



MIAMI BEACH

City Commission Meeting SUPPLEMENTAL MATERIAL

City Hall, Commission Chambers, 3rd Floor, 1700 Convention Center Drive
December 9, 2009

Mayor Matti Herrera Bower
Vice-Mayor Deede Weithorn
Commissioner Jorge Exposito
Commissioner Michael Góngora
Commissioner Jerry Libbin
Commissioner Edward L. Tobin
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

C7 - Resolutions

- C7B A Resolution Accepting The Recommendation Of The City Manager Pertaining To The Ranking Of Proposals Pursuant To Request For Proposals (RFP) No. 12-09/10, For General Fund Revenue Enhancement Study; Authorizing The Administration To Enter Into Negotiations With The Top-Ranked Proposers, Willdam Financial Services; And Should The Administration Not Be Successful In Negotiating An Agreement With The Top-Ranked Proposer, Authorizing Negotiations With The Second-Ranked Proposer, Matrix Consulting Group; And Further Authorizing The Mayor And City Clerk To Execute An Agreement Upon Conclusion Of Successful Negotiations By The Administration In The Estimated Amount Of \$100,000.

(Budget & Performance Improvement/Procurement)
(Resolution)

C7 - Resolutions (Continued)

- C7D A Resolution Approving And Authorizing The Mayor And The City Clerk To Execute Amendment No. 8 To The Existing Professional Service Agreement With STA Architectural Group, Inc., For Additional Design, Bid, And Construction Administration Services For The Rehabilitation Of The Historic Building, Hose Tower, And New Construction On The Fire Station No. 2, Building A And Hose Tower Projects, For A Not To Exceed Amount Of \$183,000; With Funding From The Fire Station No. 2 Portion Of The Project, In The Amounts Of \$57,618 From The Pay-As-You-Go (Fund 302), \$6,447 From The Capital Reserve - Contingency (Fund 304), And \$76,935 From The Capital Reserve - Design (Fund 304); And With Funding From The Hose Tower Refurbishment Portion Of The Project, In The Amounts Of \$12,000 From The Pay-As-You-Go (Fund 302) And \$30,000 From The Capital Reserve - Design (Fund 304).

(Capital Improvement Projects)
(Resolution)

- C7H A Resolution Approving A Restated Settlement Agreement Between The School Board Of Miami-Dade County, Florida (School Board) And The City Of Miami Beach Relative To A Joint Use Agreement And A Construction Agreement Between The School Board And The City Of Miami Beach Regarding Property Known As Polo Park.

(City Manager's Office)
(Resolution & Agreement)

- C7Y A Resolution Approving And Authorizing The Appropriation Of A Donation From The Ocean Drive Association In An Amount Not To Exceed \$50,432 Toward Support Of The City's Costs For 2009-2010 New Year's Celebration.

(Tourism & Cultural Development)
(Resolution)

R9 - New Business and Commission Requests

- R9F Discussion And Briefing, On The Mayor's Meeting With County Mayor Carlos Alvarez Regarding Various Issues Affecting Miami Beach Residents.

(Requested by Mayor Matti Herrera Bower)
(Additional Information)

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ACCEPTING THE RECOMMENDATION OF THE CITY MANAGER PERTAINING TO THE RANKING OF PROPOSALS PURSUANT TO REQUEST FOR PROPOSALS (RFP) NO. 12-09/10, FOR GENERAL FUND REVENUE ENHANCEMENT STUDY; AUTHORIZING THE ADMINISTRATION TO ENTER INTO NEGOTIATIONS WITH THE TOP-RANKED PROPOSERS, WILLDAN FINANCIAL SERVICES; AND SHOULD THE ADMINISTRATION NOT BE SUCCESSFUL IN NEGOTIATING AN AGREEMENT WITH THE TOP-RANKED PROPOSER, AUTHORIZING NEGOTIATIONS WITH THE SECOND-RANKED PROPOSER, MATRIX CONSULTING GROUP; AND FURTHER AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN AGREEMENT UPON CONCLUSION OF SUCCESSFUL NEGOTIATIONS BY THE ADMINISTRATION, IN THE ESTIMATED AMOUNT OF \$100,000.

