

MIAMI BEACH

City Commission Meeting

City Hall, Commission Chambers, 3rd Floor, 1700 Convention Center Drive
March 13, 2013

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

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.

Special note: In order to ensure adequate public consideration, if necessary, the Mayor and City Commission may move any agenda item to the alternate meeting date, which will only be held if needed. In addition, the Mayor and City Commission may, at their discretion, adjourn the Commission Meeting without reaching all agenda items.

Call to Order - 9:00 a.m.
Inspirational Message, Pledge of Allegiance
Requests for Additions, Withdrawals, and Deferrals

The City Commission will recess for lunch at approximately 1:00 p.m.

Presentations and Awards

PA Presentations and Awards

Consent Agenda

C2 Competitive Bid Reports
C4 Commission Committee Assignments
C6 Commission Committee Reports
C7 Resolutions

Regular Agenda

R2 Competitive Bid Reports
R5 Ordinances
R7 Resolutions
R9 New Business & Commission Requests
R10 City Attorney Reports

Reports and Informational Items

We are committed to providing excellent public service and safety to all who live, work, and play in our vibrant, tropical, historic community.

Presentations and Awards

- PA1 Certificate Of Appreciation To Be Presented To Officer Thomas Fleischhauer, Miami Beach Police Department's Officer Of The Year, 2012.
(Requested by Commissioner Jorge R. Exposito)
- PA2 Certificate Of Appreciation To Be Presented To The Miami Beach Police Department's Officer Of The Month For January 2013.
(Requested by Commissioner Jorge R. Exposito)
- PA3 The Miami Beach Chamber Education Foundation Will Present \$10,000 To The City Of Miami Beach To Support Teacher Training In The International Baccalaureate (IB) Program.
(Requested by Commissioner Jerry Libbin)
- PA4 Proclamation To Be Presented Declaring "Earth Hour Day" On March 23, 2013.
(Requested by Commissioner Michael Góngora & Mayor Matti Herrera Bower)
- PA5 Proclamation To Be Presented Declaring "Military Family And Community Covenant Day" On April 17, 2013.
(Requested by Mayor Matti Herrera Bower)
- PA6 Certificate Of Appreciation To Be Submitted To Joe Kaplan, For Years Of Service As A Special Master In The City Of Miami Beach.
(Requested by Mayor Matti Herrera Bower)
- PA7 Certificates Of Recognition To The 2012/2013 Miami Beach Senior High PTSA Board Members For Their Hard Work And Dedication To The School.
(Requested By Vice-Mayor Jonah Wolfson)
- PA8 Certificates Of Recognition To Be Presented To Luisa Castillo Echeverria Senior/Participant And Lincoln Marti And Its Director Ana Vazquez, Employer/Participant In UNIDAD's Senior Placement Program.
(Requested By Vice-Mayor Jonah Wolfson)
- PA9 Proclamation To Be Presented To Pubbelly Restaurants For Their Dedication And Commitment To Miami Beach.
(Requested By Commissioner Michael Góngora)
- PA10 Certificates Of Recognition To Be Presented To The Principal, Vice Principals And Teachers Of South Pointe Elementary In Miami Beach.
(Requested By Commissioner Michael Góngora)

Presentations and Awards (Continued)

PA11 Certificates Of Recognition For Outstanding Police Work Resulting In Seizure Of Over 30 Firearms.

(Requested by Commissioner Jerry Libbin)

CONSENT AGENDA

Action:

Moved:

Seconded:

Vote:

C2 - Competitive Bid Reports

C2A Request For Approval To Purchase An Additional Sixteen (16), Honda Four Trax Rubicon All-Terrain Vehicles From G, J & L Inc., Pursuant To Invitation To Bid (ITB) No. 31-11/12, In The Amount Of \$124,128.00.

(Fleet Management/Procurement)

C2B Request For Approval To Award Contracts Pursuant To Invitation To Bid No. 66-11/12, For General Building And Specialty Trades Services, To Enterprise Electrical, Southern Comfort Solutions, Advanced Roofing, Team Contracting, FHP Tectronics Corp., Kearns Construction, Servpro Of Brickell, Triangle Fire, Delcons, AGC Electric, Haber & Sons Plumbing, Aaron Construction Group, A1 Fire & Security, Commercial Interior Contractors Corp., Full Cover Roofing, A&J Roofing, Comfort Tech, Coral Gables Glass & Mirror, Sanchez Arango Construction, Edd Helms Electric, FXP Corp., And S.A. Consultants LLC, On An As Needed Basis, Subject To Budgetary Approval At Time Of Need.

(Public Works/Procurement)

C4 - Commission Committee Assignments

C4A Referral To The Finance And Citywide Projects Committee - Discussion Regarding The Issuance Of A Request For Qualifications For A Third Franchise Solid Waste Contractor For Residential And Commercial Solid Waste Collections And Disposal.

(Public Works)

C4B Referral To The Planning Board - Miami Beach United Resolutions To Address The Issue Of Compatibility Of Certain Uses And Development Projects In Proximity To Residential Uses.

(Planning Department)

C4 - Commission Committee Assignments (Continued)

- C4C Referral To The Neighborhood/Community Affairs Committee A Discussion Regarding The City Of Miami Beach Fire Prevention Fines And Citations Related To Nightclubs And Other Assemblies.
(Fire Department)
- C4D Referral To The Land Use Committee An Amendment To The Land Development Regulations To Regulate Temporary Business Signs On Public Property.
(City Manager's Office)
- C4E Referral To Transportation And Parking Committee And Neighborhood/Community Affairs Committee For A Discussion Regarding Sightseeing And Tour Bus Industry Regulations.
(Parking Department)
- C4F Referral To The Neighborhood/Community Affairs Committee Of A Discussion Regarding Possible Amendments To Chapter 70 Article III (Section 70-122-129), "Graffiti Ordinance."
(City Manager's Office)
- C4G Referral To The Finance And Citywide Projects Committee A Discussion Regarding Fine Schedules And Enforcement Of The City Of Miami Beach Code Provisions For Police And Fire False Alarms, Implementing Additional Fines For False Alarms, And Contracting With An Outside Entity For Billing And Collection Services For False Alarm Fees.
(Police Department)
- C4H Referral To The Finance And Citywide Projects Committee And The Committee For Quality Education In Miami Beach For Discussion Of The Florida's Safe Routes To School Program (FLSRTS).
(Requested By Commissioner Jorge R. Exposito)
- C4I Referral To The Historic Preservation And Design Review Boards To Seek Their Direction As To What Type Of Directory Structures Are Most Appropriate For The Lincoln Road Corridor.
(Public Works)
- C4J Referral To The Land Use And Development Committee An Amendment To Expand The Permitted Uses Of RM-2 Zone Properties.
(Requested by Commissioner Deede Weithorn)
- C4K Referral To The Land Use And Development Committee To Discuss Status Update For The Beach Walk From Sunrise Plaza To Fifth Street.
(Requested By Commissioner Michael Góngora)

C4 - Commission Committee Assignments (Continued)

- C4L Referral To The Sustainability Committee To Discuss Green Building Incentives For Residential And Commercial Use.
(Requested By Commissioner Michael Góngora)
- C4M Referral To The Neighborhood/Community Affairs Committee - Discussion To Consider Hosting A Biannual Art Camp Held In Miami Beach In Cooperation With UNESCO.
(Requested by Commissioner Jerry Libbin)

C6 - Commission Committee Reports

- C6A Report Of The Neighborhood/Community Affairs Committee Of January 28, 2013: **1)** Discussion Concerning The Flamingo Park Neighborhood Becoming Florida's Most Pedestrian Friendly Neighborhood. **2)** Discussion Regarding Expanding The Ordinance (2012-3751) Amending Chapter 66, "Marine Structures, Facilities And Vehicles," Article IV, "Vessels," Section 66-151, "Launching And Hauling," To Prohibit Docking, Securing, Embarking Or Disembarking Vessels At Municipal Or Public Seawalls, Wharfs, Docks Or Bulkheads In Single Family Neighborhoods, Creating Exceptions, Providing For Repealer; Codification; Severability And An Effective Date To Make It More Comprehensive. **3)** Discussion Naming 8th Street After Tony Goldman. **4)** Discussion Regarding The City Of Miami Beach Centennial, Which Will Occur On March 26, 2015. **5)** Discussion Regarding The Placement Of A Fence Along The Perimeter Of The Scott Rakow Youth Center Playfield. **6)** Discussion Regarding Creating A Municipal Youth Council On Miami Beach.
- C6B Report Of The Neighborhood/Community Affairs Committee Of February 19, 2013: **1)** Discussion Regarding An Ordinance Amending Regulations Of Alcoholic Beverages In Public Places. **2)** Discussion Concerning The Flamingo Park Neighborhood Becoming Florida's Most Pedestrian Friendly Neighborhood. **3)** Discussion Regarding A Resolution To Establishing And Designating Tobacco-Free Zones In All City Parks And Outdoor Recreational Facilities. **4)** Discussion Regarding Building A Guardhouse At East Entrance Of Normandy Shores. **5)** Discussion Regarding An Update On Upper North Bay Road Drainage Project. **6A)** Discussion Regarding A Sanitation Plan During Spring Break 2013. **6B)** Discussion Regarding The Status Of The Major Event Plan For Spring Break. **7)** Discussion Regarding Items That Are Referred To Commission Committees To Be Reviewed If Not Heard By That Committee Within (6) Six Months Of Its Referral Dates. **8)** Discussion Regarding Considering The Removal Of The Four (4) Public Parking Spaces On Sunset Drive At The Entrance Of Sunset Harbor Island. **9)** Discussion Regarding Relocation Of The Maintenance Vehicles From The Sunset Harbor Neighborhood. **10)** Discussion Regarding Amending Procedures For Appeals To The Special Master For Certain Frequent Code Enforcement Violations.

C6 - Commission Committee Reports (Continued)

- C6C Report Of The Land Use And Development Committee Meeting Of February 13, 2013: **1)** Reduced Parking Rates For Hotel Employees. **2)** Discussion Of The Miami Beach Current City Code Chapter 6-4 (3) Relating To Alcoholic Beverage Sales That Requires A 300 Foot Distance Between Liquor Stores And Ask That The City Look Into Adopting The County Requirement Of 1500 Feet. **3)** Review Of Miami Beach Land Use Boards To Improve The City Of Miami Beach Building And Planning Department Processes. **4)** Discussion Regarding Food Trucks On Private Property. **5)** Discussion Pertaining To "Smarter Materials For Next Generation Infrastructure," Such As Eliminating The Disposal Of Tires In Global Landfills And Incinerators. **6)** Discussion Regarding An Amendment To The Land Development Regulations That Will Create Protection From Total Demolition Of Architecturally Significant Single Family Homes Built Prior To 1942. **7)** Discussion Concerning A Proposed Amendment Of The Charter To Prohibit The Involuntary Designation Of Single-Family Residences As Individual Historic Sites, Hereinafter Referred To As The Miami Beach Homeowner Protection Act. **8)** Discussion Regarding Restricted Wake Zones: **8a)** An Ordinance Amending The Code Of The City Of Miami Beach, By Amending Chapter 66, Entitled "Marine Structures, Facilities And Vehicles," By Amending Article II, To Be Entitled "Restricted Wake Zones," To Create Regulations For Restricted Wake Zones; Providing For A Purpose; Providing For Definitions; Providing For Restricted Areas; Providing For Posting Of Regulatory Markers; Providing For Exemptions; Providing For Enforcement And Penalties; Providing For Repealer, Severability, Codification, And An Effective Date; **8b)** Discussion On Adding Surprise Lake To "No Wake Zones" On Miami Beach. **9)** Discussion Regarding The Development Of The West Lots Between 79th Street To 87th Street And Collins Avenue. **10)** Discussion Regarding Development Of The Parking Lot Between 72nd And 73rd Street And Collins Avenue. **11)** Zoning And Planning Initiatives For North Beach Including Ordinance Amendments For Parking Requirements And Development Regulations. **12)** Application Of Parking Impact Fees To Satisfy Hotel Parking Requirements Outside Of Historic Districts. **13)** Discussion Regarding The Current Sidewalk Café Ordinance; **13a)** Discussion Regarding The Lincoln Road Utilization Areas For Sidewalk Cafes. **13b)** Use Of Electricity By Sidewalk Cafés. **13c)** Discussion Regarding Restaurant Solicitation Of Pedestrians On City Sidewalks, Particularly Ocean Drive And Lincoln Road.

C6 - Commission Committee Reports (Continued)

- C6D Report Of The Finance And Citywide Projects Committee Meeting Of January 24, 2013: **Emergency Item: 1)** Discussion Regarding The Convention Center Catering Invitation To Negotiate. **2)** Discussion Regarding The BMG Loan Program. **Old Business: 1)** Discussion Regarding To Consider A Request For Rent Relief From Penn 17, LLC., Regarding The Retail Space At The Pennsylvania Avenue Parking Garage. **2)** Discussion Regarding A Recommendation By The GLBT Committee To Address The Issue Of Benefits Tax Inequality For City Employees With Registered Domestic Partners Versus Legally Married Spouses. **3A)** Discussion Regarding Water And Sewer Deposits; Implementing Rules And Regulations And Applications Of Rules Similar To Miami-Dade Water And Sewer Department. **3B)** Discussion Regarding Consideration Of New Policy Establishing Criteria For The Reimbursement Of Guarantee Deposits For Those Customers Who Have Established A Positive Payment History On Their Water Bill. **3C)** Discussion Regarding The Creation Of Procedures To Provide A 24 To 48 Hour Notification To Homeowners Prior To Water Being Shut Off Due To Non-Payment. **4)** Discussion Regarding: Business Tax Receipt Renewal Notices; How We Handle Over Charges; Reasons For Miscalculations; And Corrective Action Plan. **5)** Discussion Regarding Police Athletic League (PAL) Lease. **6)** Discussion Regarding The Jewish Community Center's Request For Reimbursement, In The Amount Of \$241,000, For Costs Associated With Reconstructing The Seawall Along The City-Owned Property Located At 4221 Pine Tree Drive. **7)** Discussion Of A Lease Amendment With Damian J. Gallo & Associates (D/B/A Permit Doctor). **8)** Discussion Regarding Developing Parameters For The Gun Buyback Program. **9)** Discussion Concerning The Lease For The Miami-Dade Gay And Lesbian Chamber Of Commerce Foundation Located At Historic City Hall At 1130 Washington Avenue.
- C6E Report Of The Finance And Citywide Projects Committee Meeting Of February 20, 2013: **1)** Discussion Regarding The Issuance Of Request For Proposals (RFP) For Catering And Concession Services For The Miami Beach Convention Center. **2)** Discussion Regarding Giving Guidance To The IT Steering Committee To Review The Pros And Cons Of Becoming A Paperless Environment And Create New Policies And Procedures To Be Implemented Within The City Of Miami Beach. **3)** Discussion Regarding Renewal Of The Professional Services Agreement Between The City Of Miami Beach And The Superlative Group For Professional Services In Corporate Sponsorship Marketing Pursuant To Request For Proposals No. 06-04/05. **4)** Discussion To Consider Replacement Of The City's Public Safety Radio System With A New P25 Compliant System Before The Federally Mandated 2016 Timeframe. **5)** Discussion regarding the possible World Out Games Miami Beach 2017 Funding. **6)** Discussion Budget Advisory Committee's Proposed Policies And Guidelines For The City's Pension Plan. **7)** Discussion To Consider Additional Community Input For The Sunset Harbor Neighborhood Improvements Projects. **8)** Discussion Directing The Administration To Give The Commission An Analysis Of All The City Personnel Receiving Planning Day Pay And/Or Executive Work Days Pay, Details About Its Genesis, Aggregate Cost To The City, Intended Purpose And History. **9)** Discussion Regarding Advertising Panels On Lincoln Road.
- C6F Report Of The Special Land Use And Development Committee Meeting Of February 21, 2013: **1)** Discussion Regarding Miami Beach United Resolutions To Address The Issue Of Compatibility Of Certain Uses In Proximity To Residential Uses, To Create Safeguards While Still Allowing For Flexibility Of Development.

C7 - Resolutions

C7A A Resolution Approving And Authorizing The City Manager Or Her Designee To Submit The Following Grant Applications: 1) Florida Inland Navigation District For Funding In The Approximate Amount Of \$280,000 For Shoreline Reconstruction Of Normandy Shores Park Seawall; 2) Florida Inland Navigation District For Funding In The Approximate Amount Of \$160,000 For Design Of Indian Creek Park Seawall; 3) Florida Inland Navigation District For Funding In The Approximate Amount Of \$40,000 For A Parks Blueways Plan; 4) The Florida Department Of Agriculture And Consumer Services, Urban Forestry Program, In The Approximate Amount Of \$10,000 For Tree Plantings; And, 5) State Of Florida, Department Of Health, For Funding In The Approximate Amount Of \$40,000 For Equipment Related To Pre-Hospital Emergency Services; Appropriating The Above Funds, If Approved And Accepted By The City, And Authorizing The Execution Of All Necessary Documents Related To These Applications.

(Budget & Performance Improvement)

C7B A Resolution Accepting The Recommendation Of The Neighborhood/Community Affairs Committee Automatically Withdrawing Items Referred To City Commission Committees If Not Heard Within Six (6) Months From Its Referral Date And Recommending Inclusion Of A Report In City Commission Agenda Transmitting A List Of Withdrawn Items.

(City Manager's Office)

C7C A Resolution Accepting A Donation Of Surplus Funds From The Miami Beach Health Facilities Authority ("MBHFA") Account, Pursuant To A Resolution Of The MBHFA Adopted At Its February 20, 2013 Meeting, In The Amount Of \$715,331, For Appropriation And Disbursement By The City To Non-Profit Human Health Service Agencies, As Provided In Section 154.209(14), Florida Statutes; Provided Further That The MBHFA Recommends That Such Surplus Funds Be Appropriated And Disbursed As Follows: \$150,000 To Provide Continued Support To Miami Beach Community Health Center, Inc.; And 2) \$565,331 To Mount Sinai Medical Center, To Be Used For Its Miami Beach Resident Indigent Care Program To Provide Treatment For Unfunded Residents Of The City Of Miami Beach.

(Finance Department)

C7D A Resolution Consenting To And Confirming The Appointment Of Jay Fink As The Acting Director Of The Public Works Department For The City Of Miami Beach.

(Human Resources)

C7E A Resolution Accepting The Recommendation Of The Neighborhood/Community Affairs Committee At Its January 28, 2013 Meeting To Install A Fence Around The Perimeter Of The Scott Rakow Youth Center Playfield.

(Parks & Recreation)

C7 - Resolutions (Continued)

- C7F A Resolution Approving, Pursuant To Section 2-367(d) Of The Miami Beach City Code, The Sole Source Purchase Of Beach Access Accessibility "Mobi-Mats" From Deschamps Mat Systems, Inc. (D.B.A. DMS), The Exclusive Distributor Of The Access Mats, In The Annual Estimated Amount Of \$86,731.68, For A Period Of (3) Three Years.
(Property Management/Procurement)
- C7G A Resolution Approving And Authorizing The Mayor And City Clerk To Execute An Amendment To The Joint Participation Agreement, Executed On October 17, 2012, With The State Of Florida Department Of Transportation, For The Construction Of Drainage Improvements On S.R. 907/Alton Road At 10th Street.
(Public Works)
- C7H A Resolution To Accept The Recommendation Of The Finance And Citywide Projects Committee To Execute An Amendment To The Lease Agreement Between The City Of Miami Beach And Damian J. Gallo & Associates, Inc. D/B/A Permit Doctor, Dated July 30, 2003, Involving The Use Of Approximately 1,269 Square Feet Of Ground Floor Retail Space Located At 1701 Meridian Avenue, Unit 4 (A/K/A 775 17th Street), Miami Beach, Florida; Said Amendment Authorizing An Additional Use Of The Premises And Further Authorizing The City To Negotiate A Concession Agreement Allowing For An Outdoor Eating Area, Adjacent To The Leased Premises.
(Real Estate, Housing & Community Development)
- C7I A Resolution Accepting The Recommendation Of The Finance And Citywide Projects Committee And Approving And Authorizing The Mayor And City Clerk To Execute An Amendment To The Lease Agreement Between The City And MDGLCC Foundation, Inc., Dated March 10, 2010, Involving The Use Of Approximately 2,543 Square Feet Of Office Space Located At Historic City Hall, 1130 Washington Avenue, 1st Floor North, Miami Beach, Florida; Said Amendment Providing A Rent Reduction.
(Real Estate, Housing & Community Development)
- C7J A Resolution Accepting The Recommendation Of The Neighborhood/Community Affairs Committee Requesting The Miami Beach Visitor And Convention Authority To Serve As The Host Committee For The City Of Miami Beach Centennial, Which Will Occur On March 26, 2015.
(Tourism & Cultural Development)
- C7K A Resolution Accepting The Recommendation Of The Interim City Manager Pertaining To The Ranking Of Firms, Pursuant To Request For Qualifications (RFQ) No. 56-11/12, For The Purpose Of Conducting And Documenting A Detailed Facilities Condition Assessment Of Various Buildings/Assets Owned By The City Of Miami Beach, And To Develop A Schedule For Assets And Equipment Replacement Within The Buildings/Assets To Include Current And Projected Future Replacement Costs; Authorizing The Administration To Enter Into Negotiations With All Three Proposers: Bermello Ajamil & Partners, Inc.; Nova Engineering And Environmental, LLC.; And VFA, Inc.; And Further Authorizing The Mayor And City Clerk To Execute Agreements Upon Conclusion Of Successful Negotiations By The Administration.
(Property Management/Procurement)

C7 - Resolutions (Continued)

C7L A Resolution Accepting The Recommendation Of The City Manager Pertaining To The Ranking Of Proposals, Pursuant To Request For Proposals (RFP) No. 022-2013ME, For Call Center Services; Authorizing The Administration To Enter Into Negotiations With The Top-Ranked Proposers, 1-800 We Answer; And Should The Administration Not Be Successful In Negotiating An Agreement With The Top-Ranked Proposer, Authorizing Negotiations With The Second-Ranked Proposer, Inktel Government BPO Services; And Should The Administration Not Be Successful In Negotiating An Agreement With The Second-Ranked Proposer, Authorizing Negotiations With The Third-Ranked Proposer, IVOX Solutions, LLC.; Further Authorizing The Mayor And City Clerk To Execute An Agreement Upon Conclusion Of Successful Negotiations By The Administration.

(Finance/Parking/Fire/Procurement)

C7M A Resolution Waiving By 5/7th Votes, The Competitive Bidding Requirement, Finding Such Waiver To Be In The Best Interest Of The City, And Authorizing The City Manager To Purchase Vehicles Pursuant To The Florida Sheriffs Association Contract No. 12-20-0905.

(Fleet Management)

(Memorandum & Resolution to be Submitted in Supplemental)

C7N A Resolution Accepting The Recommendation Of The Interim City Manager Pertaining To The Ranking Of Firms, Pursuant To Request For Qualifications (RFQ) No. 52-11/12, For Professional Construction Engineering And Inspection (CEI) Firms To Provide Various CEI Services On An "As Needed" Basis; Authorizing The Mayor And City Clerk To Execute Agreements Upon Completion Of Successful Negotiations With The Five Top-Ranked Proposers: Atkins North America, Inc., Bermello Ajamil & Partners, Inc., Chen Moore And Associates, Corzo Castella Carballo Thompson Salman, P.A. (C3TS), And Parson Brinckerhoff, Inc.

(Capital Improvement Projects/Procurement)

End of Consent Agenda

REGULAR AGENDA

R5 - Ordinances

- R5A An Ordinance Amending The Miami Beach City Code By Amending Chapter 2, Entitled "Administration," By Amending Article III, Entitled "Agencies, Boards And Committees," By Creating Division 34, To Be Entitled "Bicycle-Pedestrian Facilities Advisory Committee," And Sections 2-190.149 Through 2-190.153 Therein To Provide Provisions Establishing The Committee And Its Purpose, Powers And Duties, Composition, And Supporting Department; Providing For Repealer, Severability, Codification, And An Effective Date. **10:15 a.m. Second Reading Public Hearing**
(Requested by Neighborhood/Community Affairs Committee)
(Legislative Tracking: Public Works)
(First Reading on February 6, 2013)
- R5B An Ordinance Amending Chapter 10 Of The Miami Beach City Code Entitled "Animals," By Amending Section 10-11, Entitled "Running At Large Prohibited," By Extending The Pilot Program Off-Leash Area For Dogs In South Pointe Park Through And Including June 30, 2013; Providing For Repealer; Severability; Codification; And An Effective Date. **10:30 a.m. Second Reading Public Hearing**
(Requested by the City Commission)
(Legislative Tracking: Parks & Recreation)
(First Reading on February 6, 2013)
- R5C CD-2 Self Storage
An Ordinance Amending The Code Of The City Of Miami Beach, Florida, Chapter 142, "Zoning Districts And Regulations," Article II, "District Regulations," Division 5, CD-2 "Commercial, Medium Intensity District," By Permitting "Self-Storage Warehouses" As A Conditional Use In This Zoning District; Providing For Repealer, Severability, Codification And An Effective Date. **10:45 a.m. Second Reading Public Hearing**
(Requested by Commissioner Jerry Libbin)
(Legislative Tracking: Planning Department)
(First Reading on February 6, 2013/Referred to LUDC)
- R5D An Ordinance Amending The Miami Beach City Code By Amending Chapter 2, Entitled "Administration," By Amending Article III, Entitled "Agencies, Boards And Committees," By Amending Division 29, Entitled "Debarment Committee," By Amending The Purpose, Powers, And Duties Of The Committee To Include Authority To Consider The Suspension Of Contractors In Addition To Debarments; Providing For Repealer, Severability, Codification, And An Effective Date. **11:00 a.m. Second Reading Public Hearing**
(Requested by Mayor Matti Herrera Bower)
(Legislative Tracking: City Attorney's Office)
(First Reading on February 6, 2013/Referred to NCAC)

R5 - Ordinances (Continued)

R5E Hotel Parking Requirements

A Ordinance Amending The Code Of The City Of Miami Beach, Florida, By Amending Chapter 130 "Off-Street Parking," Article II, "Districts; Requirements," By Amending The Off-Street Parking Requirements For Hotels In All Districts; Providing For Repealer, Severability, Codification And An Effective Date. **5:15 p.m. Second Reading Public Hearing**

(Requested by Land Use & Development Committee)

(Legislative Tracking: Planning Department)

(First Reading on February 6, 2013)

R5F No Wake Ordinance

An Ordinance Amending The Code Of The City Of Miami Beach, By Amending Chapter 66, Entitled "Marine Structures, Facilities And Vehicles," By Amending Article II, To Be Entitled "Restricted Wake Zones," To Create Regulations For Restricted Wake Zones; Providing For A Purpose; Providing For Definitions; Providing For Restricted Areas; Providing For Posting Of Regulatory Markers; Providing For Exemptions; Providing For Enforcement And Penalties; Providing For Repealer, Severability, Codification, And An Effective Date. **First Reading**

(Requested by Commissioner Jorge R. Exposito)

(Legislative Tracking: City Attorney's Office)

(No Action Taken on December 12, 2012/Referred to LUDC)

R7 - Resolutions

R7A A Resolution [Granting Or Denying] An Appeal Request Filed By W. Tucker Gibbs, P.A., On Behalf Of Sunset Islands 3 And 4 Property Owners, Inc. And Olga Lens, Of The Design Review Board's Order Relative To DRB File No. 22889 For 1201-1237 20th Street, Palau At Sunset Harbor. **5:01 p.m. Public Hearing**

(Planning Department)

(Memorandum & Resolution to be Submitted in Supplemental)

R7B A Resolution Approving And Authorizing The Mayor And City Clerk To Execute A Guaranteed Maximum Price (GMP) Amendment No. 1, To The Pre-Construction Services Agreement With Thornton Construction Company, Inc., For The Construction Of The 6th Street Restrooms In The Amount Of \$614,322; 53rd Street Restrooms And Ocean Rescue Building In The Amount Of \$586,171, And The Provision Of A Temporary Office Trailer For Ocean Rescue In The Amount Of \$24,704, For A Subtotal Project Cost In The Amount Of \$1,225,197, Plus An Owner's Project Contingency Of \$110,268, For A Grand Total Of \$1,335,465; With Previously Appropriated Funding In The Amount Of \$568,439 From SP Post RDA CDT And Municipal Resort Tax Fund 388, \$101,172 From SB Quality Of Life Resort Tax Fund 305, \$665,854 From Capital Projects Not Financed By Bonds Fund 301.

(Capital Improvement Projects)

R7 - Resolutions (Continued)

R7C A Resolution Approving And Authorizing The Mayor And City Clerk To Execute Amendment No. 13, To The Existing Professional Services Agreement Between The City And Chen Moore & Associates, Inc., Dated September 8, 2004, For The City Center Right-Of-Way Neighborhood Improvement Project Bid Packages 9A And 9B; In The Negotiated Not-To-Exceed Amount Of \$145,044, Plus An Additional Amount Of \$2,000 For Approved Reimbursable Expenses, For A Grand Total Of \$147,044; To Provide Extended Construction Administration And Resident Project Representative Services Until Project Completion; With Previously Appropriated Funding From The City Center RDA Fund 365.

(Capital Improvement Projects)

R7D A Resolution Authorizing The Mayor And City Clerk To Execute Amendment No. 2 To The Construction Contract Between The City And Lanzo Construction Co., Florida, For The Construction Of The City Of Miami Beach Right Of Way Infrastructure Improvement Program, Neighborhood No. 8 Central Bayshore (Package A) And Lake Pancoast (Package C); Dated April 8, 2011; Said Amendment In The Not-To-Exceed Amount Of \$3,385,441, For The Construction Of The Additional Scope Of Work Approved Under Resolution No. 2012-27972, Which Includes The Homeowner Association (HOA) Requested Roadway Width And Landscape Items, Providing Additional Stormwater Upgrades To The Area Known As Zone 4 In The Basis Of Design Report (BODR), And Providing Milling And Re-Surfacing Of The Roadway (In Lieu Of Asphalt Overlay) For The Remaining Areas Within Package A; With Previously Appropriated Funding In The FY 2012/13 Capital Budget, In The Amount Of \$3,385,441 For Construction, And \$338,545 For Contingency, For A Grand Total Of \$3,723,986.

