



MIAMI BEACH

City Commission Meeting SUPPLEMENTAL MATERIAL 2

City Hall, Commission Chambers, 3rd Floor, 1700 Convention Center Drive
November 14, 2012

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

Interim City Manager Kathie G. Brooks
City Attorney Jose Smith
City Clerk Rafael E. Granado

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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

R7 - Resolutions

R7B A Resolution Approving Funding, In An Amount Not To Exceed \$250,000, To Address The Relocation Of The Kitchen Exhaust Venting System Installed By The Pennsylvania Avenue Garage Retail Tenant, Penn 17, LLC (D/B/A Cooper Avenue); With Funding Available From Previously Appropriated City Center RDA Capital Fund 365; And Further, Authorizing The Interim City Manager And Penn 17, LLC To Negotiate And, If Successful, Execute An Agreement To Proceed With The Re-Design, Permitting And Constructing Of Kitchen Exhaust Venting System That Discharges Away From The Service Alley Located Between The New World Symphony Building And The Pennsylvania Avenue Garage. **Joint City Commission And Redevelopment Agency**

(Real Estate, Housing & Community Development)

(Item Referred to FCWPC October 24, 2012)

(Memorandum)

R7 - Resolutions (Continued)

R7H A Resolution Adopting The Third Amendment To The Fiscal (FY) 2011/12 General Fund Budget And The Second Amendment To The Enterprise, Internal Service And Special Revenue Funds Budget.
(Budget & Performance Improvement)
(Resolution)

R7I A Resolution Approving Special Event Permit No. 201377 For WMC DJ MAG, Produced By Jonathan Cowan Productions, LLC, From March 20, 2013 To March 24, 2013, As Well As Load-In And Load-Out.
(City Manager's Office)
(Supplemental Information)

R9 - New Business and Commission Requests

R9C The Committee Of The Whole Will Meet During Lunch Recess Of The November 14, 2012 City Commission Meeting At The City Manager's Office Large Conference Room To Discuss: 1) Staff Participation At Commission Organized Meetings; And 2) Implementation Of Charter Amendment Affecting The City Clerk.
(City Manager's Office/City Attorney's Office)
(Memorandum on #2)

R9H Discussion Regarding A Resolution Urging Florida's Governor And State Legislature To Amend The Florida Election Code So As To Reestablish The Duration Of Early Voting To The 14 Days Prior To An Election (Including The Sunday Immediately Prior To Each Election) For A Minimum Total Of 96 Early Voting Hours, As Well As Urging The President Of The United States, The Majority And Minority Leaders Of The United States Senate, And The Speaker And Minority Leader Of The United States House Of Representatives To Support Federal Legislation Providing For National Uniformity Regarding Early Voting Days And Hours Consisting Of A Minimum Of 14 Days Prior To Election Dates (Including The Sunday Immediately Prior To Each Election).
(Requested by Vice-Mayor Michael Góngora)
(Resolution)

Redevelopment Agency Items

- 1B A Resolution Of The Chairperson And Members Of The Miami Beach Redevelopment Agency (RDA), Approving A Funding Contribution In An Amount Of \$250,000 To Address The Relocation Of The Kitchen Exhaust Venting System Installed By The Pennsylvania Avenue Garage Retail Tenant, Penn 17, LLC. D/B/A Cooper Avenue; With Funding Available From Previously Appropriated City Center RDA Capital Fund 365; And Further, Authorizing The Interim Executive Director To Negotiate Terms Of An Agreement With Penn 17, LLC To Proceed In Redesigning, Permitting And Constructing A Kitchen Exhaust Venting System That Discharges Away From The Service Alley Located Between The New World Symphony Building And The Pennsylvania Avenue Garage. **Joint City Commission And Redevelopment Agency**
(Real Estate, Housing & Community Development)
(Item Referred to FCWPC October 24, 2012)
(Memorandum)
- 1C A Resolution Of The Chairperson And Members Of The Miami Beach Redevelopment Agency Adopting And Appropriating The First Amendment To The Operating Budget For The City Center Redevelopment Area, The Anchor Shops And Parking Garage, And The Pennsylvania Avenue Shops And Parking Garage For Items That Are Over-Budget For Fiscal Year 2011/12.
(Budget & Performance Improvement)
(Memorandum)

Condensed Title:

A Resolution approving funding, in an amount not to exceed \$250,000, to address the relocation of the kitchen exhaust venting system installed by the Pennsylvania Avenue Garage Retail Tenant, Penn 17, LLC (d/b/a Cooper Avenue) (Tenant); with funding available from previously appropriated City Center RDA Capital Fund 365; and further, authorizing the Interim City Manager to negotiate terms of an agreement with Penn 17, LLC to proceed in redesigning, permitting and constructing a kitchen exhaust venting system that discharges away from the service alley located between the New World Symphony building and the Pennsylvania Avenue Garage.

Key Intended Outcome Supported:

Not Applicable

Supporting Data (Surveys, Environmental Scan, etc.):

Not Applicable

Issue:

Shall the City authorize the reallocation of funds from City Center Fund 365 towards funding the relocation of the kitchen exhaust system and further authorize the Interim City Manager to negotiate terms of an agreement with Penn 17, LLC to proceed with the recommended scope?


Item Summary/Recommendation:

On August 17, 2012, the New World Symphony (NWS), expressed major concern over the Tenant's build-out involving the venting locations of the kitchen exhaust and steam vent from the dishwashers, which both direct into the service alley between the Garage and NWS; saying that the exhaust has the potential of permeating the NWS performance hall every time the loading dock doors are opened. On September 10, 2012, the Administration entered into a Letter Agreement with the Tenant to engage an architectural/engineering firm, at a not-to-exceed cost to the City of \$25,000, to develop conceptual design options and preliminary pricing estimates to modify the exhaust venting system. On September 21, 2012 the Tenant's Architect, Design 3 Architecture, presented two options for redirecting the Tenant's exhaust: Option 1 for a price of \$59,000, involving the least complex and most cost effective solution; and Option 2 for a price of \$181,000, involving a significantly more complex and potentially disruptive scope of work. In an effort to find a feasible solution, savings have been identified from the original construction budget of the Pennsylvania Avenue Garage (RDA fund 365) that can be made available to remedy the issue. At this time, the Administration requests authority to allocate up to \$250,000 to proceed with Option 2 to address this issue. On October 24, 2012, the City Commission deferred authorizing the Administration to negotiate an agreement with the Tenant to proceed with the design, permitting and construction of the modifications based upon either Option 1 or Option 2, and instructed the Administration to consider other options and provide a more detailed report at the Finance and Citywide Projects Committee (FCWPC) meeting of November 9th. However, the Administration was unable to obtain and analyze the cost estimates and most feasible remedies within such a short time frame. Therefore, the FCWPC recommended that the Administration be authorized to negotiate an agreement with the Tenant to proceed with the design, permitting, and construction of the most feasible remedy, in an amount not to exceed \$250,000, from the identified funding source.

Advisory Board Recommendation:

Finance & Citywide Projects Committee approved on November 9, 2012.

Financial Information:

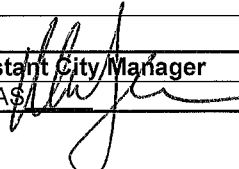
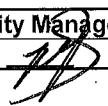
Source of Funds: City Center RDA		Amount	Account
	1	\$250,000	Fund 365

Financial Impact Summary: Funding is being reallocated from savings realized from the construction of the Pennsylvania Avenue Garage.

City Clerk's Office Legislative Tracking:

Anna Parekh, ext. 6471

Sign-Offs:

Department Director	Acting Assistant City Manager	Interim City Manager
AP	MAS 	KGB 

KGB/MAS/AP/KOB

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MIAMI BEACH

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

COMMISSION MEMORANDUM

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

FROM: Kathie G. Brooks, Interim City Manager

DATE: November 14, 2012

SUBJECT: A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING FUNDING, IN AN AMOUNT NOT TO EXCEED \$250,000, TO ADDRESS THE RELOCATION OF THE KITCHEN EXHAUST VENTING SYSTEM INSTALLED BY THE PENNSYLVANIA AVENUE GARAGE RETAIL TENANT, PENN 17, LLC. (d/b/a COOPER AVENUE); WITH FUNDING AVAILABLE FROM PREVIOUSLY APPROPRIATED CITY CENTER CAPITAL FUND 365; AND FURTHER, AUTHORIZING THE INTERIM CITY MANAGER AND PENN 17, LLC TO NEGOTIATE AND, IF SUCCESSFUL, EXECUTE AN AGREEMENT TO PROCEED WITH THE RE-DESIGN, PERMITTING AND CONSTRUCTING OF KITCHEN EXHAUST VENTING SYSTEM THAT DISCHARGES AWAY FROM THE SERVICE ALLEY LOCATED BETWEEN THE NEW WORLD SYMPHONY BUILDING AND THE PENNSYLVANIA AVENUE GARAGE.

BACKGROUND

On April 13, 2011, the Mayor and City Commission passed Resolution No. 2011-27647, approving a Lease Agreement, as amended on February 8, 2012 and June 6, 2012, respectively (the Lease), having a term of nine (9) years and 364 days, between the City, the Redevelopment Agency (RDA) and Penn 17, LLC, for use of approximately 7,655 square feet of ground level retail space at the Pennsylvania Avenue Garage, 1661 Pennsylvania Avenue, Miami Beach, Florida, for a restaurant (primary use), with ancillary uses for a bakery, a bar/café, and a book and gift shop. The Resolution also approved the execution of a Pre-Lease Due Diligence Review Agreement, granting the Tenant a maximum of six (6) months following approval of the Lease, in which to reserve its leasing rights while advancing design and plan development and consulting with the City's Planning and Building Departments in order to ascertain the feasibility of obtaining a full building permit prior to actual commencement of the Lease. During the first full year of rent, the annual Base Rent will be \$574,125, plus Common Area Maintenance costs of \$98,844 (paid monthly at \$47,843.75 plus \$8,237, respectively, for a total of \$56,080.75 monthly).

As has been reported on previous occasions, the challenges in converting the Premises for use as a restaurant proved considerably more complex, time-consuming and substantially more costly than originally anticipated by the Tenant; particularly related to the engineering and permitting of the venting for the kitchen exhaust; installing a system of multiple grease traps; the build-out of the storage room and the design of the structural slab; restoration of the existing structural slab in the retail space following partial demolition to install the plumbing; and addressing additional flood-proofing criteria. The Tenant's plans underwent extensive revisions to address comments and concerns raised by the City's Planning and Building Departments, as well as certain other regulatory agencies, as part of the permitting review process. Ultimately, the Tenant has invested more than \$5 million to improve the Premises.

