



MIAMI BEACH

City Commission Meeting SUPPLEMENTAL MATERIAL

City Hall, Commission Chambers, 3rd Floor, 1700 Convention Center Drive
June 3, 2009

Mayor Matti Herrera Bower
Vice-Mayor Edward L. Tobin
Commissioner Victor M. Diaz, Jr.
Commissioner Saul Gross
Commissioner Jerry Libbin
Commissioner Deede Weithorn
Commissioner Jonah Wolfson

City Manager Jorge M. Gonzalez
City Attorney Jose Smith
City Clerk Robert E. Parcher

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ATTENTION ALL LOBBYISTS

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

SUPPLEMENTAL AGENDA

C4 - Commission Committee Assignments

- C4G Referral To The Neighborhoods/Community Affairs Committee - Discussion Regarding Application For Round Two Of Neighborhood Stabilization Program (Foreclosure) Funds Which Is Due To HUD By July 17, 2009.
(Real Estate, Housing & Community Development)
(Memorandum)

C7 - Resolutions

- C7J A Resolution Approving The Following Actions With Regard To The Affordable Housing Rental Project Acquired And To Be Rehabilitated By Miami Beach Community Development Corporation (MBCDC), Known As The Villa Maria, And Located At 2800 Collins Avenue: 1) Approving A Subordination Of The City's \$3.2 Million Mortgage In Favor Of A \$2 Million Mortgage Being Made To MBCDC By The Florida Housing Finance Corporation Special Housing Assistance And Development Program (SHADP); 2) Consenting, But Not Subordinating, To MBCDC's Loan And Recording Of A Mortgage From Miami-Dade County's Surtax Funds, In The Amount Of \$1 Million; Approving Action Nos. 1 And 2 Above Subject To And Contingent Upon The City Manager And City Attorney's Review Of Any Subordination And Consent Documents; And Further Authorizing The City Manager To Execute Any And All Documents To Effectuate The Aforestated Transactions.

(Real Estate, Housing & Community Development)

(Resolution)

R7 - Resolutions

- R7K A Resolution Approving And Authorizing The Mayor And City Clerk To Execute A Management Agreement With Altos Del Mar Sculpture Park, Incorporated, A Florida Not-For-Profit Corporation, As The Successful Proposer In Response To Request For Proposals No. 02-07/08 For Establishing A Cultural Arts Themed And/Or Passive Recreational Activities Program In Altos Del Mar Park; Said Agreement Having An Initial Term Of Ten (10) Years With Two (2) Additional Five (5) Year Renewal Options, At The City's Sole And Absolute Discretion.

(Tourism & Cultural Development)

(Corrected Page of the Agreement)

R9 - New Business and Commission Requests

- R9H Discussion Regarding A Resolution Urging The Florida Department Of Education To Maintain The Existing Training Requirements For Teachers Of English Language Learners.

(Requested by Mayor Matti Herrera Bower)

(Resolution)

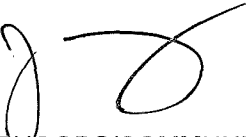


MIAMIBEACH

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

COMMISSION MEMORANDUM

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

FROM: Jorge M. Gonzalez, City Manager 

DATE: June 3, 2009

SUBJECT: REFERRAL TO THE NEIGHBORHOODS/COMMUNITY AFFAIRS COMMITTEE A DISCUSSION REGARDING APPLICATION FOR ROUND TWO OF NEIGHBORHOOD STABILIZATION PROGRAM FUNDS (DUE TO HUD BY JULY 17, 2009).

ADMINISTRATION RECOMMENDATION

Refer the item

BACKGROUND

On May 4, 2009, The U.S. Department of Housing and Urban Development (HUD) announced a Notice of Funding Availability (NOFA) for the *Neighborhood Stabilization Program 2* (NSP2) under the American Recovery and Reinvestment Act, 2009. Unlike the first round of NSP which was distributed to municipalities and other units of government according to an allocation formula (based on foreclosure rates), NSP2 is a competitive application to HUD.

NSP2 funds, as before, may be used for activities including:

- Purchase and rehabilitation of abandoned or foreclosed homes and residential properties
- Establishing financing mechanisms for purchase and redevelopment of foreclosed homes and residential properties
- Establishing land banks for foreclosed homes
- Demolishing blighted structures
- Redeveloping demolished or vacant properties

A key requirement of the NSP2 NOFA is that the applicant must have "successfully carried out and completed" eligible activities involving at least 75 units of housing (such as housing counseling, or acquisition/disposition of housing or rehabilitation of housing) within the 24-month period immediately preceding the date of the NOFA. Because the City itself does not possess this requisite experience, the Administration is considering a partnership which would apply to HUD. The NOFA states that "NSP2 funds will be awarded through competitions whose eligible applicants include states, units of general local government, nonprofits, and consortia of nonprofits."

To meet the NSP2 application deadline of July 17, 2009, the City Commission must make a policy decision as to whether it will apply and with whom. Research is being conducted to determine which organizations may have the capacity and experience to partner with the City in the application.

