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COMMITTEE MEMORANDUM

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

FROM: Jorge M. Gonzalez, City Manager 

DATE: September 9, 2009

SUBJECT: **REPORT OF THE FINANCE AND CITYWIDE PROJECTS COMMITTEE MEETING OF JUNE 25, 2009.**

OLD BUSINESS

1. Presentation of Flamingo Park Revised "Draft" Master Plan for Approval

ACTION

Chairman Gross asked the Administration to check with the Florida High School Athletic Association for the tennis court requirements.

The Committee directed staff, as well as the architect, to proceed with Option L with the following modifications:

- Have an enclosed room integrated/adjacent to the pro shop
- Incorporate the shade kiosks and bump out the fence line (approx. 3 ft) if necessary, but do not remove tennis courts to include the shade structures
- Incorporate a practice wall on the south side of the tennis center
- Explore including a skate park/plaza between the basketball courts and hand ball courts
- Include a 6 foot fence on the around the soccer field on the north side of the park

The Committee recommended that the revised Master Plan be brought to the September 9, 2009 Commission meeting.

CIP Director Charlie Carreno presented the item and gave a brief history of the Flamingo Park project. Mr. Carreno then went on to introduce Marcel Morlote and Aida Sanchez-Gomez from the firm of Wolfberg Alvarez & Partners, who is the consultant for the project.

Mr. Morlote and Ms. Sanchez-Gomez presented the revised Master Plan, Option L, which reflected the new restroom building on the north side of the park, the new tennis pavilion which is aligned with the pool facility, possible uses for the restoration of the lodge building, and a tennis facility with 12 hydro-grid tennis courts and 5 hard tennis courts.

Agenda Item CGA
 Date 9-9-09

Commissioner Ed Tobin asked Mr. Morlote what his professional opinion was on reducing the square footage of the tennis pavilion. Mr. Morlote said that it should not have been reduced, that it should include the multipurpose room and would encourage going back to the original scheme.

Commissioner Tobin asked if there was an area with a view of the tennis courts from inside the building. Ms. Sanchez-Gomez said that area would be in the pro shop if they wanted to be seated inside. Mayor Matti Herrera Bower asked if the pro shop, viewing terrace, or vending alcove are exclusive to the tennis players. Parks & Recreation Director Kevin Smith stated that the tennis center was open to the public.

Ms. Sanchez-Gomez then presented the new layout of the tennis courts and stated that moving the tennis center further north resulted in the loss of one hydro-grid court. She also stated that if shade kiosks were included between the courts, the number of courts would have to be reduced. Ms. Sanchez-Gomez did give an alternate solution of moving the fence line slightly out, approximately 36 inches, so that shade kiosks could be placed along the fence rather than in between courts.

Chairman Saul Gross asked if a practice wall was included in the scheme. Ms. Sanchez-Gomez said that there was a practice wall in the original scheme but the Historic Preservation Board (HPB) wanted the area to be an open area. But since the building has moved north, placing a practice wall on the south side of the pavilion would be ideal, pending approval from the HPB.

Chairman Gross opened the floor to public comment.

Public comment was heard and their requests included moving the five (5) hard courts to Polo Park or The Par 3 Golf Course, checking the tennis court requirements for high school tennis play, having separate showers for the tennis players and the public, court spacing to include shade and water kiosks, including a multipurpose room in the tennis pavilion, and placing the multipurpose room closer to the pro shop.

Chairman Gross asked the Administration to check with the Florida High School Athletic Association for the tennis court requirements.

Chairman Gross then closed the floor to public comment.

Chairman Gross stated the issues to be addressed are the multipurpose room in the tennis pavilion, shade kiosks, a practice wall, and the location of 5 hard courts. Chairman Gross stated that the Lodge Building is a potential multipurpose room but feels it should be in tennis center.

Commissioner Deede Weithorn and Mayor Bower disagreed with Chairman Gross and stated that they felt the multipurpose room should not be in the tennis pavilion, but in the historic Lodge building. In addition, Commissioner Weithorn suggested taking the money that would be used to create the multipurpose room in the tennis center and add it to what the City intended to use at Nautilus Middle School and build 5 hard courts there, and keep the Flamingo Park tennis courts all hydro-grid courts. Commissioner Tobin was also in favor of integrating the multipurpose room in the tennis center.