On September 24, 2012, the Tenant received a Temporary Certificate of Occupancy (TCO) for its restaurant, Cooper Avenue.

ANALYSIS

On August 17, 2012, as the build-out of Cooper Avenue was nearing completion, the City was contacted by the New World Symphony (NWS), which expressed major concerns over the venting locations of the Tenant's kitchen exhaust and steam vent from the dishwashers, which both direct into the service alley between the Garage and NWS. The NWS believes the kitchen exhaust could potentially permeate the performance hall every time the loading dock doors are opened (which are directly opposite the kitchen exhaust vent). As noted earlier, given the structural and architectural constraints of the building, identifying a feasible location to run the kitchen exhaust proved to be among the most challenging of the design issues, involving extensive input from Planning, Building and other regulatory entities in the final approved plan.

Following an extensive series of meetings with representatives from the NWS and the Tenant's management and design team to figure out options for mitigating odors emanating from the exhaust venting, the NWS has instead demanded that the City and Tenant explore design alternatives for redirecting the kitchen exhaust in its entirety, away from the alley. Although the discussions centered on the fact that the City could not yet know whether or not there was a problem, in an abundance of caution the City authorized the tenant to direct his architect to develop several alternatives to address the NWS concerns.

On September 10, 2012, the City entered into a Letter Agreement with the Tenant pertaining to the engagement of architectural/engineering services, at a not-to-exceed cost to the City of \$25,000, in order to develop conceptual design options and preliminary pricing estimates to modify the exhaust venting system for the City's consideration and approval; and further to include services for the preparation of detailed plans and specifications (including any layouts, architectural, mechanical, structural, electrical and other plans, drawings and construction documents in sufficient detail to obtain any and all appropriate regulatory permits), as may be reasonably required by the City's Building Department in order to process and review Tenant's permit application for such modification as approved.

Subsequent to the opening of the Cooper Avenue restaurant it has been determined that there is odor in the alleyway between the garage and concert hall. While it is not known if the odors would permeate the inside of the performance hall, in order to address a potential negative impact the Administration suggest that the Commission consider relocating the vents.

On September 21, 2012 the Tenant's Architect, Design 3 Architecture, presented two options for redirecting the Tenant's exhaust in order of feasibility, complexity and cost as follows:

Option 1 – Total Estimated Minimum Cost: \$59,000

The most feasible, the least complex and most cost-effective approach provides for maintaining the existing location of the exhaust fans on the cover slab over the garbage room. This provides for a stable working platform by which to maintain and service the fans and duct work. The ducting and exhaust vent leading to the exterior of the building facing the New World Symphony's loading dock, would be rerouted 90 degrees to the north and discharge directly above the garage entrance located on 17th Street.

Option 2 – Total Estimated Minimum Cost: \$181,000

The most complex and costliest of the solutions and the least feasible, (primarily in terms of the anticipated operational disruption for the Tenant due to the construction involved), involves the complete relocation and re-engineering of the exhaust ducting, extending it south and then west to discharge over the garage exit on Pennsylvania Avenue. This would also require the construction of an elevated concrete pad over the flood panel storage enclosure, to relocate and support the exhaust fans needed to drive the exhaust through the ducting.

It should be noted that the New World Symphony views Option 2 as the only choice, as it extends the exhaust discharge the furthest away from the service alley.

At the City Commission meeting on October 24, 2012, the Administration recommended adopting a resolution appropriating an amount not to exceed \$250,000 to provide the greatest amount of flexibility to remedy this issue in the most feasible manner. The Administration also recommended that the City Commission authorize the Interim City Manager to negotiate an agreement with the Tenant to proceed with the design, permitting and construction of the modifications, based on either Option 1 or 2.

However, during the October 24th discussion, the City Commission expressed concern in making a decision based on estimates which were only preliminary in nature and without having the benefit of truly evaluating the options as presented. The Commission also suggested that more efficient and/or cost-effective solutions may be available, including the option of carbon filtration, which should be explored further before coming back with a recommendation. To this end, the Administration was asked to provide a more detailed report, complete with cost estimates, to be discussed at the next meeting of the Finance and Citywide Projects Committee (FCWPC).

Accordingly, on October 25th, the Administration verbally asked the Tenant to have its Architect explore the possibility and cost associated with modifying its exhaust system to incorporate a carbon filtration system to further mitigate any residual odors venting into the alley. A follow-up request for the cost estimate was sent via email on October 29th. On November 1st, the tenant informed the Administration that the Architect's quote on a filter system is being developed. On November 5th, the Tenant informed us that the quote is anticipated by mid-week.

Staff is also working on conducting a peer review of Options 1 and 2 in order to determine their respective viability and effectiveness as well as verify and possibly value-engineer the cost estimates associated with each option. The analysis will also explore other available solutions, if any, including, but not limited to, options for the New World Symphony to consider, such as the installation of a commercial air curtain over its loading dock door.

By the November 9, 2012, FCWPC meeting, the Administration was unable to obtain and analyze the cost estimates and most feasible remedies. Therefore, the FCWPC's recommendation was that the Administration be authorized to proceed to negotiate an agreement with the Tenant to proceed with the design, permitting, and construction of the most feasible remedy, in an amount not to exceed \$250,000, from the identified funding source.

RECOMMENDATION

In an effort to mitigate this situation, the Administration has identified savings from the original construction budget of the Pennsylvania Avenue Garage (RDA Fund 365) that can be made available to proceed with either Option. Given the fact that cost estimates to undertake the work

**Pennsylvania Avenue Garage Exhaust Vent Relocation
Commission Memorandum
November 14, 2012
Page 4 of 4**

are preliminary at best, the Administration recommends appropriating an amount not to exceed \$250,000 to provide the greatest amount of flexibility to remedy this issue in the most feasible manner. The Administration also recommends that the City Commission authorize the Interim City Manager to negotiate an agreement with the Tenant to proceed with the design, permitting and construction of the modifications, based on either Option 1 or 2.

KGB/MS/AP/KOB

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RESOLUTION TO BE SUBMITTED

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ADOPTING THE THIRD AMENDMENT TO THE FISCAL (FY) 2011/12 GENERAL FUND BUDGET AND THE SECOND AMENDMENT TO THE ENTERPRISE, INTERNAL SERVICE AND SPECIAL REVENUE FUNDS BUDGETS

WHEREAS, the Administration has performed a preliminary review of year-end actual revenues and expenditures and it is anticipated that the General Fund will have an overall initial operating budget surplus of \$5.2 million; and

WHEREAS, this surplus is net of the \$2.2 million from the one-time pension credit in FY 2011/12 reserved as a set aside for the FY 2012/13 General Fund Budget; and

WHEREAS, the City's financial policies adopted pursuant to Resolution 2006-26341 and Resolution 2002-24764 require one time revenues (such as the year-end surplus) must be used for non-recurring expenses, and that at least half of each annual year-end surplus must be allocated to the City's Capital Reserve Fund; and

WHEREAS, however, the City's Capital Reserve was established in FY 2005/06 at a time when the industry was at a peak, with project bids often coming in significantly higher than budgeted; today is a very different market, with construction bids being received significantly under project budgets; and the Capital Reserve has accumulated approximately \$11 million in funding; and

WHEREAS, as a result, it is recommended that the Commission waive the policy that requires that at least half of the FY 2011/12 year-end surplus be used to fund the City's Capital Reserve Fund; and

WHEREAS, there are \$535,000 in General Fund from FY 2011/12, attributable to Building revenues in excess of budgeted expense; and

WHEREAS, there are \$440,000 in General Fund encumbrances from FY 2011/12 for goods or services which were procured but not yet received and expended that the Administration is recommending be set aside to be carried over to FY2012/13; and

WHEREAS, the Administration is further recommending that \$950,000 in General Fund be set aside in FY 2011/12 for projects budgeted but not expended or encumbered and for the severance pay for the former City Manager, although this has not been finalized; and

WHEREAS, the Administration is recommending that funding for the above referenced encumbrances be set aside to be carried over into the FY 2012/13 operating budget; and

WHEREAS, the FY 2012/13 General Fund budget adopted on September 27, 2012, included the carry-over of a \$2.2 million in revenue for the one-time pension credit in FY 2011/12, and

WHEREAS, it is recommended that a \$2.7 million in surplus from FY 2011/12 be reserved as a set aside for the FY 2013/14 General Fund Budget and

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the policy is waived for FY 2011/12 requiring that fifty percent of year-end surplus in the General Fund be used to increase funding in the City's Capital Reserve Fund; and that the third amendment to the FY 2011/12 General Fund budget, and the second amendment to the Enterprise Funds, Internal Service Funds, and Special Revenue Funds' are adopted as shown on the following pages.