WHEREAS, Request for Proposals (RFP) No. 12-09/10 for General Fund Revenue Enhancement Study, was issued on October 27, 2009, with an opening date of November 24, 2009; and

WHEREAS, a pre-proposal conference to provide information to the consultants submitting a response was held on November 6, 2009; and

WHEREAS, BidNet issued bid notices to 219 prospective proposers, BidSync (formerly known as RFP Depot) issued bid notices to 35 prospective proposers, and 17 proposers were notified via mail, e-mail, and fax circulation, which resulted in the receipt of five (5) proposals; and

WHEREAS, the City Manager, via Letter to Commission (LTC) No. 319-2009, appointed an Evaluation Committee ("the Committee") consisting of the following individuals:

- Henry Castillo, Resident and Leadership Academy Graduate;
- Jose Cruz, Budget Officer, OBPI Department;
- Kamil Kelpetin, Resident and Leadership Academy Graduate;
- Kevin Crowder, Economic Development Division Director, City Manager's Office;
- Marc Gidney, Chair of the Budget Advisory Committee;
- Rachel Zuckerman, Business Owner and Leadership Academy Graduate;
- Ramon Suarez, Finance Manager, Finance Department; and

WHEREAS, Kathie Brooks, Director of the Budget and Performance Improvement Department, addressed the Committee and provided general information on the scope of services; the Committee members were also provided with Performance Evaluation Surveys and presentations from all responsive proposers; and

WHEREAS, the Committee members discussed their individual perceptions of the proposers' qualifications, experience, price, and competence, and ranked the proposers; and

WHEREAS, the Committee recommended Willdan Financial Services and Matrix Consulting Group, if negotiation are not successful with Willdan Financial Services, for award of contract to perform the General Fund Revenue Enhancement Study; and

WHEREAS, funds in the amount of \$100,000 are available from the FY 2009/10 General Fund Operating Contingency Account# 011-9322-000312; and

Agenda Item 27B
Date 12-9-09

WHEREAS, the City Manager concurs with the Committee's rankings and recommendation.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Mayor and City Commission hereby accept the recommendation of the City Manager pertaining to the ranking of proposals pursuant to Request for Proposals (RFP) No. 12-09/10, for General Fund Revenue Enhancement Study; authorizing the Administration to enter into negotiations with the top-ranked proposer, Willdan Financial Services; and should the Administration not be successful in negotiating an Agreement with the top-ranked proposers, authorizing negotiations with the second-ranked proposer, Matrix Consulting Group; and further authorizing the Mayor and City Clerk to execute an agreement upon conclusion of successful negotiations by the Administration, in the estimated amount of \$100,000.

PASSED AND ADOPTED THIS _____ DAY OF _____ 2009.


ATTEST:

CITY CLERK

MAYOR

T:\AGENDA\2009\December 9\Consent\RFP-12-09-10 Revenue Enhancement Study Resolution.doc

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION



City Attorney

12/14/09

Date

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING AND AUTHORIZING THE MAYOR AND THE CITY CLERK TO EXECUTE AMENDMENT NO. 8 TO THE EXISTING PROFESSIONAL SERVICES AGREEMENT WITH STA ARCHITECTURAL GROUP, INC., FOR ADDITIONAL DESIGN, BID, AND CONSTRUCTION ADMINISTRATION SERVICES FOR THE REHABILITATION OF THE HISTORIC BUILDING, HOSE TOWER, AND NEW CONSTRUCTION ON THE FIRE STATION NO. 2, BUILDING A AND HOSE TOWER PROJECT, FOR A NOT TO EXCEED AMOUNT OF \$183,000; WITH FUNDING FROM THE FIRE STATION NO. 2 PORTION OF THE PROJECT, IN THE AMOUNT OF \$57,618 FROM THE PAY-AS-YOU-GO (FUND 302), \$6,447 FROM THE CAPITAL RESERVE - CONTINGENCY (FUND 304), AND \$76,935 FROM THE CAPITAL RESERVE - DESIGN (FUND 304), AND WITH FUNDING FROM THE HOSE TOWER REFURBISHMENT PORTION OF THE PROJECT, IN THE AMOUNTS OF \$12,000 FROM THE PAY-AS-YOU-GO (FUND 302), AND \$30,000 FROM THE CAPITAL RESERVE - DESIGN (FUND 304).

