



MIAMIBEACH

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

COMMITTEE MEMORANDUM

TO: Mayor Matti H. Bower and Members of the City Commission

FROM: City Manager Jorge M. Gonzalez

DATE: February 18, 2010

This shall serve as written notice that a meeting of the Finance and Citywide Projects Committee has been scheduled for February 18, 2010, at 3:30 P.M. in the City Manager's Large Conference Room.

The agenda is as follows:

OLD BUSINESS

NEW BUSINESS

1. **Discussion regarding the Basis of Design Report (BODR) for the Lincoln Park Project with funding provided from the previously appropriated City Center RDA Funds**

Jorge Gomez – Assistant City Manager

2. **Discussion regarding the potential garage project and joint venture in the Collins Park Neighborhood.**

Jorge Gomez – Assistant City Manager

3. **Discussion regarding the fiscal impact of amending the City's Living Wage Ordinance to revise the minimum wage requirements**

Gus Lopez – Procurement Director

4. **Discussion regarding temporary storefront signs**

Richard Lorber – Planning & Zoning Manager

5. **Discussion regarding the City of Miami Beach endorsement of disability Awareness Day 2010.**

Fred Beckmann – Public Works Director

6. **Discussion regarding the current status of the City's planned red light camera program as well as use of funds generated.**

Robert Middaugh – Assistant City Manager

7. Discussion regarding the issue of back-billing of Storm Equivalent Units

Patricia Walker – Chief Financial Officer

Finance and Citywide Projects Committee Meetings for 2010:

March 25, 2010

April 29, 2010

May 20, 2010

June 24, 2010

July 29, 2010

September 30, 2010

October 26, 2010

November 15, 2010

December 16, 2010

JMG/PDW/rs/th

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Cc. Mayor and Members of the City Commission
Management Team

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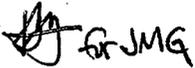


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COMMITTEE MEMORANDUM

TO: Members of the Finance and Citywide Projects Committee

FROM: Jorge M. Gonzalez, City Manager 

DATE: February 18, 2010

SUBJECT: **A DISCUSSION REGARDING THE PROPOSED BASIS OF DESIGN REPORT (BODR) FOR THE LINCOLN PARK PROJECT (THE PROJECT).**

ADMINISTRATION RECOMMENDATION

Refer the item for discussion

BACKGROUND

On January 5, 2004, the City and the New World Symphony (NWS) entered into a Lease and Development Agreement, providing for the development of the NWS' Campus Expansion Project (Campus Expansion), on the 17th Street surface lot between Drexel and Pennsylvania Avenues. World-renowned Architect, Frank Gehry was engaged to design the Project, which will include a state-of-the-art building incorporating educational, performance and internet broadcasting facilities, and a 550-space municipal parking garage with ground floor retail space. The Project will be complimented by a public park to be located on the surface lot between Drexel and Washington Avenues, as well as certain other land and streetscape improvements surrounding the entire Project site.

On February 20, 2007, the City and NWS executed the First Addendum to the Development Agreement, addressing the respective parties' scope and responsibilities pertaining to the design and construction of the parking garage, the park and the additional street and landscaping improvements. The Campus Expansion began with an official ground-breaking ceremony on January 24, 2008 and continues to move forward, with an anticipated completion date in mid-2010. The garage component broke ground in September, 2009 and was officially topped-off on December 30, 2009, with the completion of the pre-cast structure. Its full completion is expected to coincide with the opening of the Campus Expansion.

On April 22, 2009, the City Commission approved on second and final reading, a Second Addendum to the Development Agreement between the City of Miami Beach and the New World Symphony, dated January 5, 2004, providing for approval of the Final Garage Budget, in the amount of \$17,085,000, and amending the Design-to Park Project Budget from \$14,960,000 to \$13,085,000.

On June 1, 2009, subsequent to a decision by Gehry Partners not to serve as the Architectural Consultant for the Park component, NWS, through its Development Manager Hines Limited Partnership (NWS/Hines), embarked on an RFQ process to identify a new design professional for the Park. On July 15, 2009, the City Commission approved NWS/Hines' recommendation to select the top-ranked firm of West 8 New York, ("West 8" or "the Architect"), a world-renowned landscape architectural firm based in Rotterdam, the Netherlands.