GENERAL FUND

	FY 2011/12 Amended 2-08-12	Changes in Rev/Exp Appropriation	Recommend Additional Appropriation	FY 2011/12 Amended 11-14-12
REVENUES				
Operating Revenues				
Ad Valorem Taxes	\$ 98,198,923	\$ 29,077	\$	\$ 98,228,000
Ad Valorem Taxes-S Pte Costs	10,439,424	3,576		10,443,000
Ad Valorem Cap.Renewal & Replace.	1,755,752	248		1,756,000
Ad Valorem Taxes-Norm Shores	108,469	531		109,000
Other Taxes	24,278,385	211,615		24,490,000
Licenses and Permits	17,686,553	4,460,447		22,147,000
Intergovernmental	10,091,000	(130,000)		9,961,000
Charges for Services	4,879,252	(120,252)		4,759,000
Charges for Services incl. Golf Courses	5,805,119	(507,119)		5,298,000
Fines and Forfeits	2,574,000	482,000		3,056,000
Interest	3,430,000	(687,000)		2,743,000
Rents and Leases	6,034,143	(14,143)		6,020,000
Miscellaneous	12,423,449	151,551		12,575,000
Other - Resort Tax contribution	26,965,440			26,965,440
Other - Non Operating revenues	7,981,502	(502)		7,981,000
Reserve-Building Department Ops.	1,546,709	(1,546,709)		
Prior Year-End Surplus Set Aside	4,253,401			4,253,401
Prior Year Surplus from Parking Operation Fund	7,200,000			7,200,000
Total General Fund	\$ 245,651,521	\$ 2,333,320		\$ 247,984,841
APPROPRIATIONS				
Department				
Mayor and Commission	\$ 1,583,448	\$	\$	\$ 1,583,448
City Manager	2,335,776	(100,000)		2,235,776
Communications	909,730	(40,000)		869,730
City Clerk	1,566,868	(200,000)		1,366,868
Finance	4,275,479	(110,000)		4,165,479
Office of Budget & Perf Improve.	1,917,136	(100,000)		1,817,136
Human Resources/Labor Relations	1,772,358	(130,000)		1,642,358
Procurement	962,664	(90,000)		872,664
City Attorney	4,159,498			4,159,498
Real Estate, Housing & Comm Dev	815,091	(10,000)		805,091
Community Services	434,834			434,834
Homeless Services	921,844	(100,000)		821,844
Building	10,655,841	(250,000)		10,405,841
Code Compliance	4,355,491	(190,000)		4,165,491
Planning	3,208,324	(60,000)		3,148,324
Tourism & Cultural Development	2,427,086	(120,000)		2,307,086
Parks and Recreation	21,894,546	(714,373)		21,180,173
Golf Courses	6,198,289	(280,000)		5,918,289
Public Works	6,557,821	(600,000)		5,957,821
Capital Improvement Program	4,777,185	(700,000)		4,077,185
Fire	59,001,680	(900,000)		58,101,680
Police	91,993,213	(2,300,000)		89,693,213
Citywide Accounts	9,255,695	3,444,305		12,700,000
Citywide Acc-Operating Contingency	951,612	(951,612)		
Citywide Accounts-Normandy Shore	166,875			166,875
Sub Total General Fund	\$ 243,098,384	\$ (4,501,680)		\$ 238,596,704
TRANSFERS				
Citywide Accounts-Transfers	797,385			797,385
Capital Renewal & Replacement	1,755,752			1,755,752
Reserve - Future Building Dept Needs			535,000	535,000
Reserve - Carryforward Pension Credit Surplus to FY 2012/13		2,210,000		2,210,000
Reserve - Encumbrances			440,000	440,000
Reserve - Set Asides Carried forward to FY 2012/13			950,000	950,000
Reserve - Set Aside for FY 2013/14 Budget Shortfalls			2,700,000	2,700,000
Sub Total Transfers	\$ 2,553,137	\$ 2,210,000	\$ 4,625,000	\$ 9,388,137
Total General Fund	\$ 245,651,521	\$ (2,291,680)	\$ 4,625,000	\$ 247,984,841

ENTERPRISE FUNDS REV/EXP APPROPRIATIONS	FY 2011/12 Amended 1-11-12	Changes in Rev/Exp Appropriation	Additional Appropriation	FY 2011/12 Amended Budget
Convention Center	\$ 13,478,680	\$	\$	\$ 13,478,680
Parking	44,739,057			44,739,057
Sanitation	15,936,393			15,936,393
Sewer Operations	34,478,643	340,761		34,819,404
Stormwater Operations	14,588,982			14,588,982
Water Operations	33,549,062			33,549,062
Total Enterprise Funds	\$ 156,770,817	\$ 340,761	\$	\$ 157,111,578

INTERNAL SERVICE FUNDS REV/EXP APPROPRIATIONS	FY 2011/12 Amended 1-11-12	Changes in Rev/Exp Appropriation	Additional Appropriation	FY 2011/12 Amended Budget
Central Services	\$ 886,850	\$		\$ 886,850
Fleet Management	8,180,390	548,610		8,729,000
Information Technology	15,535,011			15,535,011
Property Management	8,234,967			8,234,967
Risk Management	21,750,296			21,750,296
Total Internal Service Funds	\$ 54,587,514	\$ 548,610	\$	\$ 55,136,124

SPECIAL REVENUE FUNDS REV/EXP APPROPRIATIONS	FY 2011/12 Amended 1-11-12	Changes in Rev/Exp Appropriation	Additional Appropriation	FY 2011/12 Amended Budget
Resort Tax	\$ 47,605,327	\$ 1,869,390		\$ 49,474,717
7th Street Garage Operations	\$ 2,144,000			2,144,000
5th & Alton Garage - City's share of Shortfall	\$ 343,300			343,300
Art in Public Places	\$ 1,342,387			1,342,387
Tourism and Hospitality Scholarship Programs	\$ 89,850			89,850
Information and Communications Techn. Fund	\$ 28,814			28,814
Education Compact	\$ 129,560			129,560
Green/Sustainability Funds	\$ 6,335			6,335
Waste Hauler Additional Services and Public Benefit	64,000			64,000
Total Special Revenue Funds	\$ 51,753,573	\$ 1,869,390	\$ -	\$ 53,622,963

Passed and adopted this 14th day of November, 2012.

Mayor

ATTEST:

City Clerk

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

City Attorney

11/13/12

Date

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COMMISSION MEMORANDUM

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

FROM: Kathie G. Brooks, Interim City Manager

DATE: November 14, 2012

SUBJECT: **SUPPLEMENTAL INFORMATION - A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING SPECIAL EVENT PERMIT NO. 201377 FOR WMC DJ MAG, PRODUCED BY JONATHAN COWAN PRODUCTIONS, LLC, FROM MARCH 20, 2013 TO MARCH 24, 2013, AS WELL AS LOAD-IN AND LOAD-OUT.**

BACKGROUND

The City's regularly scheduled monthly special event community review meeting took place on November 8 and this event was included on the agenda. The event was reviewed and initial approval was provided by the community to continue the process, but with the need to return to the special event community review meeting for final approval with details relevant to talent, a detailed production schedule and city resources could be provided.

As you know, this event was previously held on private property. However, the event has outgrown the hotel pool at the Shelborne, and, additionally cannot use the location in the future do to a change in the management structure of the hotel. It should be noted that use of public property for events occurs throughout the year for a variety of different events such as NASCAR Championship Drive, White Party – Muscle Beach, Orange Drive, Winter Party, Miami Beach Polo World Cup, Pride, South Beach Wine and Food Festival, Art Deco Weekend and Orgullo.

In light of the new policy adopted by the City Commission at its October 24, 2012 meeting, the Administration considered the scope and scale of the event in 2012 as compared to the application request for 2013. The following compares the 2012 and 2013 event:

Dates

2012: They held the event for 4 days, with load-in/out provided for during the same dates. Some elements were loaded in previously as they were used by a separate event (VS Pink) which had a single load in day in advance of their one day event.

2013: They have applied for a 5 day event with an additional two (2) days for load-in/out.

Note: Staff believes they will require at least 3 days to load-in and another 2 days for load-out, based on typical tented events of this nature on public property and discussions with event producers.

Occupancy

2012: A temporary occupant load was issued with 800 person occupancy on the pool deck. The hotel also has an interior venue, Shine, which was part of the event and had a 500 person occupancy. Total combined occupancy 1,300.

2013: This year they have applied for an event site that would hold 3500 people, approximately 41,000 gross square feet.

SUPPLEMENTAL INFORMATION

Off-Duty Police

2012: 4 - 5 Miami Beach Police were hired per day. There were additional 4 – 5 off-duty personnel from outside jurisdictions per day.

2013: The City has not had sufficient time to determine the required level of off-duty staffing for this event. However, based on events of this nature on public property and that the size of the requested occupancy is double that of the 2012 event, the levels are generally expected to at least be double what was needed on private property. Outside jurisdiction agencies are generally not staffed for events on the public beachfront, as the nature of this area requires full understanding of the City's regulations.

Off-Duty Fire

2012: 5 Fire Department personnel to handle triage, transport and inspections.

2013: The Fire Department has not had sufficient time to determine the required level of staffing, but has advised that, based on previous years, they anticipate begin stretched very thin and adding another event makes it difficult to provide adequate levels of staffing. The Fire Department requires off-duty fire personnel at all hotels that have 800 person occupancy or greater. Additionally, all events on public property are required to have fire personnel. The Fire Department is not able to obtain assistance from outside jurisdictions.

It is also anticipated that off-duty lifeguards would be required to ensure any attendees are safe should they decide to swim in the ocean.

Parking

2012: Hotel valet and nearby garages were used for guest parking.

2013: Nearby garages and lots will be used, but the Administration would typically require some additional private parking or valet accommodation to support the number of anticipated attendees.

Sanitation

2012: The hotel staff provided sanitation services.

2013: The applicant is responsible for cleaning the area during and after the event. All arrangements and removal of garbage, trash, and other debris are the sole responsibility of the applicant. A City permit authorizing placement of dumpsters must be obtained through the City's Sanitation Department. Applicants are required to meet sanitation standards to assure an adequate number of litter containers are on-site, and must encourage guests to comply with the City of Miami Beach's anti-litter efforts. Glass containers and plastic straws are prohibited. Recycling efforts are encouraged. Applicants shall ensure that the event site is returned to its original condition within twenty-four hours.

As previously stated, March is the busiest month of the year for the City. As a result, based on historical information the Administration anticipates reviewing, approving and providing some level of staffing (police, fire and/or sanitation) for approximately 60 events throughout the month. The following is a breakdown of those events and a detailed list can be found in Exhibit A:

- 12 Public Property Events
- 48 Private Property Events

In 2013, Spring Break will begin as early as February 15th and continues until April 20th. The peak weeks will be March 2nd - March 23th. Miami-Dade and Broward schools spring break coincides with

SUPPLEMENTAL INFORMATION

Passover and Easter, which runs from March 22 – 31, 2013. Winter Music Conference and Ultra Music Festival also occur during this time from March 15 – March 24, 2013.

2012 SPRING BREAK MEP RECAP

In an effort to illustrate the level of activity occurring during March, the following information summarizes each department's involvement in the 2012 Spring Break MEP:

Tourism

In 2012, the City averaged approximately 85% occupancy in our hotels for the seven (7) week period.

Sanitation

The Sanitation Division enhanced the night crew in the entertainment district (Lummus Park, South Pointe, Ocean Drive, Collins Avenue and Washington Avenue) from Thursday – Sunday on every weekend of the MEP and placed extra trash cans at beach entrances from 0 to 15 streets. Additional crews were shifted to affected areas on an "as needed basis." Miami-Dade County Beach Maintenance enhanced litter crews on South Beach seven days a week until 7:30 PM from Monday – Friday and until 8:00 PM on the weekends. The County also redeployed staff from Haulover Beach and other areas to address the peak periods in South Beach. Daily monitoring and documenting of beach conditions was initiated by the City. The Sanitation Division collected 98 tons of garbage during this MEP.

Police

The Police Department instituted an Enhanced Staffing Plan in the Entertainment District and South Pointe areas with personnel brought in on overtime to provide the support. The plan commenced on Friday, February 17, 2012, and continued through Sunday, April 8, 2012. Personnel were assigned different hours, and employed different vehicles (bicycles, ATVs, marked vehicles, etc.) and uniforms to optimize efficiency and productivity. The plan included traffic management, bicycle deployment, ATV beach deployment, and marked and unmarked vehicles. On-beach efforts again focused on quality of life issues, such as glass bottles and underage drinking. Voluntary cooler checks were initiated in key beach access locations, with information and education provided to beachgoers.