In reference to the shade kiosks, Mr. Morlote stated that the fence line could be bumped out approximately three (3) feet to include shade structures without losing courts.

Chairman Gross asked Ms. Sanchez-Gomez if a practice wall could be added to the revised scheme. City Manager Jorge Gonzalez asked James Bollottieri if a tennis net or

wall should be added to the master plan. Mr. Bollotieri stated that a practice/hitting wall was necessary for tennis players to practice and that it should be fenced or hedged. Chairman Gross stated that his preference would be not to have the 5 hard courts at the Flamingo Park Tennis Center but to have them at Nautilus Middle School instead. Commissioner Weithorn and Mayor Bower both agreed that 5 hard courts need to be included and that their preference was also to place them at Nautilus Middle School.

Mr. Gonzalez suggested that as the budget is developed, the cost of the 5 courts be included as a component of the park budget, but not necessarily tied to the Flamingo Park location.

Ms. Sanchez-Gomez reviewed the remaining changes to the master plan, including the restroom building with offices, the hand ball courts, racquet ball courts, and fencing options.

Mayor Bower asked Ms. Sanchez-Gomez to ensure that the racquet ball and hand ball courts fencing can be secured and the courts are able to be kept clean.

Chairman Gross asked Ms. Sanchez-Gomez if the small rotunda that was requested to be included between the Pool facility and the Tennis Pavilion was reflected in her presentation. Ms. Sanchez-Gomez stated that there wasn't enough space to include the rotunda but that the area would be enhanced with different paving.

Chairman Gross asked where the skate park was in the scheme. Mr. Morlote said that they had missed the item and would include it in the master plan.

Chairman Gross asked Mr. Morlote if the Australian Pines would be removed and replaced with something more suitable. Mr. Morlote replied that they have not looked into that level of detail at this point, but they could be removed and replaced.

Chairman Gross opened the floor to public comment.

Public comment included requesting that the fencing on the north side of the tot lot be moved approximately ten (10) feet north to include green space in the tot lot; that the open quadrants in the park be built or landscaped in such a way that they could not be used for pick-up soccer games; and possibly moving the Boys and Girls Club building to be built inline with the pool building and the PAL.

Mayor Bower asked that residents who live along the north side of the park be asked for input about either including or removing the proposed east-west pathway on the north side.

The Committee directed staff, as well as the architect, to proceed with Option L with the following modifications:

- Have an enclosed room integrated/adjacent to the pro shop
- Incorporate the shade kiosks and bump out the fence line (approx. 3 ft) if necessary, but do not remove tennis courts to include the shade structures
- Incorporate a practice wall on the south side of the tennis center
- Explore including a skate park/plaza between the basketball courts and hand ball courts
- Include a 6 foot fence on the around the soccer field on the north side of the park

The Committee recommended that the revised Master Plan be brought to the September 9, 2009 Commission meeting.

NEW BUSINESS

2. Status of a Land Easement Purchase Agreement with the Miami Beach Housing Authority for the Proposed West Avenue Bridge.

ACTION

The Committee recommends that the Administration write a formal offer for the easement based on the appraised value.

Assistant City Manager Tim Hemstreet presented the item and gave a brief history of the item.

Mr. Hemstreet explained that following the Administration's presentation of the City's proposal to the Housing Authority Board, the Administration received a letter on April 23, 2009 from the Housing Authority of the City of Miami Beach (HACOMB) stating that on April 14, 2009, the Board of Commissioners discussed the proposed easement and determined that the proposal was not in the best interest of the HACOMB. The Board further directed that the sale of the property be taken off the market, and that HACOMB staff prepare an affordable housing development for the property. The Administration asked for direction from the Committee as to whether to continue pursuing the bridge project if desired.

Chairman Saul Gross asked why the HACOMB rejected the offer. Miguell Del Campillo, Executive Director at HACOMB, stated that HACOMB never received a formal offer in writing and if the City would like to give a formal offer in writing he would take it back to the HACOMB Board for consideration.

The Committee recommends that the Administration write a formal offer for the easement based on the appraised value.