Project Description

West 8 was engaged by NWS/Hines to manage the development, design and construction of the Park as an aesthetically integrated part of the Campus Expansion, and to create a high-end urban park for the City. The approximately 2.5 acre Project area, currently referred to as Lincoln Park, is bounded by Washington Avenue to the east, Drexel Avenue on the west, Lincoln Lane North on the south and 17th Street on the north.

The Architect's contract with NWS provides for architectural and engineering fees of \$1.2 Million and a design-to construction budget of \$10 Million, which conforms to the revised preliminary Park Budget approved by the City Commission at its meeting on April 22, 2009, as shown below:

Total Architectural/Engineering Cost	\$1,500,000
Total Construction Cost	\$10,057,000
Total Tax/Insurance Cost	\$300,000
Total Owner Expenses	\$0
Total General/Admin Costs	\$578,000
Total Contingency Cost	\$650,000
Total Project Cost	\$13,085,000

Pursuant to the Development Agreement and in order to maximize public outreach and participation, West 8 followed a modified Basis of Design process in developing its plans for the Park, which included the following steps:

- Design kick-off meeting
- Programming meeting
- Developing design options
- Refining of design options
- Preliminary pricing and costing verification
- Visioning session
- Community Design Workshop (CDW)
- Preparation of a Basis of Design Report (BODR or Report)

Over the course of the past six months, West 8 has conducted two publicly-noticed community meetings in the form of a programming charette on August 24, 2009 and a community design workshop on January 21, 2010, the latter of which generated significant interest and participation, with almost 90 people in attendance. Summary minutes from these meetings are included in the Appendix section of the BODR. The planning process also involved extensive input from and coordination with Gehry Partners, NWS and the City. Guidance and consultation was also provided by the principles of Chicago-based U.S. Equities, which developed Millennium Park in Chicago as well as the President of Fairchild Tropical Gardens.

Given the challenge of the Park's limited size, the Architect was tasked with developing a plan that would not only compliment Gehry's Campus Expansion, but also address the varying uses envisioned for the park, as well as respond to a totally unique and highly sophisticated audio and projection system to work in concert with a projection wall located on the façade of the NWS building. To this end, the Architect's scope has taken into account the following programmatic elements:

- Accommodation for special events with a capacity for up to 1,000 people;

- Projection equipment and housing structure to project images on NWS building;
- Distributed sound system to provide high quality sound experience;
- Architectural shade elements;
- Interactive design elements;
- Seating areas/benches;
- Footpaths;
- Bicycle racks;
- Sustainable landscaping;
- Lighting;
- Area for concession/temporary services;
- Accommodation for small events;
- Security;
- Art in Public Places
- Water feature;
- Restroom facility;
- Coordinated streetscape with Campus Expansion.

It should be noted that as the design of the Park progressed, it became increasingly evident that in order to enhance pedestrian flow between the Park and the Campus Expansion as well as to maintain a clear sightline between the Park and the projection wall on the NWS building, Drexel Avenue between Lincoln Lane and 17th Street needed to be closed to vehicular traffic. The original Master Plan, at the time the Development Agreement was executed, provided for this section of Drexel to be open to traffic and to only be closed on special occasions. On October 14, 2009, the City Commission authorized the Administration to proceed with a traffic study to determine how the closure of Drexel Avenue would impact the area, as well as to solicit community input from surrounding neighborhoods regarding the proposed street closure. While the Study recommended in favor of closing Drexel, there was significant public opposition regarding the proposed closure, including two resolutions that were adopted by the Flamingo Homeowners Association and the Transportation and Parking Committee respectively. On January 13, 2010, the City Commission recommended in favor of closing the street, conditioned upon further analysis to determine ways of alleviating traffic in the area and on 16th Street in particular.

The attached draft BODR summarizes the set of principals and fundamental design concepts of the Park Project as well as defines the most current estimated cost of implementation.

It should be noted that final estimated pricing of the pergola shade structures, an iconic feature of the park, remains pending subject to finalization of the design, the material to be used and the physical installation requirements/specifications for the structure. NWS/Hines is currently working on obtaining design-build proposals for the pergolas, which will result in more accurate pricing of this feature and may require an amendment of the current revised preliminary Park Budget.