Additionally, Victim Advocates distributed flyers on weekend nights containing "anti-date rape" literature and tips to help visitors and resident alike enjoy the festivities. The 12 Tip cards also listed phone numbers for the Police Department non-emergency line, Criminal Investigations Division (CID), and Crime Prevention.

For the duration of the MEP, a total of 5,823 coolers were checked, with 3558 pour outs/confiscations, 2055 code violations issued, 84 felony arrests, 356 misdemeanors arrests, 20 DIU arrests, 4275 moving violations and 579 parking citations.

Code Compliance

The Code Compliance Division also enhanced staffing to focus primarily on beach litter and other quality of life issues. Code Compliance coordinated efforts with Police to address glass and alcohol on the beaches. Additionally, Code focused on handbills/flyers and noise, and added extra shifts during Winter Music Conference and Ultra Music.

Similar to New Year's Eve, Code Compliance and the Police Department strictly enforced the open container laws. 470 violations were issued for either beach litter or bottles/cans on the beach. Concurrently, Code officers distributed more than 1,330 litter bags to beach visitors. Additionally, four (4) open container violations were issued to businesses, 23 sign/handbill violations and 11 violations for dogs on the beach.

SUPPLEMENTAL INFORMATION

Traditionally, noise is a major concern during the portion of the MEP period that includes Winter Music Conference (WMC) and Ultra Music Fest. During the ten-day period of the WMC/Ultra, Code opened a total of 271 cases, of which 99 were “commercial” (vs. residential/other).

Parking:

Our MEP included enhanced parking staffing to address illegal parking, including in residential zones. The plan also included staffing certain lots (e.g. South Pointe Park and Pier Park). This effort proved to be successful as it deterred people from hanging out in the vehicles and disturbing the neighborhood. During the six-week MEP period, 6,794 parking citations were issued south of 5th street alone, with another 30,621 citations issued in South Beach, north of 5th street. There were 1,096 tows in South Beach (127 south of 5th) during the MEP period.

Community Outreach/Education

The public education component of the MEP again included the deployment of more than a half-dozen VMS Signs (Variable Message Signs); the placement of temporary (real estate-type) signs in key locations near and on the beach; “Drinks Stay Inside” signs distributed to the bars and nightclubs and Victim Advocates from the Police Department who distributed crime prevention, “anti-date rape” and visitor information flyers.

RECOMMENDATION

In an effort to maintain existing business, the City Commission approved additional criteria to be considered by the Administration when reviewing such requests. The proposed event is larger and of longer duration than what was approved in prior years for private property. As such, supporting this event would require more resources than was previously provided and the City’s resources are already strained during this time period. Based on the aforementioned stated goal, approved criteria and the event information provided by the applicant the Administration recommends against approval of Special Event Permit No. 201377 for WMC DJ MAG as submitted by Jonathan Cowan Productions, LLC.

KGB/MAS/GW

T:\AGENDA\2012\11-14-12\Special Event Permit Jonathan Cowan Productions LLC SUPPLEMENTAL MEMO.doc

March 2012 Special Events

PUBLIC PROPERTY USES

Permit #	Event name	Start Date	End Date	Location	Off-duty Police	
1	201264	South Beach Comedy Festival	02/29/2012	03/04/2012	Lincoln Road @ the Euclid Oval	Y
2	2012181	SoundScape Cinema Series	03/01/2012	05/30/2012	Sounscape Park, 500 17th Street	N
3	201265	2012 Miami International Film Fest	03/02/2012	03/11/2012	1100 block of Lincoln Road	Y
4	2012158	Temporary Contemporary-Susan P	03/02/2012	11/01/2012	Collins Park, west of Collins Ave	N
5	2012100	13.1 Miami Beach Half Marathon	03/03/2012	03/04/2012	Lummus Park Beach; 11th & 12th	Y
6	2012111	Winter Party T-DANCE	03/04/2012	03/04/2012	Palace Bar, 1200 Ocean Drive	Y
7	2012110	Winter Party Beach Party	02/29/2012	03/05/2012	Lummus Park Beachfront; 12 1/2	Y
8	2012194	Miami City Ballet Dances Balanchin	03/10/2012	03/10/2012	Sounscape Park, 500 17th Street	N
9	201270	What Women Want!	03/10/2012	03/10/2012	Nikki Beach Club - 1 Ocean Drive	N
10	2012132	Winter Music Conference	03/12/2012	03/27/2012	Collins Park; bet. 21st & 22nd St	Y
11	2012105	Yamaha Contender Miami Billfish	03/19/2012	03/26/2012	Miami Beach Marina - 300 Alton	Y
12	2012196	Louis Vitton Dinner	03/26/2012	03/26/2012	Beach behind Bath Club	Y
13	2012113	MODEL VOLLEYBALL	03/26/2012	04/03/2012	Lummus Park, 7-9 streets	Y
14	2012199	New World Symphony WALLCAST	03/31/2012	03/31/2012	Sounscape Park, 500 17th Street	N

PRIVATE PROPERTY USES

Permit #	Event name	Start Date	End Date	Location	Off-duty Police	
1	2012131	Winter Party @ Lords (Nash)	03/01/2012	03/05/2012	Hotel Nash, 1120 Collins Avenue	N
2	2012112	Winter Party Pool Party	03/02/2012	03/03/2012	Surfcomber - 1717 Collins Avenue	Y
3	2012109	Winter Party Shopping Night	03/02/2012	03/02/2012	Lincoln Road	N
4	2012155	Purim Carnival	03/09/2012	03/09/2012	Yeshiva Elementary, 7902 Carly	N
5	2012167	PINK Nation Beach Bash @ Shelb	03/13/2012	03/14/2012	Shelborne Hotel, 1801 Collins Av	Y
6	2012166	WMC @ The Shore Club Hotel	03/15/2012	03/16/2012	The Shore Club Hotel-1901 Coll	N
7	2012168	WMC @ The Setai	03/15/2012	03/16/2012	Setai Hotel - 2001 Collins Avenue	N
8	2012143	WMC @ Catalina Hotel & Beach C	03/16/2012	03/20/2012	Catalina Hotel, 1732 Collins Ave	N
9	2012177	WMC @ Shelborne Hotel	03/16/2012	03/21/2012	Shelborne Hotel, 1801 Collins Av	Y
10	2012150	WMC @ Segafredo	03/16/2012	03/20/2012	Segafredo Café - 1040 Lincoln R	N
11	2012164	Casa Ibiza - WMC @ Congress Ho	03/15/2012	03/20/2012	Ocean Drive at 10th Street	N
12	2012139	WMC @ Hotel Leon	03/16/2012	03/20/2012	Hotel Leon, 841 Collins Avenue	N
13	2012141	WMC @ Shelley Hotel	03/16/2012	03/20/2012	Shelly Hotel, 844 Collins Ave.	N
14	2012186	WMC @ Surfcomber Hotel	03/15/2012	03/19/2012	Surfcomber-1717 Collins Avenue	Y
15	2012134	WMC @ Chesterfield Hotel	03/16/2012	03/20/2012	Chesterfield Hotel, 855 Collins A	N
16	2012140	WMC @ Whitelaw Hotel	03/16/2012	03/20/2012	Whitelaw Hotel, 808 Collins Ave	N
17	2012142	WMC @ Hotel Chelsea	03/16/2012	03/20/2012	Chelsea Hotel, 944 Washington	N
18	2012135	WMC @ Lords (Nash)	03/16/2012	03/21/2012	Hotel Nash, 1120 Collins Avenue	N
19	2012152	WMC @ National Hotel	03/18/2012	03/21/2012	National Hotel - 1677 Collins Ave	N
20	2012184	WMC 2012 @ d'vine hookah loung	03/17/2012	03/21/2012	D'vine, 455 Lincoln Road	N
21	2012133	WMC 2012 @ Beach Plaza Hotel	03/20/2012	03/24/2012	Beach Plaza Hotel, 1401 Collins	N
22	2012178	Ultra @ Dorchester Hotel	03/21/2012	03/25/2012	Dorchester, 1741 collins	N
23	2012165	WMC @ Fontainebleau Hotel	03/20/2012	03/25/2012	Fontainebleau Hotel, 4441 Collin	Y
24	2012151	Ultra @ Segafredo	03/21/2012	03/25/2012	Segafredo Café - 1040 Lincoln R	N
25	2012188	Ultra @ Hotel Victor	03/21/2012	03/25/2012	Hotel Victor, 1144 Ocean Drive	N
26	2012183	Ultra @ Delano Hotel	03/20/2012	03/24/2012	Delano Hotel - 1685 Collins Ave	N
27	2012173	Ultra @ The Raleigh Hotel	03/21/2012	03/25/2012	Raleigh Hotel - 1775 Collins Ave	N
28	2012138	WMC @ Nikki Beach	03/14/2012	03/26/2012	Nikki Beach Club - 1 Ocean Drive	Y
29	2012182	Casa Ibiza - Ultra @ Congress Hot	02/23/2012	03/25/2012	Ocean Drive at 10th Street	N
30	2012176	Ultra @ Shelborne Hotel	03/22/2012	03/25/2012	Shelborne Hotel, 1801 Collins Av	Y
31	2012175	Ultra @ The Shore Club Hotel	03/22/2012	03/25/2012	Shore Club Hotel - 1901 Collins	N
32	2012149	ULTRA @ Catalina Hotel & Beach	03/22/2012	03/26/2012	Catalina Hotel, 1732 Collins Ave	N
33	2012160	Ultra @ National Hotel	03/22/2012	03/25/2012	National Hotel - 1677 Collins Ave	N
34	2012169	Ultra @ The Setai	03/22/2012	03/23/2012	Setai Hotel - 2001 Collins Avenue	N
35	2012137	Ultra @ Lords (Nash)	03/21/2012	03/26/2012	Hotel Nash, 1120 Collins Avenue	N
36	2012161	AJX DJ Sessions	03/21/2012	03/26/2012	Armani Exchange, 760 Collins A	N
37	2012174	Ultra @ Carlton Hotel	03/20/2012	03/26/2012	Carlton Hotel, 1433 Collins Ave	N
38	2012147	ULTRA @ Shelley Hotel	03/22/2012	03/26/2012	Shelly Hotel, 844 Collins Ave.	N
39	2012191	Ultra @ Soho House	03/21/2012	03/26/2012	Soho House, 4385 Collins Avenue	N
40	2012148	ULTRA @ Chelsea Hotel	03/22/2012	03/26/2012	Chelsea Hotel, 944 Washington	N
41	2012146	ULTRA @ Whitelaw Hotel	03/22/2012	03/26/2012	Whitelaw Hotel, 808 Collins Ave	N
42	2012144	ULTRA @ Chesterfield Hotel	03/22/2012	03/26/2012	Chesterfield Hotel, 855 Collins A	N
43	2012187	Ultra @ Surfcomber Hotel	03/20/2012	03/26/2012	Surfcomber Hampton Inn-1717 C	N
44	2012172	Ultra @ W South Beach	03/21/2012	03/25/2012	W Hotel, 2201 Collins Avenue	N
45	2012171	Ultra @ Mondrian South Beach	03/22/2012	03/25/2012	Mondrian, 1100 West Avenue	N
46	2012185	Ultra 2012 @ d'vine hookah lounge	03/21/2012	03/26/2012	D'vine, 455 Lincoln Road	N