3. Discussion of a retiree pension issue regarding City of Miami Beach retiree Aldo Rodriguez and his widow Olga R. Rodriguez

ACTION

Item Deferred

4. Discussion regarding the implementation of a Municipal Marketing (Corporate Sponsorship) program for the City.

ACTION

The Committee directed staff to discuss the fees that the City would be charged and bring the fee proposal back to a subsequent Finance & Citywide Projects Committee Meeting.

Assistant City Manager Hilda Fernandez presented the item and gave a brief history of the item.

The Administration is seeking direction as to proceed with Phase 2, the Commission has the option of using The Superlative Group, as provided for in the previous Request for Proposal (RFP), or engage in another competitive process.

Commissioner Ed Tobin asked what fees would be if we engaged the current consultant that developed Phase I. Myles Gallagher of The Superlative Group said their proposal would be a small retainer and a commission, the smaller the retainer the higher the commission.

The Committee directed staff to discuss the fees that the City would be charged and bring the fee proposal back to a subsequent Finance & Citywide Projects Committee Meeting.

5. Discuss proposed agreements governing use of space in the South Shore Community Center

ACTION

The Committee supports the Administration's recommendation that the Agreements should be presented as proposed to the full City Commission on July 15th, 2009, for approval on first reading, and waiver, by 5/7th vote, of the competitive bidding and appraisal requirements.

Assistant City Manager Hilda Fernandez presented the item and gave a brief synopsis of the item.

Agreements have an initial term of four (4) years and three hundred sixty four (364) days with one additional five (5) year renewal term, at the City's sole discretion. Additionally, the city is proposing that all tenants pay their proportionate share of Common Area Maintenance (CAM) which are limited to, and shall include electrical service, water service, sewer service, stormwater costs and janitorial service to the Center.

Ms. Fernandez stated that some tenants expressed concern with the cost of janitorial and maintenance services. Chairman Gross agreed that the costs look high and suggested that tenants may want to do their own janitorial services to eliminate the cost.

The Committee supports the Administration's recommendation that the Agreements should be presented as proposed to the full City Commission on July 15th, 2009, for approval on first reading, and waiver, by 5/7th vote, of the competitive bidding and appraisal requirements.

6. Discussion regarding proposed changes to the rental rates at the Byron-Carlyle and Colony Theaters

ACTION

The Committee recommends:

- **Increasing the House Fees to \$475 and \$425 for the Colony and Byron-Carlyle respectively**
- **Keep the rental rates for show days the same in order to have a greater separation in the rental rates between the Byron and Colony Theater.**
- **Adding three (3) additional hours to the base rental period**
- **A modest increase to the rental rates for non-profit and commercial producers for mid-week/summer performances, mid week film screenings, to the overtime rate, and simplify the rates for extended runs at the Byron.**
- **The City is to make periodic CPI adjustments to the House Fees to keep up with associated costs.**

The Committee asked staff to return at the July 21st Finance and Citywide Projects Committee meeting with recommendations and a summary of the visioning for the Byron-Carlyle Theater.

Director of Tourism and Cultural Development Max Sklar presented the item and gave a brief synopsis of the item.

Global Spectrum and City Staff have recommended increasing the House Fees. House Fees include the personnel for the Box Office, Custodial, Front of House Manager, Ticket Taker and Ushers. The current House Fee at each theater is \$350; however this fee does not cover our costs which are \$459 and \$415 for the Colony and Byron-Carlyle respectively. They recommended increasing the House Fees to \$475 and \$425 for the Colony and Byron-Carlyle respectively. Additionally, Global Spectrum and City Staff feel it is in the City's best interest to keep the rental rates for show days the same in order to have a greater separation in the rental rates between the Byron and Colony Theater. Staff also recommends adding three (3) additional hours to the base rental period to be consistent with the Colony Theater. Additionally, other adjustments for the Byron included a modest increase to the rental rates for non-profit and commercial producers for mid-week/summer performances, mid week film screenings, to the overtime rate, and simplify the rates for extended runs. Finally, it was also recommended that the City make periodic CPI adjustments to the House Fees to keep up with associated costs. Chairman Saul Gross stated that he supports the recommendations that Global Spectrum has made.