The Administration requests the Committee's direction and input regarding the proposed BODR. Based on the aggressive project timeline presented therein, NWS/Hines is seeking to finalize the BODR for approval by the City Commission at its next meeting on March 10, 2010. Subject to such approval, West 8 will pursue completion of the construction documents and prepare to present the plans to the Design Review Board on April 6, 2010.

JMG:  KOB
Attachments

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MIAMIBEACH

MEMORANDUM

TO: Finance And Citywide Projects Committee

FROM: Jorge M. Gonzalez, City Manager *JMG*

DATE: February 18, 2010

SUBJECT: **DISCUSSION REGARDING TEMPORARY STOREFRONT SIGNS**

BACKGROUND

A discussion on establishing a limited permit process to allow temporary signs on the windows of vacant storefronts as a stimulus measure to generate city revenue, reduce blight, and provide economic relief to commercial property owners was referred to the Finance And Citywide Projects Committee by the City Commission on December 9, 2009 at the request of Commissioner Jerry Libbin.

ANALYSIS

Planning Department staff has discussed proposals for temporary signs on windows of vacant storefronts with several different groups, including InWindow Advertising, Monster Media, and Fuel Outdoor. While the general concept of using window coverings to mask vacant storefronts has merit, in each case the proposals that were brought forward involved commercial advertising, which would be inconsistent with the City's Land Development Code prohibition on general advertising (e.g., billboards) contained in Section 138-73 of the City Code. This provision states that "no general advertising sign shall be constructed, erected, used, operated or maintained in the city."

Staff had suggested that a possibility would be to permit these window signs to be for public informational purposes, with a small percentage of the sign area devoted to a commercial sponsor (see attached photos, supplied by Monster Media, of an installation promoting an exhibition at the Philadelphia Museum of Art and sponsored by Advanta. However, to date, this concept of public informational ads with extremely limited commercial content has not been picked up on by any interested party.

Conversely, the City has seen numerous examples of large and splashy advertisements installed on windows and even entire buildings, of a completely commercial nature and without any approvals or permits (see attached photos of 1011 Fifth Street). When discovered, these illegal billboards have been cited by Code Compliance, but the general consensus is that the fines associated with these violations are a small fraction of the income that is received for the short period of time these billboards remain in place.

The prohibition on general advertising discussed above prevents billboards and other off-site commercial advertising within Miami Beach (except for one billboard on the roof of an

office building at 41st Street and Alton Road which was the subject of a court order and settlement agreement several years ago). Off-site advertising is generally explained as the use of signs to advertise products not associated with the property on which the sign is placed. The Planning Department and the City Attorney's Office have shared concerns that the City's sign regulations could be threatened if a significant relaxation of the prohibition on general advertising were enacted. Once billboard type general advertising is permitted in some form, it becomes more difficult for local governments to regulate this type of signage in all its other forms. Other jurisdictions that have permitted window advertising or mural signs also permit general advertising and billboards in other forms, so the comparison with such cities is not completely valid (see attached graphic of mural signs).

In Miami Beach, the only forms of general advertising currently permitted are on bus shelters and directory kiosks provided by city approved contractors, in return for providing the public benefit associated with these facilities. The bus shelter/public facility exception is widely used, and has not been seen to jeopardize citywide prohibitions on general advertising. The challenge in examining other proposals, for window wrap signage, for example, is identifying a specific public benefit that would be provided by wrapping a store in a commercial advertisement; for example, a non-commercial graphic would be permitted in these windows today, as would a public service informational graphic or message.

In the past, there were discussions that in certain commercial areas, the neighborhood merchants organizations could participate, and the window wraps could indicate promotional messages such as "Shop Miami Beach" or "Washington Avenue Merchants Association wishes you Happy Holidays". These might be permitted under the existing code as well.

General advertising displays advertisements for a product or service not located at the location of the ad itself, rather than an advertisement announcing the presence of the establishment at that specific location. If window wraps or other temporary signage are permitted to contain a commercial message of a general advertising nature, then staff's concern is that other property owners would seek to have general advertising signs on their property, not associated with the window wrap program. At that point, if those requests were denied, the City could potentially be in a difficult position with respect to any challenge, as the denial of the requested sign on the basis that it was general advertising would be questionable. Staff is familiar with cases in other jurisdictions where legal challenges by representatives of sign companies to City's sign regulations were successful, resulting in the invalidation of the City's sign code. A particularly onerous settlement agreement that the City of Los Angeles was involved in resulted in unwanted intrusions of dozens of electronic billboards in close proximity to residential neighborhoods.