(Capital Improvement Projects)

R7E A Resolution Approving A Contract Award, Pursuant To Invitation To Bid No. 49-11/12, For The Right-Of-Way Infrastructure Improvement Program - Venetian Islands Bid Package 13C; Authorizing The Mayor And City Clerk To Award A Construction Contract To Lanzo Construction Co. Florida, In The Amount Of \$9,699,509 Base Bid Plus \$640,028 For Selected Alternates And A Project Contingency In The Amount Of \$1,033,954; For A Total Construction Cost Of \$11,373,491 From Previously Appropriated Funding In The Capital Budget From The Following Funds: \$2,842,713 From Fund 384 - 2003 Go Bonds - Neighborhood Improvements; \$2,336,942 From Fund 420 - W&S GBL Series 2010; \$130,484 From Fund 423 - Gulf Breeze 2006; \$450,275 From Fund 425 - Water & Sewer Enterprise Fund; \$1,357,846 From Fund 427 - Stormwater Enterprise Fund; And \$2,254,223 From Fund 431 - Stormwater Bond Fund 2011; And An Additional \$1,003,062 In Water & Sewer Funds And \$977,946 In Stormwater Funds Subject To The 2nd Amendment To The Capital Budget For Fiscal Year 2012/13; And Further Authorizing The Administration To Engage In Value Engineering To Further Reduce The Cost And Time For Completion Of Said Project.

(Capital Improvement Projects/Procurement)

R7F A Resolution Accepting The Recommendation Of The Neighborhood/Community Affairs Committee To Amend Section 70-87(a)(1) Of The City Code To Provide An Exemption Allowing For The Sale, Service, Possession And Consumption Of Alcoholic Beverages Within Designated Approved Beach Concession Areas, Subject To The Approval Of Amendments To The City's Amended And Restated Rules And Regulations For Beachfront Concession Operations To Allow For Such Exemption.

(City Manager's Office)

R7 - Resolutions (Continued)

R7G A Resolution Approving In Substance The Terms Of A Professional Services Agreement With The International City/County Management Association ("ICMA") For Review And Recommendations For Efficiencies For The Fire Department; Authorizing The City Manager And City Attorney's Office To Negotiate And Draft The Agreement Based Upon The Approved Terms; And Authorizing The Mayor And City Clerk To Execute The Final Agreement In An Amount Not To Exceed \$70,000.

(City Manager's Office)

R7H A Resolution Approving And Authorizing The Mayor And City Clerk To Execute An Amendment To The Professional Services Agreement Between The City Of Miami Beach And Strategic Advisory Group Dated October 19, 2011 For Consulting Services Relative To The Expansion And Enhancement Of The Miami Beach Convention Center Campus/District In An Amount Not To Exceed \$240,945, Including All Reimbursable Expenses, With Previously Appropriated Funds From FY 2012/2013 Operating Budget Fund 168 RDA City Center Operations.

(City Manager's Office)

R7I A Resolution Adopting The Second Amendment To The Capital Budget For Fiscal Year 2012/13.

(Budget & Performance Improvement)

R7J A Resolution Opposing The Expenditure Of Any Public Funds For Renovations To Dolphin Stadium.

(Requested by Commissioner Edward L. Tobin)

(Legislative Tracking: City Attorney's Office)

R7K A Resolution Accepting The Neighborhood/Community Affairs Committee Recommendation Regarding The Relocation Of The Property Management Facility From The Sunset Harbour Neighborhood.

(Public Works)

(Memorandum & Resolution to be Submitted in Supplemental)

R7 - Resolutions (Continued)

- R7L A Resolution Accepting The Recommendation Of The Finance And Citywide Projects Committee Pertaining To A Proposed Amendment No. 3 To That Certain Retail Lease Agreement By And Between The City Of Miami Beach, The Miami Beach Redevelopment Agency (Collectively, Lessor) And Penn 17, LLC (Lessee), Dated September 16, 2011, Involving The Lease Of Approximately 7,655 Square Feet Of Ground Floor Retail Space At The Pennsylvania Avenue Garage, 1661 Pennsylvania Avenue, Miami Beach, Florida; Recommending That, As Part Of Said Amendment, The Mayor And City Commission Approve The Following Amended Schedule Of Rent: 1) Applying One Third (1/3) Of The Lessee's Existing Security Deposit, Representing \$47,844, Toward Base Rent Owed For The Month Of November 2012; 2) Deferring \$8,474 For Common Area Maintenance (CAM) For November 2012, And Base Rent, Plus CAM, For December 2012, In The Total Amount Of \$64,792 (Hereinafter Referred To As The Back-Due Rent); 3) Approving An Abatement Of Fifty Percent (50%) Of The Base Rent And CAM Due For The Six (6) Month Period Commencing January 13, 2013 Through July 12, 2013; 4) Deferring Fifty Percent (50%) Of The Base Rent And CAM For The Six (6) Month Period Commencing July 13, 2013 Through January 12, 2014; And, 5) Providing For Re-Payment By Lessee Of The One Third Security Deposit And Re-Payment Of The Back-Due Rent For November And December, 2012; All In Accordance With The Payment Schedule Attached As Exhibit "A" Hereto; Further Setting Of A Public Hearing By The City For April 17, 2013, Regarding Lessee's Proposal To Add An Entertainment Component As A New Proposed Use On The Lease Premises (And As Part Of Lessee's Proposal To "Re-Brand" And Re-Open The Premises), And As Required By Section 142-362 Of The City Code. **Joint City Commission and Redevelopment Agency**
(Real Estate, Housing & Community Development)

R9 - New Business and Commission Requests

- R9A Board And Committee Appointments.
(City Clerk's Office)
- R9A1 Board And Committee Appointments - City Commission Appointments.
(City Clerk's Office)
- R9B1 Dr. Stanley Sutnick Citizen's Forum. (12:30 p.m.)
R9B2 Dr. Stanley Sutnick Citizen's Forum. (5:30 p.m.)
- R9C Update On The Miami Beach Convention Center Project.
(City Manager's Office)
- R9D Discussion Of Providing Reserved Parking For Monthly Permit Holders On Lower Floors In Our Garages To Alleviate Inconvenience Experienced By Permit Holders During Major Events Such As The Boat Show.
(Requested by Commissioner Jerry Libbin)

R9 - New Business and Commission Requests (Continued)

- R9E Discuss Putting Out To Bid The Commercial Waste Hauling Franchises As There Has Been Further Consolidation.
(Requested by Vice-Mayor Jonah Wolfson)
- R9F Discussion Item - The Office Of The City Clerk Is Seeking Direction As To The Usage Of Pre-Paid Return Postage Or Regular Envelopes, Where Voters Must Provide Their Own Postage, To Return Absentee Ballots In The Upcoming November 2013 City Elections.
(City Clerk's Office)
- R9G Discussion Regarding Prohibiting Capital Improvement Projects Or County Capital Improvement Projects During The Miami International Boat Show And Art Basel.
(Requested By Commissioner Michael Góngora)
- R9H Discussion To Withdraw From The Planning Board's Consideration The Proposed Ordinance "Revising The Year Of Review For Architectural Significance Of Single Family Homes From The Current 1942 To The Year 1966, And By Modifying The Procedures For The Review And Approval Of Demolition Requests For Single Family Homes Determined To Be Architecturally Significant And Not Located Within A Designated Historic District" (Planning Board File No. 2098), And To Refer The Matter Back To The Land Use And Development Committee For Further Discussion And Evaluation.
(Requested by Vice-Mayor Jonah Wolfson)
- R9I Discuss Selecting The City Manager.
(Requested by Mayor Matti Herrera Bower)

R10 - City Attorney Reports

- R10A City Attorney's Status Report.
(City Attorney Office)

Reports and Informational Items

1. Reports and Informational Items (see LTC No. 073-2013)
2. List of Projects Covered by the Cone of Silence Ordinance - LTC No. 064-2013.
(Procurement)

End of Regular Agenda



HOW A PERSON MAY APPEAR BEFORE THE CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA

THE REGULARLY SCHEDULED MEETINGS OF THE CITY COMMISSION ARE ESTABLISHED BY RESOLUTION. SCHEDULED MEETING DATES ARE AVAILABLE ON THE CITY'S WEBSITE, DISPLAYED ON MBTV 77, AND ARE AVAILABLE IN THE CITY CLERK'S OFFICE. COMMISSION MEETINGS COMMENCE NO EARLIER THAN 9:00 A.M. GENERALLY THE CITY COMMISSION IS IN RECESS DURING THE MONTH OF AUGUST.

1. DR. STANLEY SUTNICK CITIZENS' FORUM will be held during the first Commission meeting each month. The Forum is split into two (2) sessions, 12:30 p.m. and 5:30 p.m., or as soon as possible thereafter, provided that the Commission Meeting has not already adjourned prior to the time set for either session of the Forum. In the event of adjournment prior to the Stanley Sutnick Citizens' Forum, notice will be posted on MBTV 77, and posted at City Hall. Approximately thirty (30) minutes will be allocated for each session, with individuals being limited to no more than three (3) minutes or for a time period established by the Mayor. No appointment or advance notification is needed in order to speak to the Commission during this Forum.
2. Prior to every Commission meeting, an Agenda and backup material are published by the Administration. Copies of the Agenda may be obtained at the City Clerk's Office on Thursday morning prior to the regularly scheduled City Commission meeting. The Agenda and backup materials are also available on the City's website: www.miamibeachfl.gov the Thursday prior to a regularly scheduled City Commission Meeting.
3. Any person requesting placement of an item on the Agenda must provide a written statement with his/her complete address and telephone number to the Office of the City Manager, 1700 Convention Center Drive, 4th Floor, Miami Beach, FL 33139, briefly outlining the subject matter of the proposed presentation. In order to determine whether or not the request can be handled administratively, an appointment may be scheduled to discuss the matter with a member of the City Manager's staff. "Requests for Agenda Consideration" will not be placed on the Agenda until after Administrative staff review. Such review will ensure that the issue is germane to the City's business and has been addressed in sufficient detail so that the City Commission may be fully apprised. Such written requests must be received in the City Manager's Office no later than noon on Monday of the week prior to the scheduled Commission meeting to allow time for processing and inclusion in the Agenda package. Presenters will be allowed sufficient time, within the discretion of the Mayor, to make their presentations and will be limited to those subjects included in their written requests.
4. Once an Agenda for a Commission Meeting is published, persons wishing to speak on item(s) listed on the Agenda, other than public hearing items and the Dr. Stanley Sutnick Citizens Forum, should call or come to City Hall, Office of the City Clerk, 1700 Convention Center Drive, telephone (305)673-7411, before 5:00 p.m., no later than the day prior to the Commission meeting and give their name, the Agenda item to be discussed, and if known, the Agenda item number.
5. All persons who have been listed by the City Clerk to speak on the Agenda item in which they are specifically interested, and persons granted permission by the Mayor, will be allowed sufficient time, within the discretion of the Mayor, to present their views. When there are scheduled public hearings on an Agenda item, IT IS NOT necessary to register at the City Clerk's Office in advance of the meeting. All persons wishing to speak at a public hearing may do so and will be allowed sufficient time, within the discretion of the Mayor, to present their views.
6. If a person wishes to address the Commission on an emergency matter, which is not listed on the Agenda, there will be a period allocated at the commencement of the Commission Meeting when the Mayor calls for additions to, deletions from, or corrections to the Agenda. The decision as to whether or not the matter will be heard, and when it will be heard, is at the discretion of the Mayor. On the presentation of an emergency matter, the speaker's remarks must be concise and related to a specific item. Each speaker will be limited to three minutes, or for a longer or shorter period, at the discretion of the Mayor.



MIAMI BEACH

2013 Schedule of City of Miami Beach City Commission and Redevelopment Agency (RDA) Meetings

Meetings begin at 9:00 a.m., and are held in the City Commission Chambers, Third Floor, City Hall, 1700 Convention Center Drive, Miami Beach, Florida.

Commission Meetings

January 16 (Wednesday)
 February 6 (Wednesday)
 March 13 (Wednesday)
 April 17 (Wednesday)
 May 8 (Wednesday)
 June 5 (Wednesday)
 July 17 (Wednesday)

Alternate Meetings

January 23 (Wednesday)
 February 27 (Wednesday)
 March 20 (Wednesday)
 April 24 (Wednesday)
 May 22 (Wednesday)
 July 24 (Wednesday)

August - City Commission in recess

September 11 (Wednesday)
 October 16 (Wednesday) October 23 (Wednesday)
 November 6 (Wednesday) – Election related only
 November 20* (Wednesday) November 27 (Wednesday)
 December 11 (Wednesday) December 18 (Wednesday)

*If runoff election only

**CITY CLERK'S OFFICE
LOBBYIST LIST – REVISED
February 6, 2013 Commission Meeting**

Lobbyist's Name	Retained by Principal	Date Registered	Amount Disclosed
R7C Execute Amendment 13 to PSA w/ Chen Moore & Associates...\$145,044			
Eric Zichella	Chen Moore Engineering	1/23/2013	\$3,500 per month
R9C Update on the Miami Beach Convention Center			
Victor Diaz	Robert s. Wennett	11/20/2012	No compensation
Lucia Dougherty	Portman Holdings/CMC Group	04/05/2012	\$700 per hour
Alfredo Gonzalez	Portman Holdings/CMC Group	04/05/2012	\$450 per hour
Alexander Heckler	Jonathan Kurry – Turnberry Lincoln	04/30/2012	\$300-\$400 per hour
Wayne Pathman	CConnecMB	06/03/2012	\$450 per hour
Aaron Perry	Miami Beach Chamber of Commerce	01/15/2013	No compensation
David Rothenberg	Robert S. Wennett/Tishman Realty	01/29/2013	No compensation
David Sacks	CConnecMB	06/03/2012	\$375 per hour
Roberto Sanchez	ARAMARK	09/12/2012	\$1,500 flat fee
R9E Discuss Put Out to Bid Commercial Waste Hauling Franchises			
George Acevedo	Waste Services, Inc.	05/04/2012	Employee
Mitchell Bierman	Waste Services, Inc.	08/20/2008	\$500 per hour
Charles Citrin	Waste Management, Inc.	02/20/2012	\$0
David Custin	Waste Pro of Florida	07/01/2011	\$15,000 per year
Robert Goodman	Waste Management	06/02/2008	\$1,000 per month
Harold Rosen	Waste Management	05/15/2012	\$2,000 per month
Clifford Schulman	Waste Services, Inc.	07/12/2011	\$500 per hour

Updated Wednesday, March 6, 2013

PA
PRESENTATIONS
AND
AWARDS

Presentations and Awards

- PA1 Certificate Of Appreciation To Be Presented To Officer Thomas Fleischhauer, Miami Beach Police Department's Officer Of The Year 2012.
(Requested by Commissioner Jorge R. Exposito)
- PA2 Certificate Of Appreciation To Be Presented To The Miami Beach Police Department's Officer Of The Month For January 2013.
(Requested by Commissioner Jorge R. Exposito)
- PA3 The Miami Beach Chamber Education Foundation Will Present \$10,000 To The City Of Miami Beach To Support Teacher Training In The International Baccalaureate (IB) Program.
(Requested by Commissioner Jerry Libbin)
- PA4 Proclamation To Be Presented Declaring "Earth Hour Day" On March 23, 2013.
(Requested by Commissioner Michael Góngora & Mayor Matti Herrera Bower)
- PA5 Proclamation To Be Presented Declaring "Military Family And Community Covenant Day" On April 17, 2013.
(Requested by Mayor Matti Herrera Bower)
- PA6 Certificate Of Appreciation To Be Submitted To Joe Kaplan, For Years Of Service As A Special Master In The City Of Miami Beach.
(Requested by Mayor Matti Herrera Bower)
- PA7 Certificates Of Recognition To The 2012/2013 Miami Beach Senior High PTSA Board Members For Their Hard Work And Dedication To The School.
(Requested By Vice-Mayor Jonah Wolfson)
- PA8 Certificates Of Recognition To Be Presented To Luisa Castillo Echeverria Senior/ Participant And Lincoln Marti And Its Director Ana Vazquez, Employer/Participant In UNIDAD's Senior Placement Program.
(Requested By Vice-Mayor Jonah Wolfson)
- PA9 Proclamation To Be Presented To Pubbelly Restaurants For Their Dedication And Commitment To Miami Beach.
(Requested By Commissioner Michael Góngora)
- PA10 Certificates Of Recognition To Be Presented To The Principal, Vice Principals And Teachers Of South Pointe Elementary In Miami Beach.
(Requested By Commissioner Michael Góngora)
- PA11 Certificates Of Recognition For Outstanding Police Work Resulting In Seizure Of Over 30 Firearms.
(Requested by Commissioner Jerry Libbin)

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C2

COMPETITIVE BID REPORTS

C2

Condensed Title:

Request For Approval To Purchase, An Additional Sixteen (16) Honda Four Trax Rubicon All-Terrain Vehicles From G, J & L Inc., Pursuant To Invitation To Bid (ITB) No. 31-11/12, In The Amount Of \$124,128.00.

Key Intended Outcome Supported:

Increase community satisfaction with City government; Increase visibility of police; Maintain crime rates at or below national trends; Increase satisfaction with family recreational activities; and Ensure well-maintained facilities.

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

A total of 16 all-terrain vehicles (ATVs) are being replaced due to a combination of factors that include age, usage conditions, exposure to salt water, and maintenance/repair/collision expenses. Life expectancy for Ocean Rescue ATVs is approximately two and one-half years, and three years for those used by other departments. 100% of the ATVs being replaced will have exceeded their life expectancy at the time of their replacement, with Ocean Rescue ATVs averaging usage of approximately 11% beyond life expectancy. Maintenance and repair expenses to date average approximately 26% of the vehicles' original acquisition cost.

Issue:

Shall the Mayor and City Commission approve the purchase?

Item Summary/Recommendation:

At its April 12, 2012, meeting, the City Commission approved Agenda Item C2A for the purchase of the twelve (12) ATVs from G, J & L. As a condition of ITB No. 31-11/12, the City may purchase additional vehicles under the same terms, conditions and pricing for a period of one year following the initial purchase, which occurred in May 2012. This request is for approval to purchase an additional 16 ATVs from G, J & L.

The 16 Honda Four Trax Rubicon all terrain vehicles, are approved budgeted replacements and will be funded by the Fleet Management Fund Capital Account No. 510-6173-000673. A total of \$144,000 was budgeted for the purchase of these vehicles. A total of 15 vehicles will be used by the Fire Department Ocean Rescue Division and the Police Department in support of life safety emergencies, water rescues, beach safety preventative actions, and to patrol the City Beaches. The Real Estate, Housing & Community Development Department will utilize one all-terrain vehicle to provide site inspections of beachfront concessionaires.

The Administration recommends approving the purchase.

Advisory Board Recommendation:

N/A

Financial Information:

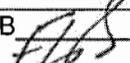
Source of Funds:	Amount	Account
OBPI	1 \$124,128.00	510-6173-000673 Fleet Management Fund Capital Account.
Total	\$124,128.00	

Financial Impact Summary:

City Clerk's Office Legislative Tracking:

Fred Beckman, Ext: 6007

Sign-Offs:

Department Director	Assistant City Manager	City Manager
FHB  AD 	JGB 	KGB 

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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: March 13, 2013

SUBJECT: **REQUEST FOR APPROVAL TO PURCHASE AN ADDITIONAL SIXTEEN (16), HONDA FOUR TRAX RUBICON ALL-TERRAIN VEHICLES FROM G, J & L INC., PURSUANT TO INVITATION TO BID (ITB) NO. 31-11/12, IN THE AMOUNT OF \$124,128.00.**

ADMINISTRATION RECOMMENDATION

Approve the purchase.

FUNDING

\$124,128.00 Funding is available from the Fleet Management Fund (510-6173-000673), previously appropriated in the adopted capital budget.

BACKGROUND AND ANALYSIS

The sixteen (16) Honda Four Trax Rubicon all-terrain vehicles (ATVs) are recommended to be purchased pursuant to Invitation to Bid (ITB) No. 31-11/12. The ATVs are approved budgeted replacements in Fiscal year 2012/13, and will be funded by the Fleet Management Fund. A total of \$144,000 was budgeted for the purchase of these vehicles. The cost of graphics and other safety equipment provided by other vendors is not included in the G, J & L purchase amount.

The Ocean Rescue Division of the Fire Department will utilize eight (8) ATVs in support of life safety emergencies, water rescues and beach preventative actions. All vehicles will be equipped with trailer hitches to tow the jet skis, water-proof utility boxes for rescue equipment, and 4x4 automatic transmissions so they may be utilized in soft sand.

The Police Department will utilize seven (7) ATVs for emergency response and to patrol the City Beaches. The Real Estate, Housing & Community Development Department will utilize one (1) ATV to provide site inspections of beachfront concessionaires.

All vehicles and equipment are scheduled for review and/or replacement based on a pre-determined schedule using the average life expectancy based on industry standards and type of service for which the vehicle/equipment is being used. Each year the Fleet Management capital budget for replacements is adjusted in accordance with the schedule.

Once it reaches its planned replacement, the vehicle/equipment is physically inspected. All information related to the vehicle is reviewed i.e. age, mileage/hours, maintenance cost, depreciation value, residual value, accident record and overall condition are taken into consideration to determine whether the vehicle should be replaced or can safely remain in the fleet for an additional time period and still be cost effective to maintain. Fleet Management has detailed maintenance and fuel records on each vehicle/equipment during its life cycle.

If it is determined that the vehicle/equipment should be replaced, the general policy is to replace "like for like" based on the availability of a comparable vehicle or equipment. An example would be: a compact car for a compact car. Prior to making an acquisition it is the policy to contact the requesting department to verify the vehicle and operating requirements.

Once this process is completed, research is conducted to identify if contract pricing is available and within the guidelines of the City Procurement Policy. If there are no contracts available, a formal bid process is initiated by the Procurement Division.

The ATVs being replaced are used on the beach and experience extensive corrosion, frequently resulting in irreparable damage and cracking to the frame; particularly those used by Ocean Rescue (Dept. 0960). As a result of operating in such a corrosive environment, any corrosion-related damage to vehicle parts, such as axles, frames, linkages, u-joints, cooling pipes, and cabling is not covered by the manufacturer under its warranty. Life expectancy for Ocean Rescue ATVs is approximately 2.5 years, and 3 years for those used by other departments. One-hundred percent (100%) of the active ATVs being replaced will exceed their life expectancy on average by 10% at the time of their replacement, including 10% for Ocean Rescue and 11% for the other departments. Maintenance and repair expenses to date, as a percent of the vehicles' original acquisition cost, are 31%. The vehicles to be replaced, as listed in Attachment 1, meet or exceed the established criteria for replacement.

On February 27, 2012, ITB No. 31-11/12 was issued for the delivery of twelve (12) Honda Fourtrax Rubicons, with an opening date of March 19, 2012. BidNet sent bid notices to over 15 prospective bidders. Additionally, the Procurement Division e-mailed the Bid to another four (4) prospective bidders. The notices resulted in the receipt of two (2) bids from Ameri-Recreational Sports, LLC., and G, J & L Inc. G, J & L Inc. provided the lowest and best bid.

At its April 12, 2012, meeting, the City Commission approved Agenda Item C2A, for the purchase of the twelve (12) ATVs which were subsequently purchased in May, 2012. As a condition of ITB No. 31-11/12, the City may, at its sole discretion, purchase additional vehicles under the same terms and conditions for a period of one year following the initial purchase, from the same supplier that was issued the original purchase order. As a result, the same bid will be used to purchase the additional sixteen (16) approved vehicles from G, J & L per the below bid tabulation.

	G, J & L Inc.
Model TRX500 ATV 4x4	\$7,096 each x16 = \$113,536
Delivery & Set-up	No charge
TOTAL FOR ATV'S	\$113,536
OPTIONS	
Storage Box	\$188 each x 16 = \$3,008
Undercoating	\$95 each x 16 = \$1,520
2 inch trailer ball	\$6 each x 16 = \$96
12 Mo. Extended Warranty	\$370 each x 16 = \$5,920
3 rd Key	\$3 each x 16 = \$48
TOTAL OPTIONS	\$10,592
TOTAL FOR ATV'S AND OPTIONS	\$124,128

CONCLUSION

The Administration recommends that the City Commission approve the purchase of an additional sixteen (16) Honda Four Trax Rubicon all-terrain vehicles, from G, J & L, Inc., pursuant to Invitation To Bid (ITB) No. 31-11/12, in the amount of \$124,128.00.

KGB/JGG/FHB/JC/JD
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Attachment 1

HONDA ATV MODEL TRX500 - MAINTENANCE AND REPAIR EXPENSES BY VEHICLE #, THROUGH JANUARY 30, 2013																		
Fiscal Year	1859	2061	2062	2063	2064	2066	2067	2068	2069	1852	1853	1854	1855	1856	1857	1858	Total	
10	\$902	\$245	\$131	\$109	\$133					\$217	\$234	\$126	\$264	\$463	\$454	\$270	\$3,547	
11	\$263	\$168	\$1,668	\$297	\$713	\$535	\$571	\$463	\$150	\$390	\$2,056	\$1,776	\$1,107	\$793	\$1,124	\$1,049	\$13,123	
12	\$197	\$1,061	\$615	\$1,671	\$427	\$2,405	\$882	\$918	\$1,187	\$1,476	\$842	\$975	\$2,121	\$981		\$2,026	\$17,783	
13	\$199						\$693	\$1,317	\$327		\$1,045			\$108			\$3,688	
Grand Total:	\$1,560	\$1,474	\$2,413	\$2,077	\$1,273	\$2,939	\$2,147	\$2,698	\$1,663	\$2,082	\$4,176	\$2,877	\$3,493	\$2,345	\$1,578	\$3,344	\$38,140	
Department:	REHCD	Ocean Rescue								Police Patrol								
Orig. Acquired Cost:	\$7,719	\$7,734	\$7,734	\$7,734	\$7,734	\$7,734	\$7,734	\$7,734	\$7,734	\$7,719	\$7,719	\$7,719	\$7,719	\$7,719	\$7,719	\$7,719	\$123,624	
Life-to-Date Maint. Cost as % of Acquired Cost	20%	19%	31%	27%	16%	38%	28%	35%	22%	27%	54%	37%	45%	30%	20%	43%	31%	
Acquired Date:	02/18/2010	07/01/2010	07/02/2010	07/03/2010	07/04/2010	09/16/2010	09/16/2010	09/16/2010	09/16/2010	02/18/2010	02/18/2010	02/18/2010	02/18/2010	02/18/2010	02/18/2010	02/18/2010	02/18/2010	
Proj. Replacement Date:	06/15/2013	06/15/2013	06/15/2013	06/15/2013	06/15/2013	06/15/2013	06/15/2013	06/15/2013	06/15/2013	06/15/2013	06/15/2013	06/15/2013	06/15/2013	06/15/2013	06/15/2013	06/15/2013	06/15/2013	
Condition:	Fair	Deadlined	Deadlined	Deadlined	Deadlined	Poor	Unsafe to drive	Unsafe to drive	Poor	Poor	Poor	Poor	Poor	Unsafe to drive	Poor	Poor		
Age at Replacement / Deadline, Yrs.	3.3	2.2	2.2	2.2	2.2	2.7	2.7	2.7	2.7	3.3	3.3	3.3	3.3	3.3	3.3	3.3		
Average Age, Yrs.:	3.3	2.5								3.3								
		2.9																

Active REHCD & Police Patrol ATVs: 11% Beyond Life Expectancy
 Active Ocean Rescue ATVs: 10% Beyond Life Expectancy
 Average: 10% Beyond Life Expectancy

Amortized Capital Cost per Month for 16 ATVs: **\$258**

Active REHCD & Police Patrol ATVs: 3.3 Aver. Age, Yrs.
 Active Ocean Rescue ATVs: 2.7 Aver. Age, Yrs.

Average Maintenance Cost per Month - 16 ATVs	FY10	\$296
	FY11	\$1,094
	FY12	\$1,482
	FYTD13	\$307

Note: Deadlined ATVs auctioned on Sept. 29, 2012

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Condensed Title:

Request For Approval To Award Contracts Pursuant To Invitation To Bid No. 66 11/12, For General Building and Specialty Trades Services, To Enterprise Electrical, Southern Comfort Solutions, Advanced Roofing, Team Contracting, FHP Tectronics Corp., Kearns Construction, Servpro of Brickell, Triangle Fire, Delcons, AGC Electric, Haber & Sons Plumbing, Aaron Construction Group, A1 Fire & Security, Commercial Interior Contractors Corp., Full Cover Roofing, A & J Roofing, Comfort Tech, Coral Gables Glass & Mirror, Sanchez Arango Construction, Edd Helms Electric, FXP Corp., and S.A. Consultants LLC, on an as needed basis, subject to budgetary approval at time of need.

Key Intended Outcome Supported:

Ensure well-maintained facilities.
Supporting Data (Surveys, Environmental Scan, etc.): N/A

Item Summary/Recommendation:

The purpose of Invitation to Bid (ITB) No. 66 11/12 was to establish a contract, by means of sealed bids, with qualified vendor(s), to provide for General Building and Specialty Trades Services. This contract shall remain in effect for two (2) years from the date of contract execution by the Mayor and City Clerk. This contract may be renewed, at the sole discretion of the City, through its City Manager, for three (3) additional one (1) year options.

ITB No. 66 11/12 was issued on September 24, 2012, with a bid opening date of October 24, 2012. A pre-bid conference was held on October 3, 2012, and no addendums were issued. Six hundred twenty seven (627) bid notices were issued, five hundred ninety two (592) through the BidNet system and another thirty five (35) through the Procurement Division. Thirty-four (34) vendors downloaded the bid documents and twenty-five (25) firms submitted responses to the ITB.

One (1) firm, Louna Corp., was deemed non-responsive for not meeting the three (3) year minimum qualifications pursuant to Section 3.2, Minimum Qualifications. Two (2) firms, H.A. Contracting and Coastland Construction Inc., were deemed non-responsible pursuant to Section 1.36, Determination of Award.