The Committee also recommended changes for the Colony Theatre which include: a modest increase to the rental rates for non-profit and commercial producers for mid-week/summer performances, mid week film screenings, and to the overtime rate; and added rates for extended runs and audition/rehearsal rates. These changes also include a change to the definition of a performance day, which is beneficial to the event producer. Currently, a performance day includes only five (5) hours of use. The suggested rate change includes changing a performance day to eight (8) hours. Additionally, the changes include changes to the extended run and mid-week rates, and add economical rates for organizations who wish to rehearse or hold auditions in the theaters.

Commissioner Tobin asked Mr. Sklar if anyone has looked into having a resident company at The Byron-Carlyle Theater. Mr. Sklar said that it had been looked into in the past but not recently and that staff will explore it again.

The Committee asked staff to return at the July 21st Finance and Citywide Projects Committee meeting with recommendations and a summary of the visioning for the Byron-Carlyle Theater.

7. Report on The Par 3 Golf Course

ACTION

The Committee accepts the report and placed this project on the Capital Improvements list as a project between \$2.6 million and \$4.0 million.

CIP Director Charlie Carreno presented the item and gave a brief history of the item. Mr. Carreno then went on to introduce Bruce Howard from Bruce Howard & Associates who is the consultant for the project.

Mr. Howard presented three conceptual site plans: (1) Nine-hole Golf Course Plan, (2) Six-hole Golf Course/Open Space Plan, and (3) Park Plan. Bruce Howard provided conceptual construction cost estimates based on the site plans. Costs were also estimated for the golf course plans based upon the installation of artificial turf and real turf. These estimates range from \$2.6 million to \$4.0 million.

Commissioner Ed Tobin was not in favor of the plans that included a golf course and preferred a park plan.

Commissioner Tobin asked who was noticed about changes to the park area. City Manager Jorge Gonzalez said that it was advertised and went to the Parks Committee, Golf committee, etc. Commissioner Tobin asked Kevin Smith, Parks & Recreation Director, to send him a list of the users of the Scott Rakow Youth Center so that he could notify them about the changes. Discussion ensued.

The Committee accepted the report and placed this project on the Capital Improvements list as a project between \$2.6 million and \$4.0 million.

8. Discussion regarding a proposed ordinance expanding the use of the parking impact fees monies to have more flexibility.

ACTION

The Committee accepted recommendation and referred the item to the Planning Board.

9. Job Order Contracting (JOC) System

ACTION

Status Update

Commissioner Ed Tobin and Bill Goldsmith to get together before the July 15th Commission meeting to look at the unit pricing.

Commissioner Tobin and the Administration will review the pricing before the July 15th Commission meeting.

Procurement Director Gus Lopez presented the item and gave a brief synopsis of the memo.

Mr. Lopez explained that City Manager Jorge Gonzalez requested that the item be brought before the Committee to ensure that there is an understanding of the JOC system, how it works, and why it works.

Mr. Lopez gave a status update and stated that he will present the bids at the July 15th Commission meeting.

Chairman Saul Gross asked Commissioner Ed Tobin and Bill Goldsmith to get together before the July 15th Commission meeting to look at the unit pricing.

Commissioner Tobin also wanted to get with the administration to review the pricing.

Chairman Gross confirmed with the City Manager Jorge Gonzalez that the pricing would be updated annually.

10. Discussion regarding possible funding sources and strategies that the City may employ to assist condominiums in Miami Beach.

ACTION

Item Deferred

11. Discuss scheduling details, timing and location for public involvement to the FY 2009/10 Proposed Operating Budget

ACTION

Budget advisory committee will hold one or more public meetings in late August to discuss the proposed Operating Budget which will be held in the commission chambers.

Budget & Performance Improvement Director Kathie Brooks presented the item.

Commissioner Deede Weithorn requested at the June 3rd Commission Meeting that the City scheduled public involvement in this year's capital budget process.

Ms. Brooks stated that the Budget Advisory Committee recommended doing a series of public meetings in late August whereby the public could provide input.

Commissioner Weithorn stated that when the City has a significant budget issue the City should ask the public to weigh in. Commissioner Weithorn's concern is that at the Budget Hearing in September the public may go in an unexpected direction and the City will not have adequate time to make the needed adjustments.

City Manager Jorge Gonzalez stated that by late August the City will have set the tentative millage and will allow the City to better explain what decisions have been made and which are still pending.