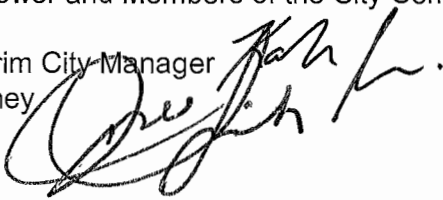
RESOLUTION TO BE SUBMITTED

MIAMIBEACH

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

COMMISSION MEMORANDUM

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

FROM: Kathie G. Brooks, Interim City Manager
Jose Smith, City Attorney 

DATE: November 14, 2012

SUBJECT: **Committee of the Whole – Implementation of Charter Amendment Affecting the City Clerk**

The functions of the Office of the City Clerk are currently compartmentalized into the following three (3) Divisions:

1. Office of the City Clerk (which also provides customer service functions such as passport processing and 604-CITY);
2. Special Master; and
3. Central Services (Print Shop and Mail Room)

There are currently thirteen (13) full-time budgeted employees in the Office, which is broken down as follows:

Office of the City Clerk	Full-Time Positions	Status
City Clerk	1	Unclassified
Assistant City Clerk ¹	1	Unclassified
Office Associate V	1	Unclassified
Office Associate IV	1	Unclassified
Office Associate III	1	Unclassified
Administrative Aide I	1	Classified
Agenda Coordinator	0.6	Unclassified

Special Master	Full-Time Positions	Part-Time Positions
Code Violations Clerk	2	Unclassified

Central Services	Full-Time Positions	Part-Time Positions
Central Services Coordinator	1	Unclassified
Agenda Coordinator	0.4	Unclassified
Central Services Technician I	3	Classified

¹ Although budgeted for a full-time employee, the position of Assistant City Clerk is currently being filled by the City's recently retired Assistant City Clerk on a part-time basis. The City is in the process of recruiting for a full-time Assistant City Clerk.

The following are the duties currently performed by the Office of the City Clerk:

CURRENT DUTIES
Gives notice of, attends and keeps minutes of all City Commission meetings.
Serves as the City of Miami Beach's official Records Custodian.
Maintains records of the City Commission, City Boards and City Committees.
Performs all functions relative to municipal elections in accordance with applicable state, county and city law.
Performs such other duties as the City Manager may prescribe from time to time.
Maintains the seal of the City of Miami Beach and attest the signatures of the Mayor and City Manager, as the case may be, on all documents if needed.
Accounts to the City Manager for the conduct and acts of the City Clerk's Office.
Performs such other professional duties as may be required by ordinance or resolution of the City Commission or by the Charter. For example: <ul style="list-style-type: none"> • Acts as Records Management Liaison with the Florida Department of State. • Responsible for registering lobbyist, disseminating lobbyist information to the elected officials and administration, collecting annual renewal fee and per-issue fee, and annual reporting requirement as outlined in the City Code. • Responsible for yearly Financial Disclosure (State Reporting and City Reporting).
Agenda Preparation: <ul style="list-style-type: none"> • Prepares schedules for yearly Regular and Alternate Commission meetings, Agenda reviews meeting and Afteractions meetings. • Prepares the agenda for all City Commission meetings and Commission Workshops.
Special Master: <ul style="list-style-type: none"> • Schedules Special Master hearings and provides clerical support to Special Master.
Central Services: <ul style="list-style-type: none"> • Provides printing, copying, cutting and binding services to all City departments. • Responsible for sorting and distributing incoming mail (U.S. and interoffice). • Processes all outgoing mail (U.S. and interoffice). • Provides courier service and agenda distribution.
Customer Service Functions: <ul style="list-style-type: none"> • Passport Application Acceptance Facility. • 604-CITY - Directs public inquiries for action to City departments. • Administering oaths and providing notarial services. • Responds to public information/records requests via letters, telephone, over the counter and the internet.
Maintains City Clerk's website for the City Commission (Agendas, Afteractions and Audio files).

The electorate having approved on November 6, 2012 to amend the Charter to establish the City Clerk as a Charter Officer responsible for performing the designated duties listed in Resolution 2012-27962, whose compensation is established by ordinance, and whereby the City Clerk shall be appointed and removed by, and accountable to, the City Commission instead of the City Manager, the following duties should remain with the Office of the City Clerk:

CITY CLERK'S DUTIES AFTER CHARTER AMENDMENT APPROVED NOVEMBER 6, 2012
Gives notice of, attends and keeps minutes of all City Commission meetings.
Serves as the City of Miami Beach's official Records Custodian.
Maintains records of the City Commission, City Boards and City Committees.
Performs all functions relative to municipal elections in accordance with applicable state, county and city law.
Appoints all personnel in the City Clerk's Office, and appoints and removes, at will, all unclassified personnel in the City Clerk's Office. Supervises and controls the City Clerk's Office subject to the control of the City Commission and consistent with the provision of the City Code and City Charter.
Performs such other duties as the City Commission may prescribe from time to time, which are not in conflict with the duties of the City Manager.
Maintains the seal of the City of Miami Beach and attest the signatures of the Mayor and City Manager, as the case may be, on all documents if needed.
Accounts to the City Commission for the conduct and acts of the City Clerk's Office.
Customer Service Functions: <ul style="list-style-type: none"> • Administering oaths and providing notarial services. • Responds to public information/records requests via letters, telephone, over the counter and the internet.
Performs such other professional duties as may be required of him/her by ordinance or resolution of the City Commission or by this Charter. For example: <ul style="list-style-type: none"> • Acts as Records Management Liaison with the Florida Department of State. • Responsible for registering lobbyist, disseminating lobbyist information to the elected officials and administration, collecting annual renewal fee and per-issue fee, and annual reporting requirement as outlined in the City Code. • Responsible for yearly Financial Disclosure (State Reporting and City Reporting).

After carefully evaluating the possibility of transferring the ministerial duties of the Special Master's office to another City department, we are recommending that the current duties (scheduling Special Master hearings and providing clerical support to the Office of the Special Master) remain with the Office of the City Clerk, as the Office of the City Clerk is best suited to provide the impartial ministerial and clerical support needed by the Office of the Special Master.

The above referenced duties may be performed by the following five (8) full-time employees:

Office of the City Clerk	Full-Time Positions
City Clerk	1
Assistant City Clerk	1
Office Associate V	1
Office Associate IV	1
Administrative Aide I	1

Special Master	Full-Time Positions
Code Violations Clerk	2
Office Associate III	1

The duties listed below are recommended to be transferred from the Office of the City Clerk:

- Agenda preparation will report to the City Manager's Office, but continue to be housed in the City Clerk's Office due the collaborative working relationship that is required between the Agenda Coordinator and the City Clerk.
- The Central Services Division to be reassigned to report to different department. At this time, we are evaluating which department is best suited to oversee the Central Services Division.
- Two customer service functions (passport processing and 604-CITY) were assigned to the Customer Service Center in the Finance Department as part of the FY 2012/13 budget savings initiatives, and is in the process of being transferred.

Said duties may be performed by the following five (5) full-time employees currently in the Office of the City Clerk:

Central Services	Full-Time Positions
Central Services Coordinator	1
Central Services Technician I	3

Agenda Preparation	Full-Time Positions
Agenda Coordinator	1

The recommended restructuring do not require a Code change, and may be implemented immediately.

At the Committee of the Whole meeting of November 14, 2012, direction is requested on the following:

1. The desire, if any, of referring to the Finance and Citywide Projects Committee (FCWPC) an Ordinance Amending Ordinance No. 1605, The Unclassified Employees Salary Ordinance Of The City Of Miami Beach, Florida (The "Ordinance"), By Amending The Salary Ranges and Establishing Compensation Provisions For The City Clerk; Providing For Repealer, Severability, Codification, And An Effective Date
2. The desire, if any, to recruit a new City Clerk.

If you have any questions, please do not hesitate to contact City Clerk Rafael E. Granado or me at 305.673.7411.

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, URGING FLORIDA'S GOVERNOR AND STATE LEGISLATURE TO AMEND THE FLORIDA ELECTION CODE SO AS TO REESTABLISH THE DURATION OF EARLY VOTING TO THE 14 DAYS PRIOR TO AN ELECTION (INCLUDING THE SUNDAY IMMEDIATELY PRIOR TO EACH ELECTION) FOR A MINIMUM TOTAL OF 96 EARLY VOTING HOURS, AS WELL AS URGING THE PRESIDENT OF THE UNITED STATES, THE MAJORITY AND MINORITY LEADERS OF THE UNITED STATES SENATE, AND THE SPEAKER AND MINORITY LEADER OF THE UNITED STATES HOUSE OF REPRESENTATIVES TO SUPPORT FEDERAL LEGISLATION PROVIDING FOR NATIONAL UNIFORMITY REGARDING EARLY VOTING DAYS AND HOURS CONSISTING OF A MINIMUM OF 14 DAYS PRIOR TO ELECTION DATES (INCLUDING THE SUNDAY IMMEDIATELY PRIOR TO EACH ELECTION).

WHEREAS, in response to the much-publicized problems associated with the Early Voting process in the November 6, 2012 election, the Mayor and City Commission of the City of Miami Beach hereby express the following, reflecting their continued commitment to ensuring each citizen's constitutional right to vote, including meaningful access to voting, as guaranteed by the Voting Rights Act of 1965¹, the National Voter Registration Act of 1993, and the Help America Vote Act of 2002; and

WHEREAS, providing citizens with alternative opportunities to vote, such as allowing them to vote during an Early Voting period in advance of Election Day, ensures meaningful access to voting by accommodating an increased number of potential voters and benefits all, especially individuals with inflexible family, employment, and life obligations; and

WHEREAS, the 2011 amendments to Florida's Early Voting law have negatively impacted voter access by limiting opportunities for Early Voting in Florida to a maximum of 8 days (instead of the preexisting 14 day maximum), and eliminating 2 weekend days including the Sunday before Election Day, a day when high percentages of minority voters headed to the polls in 2008². Furthermore, rather than providing for

¹ Congress has reauthorized the Voting Rights Act of 1965 five times, most recently in 2006, recognizing the need for continued enforcement against State voting practices that discriminate against or disenfranchise vulnerable citizens.