Firms have been qualified as detailed in Section 3.3 of the ITB. The Administration is recommending award by group number detailed in the attached memo to Enterprise Electrical, Southern Comfort Solutions, Advanced Roofing, Team Contracting, FHP Tectronics Corp., Kearns Construction, Servpro of Brickell, Triangle Fire, Delcons, AGC Electric, Haber & Sons Plumbing, Aaron Construction Group, A1 Fire & Security, Commercial Interior Contractors Corp., Full Cover Roofing, A & J Roofing, Comfort Tech, Coral Gables Glass & Mirror, Sanchez Arango Construction, Edd Helms Electric, FXP Corp., and S.A. Consultants LLC.

When a need for services arises the departments will enter a requisition in order for the Procurement Division to issue a Request for Quotation listing scope of work, technical specifications, location, pre-bid meeting, etc., and contractors pre-qualified in the particular trade will be invited to participate and submit sealed bids to the Procurement Division. The purchase order will be released to the lowest responsive and responsible bidder.

APPROVE THE AWARD OF THE CONTRACT.

Advisory Board Recommendation:

Financial Information:

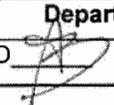
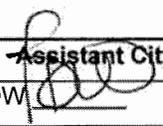
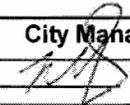
Source of Funds:	Amount	Account
1		Subject to budgetary approval at time of need.
2		
3		
Total		

Financial Impact Summary:

City Clerk's Office Legislative Tracking:

Alex Denis, Ext. 7490

Sign-Offs:

Department Director	Assistant City Manager	City Manager
AD 	PDW 	KGB 



MIAMI BEACH

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

COMMISSION MEMORANDUM

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

FROM: Kathie G. Brooks, Interim City Manager

DATE: March 13, 2013

SUBJECT: **REQUEST FOR APPROVAL TO AWARD CONTRACTS PURSUANT TO INVITATION TO BID NO. 66 11/12, FOR GENERAL BUILDING AND SPECIALTY TRADES SERVICES, TO ENTERPRISE ELECTRICAL, SOUTHERN COMFORT SOLUTIONS, ADVANCED ROOFING, TEAM CONTRACTING, FHP ELECTRONICS CORP., KEARNS CONSTRUCTION, SERVPRO OF BRICKELL, TRIANGLE FIRE, DELCONS, AGC ELECTRIC, HABER & SONS PLUMBING, AARON CONSTRUCTION GROUP, A1 FIRE & SECURITY, COMMERCIAL INTERIOR CONTRACTORS CORP., FULL COVER ROOFING, A & J ROOFING, COMFORT TECH, CORAL GABLES GLASS & MIRROR, SANCHEZ ARANGO CONSTRUCTION, EDD HELMS ELECTRIC, FXP CORP., AND S.A. CONSULTANTS LLC, ON AN AS NEEDED BASIS, SUBJECT TO BUDGETARY APPROVAL AT TIME OF NEED.**

ADMINISTRATION RECOMMENDATION

Approve the award of the contract.

KEY INTENDED OUTCOME

Ensure well maintained facilities.

FUNDING

Subject to budgetary approval from the various sources of funds at time of need.

ITB PROCESS

The Procurement Division issued an Invitation to Bid No. 66 11/12 in order to establish a term contract for the Pre-Qualification of General Building and Specialty Trades Services. ITB No. 66 11/12 was issued on September 24, 2012, with a bid opening date of October 24, 2012. A pre-bid conference was held on October 3, 2012, and no addendums were issued.

The work required under this contract is skilled work in the following areas:

- | | |
|--|--|
| 1) Air Conditioning/HVAC | 13) Marine Services |
| 2) Asphalt Sealing (Excluding Roadway Pavements) | 14) Mechanical |
| 3) Audio/Visual | 15) Mechanical (Fire Systems) |
| 4) Awning/Shutters | 16) Painting/Waterproofing |
| 5) Carpentry/Wood Work | 17) Plumbing |
| 6) Carpeting | 18) Pump Repairs |
| 7) Electrical | 19) Roofing |
| 8) Flooring | 20) Swimming Pool |
| 9) General Building (GC) | 21) Tennis/Sports Courts |
| 10) Glass/Glazing | 22) Tile |
| 11) Irrigation/Sprinkler System | 23) Water Intrusion |
| 12) Locksmith | 24) Welding (Heli-arc, Mig/Tig, Oxygen/Acetylene, Brazing) |

BidNet issued bid notices to five hundred and ninety two (592) prospective bidders, and the Procurement Office issued an additional thirty-five (35) bid notices. Thirty-four (34) vendors downloaded the bid documents.

A total of twenty five (25) firms submitted documentation to be qualified: Enterprise Electrical, Southern Comfort Solutions, Advanced Roofing, Team Contracting, FHP Tectronics Corp., Coastland Construction, Kearns Construction, Servpro of Brickell, Triangle Fire, Delcons, AGC Electric, Haber & Sons Plumbing, Louna Corp., Aaron Construction Group, A1 Fire & Security, H.A. Contracting, Commercial Interior Contractors Corp., Full Cover Roofing, A & J Roofing, Comfort Tech, Coral Gables Glass & Mirror, Sanchez Arango Construction, Edd Helms Electric, FXP Corp., and S.A. Consultants LLC.

One (1) firm, Louna Corp., was deemed non-responsive for not meeting the three (3) year minimum qualifications pursuant to Section 3.2, Minimum Qualifications. Two (2) firms, H.A. Contracting and Coastland Construction Inc., were deemed non-responsible pursuant to Section 1.36, Determination of Award.

In order to be qualified for any of the above listed trades, bidders were requested to submit with their bid response (and maintain same in good standing throughout the duration of the contract) a current valid Certificate for General Building/Engineering or Specialty Trade Contracting, for the types of work covered by this Bid and issued by: (a) The State of Florida Construction Industry Licensing Board, pursuant to the provisions of Section 489.115 of the Florida Statutes; or (b) The Miami-Dade County Construction Trades Qualifying Board, pursuant to the provisions of Section 10-3(a) of the Code of Miami-Dade County. Holders of County Certificates of Competency must also hold Certificates of Registration issued by the State of Florida Construction Licensing Board, pursuant to the provisions of Section 489.115 or 489-117, Florida Statutes.

The ITB stipulated that award of this contract will be made to all responsive, responsible bidders complying with terms, conditions and qualification requirements. Awarded firms shall be placed on a list of pre-qualified contractors who will be contacted, on an as needed basis, to provide quotes for work specified by the City as follows:

- For small projects \$5,000 or less, the requesting department shall contact all pre-qualified vendors, by trade, for quotes.
- For projects over \$5,000, an Invitation to Quote (ITQ) will be issued by the Procurement Division, through the City's e-procurement system, requiring sealed responses.

Award will be made to the contractor submitting the lowest response to the ITQ.

Projects awarded under this contract shall comply with Florida Statutes, Section 255, including a limit of \$300,000 per project for general projects and \$75,000 for single trade electrical projects. Projects exceeding these limits shall be procured through a separate competitive solicitation.

The following firms submitted their proper licensures and have been deemed qualified for the following trades:

AIR CONDITIONING/HVAC

Southern Comfort Solutions
Comfort Tech
Edd Helms Electric
FXP Corporation

AWNING /SHUTTERS*

Coral Gables Glass & Mirror

CARPENTRY/WOOD WORK

Team Contracting
Commercial Interior Contractors Corp.
S.A. Consultants LLC

ELECTRICAL

Enterprise Electrical
AGC Electric
A1Fire & Security d/b/a A1 Fire Equip.
Sanchez Arango Construction
Edd Helms Electric

FLOORING

Commercial Interior Contractors Corp.
S.A. Consultants LLC

GENERAL BUILDING (GC)

Team Contracting
FHP Tectronics Corp.
Kearns Construction
Delcons
Haber & Sons Plumbing
Aaron Construction Group
Sanchez Arango Construction
FXP Corporation
S.A. Consultants LLC

GLASS/GLAZING*

Coral Gables Glass & Mirror

IRRIGATION/SPRINKLER SYSTEM*

Team Contracting

MARINE SERVICES

Kearns Construction
Edd Helms Electric

MECHANICAL

Southern Comfort Solutions
Comfort Tech
FXP Corporation

MECHANICAL (FIRE SYSTEMS)*

Triangle Fire

PAINTING/WATERPROOFING

Team Contracting
Commercial Interior Contractors Corp.
Coral Gables Glass & Mirror
S.A. Consultants LLC

PLUMBING*

Haber & Sons Plumbing

ROOFING

Advanced Roofing
Aaron Construction Group
Full Cover Roofing
A&J Roofing

TILE

Commercial Interior Contractors Corp.
S.A. Consultants LLC

WATER INTRUSION*

Servpro of Brickell

The intent of this contract is to establish a list of prequalified firms, on the basis of licensure, insurance and prior client surveys, from whom the city may request quotes at the time a need is identified. In doing so, the City will request quotes from all firms under a given trade. The firm offering the lowest price, in compliance with specifications, will be issued a purchase order.

*In the event that only one contractor has been identified for a particular trade, the City will invite prequalified contractors from other public entity contracts (e.g., Miami-Dade County, State of Florida) to ensure competition. Pursuant to Section 2.5 of the ITB, it is the City's intent to periodically release a call for pre-qualifications under this ITB to maintain an adequate number of trades contractors, further ensuring competition. The recommendation for additional contractors, or removal of any contractor based on poor performance, shall be submitted to the City Commission for approval.

CITY MANAGER'S REVIEW

After considering the review and recommendation of City staff, the Interim City Manager exercised her due diligence and is recommending to the Mayor and the City Commission to award the contracts to Enterprise Electrical, Southern Comfort Solutions, Advanced Roofing, Team Contracting, FHP Tectronics Corp., Kearns Construction, Servpro of Brickell, Triangle Fire, Delcons, AGC Electric, Haber & Sons Plumbing, Aaron Construction Group, A1 Fire & Security, Commercial Interior Contractors Corp., Full Cover Roofing, A & J Roofing, Comfort Tech, Coral Gables Glass & Mirror, Sanchez Arango Construction, Edd Helms Electric, FXP Corp., and S.A. Consultants LLC, on an as needed basis, allocating funds from various sources, subject to budgetary approval at time of need; further authorizing, in accordance to the Invitation to Bid, the ability to add qualified firms or individuals to the contract when deemed in the best interest of the City of Miami Beach without further City Commission authorization.

CONCLUSION

Based on the aforementioned, the Administration recommends that the Mayor and City Commission award contracts pursuant to Invitation to Bid (ITB) No. 66 11/12, for the Pre-Qualification of General Building and Specialty Trades Services, to Enterprise Electrical, Southern Comfort Solutions, Advanced Roofing, Team Contracting, FHP Tectronics Corp., Kearns Construction, Servpro of Brickell, Triangle Fire, Delcons, AGC Electric, Haber & Sons Plumbing, Aaron Construction Group, A1 Fire & Security, Commercial Interior Contractors Corp., Full Cover Roofing, A & J Roofing, Comfort Tech, Coral Gables Glass & Mirror, Sanchez Arango Construction, Edd Helms Electric, FXP Corp., and S.A. Consultants LLC, on an as needed basis, allocating funds from various sources, subject to budgetary approval at time of need.

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**COMMISSION COMMITTEE
ASSIGNMENTS**



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: March 13, 2013

SUBJECT: **REFERRAL TO THE FINANCE AND CITYWIDE PROJECTS COMMITTEE – DISCUSSION REGARDING THE ISSUANCE OF A REQUEST FOR QUALIFICATIONS FOR A THIRD FRANCHISE SOLID WASTE CONTRACTOR FOR RESIDENTIAL AND COMMERCIAL SOLID WASTE COLLECTIONS AND DISPOSAL**

ADMINISTRATION RECOMMENDATION

Refer the discussion to the Finance and Citywide Projects Committee.

BACKGROUND

Per Resolution No. 2012-27904, the City Commission approved not to proceed to issue the Request For Qualifications for the fourth solid waste franchise contractor, and agreed to maintain the number of franchise contractors to three (3), and to accept exercising the renewal of the existing contract to a one year only, expiring on September 30, 2015. In consideration thereof, the three (3) solid waste franchise contractors agreed to provide \$390,000 per year, plus \$25,000 dedicated for environmental programs through the life of the extension, in addition to what is already being contributed.

In anticipation of the acquisition of Choice Environmental Inc. by Waste Services Inc., which would bring the number of Solid Waste Franchise Haulers from three (3) to two (2), the City Administration recommends that a discussion on issuing a request for qualifications for a third contractor be referred to the Finance and Citywide Projects Committee.

KGB/JGG/FHB

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Agenda Item C4A

Date 3-13-13

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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: March 13, 2013

SUBJECT: **REFERRAL TO THE PLANNING BOARD - MIAMI BEACH UNITED RESOLUTIONS TO ADDRESS THE ISSUE OF COMPATIBILITY OF CERTAIN USES AND DEVELOPMENT PROJECTS IN PROXIMITY TO RESIDENTIAL USES**

ADMINISTRATION RECOMMENDATION

Refer the Ordinance Amendments to the Planning Board for consideration and recommendation.

BACKGROUND/ANALYSIS

On February 21, 2013 the Land Use and Development Committee discussed and referred the following items to the Planning Board, as an Ordinance Amendment:

- For sidewalk and outdoor eating and drinking establishments, establishing a 100' radius from residential zones, prohibiting outdoor speakers, requiring food service for drinking establishments, and limiting the weekday and weekend hours of operation to reflect current license requirements (12:00 AM / 2:00 AM). These restrictions would be applicable to new applications, and would allow existing cafes to continue under the terms of a current license. Also, Planning Board approval may be sought to exceed these thresholds for new establishments.
- For the single family district interface with commercial districts, establishing a 100 foot buffer for expanded regulations, including the lowering of the maximum building height for the portion of the property closest to the residential area, permitting the building to step up further away from the residential areas. This would also include a line of sight requirement from across the street or waterway for the remainder of the property.

This Ordinance is intended to address the specific issues and concerns raised in a recent resolution from 'Miami Beach United' and should begin to address use and building mass compatibility issues with adjacent residential areas.

CONCLUSION

The Administration recommends that the Mayor and the City Commission refer the proposed Ordinance Amendments to the Planning Board for consideration and recommendation.

KGB/JGG/RGL/TRM

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Date 3-13-13

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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: March 13, 2013

SUBJECT: **REFERRAL TO THE NEIGHBORHOOD/COMMUNITY AFFAIRS COMMITTEE A DISCUSSION REGARDING THE CITY OF MIAMI BEACH FIRE PREVENTION FINES AND CITATIONS RELATED TO NIGHTCLUBS AND OTHER ASSEMBLIES.**

ADMINISTRATION RECOMMENDATION

Refer the item.

BACKGROUND

There are over 120 nightclubs and bar/lounges operating in the City of Miami Beach. In addition, there are hundreds more assembly occupancies such as restaurants, ballrooms, meeting rooms, performance halls, etc. The Florida Fire Prevention Code (FFPC), The Life Safety Code (NFPA 101), and the Miami Beach Code have specific requirements for the maximum number of occupants permitted in an assembly occupancy as well as many other safety regulations. The requirements are mandated to prevent fires and to ensure that occupants can evacuate safely in the event of an emergency.

The Fire Department continues to implement the Night Inspection Program since it started in the early 1990s. The night inspectors conduct random inspections of all the nightclubs and selected bar/lounges and restaurants. The main objective for the night inspections is to monitor that the establishment is not exceeding the maximum occupant load and exits are clear and accessible. The inspectors will issue a citation for these violations. The current fines are \$200.00 for the first offense and \$500.00 for the second and subsequent offenses. The current fines have not been increased since initial adoption in 1997.

The Administration proposes to increase the current fines to encourage compliance and promote safety among the City's entertainment industry. It is exactly ten years ago that the United States experienced one of the worst nightclub fires in recent history when over 100 people were killed in a Rhode Island nightclub fire. More recently, over 200 people were killed in a nightclub fire in Brazil. Therefore, the staff recommends presenting to the Neighborhood/Community Affairs Committee an ordinance to increase and add citations to achieve fire code compliance and improve overall safety of the residents and visitors of the City of Miami Beach.

KGB/JO/SM

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Date 3-13-13

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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: March 13, 2013

SUBJECT: **REFERRAL TO THE LAND USE AND DEVELOPMENT COMMITTEE DISCUSSION REGARDING AN AMENDMENT TO THE LAND DEVELOPMENT REGULATIONS TO REGULATE TEMPORARY BUSINESS SIGNS ON PUBLIC PROPERTY**

RECOMMENDATION

The City Manager recommends that the City Commission approve the referral of a draft ordinance (attached), to the Land Use and Development Committee, amending the Land Development Regulations to regulate the placement of temporary business entrance signs in the right of way in order to mitigate the impacts of public construction on visibility of, or access to businesses.

BACKGROUND

During construction of right of way projects, access and or visibility to commercial establishments is often impeded. The State of Florida, Department of Transportation (FDOT) has in place a process and regulations that allow the placement of temporary business signs on the FDOT right of way for purposes of mitigating the disruption caused by construction when such construction affects visibility and or access. The City Code does not have a similar regulation for local streets. The proposed amendment would authorize the placement of temporary business entrance signs in the right of way to mitigate the impacts of public construction on visibility of, or access to businesses. The signs would be intended to guide motorists to businesses entrances and valet ramps moved/modified or disturbed during public construction projects. Temporary business entrance signs would be located in the ROW, only directly in front of the business affected, show the specific business names, and only allow one sign for each business or valet ramp affected. The temporary business signs shall be removed concurrent with the termination of the public construction or at such point in time during construction as the manager determines that the temporary signs are no longer necessary. Business entrance signs are not permitted where there is minimal disruption to businesses, driveways or valet ramps.

CONCLUSION

The City Manager recommends that the City Commission approve the requested referral to the Land Use and Development Committee for the amendment as proposed above.

Attachment

KGB/IGG

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Agenda Item C4D

Date 3-13-13

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF THE CITY OF MIAMI BEACH, BY AMENDING CHAPTER 82 - PUBLIC PROPERTY," ARTICLE IV. - USES IN PUBLIC RIGHTS-OF-WAY DIVISION 6. - PROHIBITED SIGNS OVER PUBLIC PROPERTY," IS HEREBY AMENDED TO ADD SECTION 82-415 – "TEMPORARY BUSINESS SIGNS"; PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, the City Code contains provisions for regulating the use of public property; and

WHEREAS, these provisions include regulation of signs located in public rights-of-way; and

WHEREAS, the Mayor and City Commission have identified as a legitimate government purpose the provision of temporary business signs during times of road construction and other capital improvement projects ; and

WHEREAS, the amendment set forth below is necessary to accomplish all of the above objectives.

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA.

SECTION 1.

That Chapter 82 - Public Property," Article IV. - Uses In Public Rights-Of-Way Division 6. - Prohibited Signs Over Public Property," is hereby amended to add Section 82-415 – "Temporary Business Signs" as follows:

Sec. 82-415. – Temporary Business Signs - Notwithstanding any other prohibitions in this Code to the contrary, the city manager may authorize the placement of temporary business entrance signs in the right of way to mitigate the impacts of public construction on visibility of, or access to businesses. Said signs are intended to guide motorists to businesses entrances and valet ramps moved/modified or disturbed during public construction projects. Temporary business entrance signs, unless otherwise determined by the city manager, shall be located only directly in front of the business affected, may only show specific business names, and only one business sign for each driveway entrance or valet ramp affected is permitted. The temporary business signs shall be removed concurrent with the termination of the public construction or at such point in time during construction as the manager determines that the temporary signs are no longer necessary. Business entrance signs are not permitted where there is minimal disruption to businesses, driveways or valet ramps.

Section 2. Repealer.

All ordinances or parts of ordinances and all section and parts of sections in conflict herewith be and the same are hereby repealed.

Section 3. Codification.

It is the intention of the City Commission, and it is hereby ordained, that the provisions of this Ordinance shall become and be made part of the Code of the City of Miami Beach, as amended; that the sections of this Ordinance may be re-numbered or re-lettered to accomplish such intention; and that the word "ordinance" may be changed to "section" or other appropriate word.

Section 4. Severability.

If any section, subsection, clause or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

Section 5. Effective Date.

This Ordinance shall take effect ten days following adoption.

PASSED and ADOPTED this _____ day of _____ 2013.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM
AND LANGUAGE
AND FOR EXECUTION

City Attorney Date

First Reading:
Second Reading:

Verified By: _____
Richard G. Lorber, AICP
Acting Planning Director

Underline = new language
~~Strikethrough~~ = deleted language

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MIAMI BEACH

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

COMMISSON MEMORANDUM

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

FROM: Kathie M. Brooks, Interim City Manager

DATE: March 13, 2013

SUBJECT: **REFERRAL TO TRANSPORTATION AND PARKING COMMITTEE AND NEIGHBORHOODS AND COMMUNITY AFFAIRS COMMITTEE FOR A DISCUSSION REGARDING SIGHTSEEING AND TOUR BUS INDUSTRY REGULATIONS.**

ADMINISTRATION RECOMMENDATION

Refer discussion to the Transportation and Parking Committee and Neighborhoods and Community Affairs Committee.

BACKGROUND

Most major tourist destinations throughout the country have sightseeing and tour bus services, including guidelines and regulations governing these operations. The sightseeing and tour bus industry continues to expand in the City as well as regionally. It is prudent to review the City Code and determine any amendments necessary to regulate the industry. The Administration has met with various sightseeing and tour bus operators and will eventually hold an industry workshop to discuss proposed regulations and any potential amendments to the City Code.

At this time, the Administration is seeking direction from the Transportation and Parking Committee and Neighborhoods and Community Affairs Committee regarding sightseeing and tour bus industry regulations.

CONCLUSION

The Administration recommends referring discussion of the sightseeing and tour bus industry regulations to the Transportation and Parking Committee and Neighborhoods and Community Affairs Committee.

KGB/PDW/MAS/SF

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Date 3-13-13

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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: March 13, 2013

SUBJECT: **REFERRAL TO THE NEIGHBORHOOD/COMMUNITY AFFAIRS COMMITTEE OF A DISCUSSION REGARDING POSSIBLE AMENDMENTS TO CHAPTER 70 ARTICLE III (SECTION 70-122-129), "GRAFFITI ORDINANCE".**

ADMINISTRATION RECOMMENDATION

Refer the item to the Neighborhood/Community Affairs Committee for discussion.

BACKGROUND

Graffiti on private or public property is currently within the purview of Chapter 70 Article III. "Graffiti" (Section 70-122-129). This section also provides for fines and penalties for violators, as well as requirements for the abatement of graffiti by private property owners.

It is the City's responsibility to remove graffiti from public property. Under the current ordinance, the City can, upon the failure of the private property owner to abate the graffiti, enter the private property to address the nuisance. The private property owner is then billed for the expense associated with the abatement, and is provided an opportunity to appeal the costs billed for the abatement. This appeal is heard by the Special Master.

Currently, Commercial property owners must take corrective action within seven (7) business days from the receipt or delivery of a notice requiring corrective action; residential property owners must take corrective action within ten (10) business days from receipt or delivery of the notice. The Code Compliance Division issues notices to private property owners. Since the abatement period begins after there has been notice, graffiti may be on the property for an extended period of time.

Administration's goal is to decrease the time graffiti is left unabated by adopting aspects of the Miami-Dade County Code (Sec. 21-30.01) to possibly include:

- Authorizing City staff to immediately remove or obscure graffiti that abuts the public right-of-way.
- Defining "property that abuts the public right-of-way" as property that can be accessed by City staff without substantially encroaching onto private property.
- Noticing property owners of the City's intention to immediately obscure graffiti

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Date 3-13-13

placed on walls, buildings and other surfaces that abut the public right-of-way.

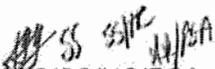
- Establish that the appearance of graffiti on a wall, building or other surface abutting the public right-of-way shall serve as notice to the property owner that the graffiti is subject to being obscured or removed by the City.

CONCLUSION

The Administration recommends that the Mayor and the City Commission refer the matter to the Neighborhood/Community Affairs Committee for consideration and recommendation.

Attachments

- Attachment A – Miami-Dade County Graffiti Ordinance
- Attachment B – City of Miami Beach Ordinance


KGB/JGG/SS/HC/RSA

Sec. 21-30.01. - Graffiti.

- (a) *Definitions.* For the purpose of this section, the following terms apply.
- (1) "*Broad tipped indelible marker*" means any felt tip marker, or similar implement, which contains a fluid which is not water soluble and which has a flat or angled writing surface one-half (½) inch or greater.
 - (2) "*Bona fide evidence of majority*" means a document issued by a federal, state, county, or municipal government or agency thereof, including but not limited to, a motor vehicle operator's license, or registration certificate issued under the Federal Selective Service Act, a passport, or an identification card issued to a member of the armed forces which identifies an individual and provides proof of the age of such individual.
 - (3) "*Business day*" means any day of the week except Saturday, Sunday, or legal holidays.
 - (4) "*Commercial property*" means real and personal property that is used for business, commercial, or for-profit purposes including but not limited to vehicles, dumpsters, advertisements and signs. It shall be prima facie evidence that a property is commercial if it (1) is located in a business, commercial, office, apartment, hotel or warehouse zoning district; (2) contains commercial or business advertising visible from the right-of-way; or (3) has posted on its premise a business occupational license. "Commercial property" shall include advertising and billboards. "Commercial property" shall include residential property of four (4) or more units that is rented or advertised for rent. "Commercial property" shall not include (1) single family homes or residential property of three (3) or less units; (2) property owned by governments; (3) property used for non-profit purposes by educational institutions, charities, or religious institutions; (4) property used for agricultural purposes except for those portions of the property containing a business open to the general public.
 - (5) "*Corrective action*" mean an act required to remove or effectively obscure graffiti that is visible from the right-of-way.
 - (6) "*Director*" mean the Director of the Public Works Department or his or her designee.
 - (7) "*Non-commercial property*" means all property that is not included in the definition of commercial property in this section.
 - (8) "*Owner*" means any and all persons with legal and/or equitable title to real property in Miami-Dade County as their names and addresses are shown upon the records of the Property Appraiser Department.
 - (9) "*Supervising adult*" means an individual twenty-one (21) years of age or older who has been given responsibility by the minor's parents, legal guardian, or other lawful authority to supervise the minor.
 - (10) "*Used or intended to be used*" includes usage in the course of a violation or usage to transport a violator to or from the scene of a violation.
- (b) *Application of section.*
- (1) This section shall be applicable in incorporated and unincorporated areas of Miami-Dade County, with the enforcement of the provision of this section in the unincorporated area being the responsibility of Miami-Dade County and in the incorporated area being the responsibility of the municipalities.
- (c)

Affect on municipal ordinances. It is the intent of the Board to provide a minimum standard for those graffiti offenses provided in subsections (f), (h), and (i) in incorporated areas of Miami-Dade County. Any municipality in Miami-Dade County may adopt more stringent graffiti regulations and/or higher penalties for graffiti offenses than those provided herein.

(d) *Graffiti prohibited.*

- (1) No person shall write, paint, or draw any inscription, figure, or mark of any type on any public or private building or structure or other real or personal property, owned, operated, or maintained by a governmental entity or any agency or instrumentality thereof or by any person, firm, or corporation, unless the express prior written permission of the owner, owner's agent, manager or operator of the property has been obtained and filed with the Public Works Department, Graffiti Coordinator. No filing is required if the owner, owner's agent, manager or operator of the property has obtained a valid painting permit in accordance with other pertinent law.
- (2) Any person violating this subsection shall be punished by a fine of two hundred and fifty dollars (\$250.00) for the first offense; five hundred dollars (\$500.00) for the second offense and one thousand dollars (\$1,000.00) for each subsequent offense or by imprisonment in the County jail for a term not to exceed sixty (60) days or by both fine and imprisonment at the discretion of the court.
 - (I) In the case of a minor, the parents or legal guardian shall be jointly and severably liable with the minor for payment of all fines.
 - (II) Failure of the parents or legal guardian to make payment, will result in the filing of a lien on the parents or legal guardian's property to include the fine and administrative costs.
 - (III) Upon an application and finding of indigency, the court may decline to order fines against the minor or parents.
- (3) In addition to any punishment listed in subsection (d)(2), the court shall order any violator to make restitution to the victim for damages or loss caused directly or indirectly by the defendant's offense in the amount or manner determined by the court.
 - (I) In the case of a minor, the parents or legal guardian shall be ordered jointly and severably liable with the minor to make such restitution.
- (4) In addition to any punishment listed in subsection (d)(2) or restitution ordered under subsection (d)(3), the court shall order any violator to perform monitored community service in the removal of graffiti of not less than forty (40) hours and not more than one hundred (100) hours.
- (5) Forfeiture of personal property. All personal property, including, but not limited to automobiles and bicycles, used or intended to be used in violating this subsection, shall be forfeitable to Miami-Dade County. In forfeiting such personal property, the County shall follow the procedures outlined in Section 31-116 et seq. of the Miami-Dade County Code concerning forfeitures of passenger motor vehicles for violation of the transportation code, except that one (1) violation of this subsection shall be the basis for forfeiture; the County Manager or his designee shall act as the party for the County in lieu of CSD as recipient of all request for hearings and for all other purposes under the procedure; the property subject to forfeiture shall be personal property as described above. In any forfeiture under this section, the court shall not order a forfeiture unless it finds that the forfeiture is commensurate with the severity of the violation to the extent required by Florida and Federal Constitution.
 - (I)

Municipalities may establish their own system for the forfeiture of personal property.