JMG/HF/AP/mb

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Agenda Item C76
 Date 6-3-09

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING THE FOLLOWING ACTIONS WITH REGARD TO THE AFFORDABLE HOUSING RENTAL PROJECT ACQUIRED AND TO BE REHABILITATED BY MIAMI BEACH COMMUNITY DEVELOPMENT CORPORATION (MBCDC), KNOWN AS THE VILLA MARIA, AND LOCATED AT 2800 COLLINS AVENUE: 1) APPROVING A SUBORDINATION OF THE CITY'S \$3.2 MILLION MORTGAGE IN FAVOR OF A \$2 MILLION MORTGAGE BEING MADE TO MBCDC BY THE FLORIDA HOUSING FINANCE CORPORATION SPECIAL HOUSING ASSISTANCE AND DEVELOPMENT PROGRAM (SHADP); 2) CONSENTING, BUT NOT SUBORDINATING, TO MBCDC'S LOAN AND RECORDING OF A MORTGAGE FROM MIAMI-DADE COUNTY'S SURTAX FUNDS, IN THE AMOUNT OF \$1 MILLION; APPROVING ACTION NOS. 1 AND 2 ABOVE SUBJECT TO AND CONTINGENT UPON THE CITY MANAGER AND CITY ATTORNEY'S REVIEW OF ANY SUBORDINATION AND CONSENT DOCUMENTS; AND FURTHER AUTHORIZING THE CITY MANAGER TO EXECUTE ANY AND ALL DOCUMENTS TO EFFECTUATE THE AFORESTATED TRANSACTIONS.

WHEREAS, the 34-unit Villa Maria Apartments, located at 2800 Collins Avenue, was purchased by MBCDC on March 18, 2005 with City of Miami Beach HOME funds; the City's funds are secured by a mortgage and security agreement against the property, in the amount of \$3.2 million dollars; and

WHEREAS, in an effort to proceed in a timely fashion with necessary rehabilitation of the Villa Maria project, MBCDC applied for and was awarded an additional \$2 million in Florida Housing Finance Corporation Special Housing Assistance and Development Program (SHADP) funds; and

WHEREAS, upon MBCDC's closing of the subject loan, the State will require the City to subordinate its position (the \$3.2 million) on the \$2 million SHADP loan; and

WHEREAS, MBCDC is also preparing to close with Miami-Dade County on a Surtax Loan, in the amount of \$1 million, for the Villa Maria project, and the County, while not requesting that the City subordinate its position, requests that the City consent to the County loan/mortgage to MBCDC

Agenda Item C7J
Date 6-3-09

NOW THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, the Mayor and City Commission hereby approve the following actions with regard to the affordable housing rental project acquired and to be rehabilitated by Miami Beach Community Development Corporation (MBCDC), known as the Villa Maria, and located at 2800 Collins Avenue: 1) approving a subordination of the City's \$3.2 million mortgage in favor of a \$2 million mortgage being made to MBCDC by The Florida Housing Finance Corporation Special Housing Assistance And Development Program (SHADP); 2) consenting, but not subordinating, to MBCDC's loan and recording of a mortgage from Miami-Dade County surtax funds, in the amount of \$1 million; approving action nos. 1 and 2 above subject to and contingent upon the City Manager and City Attorney's review of the subordination and consent documents; and further authorizing the City Manager to execute any and all documents to effectuate the aforesated transactions.

PASSED AND ADOPTED this _____ day of _____, 2009.

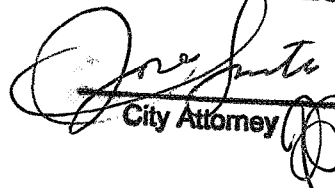
ATTEST:

CITY CLERK

MAYOR

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**APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION**



City Attorney

5/28/09


Date



MIAMIBEACH

OFFICE OF THE CITY ATTORNEY
JOSE SMITH, CITY ATTORNEY

COMMISSION MEMORANDUM

TO: Mayor Matti Herrera Bower and Members of the City Commission
FROM: Jose Smith, City Attorney 
CC: Jorge Gonzalez, City Manager
DATE: June 3, 2009
SUBJECT: Altos del Mar Sculpture Park Management Agreement (Item R7K)

The attached revision to Sections 4.2.2 (a) and (b) of the above-referenced Agreement replaces the existing language (on page 524 of the Agenda Packet).

RJA/ed

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the Restoration Project, using the artist's original documents for the work, and according to her aesthetic direction. The agreement with Ms. Neijna shall also provide that the artist shall provide her consulting services for the Restoration Project free of charge. In the event that ADMSP and the City are unable to successfully negotiate an agreement with Ms. Neijna for her consulting services on the Restoration Project, then ADMSP shall have no further obligation with regard to said Project pursuant to this subsection 4.1.11.

The total cost for the Restoration Project (including the aforesated out-of-pocket expenses) shall not exceed \$200,000. Prior to commencing the work, ADMSP shall deposit the sum of \$200,000 in its lawyer's trust account (located in a bank in Miami-Dade County, Florida). This account shall be used to pay for all costs/work associated with the Restoration Project.