² On August 16, 2012, the United States District Court for the District of Columbia found that minority voters disproportionately rely on early voting, and that minority voters therefore would be disproportionately affected by the changes in Florida's Early Voting

State-wide uniformity with regard to Early Voting hours, the 2011 amendments authorized each of the 67 County Supervisors of Elections the discretion to determine for their respective County the number of hours (between 48 and 96) for early voting sites; and

WHEREAS, voters in Florida, and particularly in Miami-Dade County, seeking to cast ballots for the November 6, 2012 ballot during the Early Voting period experienced long lines, characterized by the Miami Herald as “grinding delays” in voting; and

WHEREAS, Miami-Dade County Mayor Carlos Gimenez has called the long voting lines “inexcusable” and has stated his intention to request Miami-Dade County Elections Supervisor Penelope Townsley for a detailed report, convene a task force to examine election-related problems, press Florida Governor Rick Scott and lawmakers to extend early voting days and sites, as well as seek to double or triple the number of early voting sites; and

WHEREAS, the Mayor and City Commission further recognize the critical need for Governor Scott and the State Legislature to enact legislation restoring a State-wide Early Voting period of 14 days, including the Sunday immediately preceding Election Day, with a uniform amount of at least 96 hours devoted to Early Voting; and

WHEREAS, in addition to curative legislation on the State level, the Mayor and City Commission further recognize that in order to ensure all United States citizens their fundamental rights to vote, the need exists for Federal legislation ensuring national uniformity regarding Early Voting days and hours consisting of a minimum of 14 days prior to election dates (including the Sunday immediately prior to each election).

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that Florida’s Governor and Legislature are hereby urged to amend the Florida Election Code to reestablish the period of Early Voting to the 14 days prior to an election for a minimum total of 96 hours (including the Sunday immediately prior to each election); and the President of the United States, the Majority and Minority leaders of the United States Senate, and the Speaker and Minority Leader of the United States House of Representatives are further urged to support Federal legislation providing for national uniformity regarding Early Voting days and hours consisting of a minimum of 14 days prior to election dates (including the Sunday immediately prior to each election).

BE IT FURTHER RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the City Clerk is hereby directed to

procedures and thus would have a negative effect on voters in certain Counties. The Court continued to hold that Florida would however “likely” satisfy its burden of demonstrating compliance with Federal voting laws if early voting took place for the maximum 96 hours authorized by the legislative amendments, and did so on a standard 7 a.m. to 7 p.m. schedule.

transmit a copy of this Resolution to Florida Governor Rick Scott, the Leader of the Florida House of Representatives and the Leader of the Florida Senate as well as to the City's Tallahassee lobbyists, and to President Barack Obama, the Majority and Minority leaders of the United States Senate, the Speaker and Minority Leader of the United States House of Representatives as well as to the City's Tallahassee and Washington D. C. lobbyists.

PASSED and **ADOPTED** this 14th day of November, 2012.

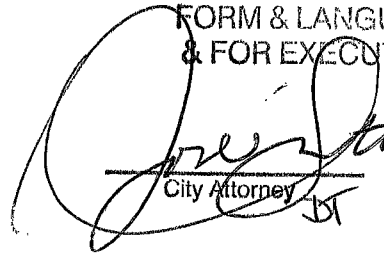
ATTEST:

MAYOR MATTI HERRERA BOWER

CITY CLERK

(Sponsored by Vice Mayor Michael Gongora)

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION



City Attorney *BT*

11/13/12
Date

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Condensed Title:

A Resolution approving funding, in an amount not to exceed \$250,000, to address the relocation of the kitchen exhaust venting system installed by the Pennsylvania Avenue Garage Retail Tenant, Penn 17, LLC (d/b/a Cooper Avenue) (Tenant); with funding available from previously appropriated City Center RDA Capital Fund 365; and further, authorizing the Interim Executive Director to negotiate terms of an agreement with Penn 17, LLC to proceed in redesigning, permitting and constructing a kitchen exhaust venting system that discharges away from the service alley located between the New World Symphony building and the Pennsylvania Avenue Garage.

Key Intended Outcome Supported:

Not Applicable

Supporting Data (Surveys, Environmental Scan, etc.):

Not Applicable

Issue:

Shall the City authorize the reallocation of funds from City Center Fund 365 towards funding the relocation of the kitchen exhaust system and further authorize the Interim City Manager to negotiate terms of an agreement with Penn 17, LLC to proceed with the recommended scope?

Item Summary/Recommendation:

On August 17, 2012, the New World Symphony (NWS), expressed major concern over the Tenant's build-out involving the venting locations of the kitchen exhaust and steam vent from the dishwashers, which both direct into the service alley between the Garage and NWS; saying that the exhaust has the potential of permeating the NWS performance hall every time the loading dock doors are opened. On September 10, 2012, the Administration entered into a Letter Agreement with the Tenant to engage an architectural/engineering firm, at a not-to-exceed cost to the City of \$25,000, to develop conceptual design options and preliminary pricing estimates to modify the exhaust venting system. On September 21, 2012 the Tenant's Architect, Design 3 Architecture, presented two options for redirecting the Tenant's exhaust: Option 1 for a price of \$59,000, involving the least complex and most cost effective solution; and Option 2 for a price of \$181,000, involving a significantly more complex and potentially disruptive scope of work. In an effort to find a feasible solution, savings have been identified from the original construction budget of the Pennsylvania Avenue Garage (RDA fund 365) that can be made available to remedy the issue. At this time, the Administration requests authority to allocate up to \$250,000 to proceed with Option 2 to address this issue. On October 24, 2012, the City Commission deferred authorizing the Administration to negotiate an agreement with the Tenant to proceed with the design, permitting and construction of the modifications based upon either Option 1 or Option 2, and instructed the Administration to consider other options and provide a more detailed report at the Finance and Citywide Projects Committee (FCWPC) meeting of November 9th. However, the Administration was unable to obtain and analyze the cost estimates and most feasible remedies within such a short time frame. Therefore, the FCWPC recommended that the Administration be authorized to negotiate an agreement with the Tenant to proceed with the design, permitting, and construction of the most feasible remedy, in an amount not to exceed \$250,000, from the identified funding source.

Advisory Board Recommendation:

Finance & Citywide Projects Committee approved on November 9, 2012.

Financial Information:




Source of Funds: City Center RDA		Amount	Account
	1	\$250,000	Fund 365

Financial Impact Summary: Funding is being reallocated from savings realized from the construction of the Pennsylvania Avenue Garage.

City Clerk's Office Legislative Tracking:

Anna Parekh, ext. 6471

Sign-Offs:

 RDA Coordinator MP	 Acting Assistant Director MAS	 Interim Executive Director KGB
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KGB/MAS/AP/MP/KOB

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MIAMI BEACH

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

REDEVELOPMENT AGENCY MEMORANDUM

TO: Chairperson and Members of the Miami Beach Redevelopment Agency

FROM: Kathie G. Brooks, Interim Executive Director 

DATE: November 14, 2012

SUBJECT: **A RESOLUTION OF THE CHAIRPERSON AND MEMBERS OF THE MIAMI BEACH REDEVELOPMENT AGENCY, APPROVING FUNDING, IN AN AMOUNT NOT TO EXCEED \$250,000, TO ADDRESS THE RELOCATION OF THE KITCHEN EXHAUST VENTING SYSTEM INSTALLED BY THE PENNSYLVANIA AVENUE GARAGE RETAIL TENANT, PENN 17, LLC. (d/b/a COOPER AVENUE); WITH FUNDING AVAILABLE FROM PREVIOUSLY APPROPRIATED CITY CENTER CAPITAL FUND 365; AND FURTHER, AUTHORIZING THE INTERIM EXECUTIVE DIRECTOR AND PENN 17, LLC TO NEGOTIATE AND, IF SUCCESSFUL, EXECUTE AN AGREEMENT TO PROCEED WITH THE RE-DESIGN, PERMITTING AND CONSTRUCTING OF KITCHEN EXHAUST VENTING SYSTEM THAT DISCHARGES AWAY FROM THE SERVICE ALLEY LOCATED BETWEEN THE NEW WORLD SYMPHONY BUILDING AND THE PENNSYLVANIA AVENUE GARAGE.**

BACKGROUND

On April 13, 2011, the Mayor and City Commission passed Resolution No. 2011-27647, approving a Lease Agreement, as amended on February 8, 2012 and June 6, 2012, respectively (the Lease), having a term of nine (9) years and 364 days, between the City, the Redevelopment Agency (RDA) and Penn 17, LLC, for use of approximately 7,655 square feet of ground level retail space at the Pennsylvania Avenue Garage, 1661 Pennsylvania Avenue, Miami Beach, Florida, for a restaurant (primary use), with ancillary uses for a bakery, a bar/café, and a book and gift shop. The Resolution also approved the execution of a Pre-Lease Due Diligence Review Agreement, granting the Tenant a maximum of six (6) months following approval of the Lease, in which to reserve its leasing rights while advancing design and plan development and consulting with the City's Planning and Building Departments in order to ascertain the feasibility of obtaining a full building permit prior to actual commencement of the Lease. During the first full year of rent, the annual Base Rent will be \$574,125, plus Common Area Maintenance costs of \$98,844 (paid monthly at \$47,843.75 plus \$8,237, respectively, for a total of \$56,080.75 monthly).

As has been reported on previous occasions, the challenges in converting the Premises for use as a restaurant proved considerably more complex, time-consuming and substantially more costly than originally anticipated by the Tenant; particularly related to the engineering and permitting of the venting for the kitchen exhaust; installing a system of multiple grease traps; the build-out of the storage room and the design of the structural slab; restoration of the existing structural slab in the retail space following partial demolition to install the plumbing; and addressing additional flood-proofing criteria. The Tenant's plans underwent extensive revisions to address comments and concerns raised by the City's Planning and Building Departments, as well as certain other regulatory agencies, as part of the permitting review process. Ultimately, the Tenant has invested more than \$5 million to improve the Premises.

On September 24, 2012, the Tenant received a Temporary Certificate of Occupancy (TCO) for its restaurant, Cooper Avenue.