(e) *Graffiti removal by the County.*

- (1) Whenever the County becomes aware of the existence of graffiti on any property, including any structure or improvement, that abuts the public right-of-way within any unincorporated area of the County, County personnel are authorized to immediately remove or obscure such graffiti.
- (2) For purposes of this subsection (e) only, "property that abuts the public right-of-way" means property that can be accessed by County personnel without substantially encroaching onto private property, such as subdivision walls and other structures and improvements lying at or near the public right-of-way.
- (3) General notice. Property owners are hereby put on notice of the County's intention to immediately obscure graffiti placed on walls, buildings and other surfaces that abut the public right-of-way. Team Metro shall also publish notice once during each week for four (4) consecutive weeks in the Miami Herald and shall substantially comply with Chapter 50, Florida Statutes. Any property owner who objects to graffiti being obscured on property abutting the public right-of-way shall file a statement of objection with the County Manager or his designee within thirty (30) days of the date of the final published notice. Such objection shall be effective for one (1) year. A new objection must be filed each year thereafter to preserve the objection. If an objection is filed, subsection (e) shall not apply to the property owner's property. The County reserves the right, however, to ensure that graffiti is obscured on such property by citation and fine under subsection (g).
- (4) Specific notice to affected property owner. The appearance of graffiti on a wall, building or other surface abutting the public right-of-way shall serve as notice to the property owner that the graffiti is subject to being obscured or removed by the County. Any property owner who has not filed a statement under subsection (3) and who desires to obscure or remove the graffiti himself shall (i) immediately remove the graffiti; or (ii) notify the County Manager or his designee immediately of his intention to remove the graffiti within forty-eight (48) hours. Graffiti not removed within forty-eight (48) hours is subject to removal by the County.
- (5) Nothing contained in this subsection (e) shall be construed to supersede or otherwise affect the provisions contained in subsection (g).

(f) *Graffiti removal by the property owner.*

- (1) Whenever the County becomes aware of the existence of graffiti visible from the public right-of-way on any property, real or personal, including structures or improvements within the County, a Code Enforcement Officer is authorized, upon such discovery, to give, or cause to be given, notice to take corrective action to the property owner or the property owner's agent or manager.
- (2) For commercial property, the property owner or the property owner's agent or manager shall take corrective action within two (2) business days from receipt or posting of the notice listed in subsection (f)(1). For non-commercial property, the property owner or the property owner's agent or manager shall take corrective action within fourteen (14) calendar days from receipt or posting of the notice listed in subsection (f)(1).
- (3) If the property owner or the property owner's agent or manager fails to take corrective action, he or she shall be cited pursuant to Chapter 8CC of this Code or by any municipal citation system.

- (I) For commercial property, the property owner or the property owner's agent or manager has two (2) business days from receipt or posting of the citation to file for an appeal hearing before an 8CC hearing officer, or municipal hearing officer, or take corrective action. For non-commercial property, the property owner or the property owner's agent or manager has seven (7) calendar days from receipt or posting of the citation to file for an appeal hearing before an 8CC Hearing Officer, or municipal hearing officer, or take corrective action.
 - (II) If the owner or the property owner's agent or manager does not appeal the citation, they shall pay the fine in accordance with Section 8CC-10 of the Code, or in accordance with the applicable municipal citation system. Thereafter, each day the owner, or property owner's agent or manager fails to take corrective action counts as a continuing violation.
- (4) The above listed hearing shall be conducted not sooner than five (5) calendar days, but not later than twenty (20) calendar days after receipt of the appeal.
- (5) Notwithstanding any provision of this Chapter or Chapter 8CC of the Miami-Dade County Code to the contrary, the appeal of a violation of this section shall not extend or otherwise change the time period for corrective action of the violation. Continuing penalties as provided for herein and in Section 8CC-4(c) shall accrue upon the expiration of the time period provided in subsection (3) above.
- (6) The Director, or City Manager of a municipality, shall cause corrective action to take place at the owner's expense after two (2) business days for commercial property, or fourteen (14) calendar days for non-commercial property from the date of citation or date of the rendering of the Hearing Officer's order, which finds the violator guilty.
 - (I) The County or municipality shall have the right to enter upon private property to the extent necessary to take corrective action. Entry into any dwelling or structure is expressly prohibited.
 - (II) After taking corrective action, the Director, or City Manager of a municipality, shall file a lien in the amount of all expenses incurred in correcting the condition, including all fines, continuing penalties and actual administrative costs.
 - (III) Such liens shall be enforceable in the same manner as a tax lien and may be satisfied at any time by payment thereof, including accrued interest. Upon such payment, the Clerk of the Circuit Court shall, by appropriate means, evidence the satisfaction and cancellation of such lien upon the record thereof. Notice of such lien may be filed in the Office of the Clerk of the Circuit Court and recorded among the public records of Miami-Dade County, Florida.
- (7) It shall be an affirmative defense preventing any fines from issuing under this section if the property owner proves at a hearing that, at the subject location, he or she had been victimized by graffiti three (3) or more times within the calendar year of the violation and had removed or effectively obscured the graffiti within two (2) business days of its appearance for commercial property, or within fourteen (14) days of its appearance for non-commercial property, or within the times provided in this ordinance if a notice or violation was issued. This mitigation provision applies only to fines and shall not prevent the Director, pursuant to section (d)(6), from taking corrective action and liening the property for costs, if the property owner fails to take corrective action.
- (g) *Possession of spray paint and markers.*
 - (1)

- Possession of spray paint and markers with intent to make graffiti is prohibited. No person shall carry an aerosol spray paint can or broad-tipped indelible marker with the intent to violate the provisions of subsection (d)(1).
- (2) Possession of spray paint and markers by minors on public property prohibited. No person under the age of eighteen (18) shall have in his or her possession any aerosol container of spray paint or broad-tipped indelible marker while on any public property, highway, street, alley or way except in the company of a supervising adult.
 - (3) Possession of spray paint and markers by minors on private property prohibited without consent of owner. No person under the age of eighteen (18) shall have in his or her possession any aerosol container of spray paint or broad-tipped indelible marker while on any private property unless the owner, agent, or manager, or person in possession of the property knows of the minor's possession of the aerosol container or marker and has consented to the minor's possession while on his or her property.
 - (4) Any person violating this subsection (g)(1), (2) or (3) shall be punished by a fine of two hundred and fifty dollars (\$250.00) for a first offense, and five hundred dollars (\$500.00) for a second offense and one thousand dollars (\$1,000.00) for each subsequent offense, or by imprisonment in the County Jail for a term not to exceed sixty (60) days, or by both fine and imprisonment in the discretion of the court.
 - (I) In the case of a minor, the parents or legal guardian shall be responsible for payment of all fines.
 - (II) Failure of the parents or legal guardian to make payment will result in the filing of a lien on the parents or legal guardian's property to include the fine and administrative costs.
 - (5) In addition to any punishment, the court shall order any person found in violation of subsection (g)(1), (2) or (3) to make restitution to the victim for damage or loss caused directly or indirectly by the defendant's offense in a reasonable amount or manner to be determined by the court.
 - (I) Where the defendant is a minor, the parent or legal guardian shall be jointly and severably liable with the minor to make such restitution.
 - (6) In addition to any punishment listed in subsection (g)(5) or restitution ordered under subsection (g)(6), the court shall order any person found in violation of subsection (g) (1), (2), or (3) to perform monitored community service in the removal of graffiti of not less than forty (40) hours and not more than one hundred (100) hours.
- (h) *Storage and sale of spray paint and markers.*
- (1) *Sale to minors prohibited.* No person or firm shall sell or cause to be sold to any person under the age of eighteen (18) years, and no person under the age of eighteen (18) years shall buy any aerosol container of spray paint or broad-tipped indelible markers. Evidence that a person, his or her employee, or agent demanded and was shown bona fide evidence of majority and acted upon such evidence in a transaction or sale shall be a defense to any prosecution thereof.
 - (2) *Display or spray paint and markers.* Every person who owns, conducts, operates or manages a retail commercial establishment selling aerosol containers of spray paint or broad-tipped indelible markers shall:
 - (I) Place a sign in clear public view at or near the display of such products stating: "GRAFFITI IS A CRIME. ANY PERSON DEFACTING REAL OR PERSONAL PROPERTY NOT HIS OR HER OWN WITH PAINT OR ANY OTHER LIQUID

OR DEVICE IS GUILTY OF A CRIME PUNISHABLE BY IMPRISONMENT OF UP TO 60 DAYS AND/OR A FINE UP TO \$1,000.00."

- (II) Place a sign in the direct view of such persons responsible for accepting customer payment for aerosol containers of spray paint or broad-tipped indelible markers.

"IT IS A VIOLATION OF THE LAW TO SELL AEROSOL CONTAINERS OF SPRAY PAINT OR BROAD-TIPPED INDELIBLE MARKERS TO PERSONS UNDER 18 YEARS OF AGE PUNISHABLE BY A CIVIL FINE OF \$100.00."

- (III) Store or cause such aerosol containers or marker pens to be stored either (a) in the direct line of sight from the cash-register work station or any other work station that is normally continuously occupied while the store is open, or (b) in a place not accessible to the public in the regular course of business without employee assistance, pending legal sale or disposition of such marker pens or paint containers.

- (3) Violation of subsection (h)(1) or (2) shall result in a civil penalty of one hundred dollars (\$100.00) for a first offense and two hundred dollars (\$200.00) for subsequent offenses. When three (3) violations of subsection (h)(1) or (2) occur within any calendar year at a commercial establishment, that establishment shall be subject to an injunction from a court of competent jurisdiction forbidding the sale of aerosol containers of spray paints and broad-tipped indelible markers for a period up to two (2) years. Violation of such injunction shall be punished by a fine of one hundred dollars (\$100.00) per day of violation in addition to any other penalties levied by the Court. Failure to make payment of fines will be subject to an injunction from a court of competent jurisdiction forbidding the sale of aerosol containers of spray paints and broad-tip indelible markers until payment of the fine, attorney's fees and costs.

(i) *Anti-graffiti trust fund.*

- (1) There is hereby created the Miami-Dade County Anti-Graffiti Trust Fund. Civil and criminal penalties assessed against violators of this section shall be placed in the fund. The Board of County Commissioners shall direct the expenditures of monies in the fund. Such expenditures shall be limited to the payment of the cost of removal of graffiti, the payment, at the discretion of the County Manager, or rewards for information leading to the arrest, taking into custody, adjudication, referral to pre-trial programs or conviction for violation of this section or other state laws relating to graffiti, the costs of administering this ordinance, and such other public purposes as may be approved by the Miami-Dade County Commission by resolution.
- (2) Each jurisdiction that enforces the provisions of this section shall have the right to create its own anti-graffiti trust fund to fund anti-graffiti measures.

(Ord. No. 94-199, § 2, 11-1-94; Ord. No. 94-239, § 1, 12-20-94; Ord. No. 96-133, § 1, 9-10-96; Ord. No. 97-25, § 2, 4-8-97; Ord. No. 97-31, § 1, 4-15-97; Ord. No. 98-33, §§ 1, 2, 2-19-98; Ord. No. 09-88, § 1, 10-6-09)

Editor's note—

Ord. No. 94-199, § 1, adopted Nov. 1, 1994, repealed former § 21-30.01, relative to graffiti, and § 2 of said ordinance enacted a new § 21-30.01 to read as herein set out. The provisions of former § 21-30.01 derived from Ord. No. 88-113, § 1, adopted Dec. 6, 1988; Ord. No. 91-40, § 1, adopted April 2, 1991; Ord. No. 93-115, § 1, adopted Nov. 3, 1993; Ord. No. 94-46, § 2, adopted March 17, 1994.

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DIVISION 1. - GENERALLY

Sec. 70-121. - Graffiti declared a nuisance.

The creating or maintaining of the unauthorized application of paint, ink, chalk, dye, felt tip or indelible marker, or any nonwater soluble substance, or the applying or affixing of other inscribed or engraved materials, including posters, placards, and flyers of any size and type, on public or private structures located on publicly or privately owned real property in the city is hereby declared to be nuisance.

(Ord. No. 2009-3640, § 1, 5-13-09)

Sec. 70-122. - Definitions.

Unless it is apparent from the context that another meaning is intended, the following, when used in this article, shall have the meanings attributed to them by this section:

Abatement means the repair, rehabilitation, demolition or removal of a public nuisance.

Broad-tipped indelible marker means any indelible marker that is capable of leaving a mark that is not water soluble and which has a flat or angled writing surface one-half-inch or greater.

City's agent means an independent contractor performing graffiti abatement for the city.

Code compliance officer means any designated employee or person hired by the city acting as an agent of the city whose duty it is, or who is authorized, to enforce codes and ordinances enacted or adopted by the city.

Commercial property means property that is used for business, commercial, or for-profit purposes. It shall be prima facie evidence that a property is commercial if it is located in a business, commercial, office, apartment, hotel or industrial zoning district. "Commercial property" shall include nonpermanent structures such as trailers, dumpsters, traffic signs, barricades, utility poles, traffic signal boxes, and construction equipment. "Commercial property" shall not include:

- (1) Single-family homes or residential property of three or less units;
- (2) Property owned by governments;
- (3) Property used for nonprofit purposes by educational institutions, charities, or religious institutions.

Corrective action means an act required to remove or effectively obscure graffiti that is visible from the right-of-way.

Director means the director of the department designated by the city manager to enforce and administer this article or the director's designated representative.

Etching means the application of graffiti by using a hard or sharp object or etching acid on glass or on any other type of natural or human-made material or surface.

Etching acid means any liquid, substance, or chemical capable of etching, corroding, destroying, or leaving a permanent mark on any natural or human-made surface or material.

Graffiti means the unauthorized application or inscription of any word, figure, graphic design, marking, or defacement that is applied by etching or paint, ink, chalk, dye, broad-tipped indelible marker, crayon or any nonwater soluble substance, or by any graffiti implement, or by applying or affixing inscribed or engraved materials, including posters, placards and flyers of any size and type on public or private property, structures, or fixtures located on publicly or privately owned real property within the city.

Graffiti implement means any broad-tipped indelible marker, aerosol paint container, gummed label, paint stick, graffiti stick, etching equipment, brush or any other type of device, instrument, liquid, substance, or etching acid capable of leaving a visible mark on any natural or human-made surface or material.

Minor means any person who has not attained the age of 18 years.

Noncommercial property means all property that is not included in the definition of commercial property in this section.

Nonpermanent structures means trailers, dumpsters, traffic signs, barricades, utility poles, traffic signal boxes, and construction equipment.

Nuisance means anything injurious to health so as to interfere with the comfortable enjoyment of life or property, which nuisance affects at the same time an entire community or neighborhood, or any considerable numbers of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal.

Owner means any and all persons with legal and/or equitable title to real property in the city as their names and addresses are shown upon the records of the Miami-Dade County Property Appraiser.

Public right-of-way means any road, parkway, alley, swale, sidewalk, baywalk, beachwalk, cutwalk, boardwalk, easement or other public way.

Supervising adult means an individual 21 years of age or older who has been given responsibility by a minor's parents, legal guardian, or other lawful authority to supervise the minor.

(Ord. No. 2009-3640, § 1, 5-13-09)

Sec. 70-123. - Prohibitions; enforcement; and penalties.

- (a) *Prohibitions.* It shall be unlawful for any person to deface, destroy, or otherwise damage private or public property without the owner's consent, by or through the application of graffiti. In addition, a violation of Florida law prohibiting criminal mischief by the placement of graffiti shall be a violation of this section.
- (b) *Enforcement by code compliance officer; notice of violation.* If a code compliance officer finds a violation of this article, the officer shall issue a notice of violation to the violator as provided in chapter 30. The notice shall inform the violator of the nature of the violation,

amount of fine and other penalties for which the violator may be liable, instructions and due date for paying the fine and completing the voluntary community service, notice that the violation may be appealed by requesting an administrative hearing within 20 days after service of the notice of violation, and that failure to do so shall constitute an admission of the violations and waiver of the right to request a hearing.

- (c) (1) *Civil fines and penalties for violators.* The following civil fines and penalties shall be imposed for each violation of this section:
- a. First offense\$250.00.
 - b. Second offense (within one year of the first offense)500.00.
 - c. Third or more offenses (within one year of the first offense)1,000.00.
- In lieu of a fine, the special master may accept voluntary community service removing graffiti in the city equivalent to one hour of community service for each \$5.00 of an imposed fine and voluntary restitution. If the community service is not completed and the restitution is not paid within six months of an adjudication of guilt, the fine shall be reinstated.
- (2) *Criminal fines and penalties.* In addition to the above civil fines and penalties, a court may impose both civil fines and penalties, restitution, not less than 40 hours and, if possible, at least 100 hours of community service that involves the removal of graffiti in the city, and imprisonment for up to six months in accordance with the requirements of state law.
- (d) *Rights of violators; payment of fine; right to appear; failure to pay civil fine or to appeal.*
- (1) A violator who has been served with a notice of violation shall elect either to:
 - a. Pay the civil fine in the manner indicated on the notice; or
 - b. Request an administrative hearing before a special master to appeal the notice of violation within 20 days of the issuance of the notice of violation.
 - (2) The procedures for appeal by administrative hearing of the notice of violation shall be as set forth in sections 30-72 and 30-73.
 - (3) If the named violator after notice fails to pay the civil fine, or fails to timely request an administrative hearing before a special master, the special master shall be informed of such failure by report from the code compliance officer. Failure of the named violator to appeal the decision of the code compliance officer within the prescribed time period shall constitute a waiver of the violator's right to administrative hearing before the special master. A waiver of the right to an administrative hearing shall be treated as an admission of the violation, and fines and penalties may be assessed accordingly.
 - (4) As an alternative to the procedures set forth in subsections(d)(1)—(d)(3), the city may request an administrative hearing pursuant to sections 30-71 through 30-79 if the violation is irreparable or irreversible in nature. In such case, the fines and penalties in said sections shall apply.
 - (5) Any party aggrieved by a decision of a special master may appeal that decision to a court of competent jurisdiction.
- (e) *Recovery of unpaid fines; unpaid fines to constitute a lien; foreclosure.*
- (1) The city may institute proceedings in a court of competent jurisdiction to compel payment of civil fines.
 - (2) A certified copy of an order imposing a civil fine may be recorded in the public records and thereafter shall constitute a lien upon any other real or personal property owned by the violator; and it may be enforced in the same manner as a court judgment by the sheriffs of this state, including levy against the personal property, but shall not be

deemed to be a court judgment except for enforcement purposes. After two months from the filing of any lien which remains unpaid, the city may foreclose or otherwise execute upon the lien.

- (f) *Injunctive relief; license or certificate of use revocation.* As an additional means of enforcement, the city may seek injunctive relief and/or revoke an occupational license/certificate of use as set forth in chapters 14 and 18 of this Code when there are more than three offenses by the same violator within one year of the first offense.
- (g) *Liability of parents or legal guardians.* In the case of a minor, the parents or legal guardians shall be jointly and severally liable with the minor for the payment of all fines. Failure of the parents or legal guardian to pay any fines will result in the filing of a lien on the real property of the parents or legal guardians, which lien shall include all administrative costs.

(Ord. No. 2009-3640, § 1, 5-13-09)

Sec. 70-124. - Possession of spray paint and broad-tipped indelible markers; enforcement; penalties.

- (a) *[Intent to make graffiti.]* Possession of spray paint and broad-tipped indelible markers with intent to make graffiti is prohibited.
- (b) *[Minor on public property.]* Possession of spray paint and broad-tipped indelible markers by minors on public property is prohibited. No person under the age of 18 shall have in his or her possession any aerosol container of spray paint or broad-tipped indelible marker while on any public property, or right-of-way, except in the company of a supervising adult.
- (c) *[Minors on private property.]* Possession of spray paint and broad-tipped indelible markers by minors on private property is prohibited without the consent of the owner. No person under the age of 18 shall have in his or her possession any aerosol container of spray paint or broad-tipped indelible marker while on any private property unless the owner, agent, manager, or person(s) in possession of the property have knowledge of the minor's possession of the aerosol container or broad-tipped indelible marker and have consented to the minor's possession while on his or her property.
- (d) (1) *Civil fines and penalties for violators.* The following civil fines and penalties shall be imposed for each violation of this section:
 - a. First offense\$125.00
 - b. Second offense (within one year of the first offense)250.00
 - c. Third or more offenses (within one year of the first offense)500.00

In lieu of a fine, the special master may accept voluntary community service removing graffiti in the city equivalent to one hour of community service for each \$5.00 of an imposed fine and voluntary restitution. If the community service is not completed and the restitution is not paid within six months of an adjudication of guilt, the fine shall be reinstated.
- (2) *Criminal fines and penalties.* In addition to the above civil fines and penalties, a court may impose both civil fines and penalties, restitution, not less than 40 hours and, if possible, at least 100 hours of community service that involves the removal of graffiti in the city, and imprisonment for up to six months in accordance with the requirements of state law.
- (e) *Rights of violators; payment of fine; right to appear; failure to pay civil fine or to appeal.*
 - (1) A violator who has been served with a notice of violation shall elect either to:
 - a. Pay the civil fine in the manner indicated on the notice; or

- b. Request an administrative hearing before a special master to appeal the notice of violation within 20 days of the issuance of the notice of violation.
 - (2) The procedures for appeal by administrative hearing of the notice of violation shall be as set forth in sections 30-72 and 30-73
 - (3) If the named violator after notice fails to pay the civil fine, or fails to timely request an administrative hearing before a special master, the special master shall be informed of such failure by report from the code compliance officer. Failure of the named violator to appeal the decision of the code compliance officer within the prescribed time period shall constitute a waiver of the violator's right to administrative hearing before the special master. A waiver of the right to an administrative hearing shall be treated as an admission of the violation, and fines and penalties may be assessed accordingly.
 - (4) Any party aggrieved by a decision of a special master may appeal that decision to a court of competent jurisdiction.
- (f) *Recovery of unpaid fines; unpaid fines to constitute a lien; foreclosure.*
- (1) The city may institute proceedings in a court of competent jurisdiction to compel payment of civil fines.
 - (2) A certified copy of an order imposing a civil fine may be recorded in the public records and thereafter shall constitute a lien upon any other real or personal property owned by the violator; and it may be enforced in the same manner as a court judgment by the sheriffs of this state, including levy against the personal property, but shall not be deemed to be a court judgment except for enforcement purposes. After two months from the filing of any lien which remains unpaid, the city may foreclose or otherwise execute upon the lien.
- (g) *Injunctive relief; license or certificate of use revocation.* As an additional means of enforcement, the city may seek injunctive relief and/or revoke an occupational license/certificate of use as set forth in chapters 14 and 18 of this Code when there are more than three offenses by the same violator within one year of the first offense.
- (h) *Liability of parents or legal guardians.* In the case of a minor, the parents or legal guardians shall be jointly and severally liable with the minor for the payment of all fines. Failure of the parents or legal guardian to pay any fines will result in the filing of a lien on the real property of the parents or legal guardians, which lien shall include all administrative costs.

(Ord. No. 2009-3640, § 1, 5-13-09)

Sec. 70-125. - Responsibility of property owner(s) to abate graffiti; graffiti abatement and notice; enforcement.

- (a)
 - (1) Maintenance or allowance of graffiti to exist for more than seven business days, from the receipt or delivery of the notice to abate graffiti as referenced within this section on a commercial property, or for more than ten business days, from the receipt or delivery of the notice to abate graffiti as referenced within this section on a noncommercial property, is prohibited.
 - (2) Maintenance or allowance of etched graffiti to exist for more than 20 business days from the receipt or delivery of the notice to abate graffiti as referenced within this section on a commercial property, or for more than 30 business days from the receipt or delivery of the notice to abate graffiti as referenced within this section on a noncommercial property is prohibited.
- (b)

Whenever the city becomes aware of the existence of graffiti on any property, a code compliance officer is authorized upon such discovery to give, or cause to be given, notice to abate the graffiti to the property owner or the property owner's agent or manager, as follows:

- (1) *Commercial property.* For commercial property, the property owner or the property owner's agent or manager shall abate the graffiti within seven business days from the receipt or delivery of the notice as referenced within this section, except that etched graffiti shall be abated within 20 business days from the receipt or delivery of the notice as referenced within this section.
 - (2) *Noncommercial property.* For noncommercial property, the property owner, or property owner's agent shall abate the graffiti within ten business days from the receipt or delivery of the notice as referenced within this section, except that etched graffiti shall be abated within 30 business days from the receipt or delivery of the notice as referenced within this section.
- (c) Such notice shall be given by certified mail, return receipt requested; or by hand delivery by code compliance officer to the owner of record of the property described as recorded in the current county tax rolls. Mailed notice shall be deemed complete and sufficient notice when so deposited in the United States mail with proper postage prepaid.
- (d) The city shall waive painting permit requirements for abating graffiti, subject to the use of the same, or substantially same, colored exterior paint, provided that the existing paint complies with all city requirements.
- (e) Graffiti abatement shall consist of:
- (1) Painting of the entire area defaced by graffiti with paint matching, or substantially matching, the permitted paint color on the surface, regardless of whether the city has temporarily abated the graffiti with a different paint color.
 - (2) Pressure-cleaning or cleaning by any other method that will successfully remove graffiti from the area defaced by the graffiti without causing damage.
 - (3) Professional glass restoration or replacement of glass for etched graffiti to completely remove the graffiti.
- (f) The property owner is responsible for ensuring compliance with sections 142-1191 through 142-1193 of the City Code and a violation of those sections shall be enforced pursuant to sections 114-7 through 114-8. In addition, the property owner is responsible for ensuring compliance with subsections 70-125(a), (b), and (e) and a violation of those subsections shall be enforced pursuant to chapter 30 of the City Code.

(Ord. No. 2009-3640, § 1, 5-13-09; Ord. No. 2011-3719, § 1, 2-9-11)

Sec. 70-126. - Appeal.

- (a) A property owner who has been served with the notice set forth in section 70-125 shall elect either to:
- (1) Remove or cause to remove the graffiti within the time specified on the notice; or
 - (2) Request an administrative hearing before the special master to appeal the determination of the inspector which resulted in the issuance of the notice.
- (b) An appeal for an administrative hearing shall be held before the special master and shall be accomplished by filing a request in writing to set the hearing for review and mailed to the code compliance officer or designee, not later than two business days after the service of the notice. The remainder of the appeal procedures, and penalty and lien provisions, will be in accordance with sections 30-72 through 30-79 of the Code.

(Ord. No. 2009-3640, § 1, 5-13-09)

Sec. 70-127. - Cost of graffiti removal as lien on property; collection foreclosure and sale.

- (a) Upon failure of the owner of the property to remedy the conditions existing in violation of section 70-123, the code compliance officer shall proceed to have such condition remedied by the city and/or city agent in an effort to abate the nuisance.
- (b) City employees and/or the city's agents may enter upon private property to abate the nuisance pursuant to the provisions of this article. No person shall obstruct, impede, or interfere with any city employee and/or city's agent whenever said person is engaged in the work of graffiti abatement pursuant to this article, or in performing any necessary act preliminary to or incidental to such work as authorized or directed pursuant to this article.
- (c) Following corrective action taken by the city or city's agent, the code compliance officer shall proceed to have all cost incurred thereof to be and become a lien against such property 30 days after notice of completion of work by the city if such costs remain unpaid. Said lien shall be of equal dignity with a lien for special assessments, and with the same penalties and with the same rights of collection, foreclosure, sale and forfeiture provided for special assessment liens.

(Ord. No. 2009-3640, § 1, 5-13-09)

Sec. 70-128. - Interested persons may petition to dispute assessed costs.

- (a) Any person owning property which has been found to be in violation of this article, and upon which remedial work by the city has been done shall have the right, at any time within 30 days after notice of completion of work under this article, to present to the city clerk a sworn petition stating his or her interest in the property and alleging that in the opinion of the petitioner, the cost of the work exceeds the actual cost thereof or is otherwise erroneous.
- (b) Such petition shall be presented to the special master for consideration. The special master may fix and confirm the amount to be charged based on the information presented.

(Ord. No. 2009-3640, § 1, 5-13-09)

Secs. 70-129—70-145. - Reserved.

Miami Beach, Florida, Code of Ordinances >> Subpart A - GENERAL ORDINANCES >> Chapter 70 - MISCELLANEOUS OFFENSES >> ARTICLE III. - GRAFFITI >> DIVISION 2. - SALE OF SPRAY PAINT, BROAD-TIPPED INDELIBLE MARKERS, ETCHING-ACID. >>

DIVISION 2. - SALE OF SPRAY PAINT, BROAD-TIPPED INDELIBLE MARKERS, ETCHING-ACID.

Sec. 70-146. - Sale prohibited.

It shall be unlawful for any person to sell, barter, exchange or otherwise transfer any aerosol containers of spray paint, any broad-tipped indelible marker, or etching acid to any person under the age of 18 years.

(Ord. No. 2009-3640, § 1, 5-13-09)

Sec. 70-147. - Signs required.

Every person who owns, conducts, operates or manages a retail commercial establishment selling aerosol containers of spray paint, broad-tipped indelible markers, or etching acid shall:

- (1) Place a sign in clear public view at or near the display of such products stating:
Graffiti is a crime. Any person defacing real or personal property not his own with paint or any other liquid or device is guilty of a crime punishable by imprisonment for up to six months, with fines up to \$1,000.00, or up to \$15,000.00 if the violation is irreparable or irreversible in nature, restitution, and a minimum of 100 hours of community service in the city.
- (2) Place a sign in the direct view of such persons responsible for accepting customer payment for aerosol containers of spray paint, broad-tipped indelible markers, or etching acid stating:
It is a violation of the law punishable by a civil fine of \$250.00 for a first offense to sell aerosol containers of spray paint, broad-tipped indelible markers, or etching acid to persons under 18 years of age.
- (3) Store or cause such aerosol containers, broad-tipped indelible marker, or etching acid to be stored either in the direct line of sight from the cash register work station or any other work station normally continuously occupied while the store is open, or in a place not accessible to the public in the regular course of business without employee assistance, pending legal sale or disposition of such items.

(Ord. No. 2009-3640, § 1, 5-13-09)

Sec. 70-148. - Penalties; procedures for administration.

- (a) Violation of this division shall result in a civil penalty of \$250.00 for a first offense and \$500.00 for all subsequent offenses within 12 months of a prior offense. When three such offenses occur within any calendar year at a commercial establishment, that establishment shall be subject to an injunction from a court of competent jurisdiction forbidding the sale of aerosol containers of spray paint, broad-tipped indelible markers, and etching acid for a period of two years.

- (b) Procedures for enforcement, appeals, and collection of fines by the city shall be as provided in sections 30-71 through 30-79

(Ord. No. 2009-3640, § 1, 5-13-09)

Secs. 70-149—70-180. - Reserved.

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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: March 13, 2013

SUBJECT: **REFERRAL TO THE FINANCE & CITYWIDE PROJECTS COMMITTEE A DISCUSSION REGARDING FINE SCHEDULES AND ENFORCEMENT OF THE CITY OF MIAMI BEACH CODE PROVISIONS FOR POLICE AND FIRE FALSE ALARMS, IMPLEMENTING ADDITIONAL FINES FOR FALSE ALARMS, AND CONTRACTING WITH AN OUTSIDE ENTITY FOR BILLING AND COLLECTION SERVICES FOR FALSE ALARM FEES.**

ADMINISTRATION RECOMMENDATION

Refer the item.

