, and in particular the larger and older liens, have a history and in most cases a set of unique circumstances, moving to foreclosure without researching the file to determine the facts, enforcement history, adequacy of notice and in many cases the very basis for and validity of the original fine, is an unfair imposition on a number of the affected property owners. Through the recent due diligence efforts of the Administration, files have been assembled for the largest of the outstanding liens so that informed and appropriate decisions on resolution, including the possibility of foreclosure can be made.

Use of the City foreclosure option in normal economic times has been pursued occasionally. As the economy is now struggling, pursuing City liens aggressively to the point of foreclosure may well place many of the affected properties into a foreclosure action with the respective financial institution. The Committee may not have a comfort level with the City being a driving force in a foreclosure action at this point in time. Discussion and direction on this point would be very helpful.

For the group of liens which is not yet in compliance, the Administration person who is detached for this assignment will confirm that there is no compliance by a site visit and a notice to the property owner will be provided to address the compliance associated with the specific property. To the extent properties are found to be in compliance and/or promptly come into compliance those will be considered in the programs previously mentioned. Those not in compliance and refusing to come into compliance will be forwarded for further action up to and including a Notice of Foreclosure.

Procedurally one change is being implemented that will require a periodic notice to persons who have been ordered to pay a fine by the Special Master to assure the property owners awareness of the fine and further to insure that the initiating City Department is diligently pursuing compliance. As the lien function will become more of a collection function in its orientation moving forward, that activity will be located in the City's Finance Department

which routinely deals with matters of this nature.

In addition to the manner in which the City Commission would like to address liens requiring in excess of \$100,000 reduction, the Administration would also suggest that the Finance and Citywide Projects Committee discuss a number of other possible initiatives to better streamline the process going forward.

Consideration of a rewrite of the Section of City Code which deals with the imposition of fines may help to improve the overall lien system. At the present time there is little codification to address the penalty that is to be associated with varying types of offenses under City Code. A good example in which a specific fine amount was legislated by the City Commission is found in the enactment of the revised and updated Noise Ordinance. In this Ordinance the City Commission made the policy determination on the appropriate penalty associated with that specific type of infraction. By reviewing other infractions and the appropriate penalty to be associated with said infractions, the City Commission would provide important policy direction and consistency throughout the system, while at the same time providing for more fairness in the time duration associated with the running of fines so that large fines do not accumulate over time.

Another policy consideration which would help the system is in the amount of jurisdiction time that is available to the Special Master for compliance cases. At the present time the City Code provides that the Special Master maintains jurisdiction over a case for one (1) year from the date the Special Master imposes a fine for the property. The Finance and Citywide Projects Committee may wish to consider alternate jurisdiction approaches that tie the Special Master jurisdiction more closely to compliance rather than a specific period of time. In this approach the Special Master would retain jurisdiction of a case until such time as the infraction has been resolved. This approach maintains continuity both in terms of case management and evidence. Changing the jurisdiction period also focuses the process to a greater level on achieving compliance than the current jurisdiction period enables.

In the Administration review and discussion of the lien process there are a significant number of variables that can and many times do make the system complex and difficult to manage. The steps outlined in this referral item and the subsequent policy direction to be obtained from the City Commission, will be a good start to update and to improve the system and it is hopeful that in the conversations to follow, additional ideas and approaches can be generated that will enable the system to improve even beyond what it anticipated or discussed in this memo.

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MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMITTEE MEMORANDUM

TO: Finance and Citywide Projects Committee Members

FROM: Jorge M. Gonzalez, City Manager

DATE: April 14, 2009

SUBJECT: **DISCUSSION REGARDING A CONCESSION AGREEMENT WITH ONE WASHINGTON AVENUE, CORP. FOR A CONCESSION IN SOUTH POINTE PARK ADJACENT TO THE SMITH & WOLLENSKY RESTAURANT TO BE USED AS AN AUXILIARY DINING AREA.**

ANALYSIS

On February 8, 1985, the City Commission passed Resolution No. 85-18000 authorizing the execution of a lease agreement between the City of Miami Beach and Specialty Restaurant Corporation for the development, construction and operation of a South Pointe Park Restaurant Facility more commonly known at that time as "Crawdaddy's Restaurant" pursuant to Request for Proposal (RFP) No.134-84.