ANALYSIS

On August 17, 2012, as the build-out of Cooper Avenue was nearing completion, the City was contacted by the New World Symphony (NWS), which expressed major concerns over the venting locations of the Tenant's kitchen exhaust and steam vent from the dishwashers, which both direct into the service alley between the Garage and NWS. The NWS believes the kitchen exhaust could potentially permeate the performance hall every time the loading dock doors are opened (which are directly opposite the kitchen exhaust vent). As noted earlier, given the structural and architectural constraints of the building, identifying a feasible location to run the kitchen exhaust proved to be among the most challenging of the design issues, involving extensive input from Planning, Building and other regulatory entities in the final approved plan.

Following an extensive series of meetings with representatives from the NWS and the Tenant's management and design team to figure out options for mitigating odors emanating from the exhaust venting, the NWS has instead demanded that the City and Tenant explore design alternatives for redirecting the kitchen exhaust in its entirety, away from the alley. Although the discussions centered on the fact that the City could not yet know whether or not there was a problem, in an abundance of caution the City authorized the tenant to direct his architect to develop several alternatives to address the NWS concerns.

On September 10, 2012, the City entered into a Letter Agreement with the Tenant pertaining to the engagement of architectural/engineering services, at a not-to-exceed cost to the City of \$25,000, in order to develop conceptual design options and preliminary pricing estimates to modify the exhaust venting system for the City's consideration and approval; and further to include services for the preparation of detailed plans and specifications (including any layouts, architectural, mechanical, structural, electrical and other plans, drawings and construction documents in sufficient detail to obtain any and all appropriate regulatory permits), as may be reasonably required by the City's Building Department in order to process and review Tenant's permit application for such modification as approved.

Subsequent to the opening of the Cooper Avenue restaurant it has been determined that there is odor in the alleyway between the garage and concert hall. While it is not known if the odors would permeate the inside of the performance hall, in order to address a potential negative impact the Administration suggest that the Commission consider relocating the vents.

On September 21, 2012 the Tenant's Architect, Design 3 Architecture, presented two options for redirecting the Tenant's exhaust in order of feasibility, complexity and cost as follows:

Option 1 – Total Estimated Minimum Cost: \$59,000

The most feasible, the least complex and most cost-effective approach provides for maintaining the existing location of the exhaust fans on the cover slab over the garbage room. This provides for a stable working platform by which to maintain and service the fans and duct work. The ducting and exhaust vent leading to the exterior of the building facing the New World Symphony's loading dock, would be rerouted 90 degrees to the north and discharge directly above the garage entrance located on 17th Street.

Option 2 – Total Estimated Minimum Cost: \$181,000

The most complex and costliest of the solutions and the least feasible, (primarily in terms of the anticipated operational disruption for the Tenant due to the construction involved), involves the complete relocation and re-engineering of the exhaust ducting, extending it south and then west to discharge over the garage exit on Pennsylvania Avenue. This would also require the construction of an elevated concrete pad over the flood panel storage enclosure, to relocate and support the exhaust fans needed to drive the exhaust through the ducting.

It should be noted that the New World Symphony views Option 2 as the only choice, as it extends the exhaust discharge the furthest away from the service alley.

At the City Commission meeting on October 24, 2012, the Administration recommended adopting a resolution appropriating an amount not to exceed \$250,000 to provide the greatest amount of flexibility to remedy this issue in the most feasible manner. The Administration also recommended that the City Commission authorize the Interim City Manager to negotiate an agreement with the Tenant to proceed with the design, permitting and construction of the modifications, based on either Option 1 or 2.

However, during the October 24th discussion, the City Commission expressed concern in making a decision based on estimates which were only preliminary in nature and without having the benefit of truly evaluating the options as presented. The Commission also suggested that more efficient and/or cost-effective solutions may be available, including the option of carbon filtration, which should be explored further before coming back with a recommendation. To this end, the Administration was asked to provide a more detailed report, complete with cost estimates, to be discussed at the next meeting of the Finance and Citywide Projects Committee (FCWPC).

Accordingly, on October 25th, the Administration verbally asked the Tenant to have its Architect explore the possibility and cost associated with modifying its exhaust system to incorporate a carbon filtration system to further mitigate any residual odors venting into the alley. A follow-up request for the cost estimate was sent via email on October 29th. On November 1st, the tenant informed the Administration that the Architect's quote on a filter system is being developed. On November 5th, the Tenant informed us that the quote is anticipated by mid-week.

Staff is also working on conducting a peer review of Options 1 and 2 in order to determine their respective viability and effectiveness as well as verify and possibly value-engineer the cost estimates associated with each option. The analysis will also explore other available solutions, if any, including, but not limited to, options for the New World Symphony to consider, such as the installation of a commercial air curtain over its loading dock door.

By the November 9, 2012, FCWPC meeting, the Administration was unable to obtain and analyze the cost estimates and most feasible remedies. Therefore, the FCWPC's recommendation was that the Administration be authorized to proceed to negotiate an agreement with the Tenant to proceed with the design, permitting, and construction of the most feasible remedy, in an amount not to exceed \$250,000, from the identified funding source.

RECOMMENDATION

In an effort to mitigate this situation, the Administration has identified savings from the original construction budget of the Pennsylvania Avenue Garage (RDA Fund 365) that can be made available to proceed with either Option. Given the fact that cost estimates to undertake the work

**Pennsylvania Avenue Garage Exhaust Vent Relocation
Redevelopment Agency Memorandum
November 14, 2012
Page 4 of 4**

are preliminary at best, the Administration recommends appropriating an amount not to exceed \$250,000 to provide the greatest amount of flexibility to remedy this issue in the most feasible manner. The Administration also recommends that the City Commission authorize the Interim Executive Director to negotiate an agreement with the Tenant to proceed with the design, permitting and construction of the modifications, based on either Option 1 or 2.

KGB/MS/AP/MP/KOB

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RESOLUTION TO BE SUBMITTED

Condensed Title:

A Resolution of the Chairperson and Members of the Miami Beach Redevelopment Agency adopting the First Amendment to the FY 2011/12 Operating Budgets for the City Center Redevelopment Area, the Anchor Shops and Parking Garage and the Pennsylvania Avenue Shops and Garage for FY 2011/12.

Key Intended Outcome Supported:

Improve the City's overall financial health and maintain overall bond rating

Supporting Data (Surveys, Environmental Scan, etc.):

One of the City's Key Intended Outcomes is to ensure well designed and well maintained capital projects and infrastructure. In keeping with this goal, approximately 74 percent of actual expenditures in FY 2011/12 were allocated towards capital expenditures including new capital projects and renewal, maintenance and replacement of existing RDA capital infrastructure.

Issue:

Should the RDA Board adopt the proposed first amendment to the FY 2011/12 Operating Budgets for the City Center Redevelopment Area, the Anchor Shops and Parking Garage, and the Pennsylvania Avenue Shops and Garage for FY 2011/12?

Item Summary/Recommendation:

The Administration has completed a preliminary analysis of revenues and expenses for the fiscal year ended September 30, 2012, for the City Center Redevelopment Area, the Anchor Shops and Parking Garage and the Pennsylvania Avenue Shops and Parking Garage.

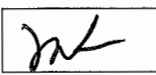
- **Redevelopment Area (RDA)** – With approval of the resolution, the adopted budget will be reduced by \$733,958 to reflect decreased revenues and changes to individual expenditure categories in excess of budget.
- **Anchor Shops and Parking Garage** – Overall the adopted budget for Anchor Garage and Shops came in under budget, however, specific categories are in excess of budget requiring a budget amendment.
- **Pennsylvania Avenue Shops and Parking Garage** – With approval of the resolution, the adopted budget will be increased by \$168,974 to fund Parking Operations Expenditures that exceeded the budget.

This requires an amendment to adjust both the revenue and expenditure budgets as shown in the attached.

Advisory Board Recommendation:

N.A.


Financial Information:

Source of Funds:	Amount	Account
	1 (\$733,958)	Redevelopment Area (RDA)
	2 -	Anchor Shops and Parking Garage
	3 \$168,974	Pennsylvania Avenue Shops and Parking Garage
OBPI		

City Clerk's Office Legislative Tracking:

Victoria Kroger, Georgette Daniels and Kathie Brooks

Sign-Offs:

RDA	Assistant Director (RDA)	Interim Executive Director (RDA)
 ROB/MP	MS	 KGB

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MIAMI BEACH

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

REDEVELOPMENT AGENCY MEMORANDUM

TO: Chairperson and Members of the Miami Beach Redevelopment Agency

FROM: Kathie Brooks, Interim Executive Director

DATE: November 14, 2012

SUBJECT: **A RESOLUTION OF THE CHAIRPERSON AND MEMBERS OF THE MIAMI BEACH REDEVELOPMENT AGENCY ADOPTING AND APPROPRIATING THE FIRST AMENDMENT TO THE OPERATING BUDGET FOR THE CITY CENTER REDEVELOPMENT AREA, THE ANCHOR SHOPS AND PARKING GARAGE AND THE PENNSYLVANIA AVENUE SHOPS AND PARKING GARAGE FOR ITEMS THAT ARE OVER-BUDGET FOR FISCAL YEAR 2011/12.**

ADMINISTRATION RECOMMENDATION

Adopt the Resolution.

ANALYSIS

The Fiscal Year 2011/12 year-end budget to preliminary actual comparisons is provided in the attached. It is important to note that the Finance Department is still preparing year-end accruals and adjustments through November 15, 2012, as part of the year-end accrual process. The proposed budget amendment represents the budget amendment required by state law for departments or accounts that exceed their appropriated authority.

In past years, the preliminary year-end analysis has been prepared in the early part of the next calendar year. In an effort to provide this information on a more timely basis, the analysis and recommended amendments presented herein are therefore still subject to change. However, staff in the Office of Budget and Performance Improvement and the Finance Departments has worked to identify any major adjustments that might be needed, particularly in the expenditure area that would impact the required appropriation authority. We will continue to refine the estimate and present an update once the year-end close-out process is complete, typically in the March timeframe.

Details of the preliminary estimated year-end expenditures are provided on the attached schedules, along with an explanation of major variances below.

RDA OPERATING BUDGET

With this amendment, the RDA operating budget will be reduced by \$733,958 to reflect decreased revenues and changes to individual expenditure categories in excess of budget.