BACKGROUND

The Miami Beach City Code outlines the regulations and enforcement of false alarms by both the Miami Beach Police (MBPD) and Fire (MBFD) departments; however, both departments have identified the need for discussion and policy direction with regards to false alarm fees and their collection.

The City Code already establishes a fee schedule for false burglar alarms; however, the department would like to pursue amending the fee schedule and enforcement provisions to mirror the Miami-Dade County false alarm provisions. During the budget process for Fiscal Year 2012/13, MBPD presented an initiative to increase only commercial false burglar alarms to the City Commission; however, in proceeding with the required ordinance amendment, the City Attorney's Office opined that this would be considered discriminatory, unless a specific public safety need could be established. As such, the increase in commercial false burglar alarms fees has not been implemented. In addition, due to the limited number of administrative support staff within the department, the department would like to outsource the billing and collection function for false alarm fees.

Conversely, there is no fee schedule established in the City Code for fire false alarms at this time. In order to promote compliance and improve overall safety, the MBFD would like to discuss establishing a fee schedule for fire false alarms, as is in place in Miami-Dade County and neighboring cities.

The Administration proposes that amendments to current false alarm regulations and fee schedules for both the Miami Beach Police and Fire departments be presented to the Finance & Citywide Projects Committee for discussion and policy direction.

KGB/RAM/MNO/DM

Agenda Item C46

Date 3-13-13

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MIAMI BEACH

OFFICE OF THE MAYOR AND COMMISSION

MEMORANDUM

TO: Kathie Brooks, Interim City Manager
Rafael E. Granado, City Clerk

FROM: Jorge R. Exposito, Commissioner

DATE: March 1, 2013

SUBJECT: Referral to Finance & Citywide Projects Committee:
Florida's Safe Routes to School Program

Please place a referral item on the March 13, 2013, Commission Meeting Agenda to the *Committee for Quality Education in MB* and the *Finance & Citywide Projects Committee* for discussion of the Florida's Safe Routes to School Program (FLSRTS). The purpose of this referral is to seek which schools would want to participate and to further allow the City of Miami Beach to take advantage of available FDOT funding for the implementation of said program.

We trust that you will find all in good order. Should you have any questions, please feel free to contact my aide, Barbie Paredes at 6457.

Best regards,

JRE/bp

We are committed to providing excellent public service and safety to all who live, work, and play in our vibrant city.

Agenda Item C44
Date 3-13-13



**Guidelines for Florida's
Safe Routes to School
Program
2012-2013 Call for Applications
For anticipated funds through FFY 2018**



Program Overview and Purpose

Florida's Safe Routes to School (FLSRTS) initiatives can help communities address their school transportation needs and encourage more students to walk or cycle to school. FLSRTS strives to enable and encourage children in grades Kindergarten through High School, including those with disabilities, to walk and cycle to school; to make walking and biking to school safer and more appealing; and to facilitate the planning, development, and implementation of projects that will improve safety and reduce traffic, fuel consumption, and air pollution in the vicinity of schools. In addition to encouraging more children to walk or cycle to school, the program also seeks to address the safety needs of children already walking or biking in less than ideal conditions.

A successful FLSRTS Program integrates health, physical activity and fitness, traffic relief, environmental awareness, and safety under one program. The program encompasses routes and techniques used to encourage children to walk or cycle to or from school. While the program will not cover all identified needs, we encourage schools, local transportation officials and other qualified groups to cooperate and apply to meet some of the identified needs, while they address other identified needs locally or through other methods.

FLSRTS program is not designed to take the place of good school site planning or cooperative planning between school boards and local planning agencies. When new schools are considered, the school board should work closely with the appropriate city, county, Metropolitan Planning Organization/Transportation Planning Organization and/or Regional Planning Council, so all aspects of the school's planning can be accomplished as a cooperative effort. Schools sited far from the populations they serve will require more students to be bused or transported in motor vehicles, thus minimizing or negating the opportunity for children to walk or bike to school. Planners should consider financial costs incurred by busing as well as societal and health costs related to inactivity and social exclusion, before selecting a school site. We expect planning for new schools to include comprehensive bicycle and pedestrian planning for connectivity to surrounding neighborhoods. This will increase the ability of children to walk or cycle to these new schools.

School Boards should provide all needed facilities on school property. The FLSRTS program will not fund infrastructure such as sidewalks or multi-use paths on school property. Supplying bike racks for school properties is discussed in the Infrastructure section.

Eligible Applicants

The FLSRTS program is for the benefit of public, private and tribal schools serving Kindergarten through High School. This includes schools serving fewer grades or more grades, but at least some students must be in grades Kindergarten through High School. Table 1 below provides an overview of eligible applicants; the Non-Infrastructure and Infrastructure sections provide further explanation and details regarding eligible Applicants.

Eligible Applicants	
Infrastructure Projects	Non-infrastructure Programs
<p>There are two types of applicants for Infrastructure Projects:</p> <ul style="list-style-type: none"> • Public Schools (County School Boards/Principals) • Private schools (Headmasters) • Maintaining Agencies <p>There must be a partnership between Maintaining Agency and School. See the Infrastructure section for more details on the application process.</p>	<p>There are more eligible types of applicants for Non-Infrastructure Programs. Some examples are:</p> <ul style="list-style-type: none"> • School Boards or schools, (public or private) • Governmental organizations (cities, counties, Health Departments, etc) • Colleges and Universities • Non-profits registered in the state of Florida, on case by case basis (Safe Kids, non-profit hospitals, etc) <p>See the Non-Infrastructure section for more details on the application process.</p>

Table 1: Overview of eligible applicants

Funding

The FLSRTS Program is 100 percent funded, and is managed through the Florida Department of Transportation (FDOT) on a cost-reimbursement basis. Applications are submitted to the MPOs/TPOs/BOCCs throughout the seven FDOT Districts. Each District has FLSRTS Contacts who can help you with questions.

The following measures are critical:

- Projects and programs will be awarded through a competitive process at both the local and state level.
- Applications are reviewed at the District level for compliance with FLSRTS Guidelines.
- Applicants are encouraged to be as cost effective as possible so that more FLSRTS projects and programs can be funded.
- Applicants must prioritize their requests for Infrastructure projects and Non-Infrastructure programs, and apply for no more than 5 projects during each Call for Applications, unless they get prior approval from the MPOs/TPOs/BOCCs.
- These Guidelines list examples of eligible and ineligible FLSRTS projects and programs. Always check for the most recent version of the Guidelines, since they do evolve over time.

Comprehensive Program/Planning Process

The FLSRTS Program is unique in its overriding emphasis on community participation in the development and implementation of projects and programs. Community participation involves the public, schools, parents, teachers, children, local agencies, the businesses community, key professionals, and others in the development of proposals. The resulting safety solutions are comprehensive, integrated and sustainable.

Three key elements of the Comprehensive Planning Process are outlined below.

The Five E's

FLSRTS efforts incorporate, directly or indirectly, five components, referred to as the "5 E's". They are:

- Engineering - Creating operational and physical improvements to the infrastructure surrounding schools that reduce speeds and potential conflicts with motor vehicle traffic, and establish safer and fully accessible crossings, walkways, trails and bikeways.
- Education - Teaching children about the broad range of transportation choices, instructing them in important lifelong bicycling and walking safety skills, and launching driver safety campaigns in the vicinity of schools.
- Encouragement - Using events and activities to promote walking and bicycling.
- Enforcement - Partnering with local law enforcement to ensure traffic laws are obeyed in the vicinity of schools (this includes enforcement of the duty of drivers to travel at or under the speed limit and to yield to pedestrians in crossings, as well as enforcement of proper walking and bicycling behaviors), and initiating community enforcement such as crossing guard programs.
- Evaluation - Monitoring and documenting outcomes and trends through the collection of data, including the collection of data before and after the intervention(s).

For more information on the definitions and ideas for each E, see the appropriate sections of the Safe Routes to School Guide produced by the National Center for Safe Routes to School and located at: <http://guide.saferoutesinfo.org/>.

In their Infrastructure applications and Non-Infrastructure Forms for individual schools, applicants must summarize what they have already done and what they propose to do to address each of the E's.

School-based FLSRTS Committee

Successful FLSRTS programs begin by developing a comprehensive FLSRTS plan for an individual school or group of nearby schools. This is done by bringing together the right people to form a school-based FLSRTS Committee made up of representatives from each of the 5E's. The committee must include representatives from the affected school(s), not just from the school board or the school transportation section. The purpose of the Committee is to:

- identify problems in and around the school, which are preventing children from walking or biking to school,
- propose solutions to these problems, using the 5E approach, and
- decide which solutions can be handled by the Committee and community resources, and which will require FLSRTS funding.

Infrastructure Applicants are required to form a school-based FLSRTS Committee which has had at least one advertised public meeting before their application is submitted. They are also required to report in the application the names, titles and E represented by each member of the Committee, and what has been discussed at each meeting. This process is also recommended for Non-Infrastructure applications which affect one or a small group of schools.

A School-based FLSRTS Committee can be based on an existing committee like a Community Traffic Safety Team, a PTA/PTO committee or a School Safety Committee, but other members must be added so the final committee includes school and community representatives from all 5E's. If one of these groups is used as the basis of a FLSRTS Committee, separate meetings (which can be before or after the regular group meeting) must be held to concentrate on FLSRTS planning. It is not acceptable to spend a few minutes of a regular committee meeting discussing FLSRTS and call it a FLSRTS Committee.

The Committee should include representatives from the school or schools, elected officials, Metropolitan Planning Organizations/Transportation Planning Organizations, appropriate county and city agencies, local neighborhood associations and non-profit organizations. It is important to involve the public and affected neighborhood associations in planning efforts so everyone will be on board if a project is

selected for funding. If representatives of the PTA/PTO and affected neighborhoods are not included on the FLSRTS Committee, special meetings with these groups will need to be held to gain their support for proposed FLSRTS Infrastructure projects, as explained in more detail in the Infrastructure section.

Planning Tools

We recommend that applicants use the Florida Safe Ways to School Tool Kit as their planning process. The Tool Kit contains a process for forming a planning committee and creating and implementing a comprehensive Safe Routes to School plan. The Toolkit can be downloaded from: <http://www.hhp.ufl.edu/safety/safe-ways.shtml>.

However, please use the national data collection forms located under Evaluation on the website of the National Center for FLSRTS: <http://www.saferoutesinfo.org/data-central/data-collection-forms>. A student in-class travel tally is required to be conducted 3 times during this process. The results must be submitted to the National Center for FLSRTS (NCFLSRTS) data base at least six (6) weeks before submitting your application, so you can include the required data summary charts from the NCFLSRTS as attachments to your application as well as summarizing the results in the body of your Infrastructure application or Non-Infrastructure information form.

1. Before an application or information form is submitted
2. Shortly before a FLSRTS project begins
3. A few months after it is completed

The results from these survey forms must be reported to the District FDOT office which is overseeing your project, as part of the final report on your project. The only exception for the before surveys is for a Non-Infrastructure program which is implemented in the same school year as the proposal, when there have been no major changes in travel patterns or major events which would influence either survey. Only the after surveys are required in this case.

If the Tool Kit is not used, please follow a similar comprehensive planning process, which you explain on your Infrastructure Application or Non-Infrastructure Information Form if it affects only one or several schools. More planning suggestions are included at <http://www.saferoutesinfo.org/guide/steps/index.cfm>, under "Steps for Creating a Safe Routes to School Program".

Application Details

If an applicant is submitting for the same school, both an Infrastructure Application and a Non-Infrastructure Information Form, it is best to submit both documents to the District at the same time, with one cover letter referencing both projects. If this is not possible, the cover letter for the second project or program submitted should refer to the earlier proposal, so the Districts can see how the proposals relate to form a comprehensive FLSRTS program. The details of the proposed projects or programs should also be outlined in the "Future 5E's" portion of the Application or Information Form.

Notification and Administration

Applicants are required to list contact information on each FLSRTS application. This gives the Districts a point of contact if questions need to be answered or if modifications are needed to the application. After FLSRTS projects or programs are reviewed and funding decisions are made, the District will notify each MPOs/TPOs/BOCCs and contact person of their proposal's selection or non-selection. The form of notification is up to each District. A representative from the District will also contact the designated local contact person to help him or her through the process of formalizing the agreement and completing the project or program.

Special Requirements

(Note: the following overview may not be all-inclusive.)

There are a number of Federal and State requirements that apply to both Infrastructure projects and Non-Infrastructure programs under the FLSRTS program. Applicants must ensure that they are knowledgeable and able to follow these requirements.

- Title 23:

All Infrastructure projects and Non-Infrastructure programs funded by FLSRTS funds must comply with Title 23 requirements of the U.S. Code which include, but are not limited to, the Davis Bacon prevailing wage rates, competitive bidding, and other contracting requirements. Whoever carries out the construction (state, county, city, or consultant hired by any of these entities) or conducts the Non-Infrastructure program must comply with all applicable Title 23 requirements. USDOT regulations are available at: www.fhwa.dot.gov/legregs/legislat.html.

(Note: Infrastructure applicants must work with a Maintaining Agency such as a local government that has experience with Federal Construction Contracts in general, and Title 23 requirements in particular. This is also recommended for Non-Infrastructure applicants unfamiliar with Title 23 requirements.)

As part of the Title 23 requirements, all FLSRTS projects and programs must also comply with National Environmental Policy Act (NEPA) regulations. Most FLSRTS projects and programs will likely be eligible for categorical exclusion under the provisions of 23 CFR Sec 771.117 which recognize there is no significant environmental impact in the construction of bicycle and pedestrian facilities.

(Note: The categorical exclusion must be requested and granted; it is not automatic.)

- Inclusion in TIP/STIP:

All projects and programs funded must be programmed in the local Metropolitan Planning Organization's (MPO's) or Transportation Planning Organization's (TPO's) Transportation Improvement Program (TIP) if applicable, and the Statewide Transportation Improvement Program (STIP). If a FLSRTS project or program is located within an MPO urban area boundary, the MPO representative must sign the Application. It is recommended that applicants for projects located in an MPO or TPO area work with their MPO or TPO to ensure local support and consistency with regulations.

(Note: the TIP is sometimes called the Comprehensive Improvement Program or CIP.)

- Local Permits:

Project Directors for FLSRTS projects or programs are responsible for any and all local permits relevant to their project. Applicant and Maintaining Agency personnel should work together to determine and acquire the required permits.

- Americans with Disabilities Act (ADA):

FLSRTS projects and programs must be designed to reasonably meet the needs of persons with disabilities. In doing so, the project director for the FLSRTS project or program must comply with all applicable provisions of the ADA. National standards are available at: <http://www.ada.gov/>, and information on Florida DOT's ADA design standards is available at <http://www.dot.state.fl.us/projectmanagementoffice/ADA/ADADesignStandards.shtm>.

Infrastructure Projects

Basic Information:

Proposed Infrastructure or Engineering projects may be located on or off the state highway system. Infrastructure projects usually take longer to plan and implement, and cost more than most Non-Infrastructure programs. But when they are designed to correct an identified problem, they have a great potential to help more children walk and bike safely to and from school.

Eligible Applicants:

For Infrastructure projects, eligible Applicants are:

- Public schools (applications to be signed by the School Board Chair, Vice-Chair or designee);
- Private schools (applications to be signed by the Headmaster, Assistant Headmaster or designee); and
- Maintaining Agencies

Generally, Applicants will also need to partner with a Maintaining Agency.* A Maintaining Agency is a government agency which is able to:

- enter into a legal agreement with the Florida Department of Transportation
- design and/or construct the project in accordance with all federal requirements,
- provide the initial funding for the project before being reimbursed, and
- maintain the completed Infrastructure project

Generally, Maintaining Agencies will need to be Local Area Program (LAP) certified, since most FLSRTS projects are done through LAP Agreements. The District has the option of developing alternate ways to get the projects completed, including designing and/or building the project in-house, contracting for these services, or buying equipment such as bike racks or traffic engineering equipment for the locals to install and maintain. Contact your MPOs/TPOs/BOCCs or District for more information on how your District is handling these matters. See: www.SRTSfl.org for contact information.

*(*Note: A rare exception would be if a School Board applicant is themselves LAP certified.)*

Public support for Infrastructure projects is mandatory. The public should be informed of the proposal through presentations at such groups as Neighborhood Associations, PTA/PTO's and religious and community groups, as well as through writing articles and letters to the editor of local newspapers. The public should also be invited to attend the school-based FLSRTS Committee meetings during which the school-based FLSRTS committee discusses the project proposals. Although meetings of the Bicycle/Pedestrian Advisory Committee and MPO are considered public meetings and should be part of the public involvement process, these meetings must be supplemented by meetings with the affected Neighborhood Associations or other neighborhood meetings, and meetings with the PTA/PTO's for the affected schools, in order to ensure that those directly affected by the projects are informed and support the projects. In the past, there have been a few instances where a proper public involvement process was not followed for FLSRTS projects and affected neighbors raised objections to proposed projects after much time and effort had been invested in them. To date, these objections have been able to be overcome and the projects have gone forward as planned, but we want to avoid any repeat of these problems in the future, by ensuring that a thorough public involvement process is followed.

Some proposed projects will allow children who live within two miles of their school to walk or bike to school, instead of being bused under a "hazardous" or "courtesy" busing program. In these cases it is especially important to make sure that parents understand that the busing program will likely be eliminated once the project is built, and that their support for the project is critical. If a District has spent funds and resources to develop or design a project and the Maintaining Agency later decides they do not want the project, the Maintaining Agency must reimburse the District for funds expended on the project.

Application Cycle:

The State FLSRTS Coordinator makes any necessary updates to the FLSRTS Guidelines and forms and issues a Call for Applications for Infrastructure Projects once a year. This round of Applications will be open from December 7 2012 to February 28, 2013. This is for Fiscal Years 2018 & 2019.

(Note: because of the requirement to include the Student Travel Tally summary reports from the National Center for SRTS as an attachment to Infrastructure applications, FLSRTS Committees should ensure that the travel tallies are entered before the application deadline. Do not rely on the National Center for SRTS to input the data.)

Eligibility for FLSRTS Infrastructure Funding:

You will be asked to supply information on many of these items in your application. Important eligibility points to remember:

- Proposed projects must be designed to meet an identified need that is preventing children from walking or biking safely to and from school.
- Proposed projects must be within a two-mile radius of the participating school, and within the school attendance area. Generally, the closer the project is to the school, the more likely it will be to increase the numbers of children walking or biking to and from school, or to increase the safety of children already walking or biking to school. For instance, projects beginning within a half mile to a mile from the school are more likely to encourage children to walk or bike, than projects beginning farther away.
- Proposed projects must be located on public property or on permanent public easements. Right of way issues must be resolved before applying. Make sure you have a clear right of way, and be ready to show the proof.
- Use of traffic control devices must be consistent with the current Manual on Uniform Traffic Control Devices (MUTCD), unless the applicant receives experimental approval from FHWA.

1. Eligible Projects:

(Note: this is not a comprehensive list of eligible Infrastructure projects.)

The following types of projects are eligible under Florida's Guidelines:

- **Pedestrian facilities:** Includes new sidewalks and other pathways, sidewalk widening and sidewalk gap closures, on the public right of way. All of these facilities must include ADA ramps and meet other ADA requirements. Short pedestrian bridges may be able to be funded. Improvements to routes to bus stops
- **Bicycle facilities:** Includes new or upgraded bike lanes, shared-use paths, geometric improvements and shoulder widening, on the public right of way.
- **Bicycle parking facilities:** includes bicycle parking facilities such as bike racks; shelters and bike lockers on school grounds. These may be purchased for placement on public school property, but not on private property. This means these facilities cannot generally be placed on private school grounds, though there may be special cases. Generally the District or school board could purchase bicycle racks, especially if there is a current Agency Term Contract for this purpose like the current U-rack contract. However, in most cases, School Boards prefer to install the racks themselves on school property.

(Note: Bike racks should be installed on a concrete pad in a visible and easily accessible location, and School Boards should be provided with or directed to detailed state of the art information practices for bike rack installations. Good resources on bicycle parking include:

- *Bicycle Parking Guidelines by the Association of Pedestrian Bicycle and Professionals (free 2002 edition or 2010 edition available for purchase at: <http://www.apbp.org/?page=Publications>)*
 - *the Bicycle Parking Brochure and Bicycle Parking Presentation available from Metroplan Orlando at: <http://www.metroplanorlando.com/plans/bicycle-and-pedestrian-program/>.*
- **Traffic control devices:** Includes new or upgraded marked crosswalks, pavement markings, traffic signs and signals, flashing beacons, bicycle-sensitive signal actuation devices, pedestrian countdown signals, pedestrian activated signal upgrades, and all other pedestrian- and bicycle-related traffic control devices. Generally these are included as part of a larger bicycle or pedestrian facility project instead of as stand-alone projects.

(Note: For any traffic control devices that require minimum 'warrants' to be satisfied prior to their installation, warrant sheets must be attached to the application. Coordinate with the appropriate traffic engineering office on this.)

- **Traffic calming:** Includes roundabouts, bulb-outs, speed humps, raised crosswalks, raised intersections, median refuges, narrowed traffic lanes, lane reductions, full- or half-street closures, and other speed reduction techniques. Generally these are not stand-alone projects, but some traffic calming devices may be included as part of an overall pedestrian or bicycle facility project.

(Note: to be eligible for FLSRTS, the primary benefit of the proposed traffic calming must be to benefit children walking to or from school).

2. Ineligible Projects:

(Note: this is not a comprehensive list of ineligible Infrastructure projects.)

The following are examples of projects which are ineligible for Florida FLSRTS program:

- Purchase of right of way
- Sidewalks or other pathways on school property, which are the responsibility of the school board or private school
- Stand-alone curb ramps, which should be done with other funds to meet ADA requirements
- Stand-alone items that should be addressed by regular maintenance, such as pavement repairs, repainting of roadway markings or replacement of signs.

(Note: a small amount of funding for these activities may be approved by the District if part of a larger FLSRTS improvement project.)

Application Instructions:

Florida's Infrastructure Application can be found under the FDOT website (form number 500-000-30). You can search by number at: <http://www2.dot.state.fl.us/proceduraldocuments/forms/ByNumber.asp>. At this website you will find all the necessary information needed for the Infrastructure Application process in these forms:

- Florida's Safe Routes to School Infrastructure Application

Read all instructions carefully before beginning your application. Complete **all** applicable sections of the Application and attach all required attachments. Failure to provide all required information may disqualify your application.

Deciding how many Applications are needed:

- Generally, each school requires a separate Infrastructure Application.
- If schools (or any two or more qualifying schools) are located close together and proposed improvements will benefit both schools, they may be combined in one Application. Information on any after school facility which also benefit from the proposed project can be included in the text of the application.
- If there are multiple improvements requested for one school, they should be included in one application.
- If an Applicant proposes improvements at two schools not in the immediate vicinity, two applications would be needed.

Proposals for the same treatment at multiple schools must be based on comprehensive school-based planning which has resulted in the proposals. See the section entitled "Comprehensive Program" of these Guidelines for more information. "One size fits all" solutions generally are not effective for FLSRTS.

Project Evaluation and Selection:

District FDOT offices evaluate Infrastructure FLSRTS applications based on completeness, as well as on the specific selection criteria listed in the FLSRTS Infrastructure Scoring Form, # 500-000-31, also located at: <http://www2.dot.state.fl.us/proceduraldocuments/forms/ByNumber.asp>. You can search by number for this form. Below is a description of the evaluation and selection process for Infrastructure projects.

- **Eligibility Evaluation**

The District or designee examines submitted Applications for Infrastructure projects for eligibility, by following the first page of the FLSRTS Infrastructure Scoring Form, noted above.

A proposed project can be declared ineligible for several reasons, such as:

- The Application was not received by the deadline
- The Application is not fully completed or is missing required attachments
- A comprehensive planning process was not completed before applying
- The required Student In-Class Travel Tally was not completed before applying or is not attached.
- The project does not comply with FLSRTS guidelines
- The project would interfere with or disrupt existing infrastructure or planned improvements

- **Evaluation Panel**

Eligible applications are submitted to the District for a compliance review after being reviewed and submitted by MPOs/TPOs/BOCCs.

- **Ranking Criteria**

FLSRTS applications meeting all eligibility requirements are evaluated by the District evaluation panel based on the questions in the FLSRTS Infrastructure Scoring Form, # 500-000-31 referred to above. This Scoring Form follows the Infrastructure Application very closely. Some of the selection criteria are:

- Completeness of the School-based FLSRTS Planning Committee
- Comprehensiveness of the FLSRTS planning process (including such tasks as addressing all 5 E's of FLSRTS and consideration of various solutions to the problems identified)
- Comprehensiveness of the public outreach process, including the affected neighborhoods and PTA/PTO organizations at affected schools
- High level of interest on the part of the school in supporting walking and bicycling to school, and willingness to participate fully in a comprehensive FLSRTS program

- Demonstrated need and community support for the project
- Potential of the proposed project to increase the number of children walking and bicycling to school
- Potential to increase the safety of high numbers of students already walking or bicycling to school in hazardous conditions
- Identification of safety hazards and the potential of the proposed project to reduce child injuries and fatalities
- Potential for the proposed project to eliminate the need for hazardous or courtesy busing routes
- Potential for the project to complete a priority bikeway or pathway, with connections to neighborhoods and public destinations like parks, other schools or libraries
- Demonstrated need for financial assistance to complete these priority bikeway or pathway connections
- Constructability (including clear right of way)
- Consideration and suggestion of alternative locations for projects facing constructability problems
- Ability of the Applicant or Maintaining Agency to complete the project, or a workable plan to complete the project another way.

Consideration is also given to other factors relating to the proposed project, which are deemed necessary to promote the pedestrian and bicycle safety of children in and around school areas.

- **Project Selection**

The District compiles a list of all eligible projects in the order ranked by the Evaluation Panel and presents this listing to the District Directors and/or District Secretary, along with any other relevant information, such as staff recommendations for which projects should be funded with available funds and the projects' potential benefit to the District. When the final recommended funding has been approved by the District Director and/or District Secretary, the District Safety Engineer or designee provides the following to the State FLSRTS Coordinator:

- A complete list of eligible projects in rank order
- Electronic or paper copies of the applications recommended for funding (in color if possible).

The State FLSRTS Coordinator reviews the recommended projects to determine that they are in compliance with federal and Florida guidelines, and provides appropriate comments and recommendations to the Districts on their proposed projects. Because of the complex nature of the applications and the need to review projects from each District, at least one month should be allowed for this step. After any necessary adjustments, the District Safety Engineer or designee presents to the District Directors and/or District Secretary the final ranking of projects and recommendations for projects to add to the FDOT Work Program. The projects must also be approved by the Florida Division of the FHWA, so it is important that the wording in the FDOT Work Program include the fact that it is a FLSRTS project, a brief description of the project, the location and which school or schools will benefit from the project.

(Note: Any proposed project not selected may be resubmitted on an updated application form for consideration in the next funding cycle. Or the District has the option of retaining non-funded applications from previous cycles to consider for the next cycle, and requesting necessary updates from the applicant before these projects are funded.)

Project Administration:

Unless the project is to be implemented by the FDOT District, Applicants and/or Maintaining Agencies of selected projects will be required to enter into a contract with the FDOT. This contract generally takes the form of a LAP agreement. Any agreement used must contain language for all federally mandated regulations. Important points to remember:

- For Infrastructure projects on local roads, the Project Administrator's agency must in most cases be LAP-certified in order to enter into a LAP agreement to design and/or build the project.
- If the Applicant is LAP-certified and can provide the initial funding for the project, the Applicant will become the Project Administrator. This is not the usual case, since most school boards and other Applicants are not LAP-certified.
- If the Applicant is not LAP-certified and/or cannot provide the initial funding for the project, the Maintaining Agency will become the Project Administrator.
- Infrastructure projects must follow appropriate design criteria. Projects on the State Highway System must follow the criteria established in the Plans Preparation Manual (PPM) and the FDOT design standards. Projects on local systems should meet the minimum standards and criteria provided in the Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways (Florida Greenbook). These documents can be found on FDOT's web site at: <http://www.dot.state.fl.us/rddesign/CS/CS.shtm>.
- The Project Administrator is required to pay initial project costs and submit progress reports and billings for reimbursement of direct costs, as described in the FDOT LAP Manual: http://www.dot.state.fl.us/projectmanagementoffice/LAP/LAP_TOC.shtm.
- Any work performed by the Project Administrator prior to receiving written authorization to proceed is not eligible for reimbursement.
- Indirect costs will not be reimbursed.
- Please contact your District or designee if you have any remaining questions on the submission, selection and administration of FLSRTS Infrastructure projects.

Non-Infrastructure Programs

Basic Information:

Most Non-Infrastructure programs do not require as much time or money to develop as Infrastructure projects. They are often less expensive but have a big potential to increase the number and safety of children walking and biking to and from school, as well as the comfort level of parents. The National Center for Safe Routes to School website has many examples of successful Non-Infrastructure programs. Check their web pages for more information: <http://www.saferoutesinfo.org/data-central/success-stories> and www.saferoutesinfo.org/.

Non-Infrastructure projects should be considered start-up funds. As a result, local Non-Infrastructure program funding should not exceed three consecutive years for the benefit of one school or group of schools. However, local Applicants can apply to expand or adapt successful programs to different schools, or propose different programs after that time.

Education, Encouragement, Enforcement, and Evaluation are considered Non-Infrastructure activities, and are all vital to the success of a Safe Routes to School program. There are other funding sources and other approaches to accomplish some of these activities. We encourage schools and communities to explore other ways to accomplish the programs and activities that will not be funded through FLSRTS. Non-Infrastructure programs which are eligible and ineligible for Florida FLSRTS funding are described in the sections that follow.

Eligible Applicants:

For Non-Infrastructure programs, the range of prospective Applicants is much broader than for Infrastructure projects. The major considerations are that the Applicants:

- Are qualified and able to conduct the proposed activities
- Are financially and organizationally qualified to follow all of the applicable federal rules and pay all costs associated with the program first, then get reimbursed.