On September 22, 1993, the City Commission passed Resolution No. 93-20899 approving the assignment of the Lease Agreement between the City of Miami Beach and Specialty Restaurants Corporation to One Washington Avenue Corporation. In December of 1997, One Washington Avenue Corporation reopened the restaurant as Smith & Wollensky (S & W). The restaurant additionally operated a sidewalk café in conjunction with the restaurant operations prior to the South Pointe Park improvements project. The sidewalk café operations occurred on the then-existing ten-foot wide cutwalk.

CONCESSION AREA:

On July 27, 2005, the City Commission adopted Resolution No. 2005-25978 approving the design and construction of the South Pointe Park improvements. The improvements included a change to the cutwalk. As an onsite tenant S&W had numerous discussions with the City regarding the proposed cutwalk improvements adjacent to their demised premises and how their outdoor café operation could continue to operate. As a result, there were provisions in the design and construction of an area south and adjacent to the cutwalk which could become a concession area for auxiliary dining in conjunction with the restaurant operations of Smith & Wollensky (S&W). The area identified for S&W's use was designed as rectangular in shape and capable of accommodating approximately 16 tables/32 chairs. This area did not include the approximate five-foot section of the cutwalk which was depressed to accommodate ADA access to the paved area. The community planning workshops, as well as the DRB hearing at which S&W was represented and participated, identified that there should not be tables within the 20-foot wide public cutwalk zone, even on the five-foot lower level area that was designed for the stairs and ADA ramp. However, during construction, site conditions prevented the site to be built as planned and, instead, the paved area is irregular in size. While this area can still accommodate tables and chairs, the space is further restricted. Additionally, the five-foot compressed portion of the cutwalk at this location (from the

stairs to the bottom of the ADA ramp) provides no practical use for pedestrians using the cutwalk. S&W has requested, and staff recommends, that they be allowed to use the portions of the compressed five-foot area for tables and chairs, while providing sufficient access and clearance to meet ADA compliance requirements. Based on the negotiated terms of the Concession Agreement, and assuming that S&W has the ability to place from 20-24 chairs in that area, potential additional revenue to the City is approximately \$40,000-\$45,000. *Attachment A* reflects the current site configuration, including the five-foot area and the paved area. At all times, the remaining 15' upper area of the cutwalk would remain available for park users and, as previously mentioned, this area of the cutwalk is now 5' wider than the original 10' width of the cutwalk, which also previously included the sidewalk café.

CONCESSION AGREEMENT PROVISIONS:

Attached, please find the Summary of Key Terms for the proposed concession agreement (*Attachment B*). As noted, it is proposed that the concession agreement term become coterminous with the existing term of the lease for the restaurant. The agreement calls for the concessionaire to use the concession area solely and exclusively as auxiliary dining to serve patrons and guests of the adjoining restaurant.

As part of the operating restrictions, the concessionaire cannot place any speakers, or any other device used to amplify sound, in or around the concession area. Additionally, the concessionaire cannot use the concession area as an outdoor entertainment or open air entertainment establishment. The hours of operation are consistent with the hours of the restaurant.

The concessionaire is responsible for day-to-day maintenance and repairs of the concession area. The concessionaire must also supply and maintain, at its own cost and expense, all facilities (including, without limitation, their concession area), equipment and furnishings required to operate the concession. The concessionaire must also maintain their facilities, equipment, and furnishings during the term of this Agreement at its sole cost and expense. Additionally, the concessionaire must maintain the area within a 25' radius of their concession area, including the cutwalk.

It is proposed that the concessionaire be granted the right to provide five (5) special events in the areas adjacent to their main building. At this time, staff is completing the proposed policy for special events at the park. However, it is recommended that five of the total number of special events that are finally approved for the park be set aside for S&W.

CONCESSION AGREEMENT FINANCIAL TERMS:

The determination was made that terms would be negotiated as a concession agreement, instead of as a sidewalk café. For the use of this space as a concession, the City has negotiated an annual Minimum Guarantee (MG) of \$80,000 in years one through four of the initial term. In year five of the initial term the MG will be increased to \$90,000 and in year eight of the initial term of the agreement and for the remainder of the agreement term, the MG will increase to \$100,000. Additionally, the City has negotiated a percentage of gross (PG) of 10% of the Annual Gross Receipts. For each agreement year that the amount equal to ten (10%) of the Concessionaire's gross receipts for Food and Beverage Sales (FBS) exceeds the MG, the Concessionaire will pay the City the difference between the MG amount and the PG.