As a result of these concerns, the City Attorney's Office has asked the companies which we have met with to provide some authority indicating that permitting these type of advertising wraps would not open the City to legal challenges, but to date, no convincing authority or justification has been submitted.

February 18, 2010

Finance and Citywide Projects Committee – Temporary Storefront Signs

Page 3

CONCLUSION AND RECOMMENDATIONS

Based upon the concerns expressed above, the Administration requests direction on the above referenced issue, and recommends that any consideration of potential changes to the City Code to permit additional forms of advertising be first thoroughly reviewed for both aesthetic/planning considerations and also any potential negative legal implications.

JMG/JGG/RGL

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C: Jorge Gomez, Assistant City Manager
Richard Lorber, Acting Planning Director
Gary Held, City Attorney's Office

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COMMITTEE MEMORANDUM

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

FROM: Jorge M. Gonzalez, City Manager

DATE: February 11, 2010

SUBJECT: **REFERRAL DISCUSSION ON STATUS OF RED LIGHT CAMERA PROGRAM AND THE USE OF REVENUE RECEIVED FROM RED LIGHT CAMERA ENFORCEMENT.**

Two (2) items regarding the red light camera program have been referred to the Finance & Citywide Projects Committee for discussion. Both of these items are addressed in this memorandum as they are related referral items.

The first item that was referred to the Finance & Citywide Projects Committee for discussion by the City Commission was how revenues received from the red light camera program were to be utilized by the City. The City Commission decided to refer this item to the Finance & Citywide Projects Committee during consideration of an item to change the red light infraction fine amount from its current level of \$125.00 to a new level of \$150.00. The change in infraction amount was suggested in order to coincide with a Bill anticipated to be addressed by the State Legislature in the current session. During the conversations, the Commission declined to increase the infraction amount and asked for more in depth discussion on how funds received from the program would be utilized.

In the current budget there is a 1 million dollar revenue item that was anticipated to be received from the red light camera program. At this point, and to be discussed later in the memorandum, it is anticipated that the 1 million dollars will be collected by the City and available as anticipated within the budget.

What is not clear for the next fiscal year is what projection the City should anticipate for total revenues that might be received from the red light camera program. As the City is just beginning the red light camera program, we have no experience to base a projection upon in terms of the number of citations that would be issued per camera per day in the enforcement program. This one variable significantly affects the overall revenues which might be available to the City. Further, the State Legislature is considering a Bill in the current legislative session, which if passed, would take over half of all revenues generated from the program for State designated uses. Passage of a State Bill would thereby leave the City with significantly less revenue than anticipated at the beginning of red light camera program.

As it relates to the discussion on how to use funds received from the red light camera program, the members of the Finance & Citywide Projects Committee may wish to defer this portion of the red light camera program discussion until such time as legislative actions are determined and also to allow the City to actually develop data upon which to base future

projections. There is also a third and quite significant variable at play for the entire program. There are a number lawsuits that are pending relative to other municipalities red light camera programs. A delay in the Finance & Citywide Projects Committee discussion as to how to use funds received would also allow the passage of some time and hopefully resolution of one or more of the lawsuits to provide a clearer picture to the City on what to expect in the future.

The second item which was referred to the Finance & Citywide Projects Committee was a discussion on the overall status of the red light camera program. As of the date of this memorandum, three (3) intersection approaches are functioning within the City as follows:

1. 17th and Washington, south bound
2. 17th and Washington, east bound
3. 63rd and Indian Creek, south bound

By the Finance & Citywide Projects Committee meeting date or close thereto, it is anticipated that three (3) additional intersections will become operational as follows:

4. Dade Boulevard & 23rd Street, west bound
5. 5th Street & Alton Road, east bound
6. Chase Avenue & Alton Road, north bound

In addition to the six (6) which are anticipated to be operational, there are a number of additional intersections that are in the design and/or construction phase, many of which are anticipated to be operational by the end of February. These intersections are as follows:

7. Dade Boulevard & Washington Avenue, east bound
8. Pine Tree Drive & 63rd Street, north bound
9. 41st Street & Prairie Avenue, north bound
10. 71st Street & Indian Creek, north bound
11. 17th Street & Alton Road, west bound

While there are several other intersection approaches which are being designed and evaluated, the previously listed group holds the greatest promise for being placed into operational status by the end of February. At least four (4) of the intersections are anticipated to be operational and perhaps the fifth by the end of February. The construction and activation time line is quite tight and a full ten (10) intersections may not become operational exactly at the end of February, but may require a day to two in March in order to pass final testing and fine tuning before being placed into operation.