Some examples of prospective Non-Infrastructure Applicants are:

- School Boards or schools, (public or private)
- Governmental organizations (cities, counties, Health Departments, etc.)
- Colleges and Universities
- Non-profits registered in the state of Florida (Safe Kids, non-profit hospitals, etc) on a case by case basis

Application Cycle:

Florida is no longer using a formal application or application cycle for its Non-Infrastructure programs. Instead, a shorter Non-Infrastructure Information Form has been developed, which should be used for proposals which will benefit an individual school. Proposals which will benefit multiple schools in one county or region may instead be submitted in the form of a proposed Scope of Services. This Scope of Services should contain at a minimum:

- an identified problem which is making it hard for children to walk or bike to school safely
- the planning process by which the problem was identified
- other background information on the identified problem
- the proposed solution, including all proposed activities and partners
- relation to any Infrastructure projects applied for or planned
- proposed timeline
- proposed budget
- explanation of each budget item and its relation to the activities

The Information Form or Scope of Services must provide enough information so they can understand the intent of the proposal and decide whether it is worth pursuing. Once this determination is made, the FDOT Contact will work with the Applicants toward the creation of a viable Non-Infrastructure program. Once agreement is reached to proceed with a program, a Joint Participatory Agreement (JPA) or other formal agreement will be signed by FDOT and the Applicant.

Non-Infrastructure Programs--Eligibility for FLSRTS program:

Non-Infrastructure programs which are eligible and ineligible for FLSRTS program are described in the sections that follow.

1. Eligible Activities or Programs:

(Note: this is not a comprehensive list of eligible Non-Infrastructure activities)

- Support for the creation of "Walking School Buses" or "Bike Trains" of school children
- Support for Walk and Roll to School Days
- School encouragement and incentive programs, using modest incentives
- Support for bicycle rodeos
- Pedestrian and bicycle safety education training for children or instructors, including, but not limited to, the Florida Traffic and Bicycle Safety Education Program: <http://www.hhp.ufl.edu/safety/>, the WalkSafe Program: <http://www.walksafe.us/> and the BikeSafe Program: http://www6.miami.edu/UMH/CDA/UMH_Main/0,1770,2573-1:8527-2:66710-2,00.html
- Support for these types of education programs, including paying for trainers, equipment, substitute teachers (if necessary and training is done during the school day) or training time for teachers (if necessary and training is done outside the school day)
- Other relevant training for children, such as transportation, environmental choices and personal safety, if done as part of a larger FLSRTS program
- Relevant training for law enforcement personnel, school administrators, youth leaders,

parents or the public, including paying trainers

2. Ineligible Activities or Programs:

(Note: this is not a comprehensive list of ineligible Non-Infrastructure activities)

Some of the Non-Infrastructure programs that are not eligible are listed below, as well as the rationale for each:

- **Enforcement:**

Local law enforcement activities should be conducted by a local law enforcement agency in a cooperative agreement with the school or school board, as part of a FLSRTS program. Periodic speed enforcement and crosswalk enforcement at or near the school, for instance, should be done as a regular program of the law enforcement agency. Overtime payment for law enforcement activities cannot be reimbursed under FLSRTS program. Law enforcement equipment may not be purchased under program. Overtime and equipment are eligible items for funding through the FDOT Highway Safety grant program, as described on the following website: <http://www.dot.state.fl.us/Safety/HighwaySafetyGrantProgram/hsqp/hsqp.shtm>.

Federal SRTS Guidance prohibits funding recurring costs, such as salaries of crossing guards. In addition, no other expenses of Crossing Guard programs will be funded through FLSRTS program, since training is already provided at no cost to Crossing Guard trainers through the Florida School Crossing Guard Training Program, and basic guard equipment is already required by the Florida School Crossing Guard Guidelines and the Manual on Uniform Traffic Control Devices. For the Guidelines and more information on the Florida School Crossing Guard Training Program, see: http://www.dot.state.fl.us/Safety/ped_bike/training/ped_bike_training.shtm.

- **Evaluation:**

Evaluation is an integral part of the FLSRTS process, and includes the collection of many types of data such as the speed and volume of traffic, bicycle and pedestrian crash data and driver compliance with traffic laws near affected schools.

Evaluation using the survey forms provided by the National Center for SRTS involves:

- the school-based In-Class Student Travel Tally and other data requested in the Florida Infrastructure application, and
- the data required by these procedures before and after a funded FLSRTS project or program is implemented (In-Class Student Travel Tally).

It is expected that a school can do the Evaluation activities. The Applicant, school, PTA/PTO or other entity can enter the data online for the school. You must include the required Student Travel Tally summary with your application. For more information, see the Evaluation Section of: <http://www.saferoutesinfo.org/data-central/data-collection-forms>.

The Infrastructure Application requires both student travel data for the entire school, and for the route proposed to be improved. The student travel data for the entire school must be determined through use of the In-Class Student Travel Tally. However, the student travel data for the proposed route can be determined by a visual survey or through a reasonable estimate based on the school's knowledge of who rides the bus and who travels by private vehicle. See Section 6 of the Infrastructure Application for more details.

If your Non-Infrastructure program or Infrastructure project is selected for funding, you will also be required to collect evaluation data using the national SRTS survey (Student In-Class Travel Tally) a few months before and after the program is implemented. This form can also be found at: <http://www.saferoutesinfo.org/data-central/data-collection-forms>.

The only exception is for a Non-Infrastructure program which is implemented in the same school year as the proposal, where there have been no major changes in travel patterns or major events which would influence either survey.

- Other Non-Infrastructure activities ineligible for FLSRTS reimbursement include:
 - Planning or evaluation services provided by consultants for individual programs
 - Recurring costs, including salaries for local or District FLSRTS coordinators
 - Overtime for personnel
 - Food or drinks
 - Supplanting any existing funding

Non-Infrastructure Information Form and Scope of Services Instructions:

Please read carefully the instructions included on the Information Form, and complete **all** sections. Failure to provide all required information may disqualify the program or delay its progress.

If using a proposed Scope of Services for multiple schools, see the minimum required information listed above under Application Cycle.

Project Evaluation and Selection:

Non-Infrastructure proposals will be evaluated based on:

- their educational soundness
- their potential for increasing the number of children walking or biking to and from school, and/or
- their potential for increasing the safety of children who are already walking or biking to and from school.

Read the Education (<http://www.saferoutesinfo.org/guide/education/index.cfm>) and Encouragement (<http://www.saferoutesinfo.org/guide/encouragement/index.cfm>) sections of the FLSRTS Online Guide for more suggestions.

Who to Contact With Questions:

If you have remaining questions about the application process after reviewing the Guidelines, Infrastructure Application, Instructions for Infrastructure Application and Non-Infrastructure Information Form, consult your District FLSRTS Contact or the State's Safe Routes to School Coordinator. See www.SRTSfl.org for contact information.

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COMMITTEE MEMORANDUM

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

FROM: Kathie G. Brooks, Interim City Manager *KGB*

DATE: March 13, 2013

SUBJECT: **REFERRAL TO THE HISTORIC PRESERVATION AND DESIGN REVIEW BOARDS TO SEEK THEIR DIRECTION AS TO WHAT TYPE OF DIRECTORY STRUCTURES ARE MOST APPROPRIATE FOR THE LINCOLN ROAD CORRIDOR**

BACKGROUND

The City currently has an agreement with Clear Channel Adshel Inc., to construct, operate and maintain directory structures in the Lincoln Road Area, to provide directory information location maps, offer advertising space for commercial use, fabricate and install street signs and block numbers at ten (10) intersections along Lincoln Road.

Interest has been expressed which calls for replacing the current fixed advertising panels on Lincoln Road with digital advertising panels. Clear Channel Adshel Inc. recently sought approval from the Historic Preservation and Design Review Boards for the replacement of existing fixed advertising panels with digital advertising panels in twenty (20) bus shelters located in South Beach, but both Boards denied the request.

ANNALYSIS

A presentation to the Finance and Citywide Projects Committee was made at the meeting of February 20, 2013. After discussion, the Board recommended that the Administration go to Historic Preservation and Design Review Boards to seek their direction as to what type of directory structures are most appropriate for the Lincoln Road Corridor. After this direction is obtained, the Administration recommends that a Request For Proposals be issued.

CONCLUSION

The Administration recommends that the Mayor and the City Commission refer the matter to the Historic Preservation and Design Review Boards to seek their direction as to what type of directory structures are most appropriate for the Lincoln Road corridor.

KGB

KGB/FHB

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Agenda Item C4I
Date 3-13-13

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OFFICE OF THE MAYOR AND COMMISSION

MEMORANDUM

TO: Ms. Kathie Brooks, Interim City Manager
Mr. Rafael Granado, City Clerk

FROM: Commissioner Deede Weithorn

DATE: March 4, 2013

SUBJECT: Referral to Land Use Committee
Amendment to RM-2 Expanding Permitted Use

Commissioner Deede Weithorn would like to refer to the Land Use Committee an amendment to expand the permitted uses of RM-2 zone properties and to include the following proposed language:

Sec. 142-212. - Main permitted uses.

The main permitted uses in the RM-2 residential multifamily, medium intensity district are single-family detached dwellings; townhomes; apartments; apartment-hotels; and hotels; and offices that are incidental to and customary with a hotel in the RM-3 district fronting Collins Avenue located no more than 1,200 feet from the property, measured by following a straight line from the lot on which the office is located to the lot on which the hotel is located, provided that the lot on which the office is located shall be governed by a restrictive covenant, approved as to form by the city attorney's office and recorded in the public records of the county as a covenant running with the land, stipulating that the office use shall be incidental to and customary in connection with the hotel and may only remain so long as the hotel use continues.

Should you have any questions and/or concerns, please do not hesitate to contact me at extension 6528.

Thank you,

Alex J. Fernández,
Commissioner Weithorn's Office

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MIAMI BEACH

OFFICE OF THE MAYOR AND COMMISSION

MEMORANDUM

TO: Kathie Brooks, Interim City Manager

FROM: Michael Góngora, Commissioner

DATE: March 4, 2013

SUBJECT: Referral Item for March Commission Meeting

Please place on the March Commission consent agenda a referral to Land Use Committee to discuss status update for the beach walk from Sunrise Plaza to Fifth Street. If you have any questions please feel free to contact my aide Diana Fontani at ext 6087.

MG/df

Agenda Item C4K
Date 3-13-13

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MIAMI BEACH

OFFICE OF THE MAYOR AND COMMISSION

MEMORANDUM

TO: Kathie Brooks, Interim City Manager

FROM: Michael Góngora, Commissioner

DATE: March 5, 2013

SUBJECT: Referral Item for Commission Meeting

Please place on the March Commission consent agenda a referral to the Sustainability Committee to discuss green building incentives for residential and commercial use. If you have any questions please feel free to contact my aide Diana Fontani at ext 6087.

MG/df

Agenda Item C4L
Date 3-13-13

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MIAMI BEACH

OFFICE OF THE MAYOR AND COMMISSION

MEMORANDUM

TO: Kathie Brooks, Interim City Manager
 FROM: Jerry Libbin, Commissioner *JL*
 DATE: March 6, 2013

SUBJECT: Consent agenda item for the March 13, 2013 Commission meeting; a referral to the Neighborhood and Community Affairs Committee

Please refer to the Neighborhood and Community Affairs Committee a discussion to consider hosting a biannual Art Camp held in Miami Beach in cooperation with UNESCO which I believe would become another crown jewel for our City.

Please contact my office at ext. 7106 if you have any questions.

Attachment

JL/er

RECEIVED
 2013 MAR --6 PM 5:10
 CITY CLERK'S OFFICE



Organització
de les Nacions Unides
per a l'educació,
la ciència i la cultura

**Comissió Nacional
Andorrana**
per a la UNESCO

Avinguda Fiter i Rossell, 71
AD700 Escaldes-Engordany
Principat d'Andorra
Tèlèfon (+376) 825 700 – Fax (+376) 861 911
E-mail : cnau.unesco@andorra.ad

Escaldes-Engordany 6th February 2013

Mr. Jerry Libbin
President & Ceo
Miami Beach Chamber of Commerce

Dear Mr. Libbin,

I am pleased to write to you to present the Art Camp Project, which has taken place in the Pyrenean country of Andorra in July of 2012. It has been attended by 37 artists from 5 continents and more than 30 countries, proposed by their National Commissions, who painted and participated in joint activities stimulated by the medium of art, but based on a dialogue of mutual respect and understanding between cultures that together form the basis of the ideals behind the United Nations Declaration for Human Rights.

The project was the third bi-annual Art Camp organised by the Andorran National Commission for UNESCO (CNAU) with the joint cooperation of the City Council of Ordino, the Andorran National power supplier (FEDA,) alongside a host of other local and international sponsors. The theme of this year's event was Sustainable Energy For All and follows on from the last events theme of Cultural Rapprochement.

Along the fortnight the artists gathered together to collectively paint in an open studio and provide their own individual interpretations of their surroundings' in their various painting styles. Part of the evening program involved participants staging presentations aimed at giving an informative insight into their diverse cultures and countries. This included everything from audio-visual presentations to native song and dance and even regional cuisine, a part of a wide range of excursions. These evenings, alongside the open air studio where the artists painted, were made accessible to locals and participants alike and helped foster bonds between the artists themselves and the local community who was extremely welcoming and hospitable.

By the end of the project, each artist had prepared their three works for exhibition through a range of individual artistic styles and methods. With more than one hundred unique individual pieces, the exhibition provides a global display of world art. All participants also signed a collective manifesto which was written together with the Patron for Art Camp, Ms Hedva Ser, the official UNESCO Artist for Peace who personally attended the project and addressed the exhibition on the opening night.

Our aim is to now share this experience and the Art Camp project as widely as possible through a series of international exhibitions in Europe and in the Americas. With that in mind, we have already organised for the first gallery opening to be held at the Strasbourg Council of Europe headquarters before it then travels to Brussels and later to the UNESCO headquarters in Paris. We sincerely believe

that this project is one of significant value and comes at a time where an emphasis on unity between cultures, religions and nations is a much needed virtue.

That is the reason why we would like to suggest the possibility of twinning our Art Camp "Colours for the Planet" with Miami Beach and organise the art camp in your city every two years. This will permit to the Art Camp to take place every year. Thereby, we ask Ms Hedva Ser, UNESCO Artist for Peace and godmother of the Art Camp, to establish a first contact to make a proposal of cooperation between the National Commission of Andorra to UNESCO and the Miami Beach Chamber of Commerce. The core of this project would be the promotion of peace values.

We hope that you will find this proposal interesting and if you require any further information or have an interest in future cooperation, we would be more than pleased to explore any potential options for working together, especially in the organisation of Art Camp.

Yours sincerely,



Elisenda Vives

President of the Andorran national commission of UNESCO
Av. Fiter i Rossell, 71
AD700 Escaldes-Engordany
Principat d'Andorra

Links to Art Camp:

<http://vimeo.com/46091683> (Workshops)

<http://vimeo.com/48471292> (Summary)

<http://vimeo.com/46176093> (Nelson Mandela's Birthday)

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C6

COMMISSION COMMITTEE REPORTS



COMMISSION MEMORANDUM

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

FROM: Kathie G. Brooks, Interim City Manager 

DATE: March 13, 2013

SUBJECT: **REPORT OF THE NEIGHBORHOOD/COMMUNITY AFFAIRS COMMITTEE HELD ON MONDAY, JANUARY 28, 2013.**

A meeting of the Neighborhood/Community Affairs Committee was scheduled for Monday, January 28, 2013 at 4:00 pm, and was held in the City Manager's Large Conference Room, 4th Floor. **Commissioners in attendance:** Commissioners Ed Tobin, Jerry Libbin and Jorge Exposito Members from the Administration and the public were also in attendance. Please see the attached sign-in sheet.

THE MEETING OPENED AT 4:50 PM.

1. **Discussion Concerning The Flamingo Park Neighborhood Becoming Florida's Most Pedestrian Friendly Neighborhood. (4:54 PM)**

ACTION: Discussion for this item was deferred for next meeting as a request by Fred Beckmann, Public Works Department Director

2. **Discussion Regarding Expanding The Ordinance (2012-3751) Amending Chapter 66, "Marine Structures, Facilities And Vehicles," Article Iv, "Vessels," Section 66-151, "Launching And Hauling," To Prohibit Docking, Securing, Embarking Or Disembarking Vessels At Municipal Or Public Seawalls, Wharfs, Docks Or Bulkheads In Single Family Neighborhoods, Creating Exceptions, Providing For Repealer; Codification; Severability And An Effective Date To Make It More Comprehensive. (5:27 PM)**

Peter Luria from Sunset 3 & 4 spoke, seeking direction on the item.

Commissioner Libbin indicated that he was in favor of protecting the integrity of the neighborhood, and was worried about the criminal activities in the area.

Terry Bierstock spoke

Gary Held Firs Assistant City Attorney indicated the language change in the ordinance Section 1 at the end of (b) (1) where it reads "...in a residential neighborhood, except in facilities expressible that are designed and authorized for that purpose"

ACTION: The Committee (Commissioner Tobin, Libbin and Exposito present) unanimously moved to forward to Commission.

3. **Discussion Naming 8th Street After Tony Goldman. (4:55 PM).**

Commissioner Libbin wants administration to follow up with the Legal department to review the procedures for this item.

Max Sklar, Acting Assistant City Manager noted City code requires a change in the ordinance and we needed to look into the matter further.

Jose Smith, City Attorney added that naming a street requires a referendum, and will not be possible.

Commissioner Libbin suggested having a statue at Lummus Park.

ACTION: The Committee (Commissioner Tobin, Libbin and Exposito present) recommended administration to get in touch with Tony Goldman's family and Marlo to discuss options and location. Commissioner Libbin also offered to meet with the family to discuss the options further

Commissioner Tobin suggested for Commissioner Libbin to reach out to Commissioner Gongora as well.

4. Discussion Regarding The City Of Miami Beach Centennial, Which Will Occur On March 26, 2015. (4:59 PM)

Commissioner Tobin presented the item, stating that we should have a committee for the event.

Max Sklar, Acting Assistant City Manager agreed to have a committee for the event, and would like direction as to how to structure the committee.

Commissioner Libbin suggested that it was a good idea to form a host committee for the big event.

Commissioner Tobin suggested that we should give the task to the Miami Beach Visitor & Convention Authority (VCA).

Commissioner Exposito suggested that we should have different events through the year to make the Centennial a memorable one.

Commissioner Libbin made the motion to suggest that the Miami Beach Visitor & Convention Authority take this as a project and authorizes them to raise funds for it, Commissioner Exposito seconded the motion.

ACTION: The Committee (Commissioner Tobin, Libbin and Exposito present) unanimously moved to have the Miami Beach Visitor & Convention Authority to take this celebration as a project.

5. Discussion Regarding The Placement Of A Fence Along The Perimeter Of The Scott Rakow Youth Center Playfield. (4:50 PM)

Kevin Smith, Parks and Recreation Department Director gave an overview of the item, stating that at one time the fence was on the design but it was removed from the plans. Now it will cost around \$16,500 for the fence.

Kathie G. Brooks, Interim City Manager stated that the cost of the fence will be added in the new budget.

Commissioner Tobin expressed that the budget be added for this fiscal year, and direct administration to find the funds for the project to begin.

Commissioner Exposito asked about safety on the park, since the Golf course will begin renovation starting June 2013, and if fence for that project will be a concern for the safety of the kids attending the Youth center.

temporary fence can be erected. Then see if we can find the funds for a permanent fence.

Kevin Smith, Parks and Recreation Department Director indicated that he will meet with Fernando to coordinate efforts for the safety of the kids.

Commissioner Libbin made the motion to have the fence placed along the perimeter of the Scott Rakow Youth Center, commissioner Exposito seconded the motion.

ACTION: The Committee (Commissioner Tobin, Libbin and Exposito) unanimously moved for the project to go forward pending the administration find funds for the project and coordinate with CIP during their project.

6. Discussion Regarding Creating A Municipal Youth Council On Miami Beach. (5:10 PM)

Kevin Smith, Parks and Recreation Department Director presented the item, emphasized being a great program for the kids of our community, and have the kids participate on several meetings and have them share their input and thoughts.

Commissioner Tobin suggested that maybe the City should have a program like the Leadership Academy for the youth of our community, so they can see how the City works, how the Government is managed we should include the Citizens Police Academy as well.

Commissioner Exposito added that it would be a great idea having the kids participate in different committees and establish a Youth Committee that will help high school students' future. Commissioner Libbin suggested that rather than creating a program, establish a seat for each board as a non-voting or voting and then having their own council, and they can discuss among themselves and come up with their vision or goal.

Kathie G. Brooks, Interim City Manager indicated that the involvement of the kids on different boards could be a great civics lesson.

Dessiree Kane, Commissioner Tobin's Aide, explained the program, its success in Tampa, and how it was designed for 10th, 11th and 12th graders. This will be a great idea for kids to participate on different boards, and have a sense of ownership of their City.

Maria Ruiz, Office of Community Services Division Director, stated that there are several models throughout the country and depending on how we want them to succeed, we could adopt several models. Have them be part of our decision making, could also create community services for the students.

Jose Smith, City Attorney suggested to reach out to the student's council at Miami Beach High through Leslie Rosenfeld.

Dessiree Kane, Commissioner Tobin Aide, indicated that she already met with the Vice President of the Student Council, and they are interested.

Commissioner Tobbin also stated that he would like to further meet with Dessiree and Maria Ruiz to discuss options.

ACTION: The Committee (Commissioner Tobin, Libbin and Exposito present) recommended administration to follow up if everybody agrees on having the kids enrolled in the next Leadership Academy, and report the outcome next month.



NEIGHBORHOOD/COMMUNITY AFFAIRS COMMITTEE

January 28, 2013

SIGN-IN SHEET

PLEASE PRINT LEGIBLY

NAME	ORGANIZATION / DEPT.	PHONE NO.	EMAIL
Eliette Rosen	MAYOR'S OFFICE	6151.7 67152?	
Ellen Vargas	Parks + Recreation	305 673-7880 EXT 4802	ellen.vargas@miamibeachfl.gov
KEVIN SMITH	PARKS + REC.	7730	KEVINSMITH@MIAMI BEACH FL. 90Y
JULIO MAGRISSE	Parks & Rec.	7730	JULIOMAGRISSE @ ✓ - ✓
Terry Bientock	Sunset 3+4	305 983-4000	tbientock@tbientock.com
Maria Ruiz	COMB	6491	maria.ruiz@miamibeachfl.gov
Fred Bedemann	Public Works	x6012	fbedemann@miamibeachfl.gov
Peter LURIA	Sunset 3+4		
Jana Tuben	Scott Baker Youth Center	305 - 530-5002	
Stephanie Rosen	SRJC	305-970-5683	RosenStep@gmail.com
Kathie Brooks	City Mgr	x6010	kbrooks@miamibeachfl.gov
Elvis NUÑEZ	O.C.S.	x 6260	elvisnuñez@miamibeach FL.gov

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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: March 13, 2013

SUBJECT: **REPORT OF THE NEIGHBORHOOD/COMMUNITY AFFAIRS COMMITTEE HELD ON FEBRUARY TUESDAY 19, 2013.**

A meeting of the Neighborhood/Community Affairs Committee was scheduled for Monday, February 19, 2013 at 3:00 pm, and was held in the City Manager's Large Conference Room, 4th Floor. **Commissioners in attendance:** Commissioners Ed Tobin, Jerry Libbin and Jorge Exposito Members from the Administration and the public were also in attendance. Please see the attached sign-in sheet.

THE MEETING OPENED AT 3:17 PM.

1. Discussion Regarding An Ordinance Amending Regulations Of Alcoholic Beverages In Public Places. (3:17 PM)

Commissioner Libbin presented the item, indicating that the issue was more about To Go-Cups (plastic), and some regulations needed to be implemented.

Max Sklar, Acting Assistant City Manager indicated that this was an old item pending for a while, and the Administration was seeking policy direction regarding the sale of alcohol in approved beach concession areas.

Commissioner Libbin stated that that current beach concession agreements with hotels, does not allow the sale of alcohol but the practice has occurred for years.

Max Sklar indicated that administration is looking for direction before drafting City Code amendments. The current City Code prohibits the sale of alcohol in public property with (3) exceptions; a) Sidewalk Cafes having a valid sidewalk café permit, b) Public Property leased from the City by a private entity and licensed by the city for such use and c) Areas temporarily designed for such use by the City by the issuance of a valid event permit.

Commissioner Tobin made the motion to direct administration to formulate a plan on how to structure this issue and to contact the businesses impacted to develop the amendments, a method for charging the concessionaires and a timeline for implementing the changes. He also requested the item be placed on the March Commission Meeting, where administration will receive direction on how to proceed with it. Commissioner Exposito seconded the motion.

ACTION: The Committee (Commissioner Tobin, Libbin and Exposito present) unanimously moved to have this item discussed on the March Commission Meeting.

2. Discussion Concerning The Flamingo Park Neighborhood Becoming Florida's Most Pedestrian Friendly Neighborhood. (5:25 PM)

Agenda Item C6B
Date 3-13-13

Public Works Department Director Fred Beckmann gave a background on the item and how the plan will help the neighborhood.

Commissioner Exposito asked the width of the streets on the neighborhood, so we are consistent with what we tell the neighbors.

Fred Beckmann responded that the streets were all have the same width and are consistent with the streets in the neighborhood.

Commissioner Tobin and Commissioner Libbin asked if there was a way to bring mass transit to the area and have the parking lot in the area utilized for the residents of the area, with a reduced fee for residents to alleviate the traffic congestion in the area.

Commissioner Tobin suggested utilizing parking garage at 6th street for the residents of the flamingo park area, and try it for about 6 months to see how this works, and discuss it then.

ACTION: The Committee (Commissioner Tobin, Libbin and Exposito present) unanimously recommended that the administration try the utilization of the garage at 6th street, as a trial period for six months at a further discounted rate, and then bring the item back to Commission Meeting.

3. Discussion Regarding A Resolution To Establishing And Designating Tobacco-Free Zones In All City Parks And Outdoor Recreational Facilities. (5:13 PM)

ACTION: Item withdrawn by Commissioner Libbin.

4. Discussion Regarding Building A Guardhouse At East Entrance Of Normandy Shores (5:15 PM)

Commissioner Tobin asked if notices were given to the neighbors.

Commissioner Libbin stated that he does not know what the Normandy Shores Homeowners Association position is in regards to the item, but he thinks that if the city is willing to support this, the Homeowners Association will be in favor, as long as the cost does not come from the City nor from the Association, but by the developers of the current projects.

Raul Aguila offered to meet with representatives from the newly formed homeowners association outside the gate to provide them with options on how to proceed with this project. He also informed the Committee that state statute governs this through the creation of safe neighborhood taxing district and there is a referendum requirement.

The Committee (Commissioner Tobin, Libbin and Exposito present), directed Legal to meet with the Homeowners Association and discuss details on the item.

ACTION: The Committee (Commissioner Tobin, Libbin and Exposito present) recommend bringing back this item to the April NCAC meeting

5. Discussion Regarding An Update On Upper North Bay Road Drainage Project. (3:37 PM)

Public Works Department Director Fred Beckmann gave an updated report on the item, stating that due to the change of groundwater and tailwater elevation, it was decided to go back with and plan and had two options, one to stay with Reynolds, Smith and Hills, Inc.

(RS&H) and redesign to the new criteria or go the Design Build Criteria Package (DCP) to which it was opted to go to, the package is ready to go and now legal is working in development of the design-build agreement.

Commissioner Tobin asked when DCP is already been done, what happens when somebody that bids on it, decides to have some changes, are they allow to do that?

Richard Saltrick, City Engineer answered stating that yes they do have the ability to add or change if needed, it goes to a process where City reviews it, approves it, and it is negotiated at the end in a Progressive Design-build, the City manages the design process, the city reviews it, approves it and at the end if needed price is negotiated with the firm.

Commissioner Tobin asked what if company does not like or needs to change the design, how that work, and what will the best process be for the City.

Public Works Department Director Fred Beckmann answered, stating as summary that the DCP the designer whoever the company selects will be the one making the decisions and if we think that something needs to be added it will be discussed, and if price needs to be negotiated, it takes place at the end of the project.

Dwight Kraai spoke in regards of tides for which he distributed a chart of 2012 monthly average MHW, Ft. NAVD and questioned that the standard groundwater and tailwater elevation is too low.

Commissioner Tobin suggested to discuss this issue in another meeting.

Commissioner Libbin suggested that we should consult with the Netherlands engineers about this issue, since they are widely recognized as experts we should have their advice or input on this issue.

Kathie G. Brooks, Interim City Manager agreed with the suggestion, indicating that the City was already in the process of meeting with them .

Richard Saltrick, City Engineer indicated that they have already met with some representatives from the Netherlands, and that they will meet again to discuss on the matter.

ACTION: The Committee (Commissioner Tobin, Libbin and Exposito present) directed administration to have in the DCP, as an alternative, the difference to go from Pump and Alpha system to an Injection well system.

**6. a. Discussion Regarding A Sanitation Plan During Spring Break 2013.
b. Discussion Regarding The Status Of The Major Event Plan For Spring Break.
(4:09 PM)**

Acting Assistant City Manager Max Sklar presented the item.

Commissioner Libbin asked how to ensure we have clean beaches, clean streets, parks, how is service delivered, are we prepare to host the number of visitors coming to our city for Spring break.

Acting Assistant City Manager Max Sklar provided an overview of the Major Event Plan for Spring Break.

Commissioner Exposito asked, when was going to start the increase of enforcement? Also commented that in the past starting early was very effective, and by starting earlier will set precedence and started to see fewer issues.

Acting Assistant City Manager Max Sklar stated that Spring Break already started and that the City was already active, having different departments already working on the issue, already have the dates for the Variable Message Signs (VMS) to be placed at various locations, also temporary real estate-type signs in the right of way and along the parks, also created pamphlets with different information and key phone numbers for the visitors to be distributed to the public by our GWA.

Carla Probus (City resident) spoke, questioning the effectiveness of Code Compliance citation for litter violations.

Robert Santos-Alborna, Code Compliance Director gave an overview of the plan Code Compliance has with the Police Department, to which he indicated that for the past two years, the plan has worked perfectly, and at this point his office is ready for this year.