WHEREAS, pursuant to Request for Letters of Interest No. 133-94/95, the Mayor and City Commission adopted Resolution No. 96-22068 on July 17, 1996, approving and authorizing the Mayor and City Clerk to execute an Agreement with STA Architectural Group, Inc. for Professional Services for the Renovation and Expansion of Fire Station No. 2 and a Master Plan for the Site at 451 Dade Boulevard (Project); and

WHEREAS, on June 28, 2000, the Mayor and City Commission adopted Resolution No. 2000-23975, approving Amendment No. 1 to the Agreement, for schematic design, design development, construction documents, permitting & bidding, and construction administration services, for the rehabilitation of the historic structure and the new construction of a dormitory and apparatus structure improvements within the Project, for a not-to-exceed amount of \$318,020; and

WHEREAS, on October 17, 2001, the Mayor and City Commission adopted Resolution No. 2001-24624, approving Amendment No. 2 to the Agreement for the design of an Emergency Operations Center, a site drainage system, and a dedicated driveway serving the Public Works Yard, for a not-to-exceed amount of \$117,000; and

WHEREAS, on December 10, 2003, the Mayor and City Commission adopted Resolution No. 2003-25439, approving Amendment No. 3 to the Agreement for construction administrative services for the Project, for a not-to-exceed amount of \$192,000; and

Agenda Item C7D
Date 12-9-09

WHEREAS, on March 15, 2007, Amendment No. 4 to the Agreement was executed, approving additional construction administration services for the Project, for a not-to-exceed amount of \$24,500; and

WHEREAS, on October 27, 2007, Amendment No. 5 to the Agreement was executed, approving additional construction administration services for the Project, to be rendered on a monthly basis, for a not-to-exceed amount of \$24,500; and

WHEREAS, on June 20, 2008, Amendment No. 6 to the Agreement was executed, approving additional construction administration services for the Project, to be rendered on a monthly basis, for a not-to-exceed amount of \$24,447; and

WHEREAS, on July 10, 2008, Amendment No. 7 to the Agreement was executed, approving additional design and construction administration services for the Project, to be rendered on a monthly basis, for a not-to-exceed amount of \$40,000; and

WHEREAS, the first phase of the Project, the construction of Building B and its Emergency Operations Center, is substantially complete, and the Fire Department has moved into the building and put it into service; and

WHEREAS, Building A has now been more thoroughly inspected and several additional items have been identified that require modifications to the construction documents; and

WHEREAS, the Hose Tower was also evaluated and, despite recent repairs, structural deficiencies were found; as a result, the Hose Tower, which had not been a part of the original scope of work, will now be included as part of the Project; and

WHEREAS, staff has negotiated a fee of \$183,000 with STA for an in-depth preconstruction review, HPB presentation, re-drawing and development of construction documents (per current codes), and bid and construction administration services for the rehabilitation of the historic building, Hose Tower, and new addition two-story connectors.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND THE CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA that the Mayor and City Commission hereby approve and authorize the Mayor and the City Clerk to execute Amendment No. 8 to the existing Professional Services Agreement with STA Architectural Group, Inc., for additional design, bid, and construction administration services for the rehabilitation of the historic building, Hose Tower, and new construction on the Fire Station No. 2 Building A and Hose Tower Project; for a not to exceed amount of \$183,000; with funding for the Fire Station No. 2 portion of the Project, in the amounts of \$57,618 from the Pay-As-You-Go (Fund 302), \$6,447 from the Capital Reserve - Contingency (Fund 304), and \$76,935 from the Capital Reserve - Design

(Fund 304); and with funding for the Hose Tower Refurbishment portion of the Project, in the amounts of \$12,000 from the Pay-As-You-Go (Fund 302), and \$30,000 from the Capital Reserve - Design (Fund 304).

PASSED AND ADOPTED this ____ day of _____, 2009.


ATTEST:

ROBERT H. PARCHER, CITY CLERK

MATTI HERRERA BOWER, MAYOR

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APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION



City Attorney

12/4/09

Date

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RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING A RESTATED SETTLEMENT AGREEMENT BETWEEN THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA (SCHOOL BOARD) AND THE CITY OF MIAMI BEACH RELATIVE TO A JOINT USE AGREEMENT AND A CONSTRUCTION AGREEMENT BETWEEN THE SCHOOL BOARD AND THE CITY OF MIAMI BEACH REGARDING PROPERTY KNOWN AS POLO PARK.