CONCLUSION:

The concession area for this concession agreement can only be used by the adjacent restaurant, as the food service kitchen/bar belongs to the restaurant. As such, staff has negotiated terms that provide a maximum return to the City for the use of the area, while ensuring that the public access through the space remains unimpeded as intended.

Section 82-39 further provides for the waiver of the competitive bidding and appraisal requirements, by 5/7ths vote of the Mayor and City Commission, upon a finding by the Mayor and City Commission that the public interest would be served by waiving such conditions.

The Administration recommends moving forward to the City Commission the proposed concession agreement with Smith & Wollensky for a concession area for auxiliary dining.

JMG\HMF\AP\ACV\mis
Attachments (1)

**CONCESSION AGREEMENT BETWEEN
THE CITY OF MIAMI BEACH AND
ONE WASHINGTON AVE. CORP.**

SUMMARY OF KEY TERMS

Landlord:	City of Miami Beach ("City")
Concessionaire:	One Washington Ave. Corp.
Concession Area:	One Washington Ave., Miami Beach, immediately south of the cutwalk area as specifically delineated in Exhibit A (Concession Area or Outdoor Café). Concessionaire must adhere to any and all governmental regulations, not limited to ADA maneuverability requirements. The area does not include any portion of the 15' upper level cutwalk.
Term:	Coterminous with that certain Lease Agreement, dated February 8, 1985, between the City of Miami Beach and One Washington Ave. Corp., for the adjacent restaurant, in effect through November 6, 2024. The Concession Agreement will commence the first day of the month following approval of the Concession Agreement by the City Commission.
Renewal Option(s):	N/A
Hours of Operation:	Sun - Thurs: 11:30am - 12:00am & Friday – Sat: 12:00pm - 2:00am
Minimum Guarantee (MG):	<p>In years one through four of the initial term the annual MG will be Eighty Thousand (\$80,000.00) Dollars, payable on the first day of each month in the amount of Six Thousand, Six Hundred and Sixty Seven (\$6,667.00) Dollars.</p> <p>In year five of the initial term MG will be increased to Ninety Thousand (\$90,000,000) Dollars, payable on the first day of each month in the amount of the amount of Seven Thousand, Five Hundred (\$7,500.00) Dollars.</p> <p>In year eight of the initial term MG will be increased to One Hundred Thousand (\$100,000,000) Dollars, payable on the first day of each month in the amount of Eight Thousand, Three Hundred Thirty Three (\$8,333.00) Dollars.</p>
Percentage of Gross (PG):	For each contract year, in the event that the amount equal to ten (10%) PG of Concessionaire's gross receipts for Food and Beverage Sales (FBS) exceeds MG then the Concessionaire shall also pay to the City the difference between the PG amount and the MG no later than 30 days after the end each contract year during the term of this Agreement.
Special Events:	Concessionaire shall be guaranteed five special events in South Pointe Park, subject to date and location availability.
Taxes; Impositions:	Concessionaire shall be responsible for all Property Taxes and other impositions in connection with the Concession Area, to the extent that such Property Taxes and other impositions become due.
Operating Expenses:	Concessionaire shall be responsible for all operating costs and expenses related to ownership, maintenance and operation of the Concession Area.
Sales Tax:	Concessionaire shall pay any and all applicable sales and use tax.

Permitted Uses:

Concessionaire shall use the Concession Area solely and exclusively as auxiliary dining to serve patrons and guests of the adjoining restaurant at 1 Washington Avenue.

Concessionaire agrees not to place any speakers, or any other device used to amplify sound, in or around the Concession Area. Furthermore, Concessionaire shall in no manner use the Concession Area as an outdoor entertainment or open air entertainment establishment, and hereby acknowledges that such uses are prohibited (whether as main or accessory uses).

It is understood and agreed that the Concession Area shall be used by the Concessionaire during the term of this Agreement only for the uses contemplated herein, and for no other purpose or use whatsoever.