ACTION: The Committee (Commissioner Tobin, Libbin and Exposito present) requested a Letter to Commission (LTC) regarding the GWA program for Spring Break.

7. Discussion Regarding Items That Are Referred To Commission Committees To Be Reviewed If Not Heard By That Committee Within (6) Six Months Of Its Referral Dates. (5:43 PM)

Commissioner Libbin presented the item, and suggested that items which have not been discussed in Six (6) months should be removed from the agenda.

Commissioner Tobin made the motion that all items referred to various City Commission Committees should be heard as soon as possible regardless of whether the referring City Commissioner is present for the discussion and the Commissioner should be noticed of the discussion item. He also felt there could be one courtesy deferral if the commissioner is out of town, to move it to the next month, and after six months that the item be printed on the Commission Agenda as an informational notice that it has been withdrawn.

ACTION: The Committee (Commissioner Tobin, Libbin and Exposito present) unanimously moved for the pending items to be removed after six months with a report of withdrawn items on the monthly City Commission agenda.

8. Discussion Regarding Considering The Removal Of The Four (4) Public Parking Spaces On Sunset Drive At The Entrance Of Sunset Harbor Island. (4:29 PM)

Parking Department Director Saul Frances presented the item, indicating that Parking Department does not have an issue on the matter and spaces could be removed.

Commissioner Exposito moved with the item, seconded by Commissioner Tobin.

ACTION: No action was taken.

9. Discussion Regarding Relocation Of The Maintenance Vehicles From The Sunset Harbor Neighborhood. (4:32 PM)

Public Works Department Director Fred Beckmann presented the item.

Commissioner Tobin questioned how many parking spaces were needed and why not utilize the parking garages that the City already operates.

Public Works Department Director Fred Beckmann gave an overview of how many employees are in Public Works and Property Management, plus number of work vehicles and equipment utilized by city employees daily. Additional spaces are needed to accommodate shift changes.

Commissioner Libbin stated he believes some of the City garages are underutilized, indicating that it would be cost effective for the City, have the employees park at the 42nd Street garage and bus the employees to their work location.

Jose Smith City Attorney indicated that Legal will look into the matter to see the legal obligations the city has towards the employees.

Mr. Luria spoke.

Commissioner Libbin made a motion to direct administration to explore the utilization of vacant spaces in the 41st / Sheridan Avenue garage and 5th Street garage to our greatest advantages for our City vehicles, seconded by Commissioner Exposito

ACTION: The committee (Commissioner Tobin, Exposito and Libbin present) referred the item to the next Commission Meeting, with a plan of utilization of vacant parking spaces at the Sheridan street garage and the 5th street garage.

10. Discussion Regarding Amending Procedures For Appeals To The Special Master For Certain Frequent Code Enforcement Violations. (6:00 PM)

ACTION: Item was deferred to the March NCAC meeting.

THE MEETING ADJOURNED AT 6:00 PM.

KGB/MAS/BN/jen





NEIGHBORHOOD/COMMUNITY AFFAIRS COMMITTEE

February 19, 2013

SIGN-IN SHEET

PLEASE PRINT LEGIBLY

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ELUIS NUNEZ	O.C.S.	305-673-7491	eluisnunez@miamibeachfl.gov
Jorge Linares	M.B.F.D.	786 276 2620	Five special events @ miamibeachfl.gov
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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: March 13, 2013

SUBJECT: REPORT OF THE FEBRUARY 13, 2013 LAND USE AND DEVELOPMENT COMMITTEE MEETING

A Land Use and Development Committee meeting was held on February 13, 2013. Members in attendance were Commissioners Góngora and Libbin. Mayor Bower and Commissioner Tobin, along with members from the Administration and the public, were also in attendance. Please see the attached sign-in sheet. The meeting was called to order at 3:10 pm.

- 1. REDUCED PARKING RATES FOR HOTEL EMPLOYEES.
(DEFERRED FROM THE JANUARY 23, 2013 LUDC MEETING
ORIGINALLY REQUESTED BY COMMISSIONER JONAH WOLFSON,
OCTOBER 19, 2011 CITY COMMISSION MEETING, ITEM C4K)**

AFTER-ACTION: DEFERRED

- 2. DISCUSSION OF THE MIAMI BEACH CURRENT CITY CODE CHAPTER 6-4 (3)
RELATING TO ALCOHOLIC BEVERAGE SALES THAT REQUIRES A 300 FOOT
DISTANCE BETWEEN LIQUOR STORES AND ASK THAT THE CITY LOOK INTO
ADOPTING THE COUNTY REQUIREMENT OF 1500 FEET.
(DEFERRED FROM THE JANUARY 23, 2013 LUDC MEETING
ORIGINALLY REFERRED BY COMMISSIONER JORGE R. EXPOSITO
OCTOBER 19, 2011 CITY COMMISSION MEETING, ITEM C4L)**

AFTER-ACTION: DEFERRED

- 3. REVIEW OF MIAMI BEACH LAND USE BOARDS TO IMPROVE THE CITY OF MIAMI
BEACH BUILDING AND PLANNING DEPARTMENT PROCESSES.
(CONTINUED FROM THE JANUARY 23, 2013 LUDC MEETING
ORIGINALLY REQUESTED BY COMMISSIONER MICHAEL GONGORA
MARCH 21, 2012 CITY COMMISSION MEETING, ITEM C4M)**

AFTER-ACTION: DEFERRED

Agenda Item C6C
Date 3-13-13

**4. DISCUSSION REGARDING FOOD TRUCKS ON PRIVATE PROPERTY.
(DEFERRED FROM THE JANUARY 23, 2013 LUDC MEETING
ORIGINALLY REQUESTED BY COMMISSIONER JONAH WOLFSON
SEPTEMBER 12, 2012 CITY COMMISSION MEETING, ITEM C4K)**

AFTER-ACTION: Richard Lorber provided an overview of the item. Commissioner Gongora indicated general support for the concept, but believes there should be a minimum distance separation between food trucks and sidewalk cafes. Commissioner Wolfson suggested that food trucks only be permitted on licensed private parking lots (commercial lots) that are not located within 500 feet of a sidewalk café and are not abutting a residential district.

MOTION: Wolfson/Góngora: (2-0) Direct staff to prepare an Ordinance consistent with the discussion above, and bring back before the land Use Committee.

**5. DISCUSSION PERTAINING TO “SMARTER MATERIALS FOR NEXT GENERATION
INFRASTRUCTURE,” SUCH AS ELIMINATING THE DISPOSAL OF TIRES IN
GLOBAL LANDFILLS AND INCINERATORS.
(DEFERRED FROM THE JANUARY 23, 2013 LUDC MEETING
ORIGINALLY REFERRED BY COMMISSIONER MICHAEL GONGORA
DECEMBER 12, 2012 CITY COMMISSION MEETING, ITEM C4M)**

AFTER-ACTION: DEFERRED

**6. DISCUSSION REGARDING AN AMENDMENT TO THE LAND DEVELOPMENT
REGULATIONS THAT WILL CREATE PROTECTION FROM TOTAL DEMOLITION OF
ARCHITECTURALLY SIGNIFICANT SINGLE FAMILY HOMES BUILT PRIOR TO
1942.
(REQUESTED BY MAYOR MATTI HERRERA BOWER AND CITY COMMISSION
DECEMBER 12, 2012 CITY COMMISSION MEETING, ITEM C4P)**

AFTER-ACTION: Richard Lorber introduced the item and explained the current single family residential process, including limits on lot coverage, building size and other criteria, and the review by the Design Review Board. He explained how it would be possible to add additional incentives for retention of architecturally significant pre-1942 homes, and additional disincentives to the demolition of these homes. Members of the public spoke, including Terry Bienstock, Michael Larkin, Clotilde Luce, Carol Housen, Ralph Choeff, Todd Glazer, Daniel Ciraldo, Arthur Marcus, Jo Manning, Nancy Liebman, and Kent Harrison Robbins. Mayor Bower explained that she referred this matter at the request of residents, and that Daniel Ciraldo brought it to the City’s attention, that he has a petition with many signatures. The houses that are being proposed are not compatible with the neighborhoods. We are losing beautiful historic homes. Commissioner Wolfson indicated that he does not support involuntary designation of homes. He noted that the earlier ordinances that the City passed were compromises, since there was not a strong consensus for historic preservation of single family districts. Commissioner Libbin expressed support for the approach of incentives, rather than much disincentives (although we should look at the DRB ability to permit 70% unit size). Commissioner Góngora is in favor with proposed incentives, rather than disincentives. Commissioner Tobin agreed that there are neighborhoods whose character is being changed by a small number of homes, and he believes that the City needs to do something. He would consider some disincentives as well as incentives. Commissioner Libbin explained that he would want to see something that discouraged speculation.

MOTION: Libbin/Góngora: (3-0) Direct staff to come up with as many creative positive incentives that we can propose to encourage people to keep architecturally significant older homes.

7. DISCUSSION CONCERNING A PROPOSED AMENDMENT OF THE CHARTER TO PROHIBIT THE INVOLUNTARY DESIGNATION OF SINGLE-FAMILY RESIDENCES AS INDIVIDUAL HISTORIC SITES, HEREINAFTER REFERRED TO AS THE MIAMI BEACH HOMEOWNER PROTECTION ACT.

**(REQUESTED BY COMMISSION JONAH WOLFSON
JANUARY 16, 2013, CITY COMMISSION MEETING, ITEM C4I)**

AFTER-ACTION: Commissioner Wolfson discussed his proposal for a charter amendment. He described that he would favor a charter amendment that required a vote of the citizens to approve any amendment that would restrict property rights. Commissioner Góngora explained his concern that if the charter amendment doesn't pass, then what would be the resulting effect, would we be required to begin designations? Kent Harrison Robbins, Charlie Urstadt, Daniel Ciraldo, Arthur Marcus and Jeff Donnelly spoke.

MOTION: CONTINUED

8. DISCUSSION REGARDING RESTRICTED WAKE ZONES

- a) **AN ORDINANCE AMENDING THE CODE OF THE CITY OF MIAMI BEACH, BY AMENDING CHAPTER 66, ENTITLED "MARINE STRUCTURES, FACILITIES AND VEHICLES," BY AMENDING ARTICLE II, TO BE ENTITLED "RESTRICTED WAKE ZONES," TO CREATE REGULATIONS FOR RESTRICTED WAKE ZONES; PROVIDING FOR A PURPOSE; PROVIDING FOR DEFINITIONS; PROVIDING FOR RESTRICTED AREAS; PROVIDING FOR POSTING OF REGULATORY MARKERS; PROVIDING FOR EXEMPTIONS; PROVIDING FOR ENFORCEMENT AND PENALTIES; PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE. FIRST READING.**

**(DEFERRED FROM THE JANUARY 23, 2013 LUDC MEETING
ORIGINALLY REQUESTED BY CITY COMMISSION
DECEMBER 12, 2012 CITY COMMISSION MEETING, ITEM R5F & R7I)**

- b) **DISCUSSION ON ADDING SURPRISE LAKE TO "NO WAKE ZONES" ON MIAMI BEACH.**

**(REQUESTED BY COMMISSIONER EDWARD L. TOBIN
FEBRUARY 6, 2013 CITY COMMISSION MEETING, ITEM C4P
(VERBAL REPORT))**

AFTER-ACTION: Michael Larkin explained the State law regarding no-wake zones. Sgt. George of the Miami Beach Police Marine Patrol discussed the current situation. The City Attorney's Office informed the Committee that the City could not establish a "no-wake" zone in the Surprise Lake area as it did not meet the requirements prescribed by the State Statutes.

MOTION: Wolfson/Góngora: (2-0) Move proposal "A" forward to the full Commission.

9. DISCUSSION REGARDING THE DEVELOPMENT OF THE WEST LOTS BETWEEN 79TH STREET TO 87TH STREET AND COLLINS AVENUE.
(REFERRED BY COMMISSIONER JERRY LIBBIN
DECEMBER 12, 2012, CITY COMMISSION MEETING, ITEM R9G)

AFTER-ACTION: DEFERRED

10. DISCUSSION REGARDING DEVELOPMENT OF THE PARKING LOT BETWEEN 72ND AND 73RD STREET AND COLLINS AVENUE.
(REFERRED BY COMMISSIONER JERRY LIBBIN
DECEMBER 12, 2012 CITY COMMISSION MEETING ITEM R9F)

AFTER-ACTION: DEFERRED

11. ZONING AND PLANNING INITIATIVES FOR NORTH BEACH INCLUDING ORDINANCE AMENDMENTS FOR PARKING REQUIREMENTS AND DEVELOPMENT REGULATIONS.
(REFERRED BY COMMISSIONER JERRY LIBBIN
DECEMBER 12, 2012 CITY COMMISSION MEETING, ITEM C4I #1)

AFTER-ACTION: DEFERRED

12. APPLICATION OF PARKING IMPACT FEES TO SATISFY HOTEL PARKING REQUIREMENTS OUTSIDE OF HISTORIC DISTRICTS.
(REFERRED BY COMMISSIONER JERRY LIBBIN
DECEMBER 12, 2012 CITY COMMISSION MEETING, ITEM C4I #3)

AFTER-ACTION: DEFERRED

13. DISCUSSION REGARDING THE CURRENT SIDEWALK CAFÉ ORDINANCE
- a) DISCUSSION REGARDING THE LINCOLN ROAD UTILIZATION AREAS FOR SIDEWALK CAFES.
(REQUESTED BY COMMISSIONER MICHAEL GONGORA
JANUARY 16, 2013 CITY COMMISSION MEETING, ITEM C4R)
- b) USE OF ELECTRICITY BY SIDEWALK CAFÉS.
(REQUESTED BY COMMISSIONER DEEDE WEITHORN
JANUARY 16, 2013 CITY COMMISSION MEETING, ITEM R9G)
- c) DISCUSSION REGARDING RESTAURANT SOLICITATION OF PEDESTRIANS ON CITY SIDEWALKS, PARTICULARLY OCEAN DRIVE AND LINCOLN ROAD.
(REQUESTED BY CITY COMMISSION
JANUARY 16, 2013 CITY COMMISSION MEETING, ITEM R9G
REFER ALL CURRENT SIDEWALK CAFÉ MATTERS TO THE LAND USE AND DEVELOPMENT COMMITTEE. ORIGINALLY REFERRED TO NCAC
DECEMBER 12, 2012 CITY COMMISSION MEETING, ITEM C4H)

AFTER-ACTION: Jorge Gomez introduced the item, explaining the various referrals that have been combined into this discussion, and going over the past history of the sidewalk café ordinance and its enforcement. Fred Beckmann explained that there is no restriction on the percentage of a block that may be devoted to sidewalk cafes, and there has been significant growth on some blocks of Lincoln Road. Stephen Scott discussed the Code Compliance efforts in enforcing the sidewalk café ordinance, noting that hundreds of warnings and citations have been given. He detailed several of the major recurring issues, including umbrellas, power usage, signage, and other unauthorized displays. Mayor Bower questioned why these violations are not made to be immediately removed, and staff explained that they are waiting for direction from the Commission. Richard Lorber detailed issues that have been raised by the Historic Preservation Board, other land use boards and Planning Department staff. The economics of sidewalk cafes and the differential between the sidewalk café fee and the rents being charged was discussed. Members of the public spoke, including Terry Bienstock, Marlo Courtney, David Wallack, Daniel Veitia, David Kelsey, Jo Manning, Arthur Marcus, Nancy Liebman, Christine Florez, Frank DelVecchio, Jane Losson, Ryan Grinler of Terranova Corporation, Carla Probus, William Cary, and Morris Sunshine. Commissioner Tobin discussed the issue of the hawkers, as well as fraudulent practices, and requested that the Committee support him in directing the Administration to focus enforcement on hawkers and fraud. Commissioner Wolfson expressed reluctance to step up enforcement efforts. Commissioner Libbin felt that the signage issue was out of control. Mayor Bower asked questions about the sidewalk café approved areas, and how the areas were determined and enforced. She indicated that she would be in favor of some type of overall restriction on the area to be allowed for sidewalk cafes. Commissioner Libbin discussed the “back of the house” equipment and expressed that these installations must be removed; however, this must be done in a fair and equitable fashion. The Committee discussed the electricity issue, and whether they should be allowed to use the electricity, and whether they should be charged for its usage.

MOTION: Libbin/Gongora: (3-0) Direct the Administration to draft an ordinance which would strengthen the prohibition of hawkers at sidewalk cafes including increased fines.

MOTION: Libbin/Gongora: (3-0) Direct the Administration to advise the Committee on any suggested changes to the permitted signage for sidewalk cafes.

MOTION: Libbin/Gongora: (3-0) Direct the Administration to advise the Committee on any suggested changes to the issue of electricity usage.

MOTION: Libbin/Gongora: (3-0) Direct the Administration to advise the Committee on any suggested changes to the issue of sofas and banquettes.

Attachment


KGB/JGG/RL

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LAND USE AND DEVELOPMENT COMMITTEE MEETING

February 13, 2013 @ 3:00 pm

City Manager's Large Conference Room

Attendance Sheet

NAME	CONTACT NUMBER	I WISH TO RECEIVE THE AGENDA ELECTRONICALLY	E-MAIL ADDRESS
1. Daniel Veitín			daniel @urbanvesovica.com
2. Ward Kelsey	SBHSA		@
3. Joyce Meyers	CMB Planning		jmeyers @miami beach.fl.gov
4. DEBORAH FUGGIERO			prif3 @aol.com
5. Carol HOUSEN	305 992 8163	✓	carolhousen @gmail.com
6. Jo Manning	305-538-3270	✓	jo.manning1940 @gmail.com
7. Daniel Grabels	305-496-7535	✓	lsc.223 @gmail.com
8. Amanda marcus	305-674-8945	✓	marcus_A @bellsouth.net
9. Nancy Lieberman	305-669-4288	✓	nantieb @AOL.com
10. Christine Florez	305 923 3862	✓	christineflorez @gmail.com
11. ABLENE WELTMAN	917 439-7011	✓	ableneweltd @aol.com
12. Ned Kandel	917 392 4040	✓	anleneandned @aol.com
13. Frank Del Vecchio	305-672-2486	Yes	fdelvecchio @atlantcbb.net
14. Marian Del Vecchio	"	✓	mdelvecchio @atlantcbb.net
15. Jane Kizza Kesson	305 504 0262	✓	jklosson @y3huo.com
16. Stephy Scott			@
17. Elsa URQUIZA	305 494 9060	✓	elsa.urquiza @att.net
18. Misty Polanco	186-246-8475	✓	mpolanco @terranovaCorp.com
19. Ryan Grindler	305-695-8700	✓	Rgrindler @terranovacorp.com
20. Paul Mokha	786-351-6965	✓	. pmokha @yahoo.com

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LAND USE AND DEVELOPMENT COMMITTEE MEETING

February 13, 2013 @ 3:00 pm

City Manager's Large Conference Room

Attendance Sheet

	NAME	CONTACT NUMBER	I WISH TO RECEIVE THE LINK TO THE ELECTRONIC AGENDA	E-MAIL ADDRESS
21.	AL FEOLA	305-531-9478	Yes	OFFEO @ ATLANTICBB.NET
22.	Lynn W Bernstein	305-673-7010		@
23.	Monika Entin	305-377-6237		@
24.	MITCH GARRETT	248.449.5493		mitch.garrett @ transins.com
25.	HERNAN CARDENO	305.673.7776 XT. 6854		HERNANCARDENO @ MIAMI BEACH FL GOV
26.	DANIEL DALY	305 673-6649	YES	DANDALYJ @ GMAIL.COM
27.	MALW Courney	804 Ocean Drive	Yes	@
28.	MICHAEL GEORGE	305 673 7959		MICHAELGEORGE @ MIAMI BEACH FL GOV
29.	Joan Liberty Balkin	305-905-7100	N.A.	N.A. @
30.	Christina Veiga	305-376-2029	Yes	Cveiga @ miamiherald.com
31.	Terry Bierstock	305 903-4000	Yes	tbierstock @ tbierstock.com
32.	Barbara Cowen		Yes	Cowen barbara @ gmail.com
33.				@
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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: Interim City Manager Kathie G. Brooks 

DATE: March 13, 2013

SUBJECT: REPORT OF THE FINANCE AND CITYWIDE PROJECTS
COMMITTEE MEETING ON JANUARY 24, 2013

The agenda is as follows:

EMERGENCY ITEM

1. Discussion regarding the Convention Center Catering Invitation to Negotiate

ACTION

The Committee recommended that Acting Assistant City Manager Max Sklar write a Letter to Commission when the Invitation to Negotiate goes out and bring back to the Finance Committee in February or March.

Acting Assistant City Manager Max Sklar presented this item.

Acting Assistant City Manager Max Sklar began by stating the status of the Invitation to Negotiate (ITN) is in final review with legal. It is expected that the ITN will be issued tomorrow. Chairperson Deede Weithorn requested that a Letter to Commission (LTC) be issued. Acting Assistant City Manager Sklar stated that the due date of the ITN is approximately 30 days. The intent is to come to the March Commission meeting with a short list of individuals to approve and then the City can go into negotiations with the solicited firm. The new contract approved and signed would probably be in the June timeframe with inclusion of a transitional period if it's a new company. Commissioner Jerry Libbin asked what happens during the transitional period if the current company decides to leave. Acting Assistant City Manager Sklar stated there is a meeting with Centerplate next week to discuss this. Chairperson Weithorn stated she would prefer that the current Catering Company let them know ahead of time if they plan to exit before the transitional period has expired so that things can be planned accordingly. Commissioner Jorge Exposito stated his concern about the first quarter and second quarter being the busiest months and that maybe

Agenda Item CGD

Date 3-13-13

they should consider starting the contracts on April 1st that will allow for a slow transitional period. Chairperson Weithorn stated that the service should be the main focus of the negotiations.

The Committee recommended that Acting Assistant City Manager Max Sklar write a Letter to Commission when the Invitation to Negotiate goes out and bring back to the Finance Committee in February or March.

2. Discussion regarding the BMG Loan Program

ACTION

The members of the Finance and Citywide Projects Committee (FCWPC) recommended that the BMG Money Loans-At-Work program be extended on a month-month basis, with a discussion item to be referred to the FCWPC to explore what potential loan alternatives may be available. Commissioner Jerry Libbin moved the motion and it was second by Commissioner Exposito.

Chairperson Deede Weithorn presented this item.

Chairperson Deede Weithorn began by discussing the BMG Money Loans-At-Work program provides a voluntary payroll deduction loan program to employees through a non-traditional, unsecured loan to cover unexpected financial emergencies, with repayment provided through payroll deduction. This program was provided to employees on a one-year trial basis that ended on December 31, 2012. At the December 11, 2012 Commission Meeting, the Administration recommended the BMG Loans-At-Work program be extended for one month, from December 31, 2012 to January 31, 2013, giving the City Commission the opportunity to review the activity which occurred during the twelve month trial period and make their determination to either continue offering the program or terminate the program. The Administration further recommended that the item be referred to the Finance and Citywide Projects Committee for their recommendation either to continue the current program or to issue a request for Proposal, exploring what loan options may be available at lower interest rates. After their discussion, the City Commission agreed to discontinue the program effective December 31, 2012. Due to feedback provided to the City Commission members by employees and the Communication Workers of America (CWA) and Fraternal Order of Police (FOP), the item was referred to the FCWPC for discussion.

Chairperson Weithorn and Commissioner Jorge Exposito repeated their initial concern over the interest rates charged, indicating that the interest costs were high. However, after discussion with representatives from the BMG Money Loans-At-Work Program highlighting that unlike credit cards, which compound interest and retire principal over many years, the BMG Money Loans-At-Work loans are structured much better for the borrower using simple, non-compounding interest charges on the loan, with payments that retire principal quickly for a maximum period of 2 years.

The members of the FCWPC recommended that the BMG Money Loans-At-Work program be extended on a month-month basis, with a discussion item to be referred to the FCWPC to explore what potential loan alternatives may be available. Commissioner Jerry Libbin moved the motion and it was second by Commissioner Exposito.

OLD BUSINESS

- 1. Discussion regarding to consider a request for rent relief from Penn 17, LLC. regarding the retail space at the Pennsylvania Avenue parking garage**

ACTION

The Committee recommended granting application of 1/3 of the existing security deposit towards the November 2012 back-due rent, an abatement of 50% of the base rent and Common Area Maintenance (CAM) due for the six (6) month period commencing January 13, 2013 through July 12, 2013, granting a deferral of fifty percent (50%) of the Base Rent and CAM for the six (6) month period, commencing July 13, 2013 through January 14, 2014 (“Deferral Period”), to be repaid by the Tenant in twenty four (24) equal monthly installments, commencing in the sixth year of the Lease Term and ending on the last day of the seventh year of the Lease Term and repayment of 1/3 of the security deposit to commence on January 2014 with release language absolving the City of any liability be brought to the Commission.

Anna Parekh Real Estate, Housing & Community Development Director presented this item.

Real Estate, Housing & Community Development Director Anna Parekh began the discussion by stating on December 12, 2012, the City Commission referred the matter to the City’s Finance and Citywide Projects Committee (FCWPC) for discussion, subject to the Tenant remitting all outstanding rent amounts due for October, November and December. Subsequent to the Commission meeting, the Tenant informed staff that it wasn’t in a position to remit rent for the three-month period and instead remitted a wire transfer for the outstanding October 2012 rent in exchange for the Committee’s consideration of its request. On December 17, 2012, the Tenant informed staff that it had closed the restaurant with the intent of reopening in February, 2012 under a new name and concept. The Tenant also informed staff that given the amount of money and time it had invested in the Premises, that it was fully committed to keeping its lease and was hopeful it could negotiate favorable terms with the City to do so. To date, rents for the month of November, December and half of January are outstanding that total \$150,000. The tenant has requested the 3 month security deposit be applied to the rent. The FCWPC directed staff to negotiate terms for a rent deferral to present directly to the City Commission and to incorporate release language absolving the City of any liability with regards to any claims made by the Tenant concerning construction delays and/or issues concerning the relocation of the HVAC compressors as well as the kitchen exhaust venting. Per

these instructions, the following was recommended to the tenant:

On January 2nd, Staff proposed the following rent payment plan:

- November and December 2012 rent payments be deferred until year three of the lease;
- Commencing on January 14, 2013 and through June 14, 2013, City will abate 50% of rents due. This results in a rent abatement equivalent to three full month's rent;
- In the meantime, all outstanding sidewalk café fees, concurrency fees, and resort tax fees, will be due and payable by January 8, 2013;

Tenant was informed that due dates for the initial payments were important because the January 16th City Commission agenda would be printed on January 9th and, in an effort to demonstrate good faith, the City should receive the outstanding sidewalk café, concurrency, and resort tax fees by January 8th. Tenant was further informed that the first 50% rent payment must be received timely on January 14th so that the City Commission can be informed on January 16th when the matter is discussed.

On January 3rd, Tenant rejected the above-stated proposal, stated that it had shown good faith by paying October rent; and counter-proposed the following:

- Reduce the security deposit by two months due to the major improvements made and the value it has contributed to the building, and in light of the high rent for the space;
- As to concurrency fees, Tenant requested that amounts paid to date remain on account pending a revision of the concept;
- As to the rent for 2013, the Tenant wished to pay 50% for 12 months however, "for the sake of finding a fast and manageable solution we will accept the following:
 - First 6 months at 50% and the balance is permanently abated;
 - Second 6 months are also billed at 50% but the balance gets paid over year 5-6 as rent additions, so the balance of 180K gets paid over 24 months, at approximately \$7500 per month."

After further negotiations, on January 9th at 12:40pm, Staff proposed:

- Applying fifty percent (50%) of the security deposit in the amount of \$71,765 towards back-due rent amounts owed for November and December 2012, totaling \$112,635; leaving a balance of \$40,870 (Back Rent) to be repaid in six (6) equal monthly installments commencing on July 13, 2013 and ending on January 12, 2014;
- Granting an abatement of fifty percent (50%) of the Base Rent and Common Area Maintenance (CAM) due for the six (6) month period commencing January 13, 2013 through July 12, 2013;
- Reimbursement of that portion of the security deposit applied to the Back Rent in the amount of \$71,765, to be repaid in twelve (12) equal monthly installments commencing in the fifth year of the Lease Term and ending on the last day of the fifth year of the Lease Term;
- granting a deferral of fifty percent (50%) of the Base Rent and CAM for the six (6) month period, commencing July 13, 2013 through January 14, 2014 ("Deferral Period"), to be repaid by the Tenant in twenty four (24) equal monthly installments, commencing in the sixth year of the Lease Term and ending on the last day of the seventh year of the Lease Term.

The tenant stated they could not start repaying anything until next year. Given the impasse on the negotiations, the Administration was unable to present a recommendation to the City Commission and instead is requesting further input and direction from the FCWPC as to the Tenant's counter position.

Real Estate, Housing & Community Development Director Parekh made it clear that on January 18, 2013, Tenant hand-delivered two checks: one in the amount of \$9,295.43 representing payment of the outstanding resort tax; and one in the amount of \$30,003.20 representing 50% of the January rent plus sales tax. Chief Financial Officer Patricia Walker stated they do owe adjusted concurrency fees.

Chairperson Deeded Weithorn stated that there was a 6 month due diligence period that the tenant was given to examine if there was any issues with the space. Therefore, the City's position is the tenant should have stated there was an issue with the placement of the air condition. Commissioner Jerry Libbin's concern is if the restaurant will make it even if they are given Rent Relief. City Attorney Jose Smith stated that the lease provides for a default provision. Since they are already in default due to being late with the rent, the next step on the City's behalf does not have to be negotiations, but the option to go to Circuit Court for eviction proceedings unless the tenant cures what is owed. Cooper Avenue Partner Amir Ben-Zion specified that they hired KVC for placement of the air conditioner, but one month rent relief will not work. Commissioner Exposito stated as he understands it, Cooper Avenue hired KVC and trusted their judgment so therefore, Cooper Avenue assumes the responsibility based on their clients recommendations. He then added that what seems reasonable is to offer abatement for 4 or 6 months and to have at least 2 months security deposit. Real Estate, Housing & Community Development Director Parekh explained that the new proposal is granting application of 1/3 of the existing security deposit towards the November 2012 back-due rent, an abatement of 50% of the base rent and Common Area Maintenance (CAM) due for the six (6) month period commencing January 13, 2013 through July 12, 2013, granting a deferral of fifty percent (50%) of the Base Rent and CAM for the six (6) month period, commencing July 13, 2013 through January 12, 2014 ("Deferral Period"), to be repaid by the Tenant in twenty four (24) equal monthly installments, commencing in the sixth year of the Lease Term and ending on the last day of the seventh year of the Lease Term and repayment of 1/3 of the security deposit to commence on January 2014 with release language absolving the City of any liability. Commissioner Exposito and Chairperson Weithorn voted yes and Commissioner Libbin voted no.