The commitment made by ACS was to have ten (10) cameras operational by the end of January. The City's budgetary assumption, while very conservative, was based upon the ACS commitment of ten (10) operating cameras. As three (3) cameras were put into operation at the end of January, ACS has succeeded in entering into a required thirty (30) day warning period for those cameras. Any other cameras which are added to the system before the expiration of the thirty (30) day warning period will be able to go live at the same time as the initial three (3) cameras which were installed. As such, the City would be whole and the vendor would have effectively met their commitment to the City.

Using only ten (10) cameras for a seven month period of time, the City would be expected to realize between 1 million and 1.7 million dollars of revenues from the red light camera program. These projections assume an infraction amount of \$125.00, a 75% collection rate

by the City and a range of tickets issued per camera per day between seven (7) and ten (10) infractions.

To the extent additional cameras are made operational and/or additional infractions are generated per camera, the City's revenues would increase above the \$1.7 million.

In assessing the vendor's performance and the overall program status, the members of the Finance & Citywide Projects Committee should consider a discussion and recommendation to the full City Commission regarding the degree to which the vendor's commitment has been satisfied. As indicated, it appears that ten (10) cameras will be made operational if not precisely by the official go live date of March 2, 2010 or within a few days thereafter.

JMG/FCM/sam

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FINANCE & CITYWIDE PROJECTS COMMITTEE MEMORANDUM

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

FROM: Jorge M. Gonzalez, City Manager

DATE: February 18, 2010

SUBJECT: Discussion regarding the issue of retroactive billing of Storm Equivalent Units.

At the February 3, 2010 City of Miami Beach Commission meeting, a discussion item regarding the issue of retroactive billing of Storm Equivalent Units was referred to the Finance and Citywide Projects Committee.

Pursuant to an initial customer inquiry made to Commissioner Wolfson regarding the stormwater utility back-bill for Creative Smiles, Inc., located at 1315 Alton Road, listed below is a brief history of the chain of events which led to the billing.

On May 16, 2007, the Mayor and City Commission approved the issuance of Request for Proposals (RFP) No. 42-06/07 for the "Review of Water, Sewer, and Stormwater Utility for unread, misread, and unmetered services." This RFP was recommended by our Public Works Department in an effort to identify causes and remedies for inaccuracies and deficiencies in the metering and billing functions related to water, sewer and storm water service.

On September 5, 2007, the Mayor and City Commission accepted the Administration's recommendation pertaining to the ranking of proposals pursuant to RFP No. 42-06/07. The Mayor and City Commission authorized the Administration to enter into negotiations with Meter Reading Specialists, Inc., d/b/a Revenue Enhancement Services (RES).

On May 29, 2008, the City signed a Professional Services Agreement with RES for the review of water, sewer, and stormwater utility for unread, misread, and unmetered services.

As a result of this review/audit, RES together with the Public Works Department Stormwater Section, identified Stormwater equivalent residential units (ERU) that had been unread and/or misread. The audit conducted by RES and the Stormwater Section revealed an under-billing of 1,419 ERUs. These findings were provided to the Office of Budget and Performance Improvement, Finance Department and City Manager's Office and the current billing was corrected for all accounts.

In an effort to minimize the impact for the retroactive charges for unread or misread ERU's, customers were retroactively billed for a period of two years or to the date of the certificate of occupancy, whichever was less. Additionally customers received a letter explaining the charges and giving contact information, should they wish to set up payment arrangements. The retroactive billing totaled \$165,250 with the highest bill of

\$16,679, and the lowest bill for \$281.12. Of the 49 customers 22 have paid in full and 8 additional customers have established payment plans.

JMG/PW/mm