Upon completion of the Restoration Project, the "Red Sea Road" will be installed and exhibited at the Sculpture Park throughout the initial Term of this Agreement.

Barbara Neijna will also develop a maintenance program for the "Red Sea Road," at no cost to either ADMSP or the City. Following installation of "Red Sea Road" in the Sculpture Park, ADMSP shall be responsible for maintenance of the sculpture throughout the Term of the Agreement (notwithstanding that the sculpture is, and shall at all times continue to be, owned by the City).

Neither Barbara Neijna nor the City will incur any liability, risk, and/or financial obligation with respect to the Restoration Project, and the ongoing maintenance of the "Red Sea Road."

4.2 Approved Uses.

4.2.1 The Sculpture Park shall be designed, developed, constructed and, thereafter, managed, operated, and maintained as a public recreational amenity.

4.2.2 The Sculpture Park is intended to include the following programs, services, activities, and uses:

- a. Changing exhibitions of ~~at least ten (10)~~ the large and heavy sculptures at least every three (3) years throughout the Term;
- b. Changing exhibitions of ~~at least~~ the small to midsize sculptures at least every eighteen (18) months throughout the Term.
- c. Guided park tours by an art historian;
- d. Art classes;
- e. Classical, jazz or other music events that are cultural in nature (excludes loud genres of music such as heavy metal);

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, URGING THE FLORIDA DEPARTMENT OF EDUCATION TO MAINTAIN THE EXISTING TRAINING REQUIREMENTS FOR TEACHERS OF ENGLISH LANGUAGE LEARNERS.

WHEREAS, Section 1003.56 (1), Florida Statutes, entitled "English language instruction for limited English proficient students," requires instruction designed to develop the student's mastery of the four language skills, including listening, speaking, reading, and writing, as rapidly as possible; and

WHEREAS, in 1990, the United States District Court for the Southern District of Florida, Miami Division, Case No. 90-1913, issued a Consent Decree in *LULAC v. Florida Board of Education*, calling for equal access to all education programs for English Language Learner (ELL) students, including a mandate for English as a Second Language (ESOL) endorsement for all teachers of the English language to ELL students; and

WHEREAS, a 2003 court approved modification to the *LULAC v. Florida Board of Education* Consent Decree requires teachers who earn ESOL Certification coverage solely by passing the teacher examination to additionally have to earn 120 points of in-service credit in ESOL; and

WHEREAS, proposed State Board of Education Rule 6A-6.0907 (4) would waive the requisite ESOL in-service training requirement for reading endorsed or certified teachers who seek to earn ESOL certification coverage solely through examination; and

WHEREAS, in 2007, Governor Crist vetoed SB 2512, a bill to weaken the training requirements for reading teachers of ELL students and the bill, re-introduced in the next Legislative session as SB 286, died in 2008; and

WHEREAS, in 2009, CS/SB1680 was introduced during the final weeks of the Legislative session as the third failed attempt to bring about a reduction in ESOL training requirements for reading teachers; and

WHEREAS, the Mayor and City Commission want all children to read English; want teachers prepared to teach them to read; and want monitoring to ensure compliance with the requirements stated in the Consent Decree referenced above; and

Agenda Item R9H
Date 6-3-09

WHEREAS, at a time when we must strive to be as competitive as possible in a quickly changing global economy, we cannot afford to lower the bar of expectations and training for our highly qualified teachers; and

WHEREAS, maintaining the existing training requirements for reading teachers of ELL students is in the best interest of the citizens and residents of Miami Beach.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, THAT THE MAYOR AND CITY COMMISSION HEREBY:

1. Urge the Florida Department of Education to maintain current training requirements for reading teachers of English Language Learners;
2. Urge the members of the Miami-Dade State Legislative delegation to vote against bills that reduce training requirements for teachers of ESOL students and request that the governor veto any such bill should they be approved by the legislature;
3. Urge Governor Crist to request that the State Board of Education rescind its approval of proposed Rule 6A-6.0907 (4) and honor the spirit and language of his veto letter on SB 2512 in all future actions;
4. Direct the City Clerk to transmit certified copies of this Resolution to the Governor, State Senate President, House Speaker, the Chair and Members of the Miami-Dade State Legislative Delegation, and the Commissioner of the Florida Department of Education;
5. Direct the City's Office of Intergovernmental Affairs to include this item in the 2009 through 2012 State legislative packages.

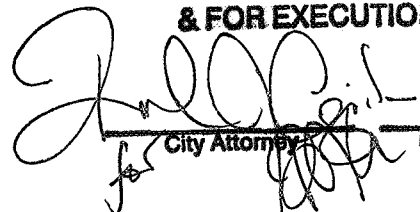
PASSED and ADOPTED this 3rd day of June, 2009.

ATTEST:

Matti Herrera Bower
Mayor

Robert Parcher, City Clerk

**APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION**



City Attorney

6-1-09

Date