WHEREAS, the City of Miami Beach and the School Board made several agreements to facilitate the construction of the new Nautilus Middle School and the adjacent property known as Polo Park; and

WHEREAS, the construction quality of Polo Park have been satisfactorily resolved with the exception of the tennis courts; and

WHEREAS, the City of Miami Beach and the School Board have reached an agreement regarding the parties respective responsibilities under the Construction Agreement, and those outstanding issues surrounding the completion of the tennis courts; and

WHEREAS, the School Board has approved the restated Settlement Agreement, which requires the total payment of \$135,000.00 to the City of Miami Beach, and the acceptance of the Polo Park improvements as set forth under the Construction Agreement.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND THE CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the attached restated Settlement Agreement between the School Board of Miami-Dade County and the City of Miami Beach relative to Polo Park is hereby approved and that the Mayor and City Clerk are authorized to execute said Agreement.

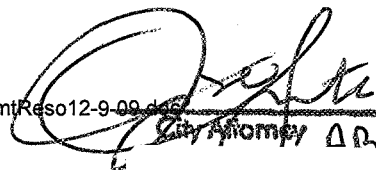
PASSED and ADOPTED this ____ day of _____, 2009.

ATTEST:

Matti Herrera Bower
Mayor

Robert Parcher
City Clerk

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION



City Attorney Δ R. 12/7/09
Date

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Agenda Item C7H
Date 12-9-09

RESTATED SETTLEMENT AGREEMENT

THIS AGREEMENT, made and entered into this ___ day of _____, 2009, by and between THE CITY OF MIAMI BEACH, a municipal corporation of the State of Florida (hereinafter called the "CITY" or the "LESSOR"), and the SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA, a body corporate and politic of the State of Florida (hereinafter called the "SCHOOL BOARD" or the "LESSEE"), collectively the "Parties".

WITNESSETH

WHEREAS, the CITY and the SCHOOL BOARD have entered into a JOINT USE AGREEMENT and a CONSTRUCTION AGREEMENT, both dated the 20th day of January, 1994, attached hereto as Exhibit "A" and Exhibit "B" respectively, regarding the property known as POLO PARK; and

WHEREAS, those agreements deal with certain improvements to be made on, and joint usage of POLO PARK; and

WHEREAS, disagreements have arisen concerning the proper construction of the tennis courts by the SCHOOL BOARD, and the CITY has not accepted possession of said improvements under the terms of the CONSTRUCTION AGREEMENT; and

WHEREAS, the CITY and the SCHOOL BOARD entered into a SETTLEMENT AGREEMENT dated the 1st day of December 2002, which was intended to resolve these disagreements, complete the SCHOOL BOARD'S obligations under the CONSTRUCTION AGREEMENT, and allow the Parties to operate under the terms of the JOINT USE AGREEMENT; and

WHEREAS, as a part of the SETTLEMENT AGREEMENT, the SCHOOL BOARD agreed to pay to the CITY the amount of \$85,000, as settlement of all issues between the Parties; and

WHEREAS, after further negotiations, the Parties have now agreed to restate the SETTLEMENT AGREEMENT in compliance with the terms and conditions provided herein, in order to provide a revised framework for the final settlement of all outstanding claims, disputes, disagreements and conflicts whatsoever between the Parties pertaining to the Construction Agreement; and

WHEREAS, it is the Parties intent that this restated SETTLEMENT AGREEMENT supersede and replace the above described SETTLEMENT AGREEMENT; and

WHEREAS, the SCHOOL BOARD, pursuant to Agenda Item F-3, Board Action # 113,174, at its meeting of November 17, 2009, authorized the Superintendent to finalize negotiations and execute this Agreement.

NOW, THEREFORE, in consideration of the mutual covenants hereinafter contained and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties hereto agree as follows:

I.

RECITALS

The Parties agree that the above recitals are true and correct and are incorporated herein by reference.

II.

PAYMENT OF FUNDS BY THE SCHOOL BOARD

The CITY shall assume any and all responsibility for the repairs to the tennis courts, with the SCHOOL BOARD to provide the CITY Fifty Thousand Dollars (\$50,000), as its share of the repair cost. This amount shall augment the above mentioned Eighty-Five Thousand Dollars (\$85,000), previously authorized by the SCHOOL BOARD in 2002 but not yet paid.

III.

ACCEPTANCE OF IMPROVEMENTS

The Parties agree that, upon payment to the CITY by the SCHOOL BOARD of the amounts of Eighty Five Thousand Dollars (\$85,000) and Fifty Thousand Dollars (\$50,000), totaling One Hundred and Thirty Five Thousand Dollars (\$135,000), the CITY shall deem all work required to be performed by the SCHOOL BOARD under the CONSTRUCTION AGREEMENT to be satisfactorily concluded and complete, and the improvements made by the SCHOOL BOARD to POLO PARK to be deemed accepted by the CITY. The SCHOOL BOARD shall remit the total amount of \$135,000 to the CITY within thirty (30) days of the CITY'S approval of this Agreement, and acceptance of the improvements to POLO PARK shall not be effective until such time as the funds are received by the CITY.