Operating Budget - Revenues The budgeted revenues in the RDA will be reduced by \$733,958 to better reflect preliminary actual revenues. This is partially due to an increase in the County's adjustment for the finalization of the prior year's tax roll, resulting in a \$534,347 decrease in actual TIF revenues compared to budget. The Budget also reflected a transfer of funds from Capital Renewal and Replacement totaling \$1,370,981, to fund certain capital renewal and replacement projects scheduled in FY 2011/12. It was subsequently determined that only \$971,659 was available from the City Center Renewal and Replacement Account. Interest revenue also came in below budget by \$170,722. The shortfall was partially offset by a \$371,354 increase in contributions from the Resort Tax fund, which is based on 50% of the 1% Resort Tax revenues collected.

Operating Budget – Expenditures Based on preliminary year-end operating results and barring further final journal entries and adjustments, the total admin/operating expenditures for FY 2011/12 are estimated at \$36,445,345, or \$195,938 below the amended budget as shown on the attached schedule. However, individual categories for debt service, audit fees, and management salaries and benefits were slightly in excess of budget. Further, an additional \$217,190 had to be transferred to the Pennsylvania Avenue Shops and Parking Garage Fund to offset operating losses described further below.

ANCHOR SHOPS AND PARKING GARAGE

Overall the adopted budget for Anchor Shops and Parking Garage came in under budget primarily due to unspent reserves for capital repairs and projects in both Parking and Retail Operations, however, specific categories are in excess of budget requiring a budget amendment.

Revenues at the Anchor Shops and Parking Garage in FY 2011/12 are estimated to be \$104,721 greater than budgeted revenues, offset by increased expenditures. Garage Revenues are in excess of budget by approximately \$230,000, more than sufficient to offset the approximately \$100,000 increase in Parking Operations expenditures and \$30,000 increase in revenue-sharing obligations to the Loews. Retail revenues came in \$101,647 below forecast due to a prolonged, year-long vacancy, which has recently leased. However, the additional overall revenue is more than sufficient to cover the Retail Leasing Property Management Fee - \$24,879, which includes the amortization of brokerage fees not included in the adopted budget. In addition, Interest revenues were approximately \$23,000 below budget.

PENNSYLVANIA AVENUE SHOPS AND GARAGE

Overall the adopted budget for Pennsylvania Avenue Shops and Garage came in over budget primarily due to funding for future renewal and replacement which is recommended based on prior year depreciation levels.

Revenues at the Pennsylvania Shops and Garage in FY 2011/12 are estimated to be \$168,974 greater than budgeted revenues, offset by increased expenditures. Revenues at the recently opened Pennsylvania Avenue Garage are \$97,350 more than budgeted; however, retail revenues are \$145,640 below budget. This was due to the adoption of certain amendments to the Tenant's Lease, which adjusted and temporarily deferred three-months' lease payments to assist the Tenant in offsetting its build-out and start-up costs. The revenues reflect an additional transfer of \$217,190, as explained above to offset the increased expenditures.

November 8, 2012

Redevelopment Agency Memorandum

First Amendment to the FY 2011/12 Operating Budget for City Center Redevelopment Area, the Anchor Shops and Parking Garage and the Pennsylvania Avenue Shops and Garage for FY 2011/12

Page 3 of 3

In consideration of the fact that the Pennsylvania Avenue Shops and Garage was built by the RDA on City-owned property, the operation of the facility has been structured in the form of a ground lease between the City and the RDA, providing terms for both the garage and retail operations. Expenditures for the garage include ground lease rent payments, an administrative fee (consistent with that of the Anchor Garage) and the Parking Department's operational fee. In total, the garage and retail expenditure budgets were exceeded by \$168,974. Total expenditures for the garage operations exceeded budget by \$202,271, due to the funding for future renewal and replacement, which was not included in the FY 2011/12 adopted budget. Operating expenses for the retail area came in \$33,297 under budget.

CONCLUSION

In order to address the existing and future obligations in the Redevelopment Area, it is recommended that the Redevelopment Agency adopt the attached Resolution, which amends the FY 2011/12 budgets for the City Center Redevelopment Area, the Anchor Shops and Parking Garage and the Pennsylvania Avenue Shops and Garage.

KGB/MS/MP/VK/GD/KOB

Attachment

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**Miami Beach Redevelopment Agency
FY 2011/12 Budget to Year End Actuals**

	FY 2011/12 Budget	FY 2011/12 Adjustment 11/14/2012	FY 2011/12 Amended Budget	FY 2011/12 Preliminary Year-End Actuals
Revenues and Other Sources of Income				
Tax Increment - City	\$ 18,337,693	\$ -	\$ 18,337,693	\$ 18,337,693
Proj Adjustment to City Increment	(1,326,883)	(429,574)	(1,756,457)	(1,756,457)
Tax Increment - County	14,291,236	-	14,291,236	14,291,236
Proj Adjustment to County Increment	(1,262,384)	(104,773)	(1,367,157)	(1,367,157)
50% Contribution from Resort Tax	4,298,477	371,354	4,669,831	4,669,831
1/2 Mill Children's Trust Contribution	1,487,121	(6,117)	1,481,004	1,481,004
Interest Income	179,000	(170,722)	8,278	8,278
Fund Balance Renewal and Replacement	1,370,981	(399,322)	971,659	971,659
Other Income/Adjustments:		5,196	5,196	5,196
TOTAL REVENUES	\$ 37,375,241	\$ (733,958)	\$ 36,641,283	\$ 36,641,283
Admin/Operating Expenses				
Management fee (salaries & benefits)	\$ 1,010,901	\$ 1,589	\$ 1,012,490	\$ 1,012,490
Postage, printing & mailing	4,123		4,123	-
Office supplies & equipment	3,810		3,810	1,207
Meetings & conferences	1,351		1,351	-
Dues & subscriptions	1,260		1,260	795
Audit fees	9,000	11,260	20,260	20,260
Professional & related fees	251,000	(50,000)	201,000	175,373
Repairs and Maintenance	84,857	(50,000)	34,857	31,489
Miscellaneous expenses	105,998	(50,000)	55,998	44,164
Total Admin/Operating Expenses	\$ 1,472,300	\$ (137,151)	\$ 1,335,149	\$ 1,285,778
Project Expenses				
Community Policing	\$ 3,413,695	\$ -	\$ 3,413,695	\$ 3,411,726
Capital Projects Maintenance:	-		-	-
Greenspace	622,896	(74,417)	548,479	506,242
Sanitation	2,661,686	(50,000)	2,611,686	2,560,468
Property Management	1,061,006		1,061,006	1,030,973
Transfer to Penn Garage Parking	48,801	217,190	265,991	265,991
Transfer to Penn Garage Retail	347,112		347,112	347,112
Transfer to Capital/Renewal and Replacement	13,541,301		13,541,301	13,541,301
Total Project Expenses	\$ 21,696,497	\$ 92,773	\$ 21,789,270	\$ 21,663,813
Reserve and Debt Service Obligations				
Debt Service Cost - 2005 + Parity Bonds	\$ 8,393,816	\$ 120,420	\$ 8,514,236	\$ 8,514,236
Current Debt Service - Lincoln Rd Project	1,103,366		1,103,366	1,103,366
Current Debt Service - Bass Museum	502,746		502,746	502,746
Reserve for County Admin Fee	195,433		195,433	193,861
Reserve for CMB Contribution	255,162		255,162	248,718
Reserve for Children's Trust Contribution	1,487,121		1,487,121	1,481,004
Reserve for Collins Park Parking Garage	2,268,800	(810,000)	1,458,800	1,451,823
Repayment-Prior Yr Fund Balance	-		-	-
Total Reserve and Debt Service	\$ 14,206,444	\$ (689,580)	\$ 13,516,864	\$ 13,495,754
TOTAL EXPENSES AND OBLIGATIONS	\$ 37,375,241	\$ (733,958)	\$ 36,641,283	\$ 36,445,345
REVENUES - EXPENSES	\$ 0	\$ -	\$ 0	\$ 195,938

FY 2011/12 Anchor Shops and Parking Garage (16th Street Parking Garage)

Revenues:	FY 2011/12			FY 2011/12 Year-End Actuals
	FY 2011/12 Budget	Adjustment 11/14/2012	FY 2011/12 Amended Budget	
Parking Operations	\$ 2,885,000		\$ 2,885,000	\$ 3,114,778
Retail Leasing	714,150		714,150	612,503
Interest Pooled Cash	27,433		27,433	4,023
TOTAL REVENUES	\$ 3,626,583	\$ -	\$ 3,626,583	\$ 3,731,304
Operating Expenses:				
Parking Operations	\$ 1,773,125	\$ 101,648	\$ 1,874,773	\$ 1,874,773
Garage Use Fee (To Loews)	408,800	31,442	440,242	440,242
Retail Leasing Property Management Fee	62,720	24,879	87,599	87,599
Retail Internal Service Charges	41,129		41,129	41,129
Management Fee to General Fund	206,221		206,221	196,740
Reserve for Future Capital - Parking Operations	520,435	(100,000)	420,435	-
Reserve for Future Capital - Retail Operations	614,153	(57,969)	556,184	-
TOTAL EXPENSES	\$ 3,626,583	\$ -	\$ 3,626,583	\$ 2,640,483
REVENUES - EXPENSES	\$ -	\$ -	\$ -	\$ 1,090,821

FY 2011/12 Pennsylvania Ave Shops and Garage Operating

Revenues:	FY 2011/12			FY 2011/12 Year-End Actuals
	FY 2011/12 Budget	Adjustment 11/14/2012	FY 2011/12 Amended Budget	
Parking Operations	\$ 521,400	\$ 97,350	\$ 618,750	\$ 618,750
Retail Leasing	292,763	(145,640)	147,123	147,123
Parking Transfer from RDA Operations	48,801	217,190	265,991	265,991
Retail Transfer from RDA Operations	347,112	-	347,112	347,112
Interest Pooled Cash	-	74	74	74
TOTAL REVENUES	\$ 1,210,076	\$ 168,974	\$ 1,379,050	\$ 1,379,050
Operating Expenses:				
Parking Operations Expenditures	\$ 453,678	\$ 202,271	\$ 655,949	\$ 655,949
Parking Base Fee	45,368	-	45,368	45,368
Garage Ground Lease	23,552	-	23,552	23,552
Garage Management Fee	47,604	-	47,604	47,604
Retail Ground Lease	276,448	-	276,448	276,448
Contingency	10,000	(10,000)	-	-
Leasing Commissions	326,697	(23,297)	303,400	303,400
Retail Management Fee	26,729	-	26,729	26,729
TOTAL EXPENSES	\$ 1,210,076	\$ 168,974	\$ 1,379,050	\$ 1,379,050
REVENUES - EXPENSES	\$ -	\$ -	\$ -	\$ -

RESOLUTION TO BE SUBMITTED

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