Improvements – Required Approvals/Procedures:

Capital improvements contemplated for the Concession Area require and are subject to the City’s prior written consent. Plans for such improvements are also subject to the City’s review and approval in writing.

Concessionaire s Insurance:

Comprehensive General Liability in the minimum amount of One Million (\$1,000,000.00) Dollars per occurrence for bodily injury and property damage. This policy must also contain coverage for premises operations, products and contractual liability.

Workers Compensation Insurance shall be required in accordance with the laws of the State of Florida.

Automobile Insurance shall be provided covering all owned, leased, and hired vehicles and non-ownership liability for not less than the following limits:

Bodily Injury	\$1,000,000 per person
Bodily Injury	\$1,000,000 per accident
Property Damage	\$1,000,000 per accident

Concessionaire’s Maintenance Obligations:

Concessionaire shall be responsible for day-to-day maintenance and repairs of the Concession Area. The Concessionaire must supply and maintain, at its own cost and expense, all facilities (including, without limitation, the Concession Area), equipment and furnishings required to operate the concession. The Concessionaire shall maintain said facilities, equipment, and furnishings during the term of this Agreement at its sole cost and expense.

In addition to Concessionaire’s general maintenance obligations for the Concession Area, the Concession Area and the immediately surrounding twenty five (25) foot adjacent areas, shall at all times be maintained in a clean and sanitary manner, and in a manner to be consistent with the maintenance standards used for the cutwalk and other adjacent park areas.

Force Majeure.

Whenever a period of time is herein prescribed for the taking of any action by Landlord or Tenant, as applicable, Landlord or Tenant, as applicable, shall not be liable or responsible for, and there shall be excluded from the computation of such period of time, any delays due to strikes, riots, acts of God, shortages of labor or materials, war, or governmental laws, regulations, or restrictions in the nature of a prohibition or moratorium, or any bona fide delay beyond the reasonable control of Landlord or Tenant, as applicable. The foregoing shall not apply to any payments of money due under this Lease.

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MIAMI BEACH

Finance and Citywide Projects Committee

Jorge M. Gonzalez, City Manager

April 14, 2009

Little Stage Theater Complex Basis of Design Report

The Draft Basis of Design Report (BODR) for the Little Stage Theater Complex has been completed and is attached for your review and consideration.

ANALYSIS

Neighborhood

The Little Stage Theater Complex (the Project) is part of the 21st Street Community Center. It is located west of Washington Avenue, east of Convention Center Drive, north of the Miami Beach Convention Center, south of Dade Boulevard on a tract of land along the Collins Canal. On the southeastern portion of the site, along Washington Avenue, is the Parks and Recreation Center, which houses the main offices of the Parks and Recreation Department. The Community Center site is zoned "CCC"- Convention Center District, and is part of the City Center Neighborhood.

Project Description

The anticipated improvements consist of the following:

- Renovation of existing Carl Fisher Clubhouse and Acorn (Little Stage) Theater
- Demolition of existing bandshell facility
- New Theater Pavilion
- New Theater Plaza
- New Central Plaza
- New Parks Facility Pavilion
- New Canal Promenade
- New Boat Dock
- New Cultural Skate Plaza
- New West Entrance Plaza
- New landscaping
- New irrigation
- New site lighting

BACKGROUND

The Project is comprised of the Carl Fisher Clubhouse, the Little Acorn Theater, the bandshell (proposed to be demolished), and adjacent site areas, including a pedestrian path running east-west through the site, along the Collins Canal, that will eventually become part of the Miami Beach Atlantic Greenway Network (Greenway). The Greenway will provide a safe route for pedestrians and bicycles, and is seen as an opportunity to bring people to the site.

The Carl Fisher Clubhouse, designed by August (Gus) Geiger, is one of the oldest buildings still standing in the City. It was built in 1916 / 1917, as part of Carl Fisher's private executive golf course. In 1937, the Little Acorn Theater designed by Robert A. Taylor, was added to the site (often referred to as the "Little Stage"). The bandshell was later added to the site in the 1950s.