IV.

JOINT USE AGREEMENT

Concurrent with payment to the CITY by the SCHOOL BOARD of the funds enumerated in Article II, the Parties hereby ratify and affirm that the JOINT USE AGREEMENT remains in full force and effect.

V.

RESOLUTION OF CLAIMS

This Agreement settles and resolves all claims, disputes, disagreements and conflicts among and between the Parties arising from the CONSTRUCTION AGREEMENT, including, but not limited to all claims that were, or could have been raised by any Party to this dispute, and the CITY releases the SCHOOL BOARD from any and all claims and liabilities whatsoever relating to the Construction Agreement.

VI.

ATTORNEYS FEES

In the event of any litigation between the Parties under this Agreement, each Party shall be responsible for its own attorney's fees and court costs through trials and appellate levels. The provisions of this term shall survive the termination of this Agreement.

VII.

EFFEFFECTIVE DATE

This Agreement shall become effective as of the date of full execution by both Parties.

IN WITNESS WHEREOF, the Parties hereto have individually, through their proper officials, executed this Agreement the day and year first hereinabove written.

THE CITY OF MIAMI BEACH, FLORIDA

THE SCHOOL BOARD OF MIAMI-
DADE COUNTY, FLORIDA

MAYOR

SUPERINTENDENT

ATTEST:

CITY CLERK


APPROVED AS TO FORM:

APPROVED AS TO FORM:

CITY ATTORNEY

ATTORNEY FOR THE BOARD

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION



City Attorney AB 12/4/09
Date

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING AND AUTHORIZING THE APPROPRIATION OF A DONATION FROM THE OCEAN DRIVE ASSOCIATION IN AN AMOUNT NOT TO EXCEED \$50,432 TOWARD SUPPORT OF THE CITY'S COSTS FOR 2009-2010 NEW YEAR'S CELEBRATION.

WHEREAS, similar to the prior nine (9) years, the Ocean Drive Association has approached the City to request participation and sponsorship of a free fireworks show on the beach, east of Lummus Park, at midnight on New Year's Eve; and Ocean Drive will be closed to vehicular traffic beginning on the morning of Thursday, December 31, 2009 and will reopen on Saturday, January 2, 2010 at 7:00 a.m.; and

WHEREAS, while several special events permits have been issued primarily at private venues, no significant individual crowd attracting event is planned; many Miami Beach nightclubs and hotels, which will be hosting special New Years events; and

WHEREAS, the City has been working diligently with the area hotels and nightclubs to ensure that resources and security are appropriately allocated for this weekend; and

WHEREAS, due to the popularity of New Year's Eve and its occurrence this year on Thursday evening, the anticipated occupancy levels in Miami Beach are expected to be strong, and as result, the Ocean Drive Association anticipates many visitors and (similar to prior years) is requesting consideration for a street closure for Thursday and Friday; and

WHEREAS, in the past, the City has assisted in defraying costs, primarily associated with the fireworks show for the public and other ancillary City services.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Mayor and City Commission of the City of Miami Beach, Florida, hereby approve and authorize the appropriation of an amount not to exceed \$50,432 from the Ocean Drive Association toward support of the City's costs for 2009-2010 New Year's celebration.

PASSED and ADOPTED this 9th day of December, 2009.

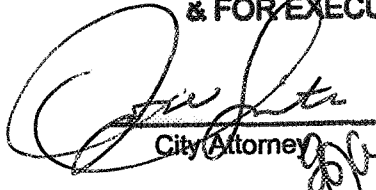
ATTEST:

CITY CLERK

MAYOR

JMG/HMF/MAS
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**APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION**



City Attorney
Date 12/14/09
Agenda Item C7Y
Date 12-9-09

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MIAMI BEACH

**MEETING WITH MAYOR CARLOS ALVAREZ
November 17, 2009**

- County In-Kind Support for Memorial Day Weekend
- Miami Beach Convention Center
 - Status of Expansion Project
 - City of Miami Downtown Convention Center study
- Indian Creek Fire Services
- South Pointe Booster Pump Station
- Other issues of mutual interest

Agenda Item R9F
Date 12-9-09

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