Mayor Matti Herrera Bower confirmed that the meeting(s) will be advertised.

Budget advisory committee will hold one or more public meetings in late August to discuss the proposed Operating Budget which will be held in the commission chambers.

12. Discussion regarding a lease agreement between the City and Mystery Parks Arts Company Inc. (d/b/a SoBe Institute of the Arts) for the use of the Carl Fisher Clubhouse and Little Stage Theater for a term not less than five years.

ACTION

The Committee recommends that the tenant's current agreement be extended to a month-to-month not to exceed 6 months.

Staff was also directed to negotiate a new lease for 5 years and to work with SoBe Institute of the Arts to create performance measures/benchmarks and public benefits.

The Committee recommended that a Committee Report be given at the July 15th Commission Meeting.

Assistant City Manager Hilda Fernandez presented the item and gave a brief synopsis of the item.

Staff is requesting direction on whether to renew the current agreement with SoBe Institute of the Arts (SIA) for the Carl Fisher Clubhouse, (as provided for in the current agreement), with an amendment to include the Little Stage Theater in the agreement, while a Request for Proposal (RFP) is developed and issued for a longer term use of both facilities; or whether the current agreement should be terminated and after a waiver of competitive bidding, a new five (5) year agreement be approved for SIA's use of both facilities.

Mayor Matti Herrera Bower and Commissioner Deede Weithorn are in favor of a new lease for 5 years if benchmarks are established and met.

Chairman Saul Gross asked that Staff give a Committee Report at the July 15th Commission Meeting.

The Committee recommends that the tenant's current agreement be extended to a month-to-month not to exceed 6 months.

Staff was also directed to negotiate a new lease for 5 years and to work with SoBe Institute of the Arts to create performance measures/benchmarks and public benefits.

13. Discussion regarding towing permit options.

ACTION

The Committee recommends extending the permit for a period of two years or the start of construction, whichever comes first, with the understanding that if the conditions of the extension are not met the City may shorten it.

Parking Director Saul Frances presented the item and gave a brief synopsis of the memo.

The Administration was seeking input and direction from the Committee regarding each towing service providers' permit extension, as their six (6) month extension expires August 31, 2009. The options available for consideration are Option One: Continue with the existing towing permit structure and extend the towing permit for a one (1) year term to expire on August 31, 2010 which would allow for: (1) amendments to the Light Industrial Zoning District for conditional uses to complete its course, (2) relocation of the Tremont Towing site is unnecessary as construction on the site is not expected to take place for at least one (1) year period which provides additional time for the City to further consider the matter, and (3) continues to provide convenient access to towed vehicle storage facilities located within the confines of the City; or Option Two: Extend the existing permit on a month-to-month basis not to exceed six (6) months and direct the Administration to craft an RFP (Request for Proposal) for Towing Services that would reduce and/or eliminate the need for vehicle storage within the City limits.

Harold Rosen asked if the Committee would extend the permit for a period of two years or a minimum of eighteen months as construction is not expected to begin until that time.

The Committee recommends extending the permit for a period of two years or the start of construction, whichever comes first, with the understanding that if the conditions of the extension are not met the City may shorten it.

14. Discussion regarding a shared car program.

ACTION

The Committee asked the Administration to work with Hertz on increasing the return to the City, or reduce the City's subsidy, and look into placing the pods of cars in private garages.

Assistant City Manager Robert Middaugh presented the item and gave a brief synopsis of the memo. Mr. Middaugh then went on to introduce Elizabeth Fyda from Hertz.

The operation generally takes pods of cars and places them at six (6) City parking garages (7th Street, 12th Street, 13th Street, 16th Street, 17th Street, 42nd Street garages) so the user can walk from their home, condominium, or business to get the car, use it and bring it back. Ms. Fyda presented the proposed model, by which the subsidy provided by the City is estimated to average \$75,000 per year, or \$375,606 over the five year term. In the 5th year of the agreement, the City subsidy would be \$129,663 per year using current parking rates.

Chairman Saul Gross and Commissioner Deede Weithorn suggested that Hertz should explore placing the shared vehicles in private garages rather than City garages. Conversation ensued.

The Committee asked the Administration to work with Hertz on increasing the return to the City, or reduce the City's subsidy, and look into placing the pods of cars in private garages.

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