As per Resolution No. 83-17323, adopted on April 20, 1983, and City of Miami Beach Ordinance No. 84-2402, the 21st Street Community Center became a designated historic preservation site. The 21st Street Community Center includes all the above facilities as described in the background portion of this memorandum.

On June 8, 2005, Resolution No. 2005-25928, was approved, authorizing the issuance of Request for Qualifications (RFQ) for the historic preservation, restoration and/or rehabilitation of the Little Stage Theater and the Carl Fisher Clubhouse, demolition of the 21st Street bandshell, and potential recreational improvements adjacent to and/or part of the site. On June 27, 2005, RFQ No. 26-04/05 was issued. On October 19, 2005, the Mayor and the City Commission authorized the Administration to negotiate a professional services contract with Glavovic Studio Inc. (the Consultant), and on December 6, 2006, the City Commission authorized Resolution No. 2006-26387, approving and authorizing the Mayor and City Clerk to execute a professional services agreement in an amount not to exceed \$472,000, for architectural, engineering, and landscape architecture services for the master planning, design, bid and award, and construction administration services associated with the Project.

The Consultant's Notice to Proceed for the Planning Phase was issued on August 30, 2007, and the planning process has followed the standard project sequence, from Project Kickoff meeting to a Community Design Workshop (CDW) held on July 22, 2008. It is important to note that upon concluding the CDW no consensus was reached and the attendees expressed the desire to have the following items further addressed:

- Re-evaluate proposed multi-function characteristics of skate plaza component;
- Re-evaluate size of the proposed skate plaza;
- Consult skate boarding community and/or reputable skate boarding consultant during the design of the skate plaza component to ensure a successful layout;
- Street boarding is only one type of skate boarding activity appropriate for the proposed skate plaza component; however, consider alternate locations for a professional facility to serve all other forms of skate boarding;
- Consider noise factor from adjacent streets when designing spaces particularly activities along Washington Avenue; and
- Consider the need for policing activities when designing spaces

The draft BODR (see attached) proposes two (2) schemes; the following chart depicts the new and/or renovated proposed facilities:

	Scheme No. 1	Scheme No. 2	Remark
Renovation of Carl Fisher Clubhouse	x	x	
Renovation of Little Stage Theater	x	x	
Theater Pavilion	x	x	Smaller in Scheme No. 1
Theater Plaza	x	x	
Central Plaza	x	x	Smaller in Scheme No. 1
Parks Facility Pavilion	x		
Canal Promenade	x	x	
Boat Dock	x	x	
Cultural Skate Plaza	x	x	Smaller in Scheme No. 2
West Entrance Plaza	x	x	Smaller in Scheme No. 2

Scheme No. 1 adds approximately 25,000 square feet (SF) of land area to the original project site limits, shown in Scheme No. 2.

During the planning phase, it became evident that if the site's property limits were expanded slightly to include adjacent land area, currently underutilized and located along the south property line, it would expand the view corridors into the site, would provide for a better integration of the proposed improvements with its existing neighbors, and would enhance the potential programming and vitality of the site.

The additional land area includes:

- Existing Parks and Recreation Center's courtyard area
- Land area immediately west of the Parks and Recreation Center's existing courtyard (between courtyard and Miami Beach Convention Center's loading dock parking area). A new Parks Facility Pavilion is proposed to be located in this area
- A 30-foot land area along its south property line connecting proposed Central Plaza to proposed pathway along Collins Canal (east – west connection) abutting the Miami Beach Convention Center loading dock parking area
- An area at the property's west entrance from Convention Center Drive – allowing for a more visible entrance

Carl Fisher Clubhouse

(Scheme No. 1 and No. 2)

The Carl Fisher Clubhouse consists of the historical renovation of the existing facility including a clubhouse terrace area facing the Collins Canal (recreating the facility's historical connection with the canal).

On October 17, 2007, the Mayor and City Commission approved the issuance of Request for Proposals (RFP) No. 03-07/08 for the Use of the Carl Fisher Club House for Cultural Programming for the Residents of the City of Miami Beach. Shortly after the recommendation to issue the RFP was made, it was determined that certain repairs would be necessary before the facility could be formally offered for use for new programming of an extended period of time. The City then decided to upgrade the existing Carl Fisher Clubhouse, remaining in operation, to meet minimum ADA and Life Safety code requirements, prior to the Project's full development. These limited improvements were funded from previously appropriated funds for this Project and were coordinated with the Consultant for compatibility with the Project's future development. Since the Project was only in the Planning Phase, only a limited amount of construction funds were previously appropriated; therefore, in order to fund these improvements, \$50,000 was transferred from the previously encumbered construction administration services of the professional services agreement. These are to be replaced once additional funding for construction becomes available for the Project, should the City Commission decide to proceed with the Project as proposed in the draft BODR.

To date, these Capital improvements have cost approximately \$141,000. Additionally, the contractor performing these improvements encountered field conditions outside the scope of the original work order that need to be added, resulting in additional costs, currently estimated at \$50,000. These include, but are not limited to, the size and location of existing plumbing lines affecting the point of connection to the new restrooms, existing floor wood framing conditions, and clearance space above the ceiling areas affecting distribution of the mechanical ductwork system and location of restroom new exhaust fans. Approximately \$35,000 is currently available from the Project's contingency to partially pay for these unforeseen conditions; however, additional funds may need to be transferred from the previously encumbered professional services agreement to be replaced once additional funding for construction becomes available for the Project.

Little Stage Theater (Little Acorn Theater)

(Scheme No. 1 and No. 2)

The interior renovation provides for 80 new seats (net increase of five new seats). Interior improvements include sliding acoustical panels in front of the windows for light and acoustic control.

The public restrooms are proposed to be located on the north side and the theater stage on the south side for a connection to a new proposed support facility (Theater Pavilion).

On December 10, 2008, in response to the community's interest to have the Little Stage Theater building in operation as a viable venue, also prior to the Project's full development, the City Commission adopted Resolution No. 2008-26945, approving and authorizing the Administration to proceed with limited upgrades to the existing facility, as a maintenance project through the City's Property Management Division, and further approved and authorized up to \$25,000 to fund for these upgrades from the previously appropriated professional services portion of the project, with funds previously appropriated from the City Center RDA Capital Fund No. 365, instead of appropriating additional funds. Since these funds are already encumbered for the Consultant for the Project, the Consultant's Blanket Purchase Order (BPO) will be reduced accordingly. Should the City Commission decide to proceed with the proposed Project, these funds may need to be replaced once additional funding for the Project becomes available for construction.

Theater Pavilion

(Smaller in Scheme No. 1; public restrooms may be located in proposed Parks Facility Pavilion, proposed in Scheme No. 1, instead of at the Theater Pavilion – reducing total square feet)

The concept design proposes a new pavilion building to the south of the Little Stage Theater, where support and dressing rooms are to be located. The new theater pavilion building is proposed to be designed with movable exterior panels allowing for an outdoor theater space. The new theater pavilion provides an opportunity to reintroduce programs that may have been conducted in the existing bandshell slated to be demolished. Public restrooms are also included as part of the proposed facility; however, if the new proposed Parks Facility Pavilion in Scheme No. 1 is approved, these may be located in that facility, reducing the total square feet for proposed Theater Pavilion.

Theater Plaza

(Scheme No. 1 and No. 2)

The Theater Plaza is a new active and passive space to re-energize the front of the Little Stage Theater creating a forecourt with possibilities of outdoor performance space and art installations. Contemplative gardens give prominence to the Little Stage Theater, and an arbor of evergreen trees provides a well landscaped view from Washington Avenue and a resting area in the urban landscape. The arbor of evergreen trees also substantially reduces sound in the area from adjacent streets and improves upon the concerns of global warming in urban areas.

Central Plaza

(Smaller in Scheme No. 2)

The reconfigured plaza ties together all buildings. In Scheme No. 1, it includes a sloped amphitheater lawn area rising several feet above grade and the existing Parks and Recreation's courtyard.

Parks Facility Pavilion

(Scheme No. 1 only)

A new support facility building located west of the existing Parks and Recreation courtyard. This building provides potential concession opportunities that could significantly enhance the site experience, and will also provide for a landscaped buffer between the courtyard and the Miami Beach Convention Center loading dock.

Canal Promenade

(Scheme No. 1 and No. 2)

A new improved pedestrian path, proposed along Collins Canal, will provide a safe link to the surrounding community. The proposed design creates a series of unique spatial environments. A difference in site elevation allows for a separation between the buildings and pathways.

Boat Dock

(Scheme No. 1 and No. 2)

This is an important north-south connection to the Central Plaza. It activates the space between the Carl Fisher Clubhouse and the Little Stage Theater. It also reemphasizes the historical connection between the site and the Collins Canal.

Cultural Skate Plaza

(Smaller in Scheme No. 2)

A multi-purpose plaza where, depending upon the programming needs, an outdoor cultural performance, a theater troupe, or skate boarding activities could take place. The added land provided for in Scheme No. 1, allows for the cultural skate plaza to be located further away from the historical Carl Fisher Clubhouse, and for better plaza configuration enhancing programming possibilities. The proposed design has also taken into consideration design features that would help alleviate concerns with the adjacency of the skate plaza and the historic structures, such as landscaping and surface materials.

In response to inquiries from the skate boarding community, the City of Miami Beach commissioned Glavovic Studio, Inc., in April 2005, to perform planning services associated with a site feasibility study for a skate plaza to be located at the site. The study included a comprehensive site analysis that determined a program containing a skate plaza would be compatible with this site and its environment.

West Entrance Plaza

(Smaller in Scheme No. 2)

The proposed concept provides for an improved entrance to the site from the west and an area for potential native plantings, providing a learning experience and potential connection to the neighboring Botanical Garden.

COST / BUDGET INFORMATION

The estimated construction budgets for the proposed schemes, at this conceptual level are shown in the table below. These include estimated design development and escalation factor to 2009, contractor's general condition, overhead and profit, and insurance / bond.

Proposed Schemes	Estimated Construction Cost (\$)
Scheme No. 1	6,004,075
Scheme No. 2	5,559,998

Based on the estimated construction budget above, the overall project budget is estimated to increase as indicated below. These budget increases are in addition to the previously appropriated funds and are currently unfunded. The additional costs for Art in Public Places (AiPP), Construction Management, Contingency, and Equipment are customarily added to Capital Improvement Projects budgets.

Scheme No. 1	Estimated Project Costs (\$)
Art in Public Places (1.5% of const.)	91,561
Construction Mgmt. (4.8% of total fund less AiPP)	380,635
Construction	6,004,075
Contingency (20% of const. for exist. facilities)	1,170,815
Design & Engineering	150,000
Equipment	125,000
Estimated additional total	7,922,086

Scheme No. 2	Estimated Project Costs (\$)
Art in Public Places (1.5% of const.)	84,900
Construction Mgmt. (4.8% of total fund less AiPP)	352,656
Construction	5,559,998
Contingency (20% of const. for exist. facilities)	1,082,000
Design & Engineering	100,000
Equipment	125,000
Estimated additional total	7,304,553

The following funds were previously appropriated in Fiscal Year 2006 / 2007 from the City Center RDA Capital Fund, Fund 365:

Little Stage Theater Complex	Previously appropriated (\$)
Art in Public Places	-
Construction Mgmt.	7,200
Construction	100,000
Contingency	50,000
Design & Engineering	472,672
Equipment	7,328
Grand Total	637,200

The following funds are proposed as future funding beyond Fiscal Year 2013 in the Capital Budget:

Little Stage Theater Complex	Proposed Future Funding (\$)
Art in Public Places	85,800
Construction Mgmt.	352,392
Construction	5,620,000
Contingency	1,117,000
Design & Engineering	-
Equipment	125,000
Grand Total	7,300,192

Once the draft BODR is approved by the Finance & Citywide Projects Committee (FCWPC), it will be then distributed to the appropriate City departments for their review. The department's comments will then be reviewed by the Consultant and incorporated, as applicable, into the final BODR. The final BODR will then be presented to the City Commission for official adoption.

CONCLUSION AND/OR RECOMMENDATIONS

The Administration seeks the Committee's approval on the draft BODR for the Little Stage Theater Complex Project and a recommendation on the additional required funding appropriation.

Attachment:

1. Glavovic Studio, Inc., Little Stage Theater Complex Basis of Design Report dated 9/05/08 draft

JMG/TH/FHB/JCC/MGP/NM

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UNDER SEPARATE COVER

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