NEW BUSINESS

- 2. Discussion regarding a recommendation by the GLBT Committee to address the issue of benefits tax inequality for City Employees with registered domestic partners versus legally married spouses**

ACTION

Item Deferred.

- 3. a. Discussion regarding water and sewer deposits; implementing rules and regulations and applications of rules similar to Miami-Dade Water and Sewer Department**
- b. Discussion regarding consideration of new policy establishing criteria for the reimbursement of guarantee deposits for those customers who have established a positive payment history on their water bill**
- c. Discussion regarding the creation of procedures to provide a 24 to 48 hour notification to homeowners prior to water being shut off due to non-payment**

ACTION

The Committee recommended that interest be paid on deposits, to keep commercial accounts with the requirement of a 3 month deposit that is not returned until the property is sold and accept the proposal for payment Arrangements over a 5 year period whether the property is residential or commercial.

Chief Financial Officer Patricia Walker presented this item.

At the October 24, 2012 City of Miami Beach Commission meeting, two discussion items regarding customer deposits and the implementation of rules and regulations for utility accounts were referred to the Finance and Citywide Projects Committee (F&CWPC) for discussion.

Chief Financial Officer Patricia Walker began the discussions with item A and B, explaining the proposal of utility billing deposits and payment plans. Both referrals requested staff review current procedures for deposits and explore deposit policies by other entities such as Miami-Dade County Water and Sewer Department.

Currently, the City Code requires UTB customers to have a cash deposit of up to four times the amount of any previous monthly bill. The City's current practice is to request a deposit equivalent to three months of average service. Per the City Code, this deposit is held until such time as the account holder services are discontinued. At that point, the guarantee of payment deposit shall be refunded less outstanding charges for service. No interest is paid on the deposit.

Administration has surveyed neighboring communities and utility companies for a comparison of deposit practices and policies. The proposal for residential and condominiums is to request a two month deposit instead of three months, offer the interest rate that the City currently earns on its money that will be credited to the account annually and credit the deposit to the account after 24 months of timely payments. Commissioner Jerry Libbin asked what happens if the

customer becomes delinquent after the deposit has been credited to their account. Chief Financial Officer Walker stated the customer would then be requested to implement a new deposit. Chairperson Deede Weithorn asked what happens if the customer becomes delinquent within the 24 months. Chief Financial Officer Walker stated their 24 months would start over because they have to have 24 months of continuance good standing.

Chief Financial Officer Walker stated that the proposal for commercial and apartment buildings are dealt with differently because tenants have to be notified. The proposal is to request a three month deposit, offer the interest rate that the City currently earns on its money that will be credited to the account annually and to keep the deposit until the account is closed. Commercial accounts are substantial and require that we keep a deposit on file just in case an account isn't paid. These are large businesses that have to be administered prudently.

Chief Financial Officer Walker further stated that over the course of the last few years, the Finance and Citywide Projects Committee and City Commission have endorsed various initiatives to assist residents and businesses with their utility accounts. Some of these initiatives included:

- **Condominium Association Assistance Program:** provided for payment arrangements to those associations that are currently past due on their utility bills and can document that at least 15% of their units are in foreclosure.
- **Utility Bill Due Dates:** increased the days allowed for payment of a utility bill from 15 to 21 days, to be consistent with other utility companies.
- **Utility Bill Late Penalties:** removed the one-time 10% penalty on the current portion of a utility bill and adopted a recurring monthly charge of 1.5% on any portion of the account balance that is past due.

Chief Financial Officer Walker then discussed the process for utility billing collections and shut-off procedures. The City reviews utility billing accounts on a monthly basis. Bills are generated and mailed within one week after the read date. This is done after service orders are created for re-reads for extraordinary high or low reads. Utility customers are billed on a monthly basis and have twenty-one (21) days to make payment for a utility invoice. Listed below is a summary outline of the procedures for collections and shut-offs:

- If not paid within twenty-one (21) days a 1.5% penalty is added to the past due balance on the account and a courtesy "late notice" is generated and sent to the customer. The account is then "past due" which allows for an additional seven (7) days to pay otherwise service will be subject to disconnection.
- If the past due balances are still not paid and no payment arrangement has been made:

- Residential/commercial service is cut for all water monies owed. This includes all past due funds with any additional billings that have been generated (current billing).
- If no payments are made and no calls have been received to make payment arrangements, service is scheduled to be cut.
- Once the account is scheduled to be cut, the customer will receive a phone call (placed to the account's main contact number) before the scheduled cut. The phone call outlines the date the account is scheduled to be cut (48 hours) and the process as to how to resolve the issue. The phone call also includes the final day/time payment can be received (24 hours) to prevent the cut order from being executed.
- Service cuts are performed on Tuesday, Wednesday, and Thursday, based on Public Works staff availability.
- If the utility account is paid, or a payment arrangement is made, on the day of the service cut, the account will be reconnected the same day if the payment/arrangement is made before 3pm. A \$40 disconnect/reconnect charge is billed to the customer.
- If the utility account is paid, or a payment arrangement is made, on the day of the service cut, after 3:00 PM, the service will be reconnected the next business day.
- If customer wants service reconnected after normal working hours, the Public Works Department is contacted in order to verify there are available personnel to reinstall service. If staff is available for an afterhours turn-on, a \$50 afterhours charge is billed to the customer.
- For those customers that have had their utility service cut and no payment has been made, a service order is created to verify that the service is still off and no tampering/illegal use has occurred. If an illegal connection has been made, the Public Works Department will remove the meter and a Lien letter is sent to the customer. A \$100 tampering/illegal use fee is charged to the account. For a second offense a \$200 fee is imposed and \$300 fee for a third violation.
- If the service has been disconnected and no payment arrangements have been made, a thirty (30) day "lien letter" is sent to the property owner. If after thirty (30) days no response or payment is made, the Lien is then sent to Miami-Dade County to be officially recorded.

Chairperson Deede Weithorn asked if the City of Miami Beach is in line with other municipalities in not returning the commercial account deposits. Chief Financial Officer Walker stated that we are. A motion to pass the interest rate paid on deposits was made by Commissioner Jorge Exposito and second by Commissioner Jerry Libbin with the motion passing. Resident Scott Needelman raised his concern on the 3 months deposit being required on commercial properties and the interest. Chief Financial Officer Walker stated that these

amounts were large and were necessary to keep as deposits. In reference to the interest earned, she stated it would be the interest amount the City earned on the deposits.

Another motion was made by Commissioner Exposito to keep the Commercial accounts with the requirement of a 3 month deposit that is not returned until the property is sold. The motion was second by Commissioner Libbin and passed.

Chief Financial Officer Walker proceeded with discussing the payment plan policy. Payment arrangements are offered to customers that cannot make full payments on their utility accounts in an effort to avoid turn-offs and bring the account back into current status. Plans are offered to all types of accounts: residential, commercial, apartments and condominiums. The initial two week extension requires \$0.00 initially and a total balance due at the end of the 2nd week. The 2nd two week extension requires a payment of 50% of the outstanding balance with the total balance due at the end of the 2nd week. If a payment extension is entered into, subsequent bills must be paid by due date. NSF/returned items are not eligible for payment extensions and if a payment extension is broken, there are no further extensions offered.

Chief Financial Officer Walker continued by explaining the proposal for payment agreements as follows:

- 1st Time Shut-Off: 30% balance due for reconnection, 35% balance due month two and 35% balance due month three
- 2nd Time Shut-Off: 50% balance due for reconnection and 50% balance due next billing due date
- 3rd Time Shut-Off: 75% balance due for reconnection and 25% balance due next billing due date
- 4th Time Shut-Off: Apply Deposit, 100% balance due for reconnection, new three month deposit due that's billed over three months for residential or commercial

Commissioner Exposito made a motion to accept the proposal for payment agreements as stated within a 5 year period whether the property is residential or commercial. The motion was second by Commissioner Libbin and passed.

4. Discussion regarding: Business Tax Receipt renewal notices; How we handle over charges; Reasons for miscalculations; and corrective action plan

ACTION

Monitor this item and bring it back before the Committee in November to see how it worked.

Chief Financial Officer Patricia Walker presented this item.

At the October 24, 2012 City of Miami Beach Commission meeting, an item regarding Business Tax Receipts (BTR) was referred to the Finance and

Citywide Projects Committee (F&CWPC) for discussion by Commissioner Jorge Exposito and Chairperson Deede Weithorn.

Chief Financial Officer Patricia Walker explained Business Tax Receipts (BTRs) are issued annually in accordance with Florida Statutes Chapter 205, as well as locally governed by Article V, Section 102 of the Code of the City of Miami Beach. Chapter 205 states that BTRs are due and payable on or before September 30 of each year, and expire on September 30 of the succeeding year.

Chief Financial Officer Walker stated that of the 7,100 renewal notices processed, 52 individual notices were identified as having a miscalculation as a result of a permanent bug in the EDEN Licensing Module, the City's BTR software. The 52 businesses are apartment buildings with some transient use which are charged a tax for their apartment use, but in addition are also billed a line item for their approved hotel rooms within their building.

These businesses were charged the correct tax for their apartment category, but also inadvertently billed a hotel category tax of \$244.00. This is because the City's current software is automatically programmed to bill the hotel tax category for any business having hotel rooms. Revenue Manager Manny Marquez stated that due to this database problem, they have had to manually adjust these 52 BTR's annually. Chief Financial Officer Patricia Walker stated the Eden System has not been able to correct this calculation error; however, this calculation bug will be remedied with the implementation of the new ACCELA Automation Licensing module. All renewals for FY 2013/14 will be processed in this new system.

Chairperson Weithorn stated that we should monitor this issue and bring it back before the Committee in November to see how it worked.

5. Discussion regarding Police Athletic League (PAL) Lease

ACTION

The Committee recommended going ahead and negotiating the current amount of the lease and bringing it back to the Finance Committee along with a list of measurable that are provided to the Community. Commissioner Exposito requested a Letter to Commission detailing dollar surcharge be brought back to the budget meeting.

Acting Assistant City Manager Max Sklar presented this item.

Acting Assistant City Manager Max Sklar began by stating Resolution No. 73-13924 authorized a five year lease agreement between PAL and the City on 02/21/73 for the use of a parcel of land on Flamingo Park for the benefit of the youth of the community and to enable our youth to participate in healthful sport and recreational activity. The Lease agreement's terms were extended with the adoption of Resolution No. 77-15471 and then again until 06/30/96 with the

passage of Resolution No. 93-20868. Next, it was extended for a five year period ending 06/30/01 through the passage of Resolution No. 96-21987. The Lease provides for shared use of the PAL facility between the City's Parks and Recreation Department and PAL. Resolution No. 96-21987 requires PAL to maintain the facility and pay all utilities throughout the term of the lease agreement. Meanwhile, section 2 of PAL's corresponding lease agreement states "*Lessor {City} agrees to pay for all utilities used within the premises including, but not limited to, electric, water, gas, telephone and garbage disposal.*" In reality, the City pays the water and sewer charges, while PAL pays the electric and telephone charges. However, the City's use of the facility is significant and PAL believes that they should not bear the responsibility for the share of these costs as there is no requirement in the lease to provide space to the City free of charge. The main issue is the controls of the air condition that's increases the charge. The main issue is the air condition that has increased the electric cost at the building. The City of Miami Beach has agreed on a one-time payment of \$50,000 to assist with previous utility bills associated with the property. At the time, this payment was with the understanding the Police Athletic League may utilize an Off-Duty Police Surcharge Fund created to assist the Police Athletic League for whatever portion of future utility bills the Police Athletic League determines is necessary. The terms were followed until the FY 2010/11 budget process, at the direction of the City Commission, payment of the surcharge to PAL ceased.

It is estimated that the annual cost of the utilities (electric, telephone, cable & water) for the PAL building is as follows:

- Electric – FPL-(11/1/10 - 11-29-12) \$54,263.60/\$2,170.54 monthly/
\$1,085.27 Each
- Cable - Broad Band (11/1/10 – 9/24/12) \$1,138.96/ \$51.77 monthly/
\$25.88 Each
- Water - (Domestic & Irrigation) Average monthly \$401.81/ \$200.91
Each
- Telephone-AT&T (11/1/10 – 9/24/12) \$5,462.71/ \$248.30 monthly/
\$124.15 Each

Based on the above information it is estimated that the cost shared expense for the City and the PAL if divided equally would be approximately \$1,436.21 monthly or \$17,234.52 annually. Please note that the City currently pays the costs for Water usage (Domestic & Irrigation), PAL pays for all other utilities.

Miami Beach Police Officer Michael Gruen stated the main reason there's an increase in costs due to the air conditioning since Ameresco has had control since October 2011 of turning the system on and off. This creates an issue of huge increases with the temperatures indoors being too cold, especially for the kids at the daycare. Commissioner Jorge Exposito requested a Letter to Commission detailing the dollar surcharge be brought back at the budget meeting. Chairperson Deede Weithorn stated there's not a problem paying a fair share of the utilities and to go ahead and negotiate the figures that can be brought back to the Finance Committee with the lease and measureables that can be provided to the community.

6. Discussion regarding the Jewish Community Center's request for reimbursement, in the amount of \$241,000, for the costs associated with reconstructing the seawall along the City-Owned property located at 4221 Pine Tree Drive

ACTION

The Committee recommended to discuss putting the \$241,000 payment for the Seawall into the upcoming budget development process and spread the payments over one or two years.

Anna Parekh Real Estate, Housing & Community Development Director presented this item.

Real Estate, Housing & Community Development Director Anna Parekh stated on June 3, 1981, the City first leased to the Jewish Community Centers of South Florida (JCC), City property located at 4221 Pine Tree Drive. The purpose of the lease was to allow the JCC to use the City's property for construction of a community-recreation center. The original Lease was amended and extended on three occasions, such that the Lease term extended through to October 31, 2015, with two additional ten-year options, and was assigned to Miami Beach Jewish Community Center, Inc. On July 12, 2000, the Mayor and City Commission approved an Amended and Restated/Consolidated Lease Agreement that included a provision to extend the term for 99 years to 2099. JCC's new 36,000 square foot facility received its Temporary Certificate of Occupancy (TCO) on September 25, 2012 and opened its doors on October 2. On November 19, 2012, correspondence was received from JCC's President, Jerry Sokol, asking the City to reimburse the JCC for the unforeseen expense of having to rebuild the entire seawall of the City's property fronting Indian Creek, totaling \$241,000 and exceeding JCC's available project contingency. Although the seawall is technically not within the JCC's leasehold boundary and consequently never contemplated as part of the project's scope or budget, according to the JCC, the re-construction of the seawall became a necessity in order to stabilize the property and more specifically, support the new swimming pool located on the east side of the Premises.

Interim City Manager Kathie G. Brooks added they looked into FIND Funding to see if the project would be eligible for that, but since it's already in construction, it cannot be retroactively applied. It can be included for prioritization in the budget process that comes up for the next fiscal year. Jewish Community Center Board member Russell Galbot stated they would be willing to do the repayment during a two year period. Chairperson Deede Weithorn asked the Committee if they wanted to budget this item over one or two years. Interim City Manager Brooks stated they might want to look at everything to see what you're dealing with during the budget process. Commissioner Jerry Libbin made a motion to discuss putting the \$241,000 payment for the Seawall into the upcoming budget development process and spreading the payment over one or two years. Commissioner Jorge Exposito second the motion and it was passed.

7. Discussion of a lease amendment with Damian J. Gallo & Associates (D/B/A Permit Doctor)

ACTION

The Committee recommended allowing Damian J. Gallo subject to regulatory approvals, to use the leased premises as requested for the dual purpose and additionally negotiate with legal to use the outside space.

Anna Parekh Real Estate, Housing & Community Development Director presented this item.

Real Estate, Housing & Community Development Director Anna Parekh stated on July 30, 2003, the Mayor and City Commission passed Resolution No. 2003-25298 approving a Lease Agreement between the City and the Miami Beach Federal Credit Union for the use of approximately 1,350 square feet of City-owned property, located at 1701 Meridian Avenue, Unit 4 (a/k/a 775 17th Street), Miami Beach, Florida for use as a federal credit union. On January 11, 2006, the Mayor and City Commission passed Resolution No. 2006-26087 approving Consent to Assignment and First Amendment to Lease Agreement whereby the Miami Beach Federal Credit Union assigned its lease to the Dade County Federal Credit Union. On May 13, 2009, the Mayor and City Commission passed Resolution No. 2009-27071, approving a Consent to Assignment and Assumption of Lease Agreement whereby the Dade County Federal Credit Union assigned its lease to Damian J. Gallo & Associates, Inc. d/b/a Permit Doctor and certain terms and conditions of the Lease Agreement were modified, including correcting the square footage of the Demised Premises which is 1,269 square feet of ground floor retail space (not 1,350 square feet). The lease automatically renewed on February 1, 2011 and expires on January 30, 2016, with no additional renewal options. The Tenant has requested permission from the City to expand the use of the Demised Premises to include a cafe in approximately the eastern 2/3 portion of space, to be separated by partition walls from the space which Tenant will continue to operate its plan and permit processing services (d/b/a Permit Doctor). Furthermore, Tenant has requested to use the outdoor walkway, immediately outside and to the east of the Premises (perpendicular to the 17th Street sidewalk), as an outdoor eating area, containing four tables/umbrellas and eight chairs, including consideration for patrons requiring ADA accessibility. The Permit Doctor space and the café would each have their own entrances as well as exterior signage. The use of the outdoor area in the City Hall complex is new but is comparable to other outdoor concession/lease agreements with the City such as Smith & Wollensky, Syanna, LLC and Miami Beach Film Society.

Interim City Manager Kathie G. Brooks suggested discussing the change of use and outdoor space separately because this would be the first time this is being done. Commissioner Jerry Libbin stated he doesn't have an issue with the change of use, but he prefers there not be outside seating in front of City Hall. Chairperson Deede Weithorn stated her concern of blocking the walk way to the garage. Commissioner Jorge Exposito had an issue with the rental rate per square feet after the triple net cost has been removed to determine if it's the

appropriate utilization of the space. Real Estate, Housing & Community Development Director Parekh stated the tenant did ask if the City would be willing to cancel the current lease and start a new 10 year lease. The tenant mix has changed over time with the use of the commercial spaces in this building. Chairperson Weithorn got clarification that the business will be more of a café than a restaurant. Acting Assistant City Manager Max Sklar explained to the tenant that Commissioners are comfortable with the use being amended, but they are not comfortable with the outdoor seating. Permit Doctor Owner Damian J. Gallo explained that where he would be placing table and chairs is a sidewalk that ends. It is not an actual walkway into the garage that individuals walk thru. They would like to do 4 tables and 4-8 chairs to enhance the exposure of the new business. Commissioner Jerry Libbin stated if they can put in the lease a revocable clause as it pertains to sidewalk tables and chairs, then he would allow it. Commissioner Exposito stated he feels it should be a separate lease for each business. Assistant City Manager Jorge Gomez added that there's no guarantee that the change of use would be approved. Commissioner Exposito made a motion for administration to explore the details of what needs to be included in the lease, that the regulatory requirements are met and that a new lease is instituted separate from the Permit Doctor Lease. Commissioner Jerry Libbin made a motion to allow him subject to regulatory approvals at every level, to use the leased premises as requested for the dual purpose and additionally negotiate with legal to use the outside space. Commissioner Weithorn seconded the motion and Commissioner Exposito voted no.

8. Discussion regarding developing parameters for the Gun Buyback Program

ACTION

The Committee recommended funding the \$10,000 for the City of Miami Beach Gun Buy-Back program to be held in March.

Commissioner Jerry Libbin presented the item.

Commissioner Jerry Libbin began the discussion by stating this item was referred at the January 16, 2013 Commission Meeting where the Commission appropriated \$10,000 from the Law Enforcement Trust Fund, subject to review from the Finance and Citywide Projects Committee whose direction was to maximize the use of the sponsorship funding.

Police Chief Raymond Martinez went on to explain in an effort to assess the feasibility of implementing a Community Gun Buy-Back Program, the Miami Beach Police Department has researched local and nationwide police agency gun buy-back programs. The following are recommendations as to how the City should implement a similar program.

The intent of this program is to get guns off the streets by exchanging firearms for financial incentives which can be provided in the form of gift cards, cash or

some combination thereof. The Miami Beach Police Department will have full control and responsibility for the administration of this program. The funding for these types of programs is established through government funding (state and/or local), private donations, or a combination of both. Proposed funding for this program will come from State confiscated funds in the Law Enforcement Trust Fund which is statutorily permitted under Florida Chapter 932. In order to encourage community participation, a public information campaign utilizing print and electronic media must be established. The City of Miami has already started their Gun Buy-Back programs and that is being used as a parameter to the amount of people the City of Miami Beach is expecting which will probably be less than initially estimated. The gun buy-back would need to take place at a City facility, such as the Miami Beach Convention Center, which could accommodate a number of participants and provide adequate parking that allows for the logistics required in receiving the firearms. The MBPD is suggesting that this program be held in March 2013.

Police Chief Martinez added that similar to other programs, a process will be established to manage the in-take of the firearms, ensure their security and place a value on the major types of firearms such as revolvers, semi-automatic handguns, rifles and assault rifles. It will be the policy of the program that participants are not required to give their name or address to exchange the firearms or explain the circumstances as to how they came in to possession of the firearm. As part of MBPD's due diligence, similar programs at the following jurisdictions have been reviewed: Los Angeles, CA; Camden, NJ; Oakland, CA; San Francisco, CA; Seattle, WA; New York, NY; Opa Locka, FL; and Miami-Dade County, FL. Gun buy-back programs take guns off the street that could have otherwise been used to commit a crime or injure someone accidentally. The success of gun buy-back programs is often quantified by the number of firearms taken off the streets.

Commissioner Jorge Exposito asked what happens if there's a successful turn out and the \$10,000 runs out. Police Chief Martinez responded that he doesn't believe that will be the situation in light of the City of Miami doing their program and other communities doing there's based on the response they received in a 4 hour block. The initial calculation was based on receiving about 150 guns, but those are not figures that have been reached by the other municipalities that in theory would have more guns than the City of Miami Beach. If it does become an issue, then the commander would have to make an administrative decision to shut it down early or present a voucher to come back and receive the funding. Interim City Manager Kathie G. Brooks asked for clarification on the request if sponsorships were still needed. Commissioner Libbin responded that if there's enough time, we should ask the neighboring business in the community to donate gift cards which will also decrease the funds that are spent from the \$10,000 that has been allocated.

Police Chief Martinez went on to explain that based on the experience of other agencies, we expect that a single event may yield approximately 50 to 75 firearms, with a value of \$50-\$300 depending on the type of firearm. As a result, it is recommended that \$10,000 be set aside for City of Miami Beach Gun-Buy-Back program to cover all contingencies.

The Committee recommended funding the \$10,000 for the City of Miami Beach Gun Buy-Back program to be held in March.

9. Discussion regarding the Lease for the Miami-Dade Gay and Lesbian Chamber of Commerce Foundation located at Historic City Hall at 1130 Washington Avenue

ACTION

The Committee directed administration to provide a list of all the non-profits with an outline of what they pay and any measureables that are required and to reduce the rent for MDGLCC from \$4,360 monthly to \$2,500 monthly, representing a reduction in rent from \$20.57/sf to \$11.80/sf.

Anna Parekh Real Estate, Housing & Community Development Director presented this item.

Real Estate, Housing & Community Development Director Anna Parekh began the discussion by stating On March 10, 2010, the Mayor and City Commission passed Resolution No. 2010-27354, approving a Lease Agreement between the City and MDGLCC Foundation, Inc. ("MDGLCC" or Tenant) for the use of approximately 2,543 square feet of City-owned property, located at 1130 Washington Avenue, 1st Floor North, Miami Beach, Florida ("Leased Premises"); said Lease having a term of three (3) years, commencing on April 1, 2010, and ending on March 31, 2013, with two (2) additional three (3) year renewal terms. MDGLCC currently pays annual rent in the amount of \$52,320 (\$20.57 per square foot) payable in monthly installments of \$4,360. Said monthly amount consists of \$2,065 for base rent (\$9.74 per square foot), \$1,950 for operating expenses (\$9.20 per square foot) and \$345 for insurance (\$1.63 per square foot). The current Lease term ends on March 31, 2013, but has two additional three (3) year renewal terms. MDGLCC advised the City they had been communicating directly with Duane Knecht, former Director of Property Management, regarding various maintenance and repair issues related to their office and the building, mainly an infestation problem. The Tenant has expressed a need for a rent reduction in order to offset the cost of hiring additional staff, increase its hours of operation, and broaden its advertising. The Tenant also requested a new ten (10) year lease. MDGLCC requested that its rent be reduced to \$30,000 annually (\$11.80 per square foot) payable in monthly installments of \$2,500. The other ground floor tenant (Miami Beach Cinematheque) pays \$9.20 per square foot for operating expenses and \$1.63 per square foot for insurance, for a total of \$10.83 per square foot.

Commissioner Jerry Libbin asked are all non-profits using City facilities within the same range per square feet for rent and CAM per their leases. Chairperson Weithorn stated it appears the \$10.83 that the tenant is paying seems to be in line with what the other non-profits are paying. Commissioner Exposito stated they need to establish parameters so that all non-profits are on the same page regarding CAM and rent. Commissioner Jerry Libbin requested a list of all the

non-profits within the City and a list of what they are paying. Real Estate, Housing & Community Development Director Parekh added that they have sent an extermination company that's checking the entire building regarding the infestation. Commissioner Jorge Exposito made a motion to the Committee directed administration to provide a list of all the non-profits with an outline of what they pay and any measureables that are required and to reduce the rent for MDGLCC from \$4,360 monthly to \$2,500 monthly, representing a reduction in rent from \$20.57/sf to \$11.80/sf. The motion was second by Jerry Libbin and passed.

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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: Interim City Manager Kathie G. Brooks 
DATE: March 13, 2013
SUBJECT: REPORT OF THE FINANCE AND CITYWIDE PROJECTS
COMMITTEE MEETING ON FEBRUARY 20, 2013

The agenda is as follows:

OLD BUSINESS

1. Discussion regarding the Issuance of Request for Proposals (RFP) for Catering and Concession services for the Miami Beach Convention Center.

ACTION

The Committee recommended moving forward with alternative 4 to continue working with Centerplate thru June to allow the City enough time to complete the ITN. Commissioner Libbin voiced his concern about the tight timeline.

Acting Assistant City Manager Max Sklar presented this item.

Acting Assistant City Manager Max Sklar began by stating on September 6, 2006, the City adopted Resolution No. 2006-26316, accepting the proposal submitted by Centerplate to provide exclusive catering and food and beverage services at the Convention Center. The current Agreement commenced on March 1, 2007, and expired on September 30, 2012. The Invitation to Negotiate for Food and Beverage Services for the Miami Beach Convention Center was issued on February 5, 2013. The Administration expects to have a recommendation ready for the April 17, 2013 City Commission meeting and a negotiated contract ready for approval for the June 5, 2013 City Commission meeting. On December 20, 2012, Centerplate, the City's food and beverage concessionaire for the Miami Beach Convention Center, notified the City that, as of March 31, 2013, it will no longer provide these services at the Convention Center. Centerplate advised the City that if the Agreement were mutually

Agenda Item C6E
Date 3-13-13

extended past March 31, 2013, Centerplate would require a fixed management fee contract structure. The Administration advised Centerplate that this new request was not only a substantive change from the terms of the current Concession Agreement, but was neither brought up, nor authorized by the City Commission, on September 12, 2012, when the Commission approved the extension of Centerplate's contract. As a result, Centerplate sent the City a letter. The Administration immediately began working on a transition plan in conjunction with Global Spectrum to ensure food service is not interrupted. The Administration also sent Centerplate a letter on December 28, 2012 acknowledging receipt of the termination notice and, as per the Agreement, outlining terms of the termination.

Acting Assistant City Manager Sklar went to discuss the alternatives as a result of the ongoing discussions with Centerplate and Global Spectrum.

1. **Alternative 1:** Change Centerplate's agreement to a management fee based agreement where the City would be responsible to fund the food and beverage operation and assume responsibility for any profit or loss associated with the operation. Based on Centerplate's projections, which are attached as Exhibits 5 & 6, instead of projected commission revenue of \$402,561, Centerplate projects the City would earn \$140,000 (a projected loss of \$262,553 in potential revenue) from April – September (6 months). This includes a \$10,000 monthly management fee to Centerplate totaling \$60,000 over 6 months. As previously stated, this is a slower time for the convention center and is more ideal to transition food service providers if that were to be the outcome of this process.
2. **Alternative 2:** At the request of the Finance and Citywide Projects Committee, the City also met with Centerplate to discuss extending the existing agreement through December 31, 2013 under the same terms and conditions. This is the simplest manner with which to ensure uninterrupted service to the clients of the convention center. Extending Centerplate's current agreement through December 31, 2013 would also mean delaying the start of the new contract that would be awarded as a result of the ITN which was issued February 5, 2013. Assuming Centerplate was the successful bidder and recommended to receive the contract resulting from the ITN, transition and selection of a new contract start date would be relatively easy. However, if another company were selected for the new contract then the new contract could not begin prior to January 1, 2014. If this were the case transition would be critical as a new operator would begin during the start of peak business at the Convention Center.
3. **Alternative 3:** Once the City was noticed by Centerplate on December 20, 2013 that they exercised their right to terminate the Agreement as of March 31, 2013, the City began working with Global Spectrum on a transition plan. Another alternative available is to bring food and beverage service in-house in partnership with Global Spectrum. Global Spectrum would create a food service department similar to other convention center departments such as event services or sales,

which would require the City to fund the food and beverage operation and assume responsibility for any profit or loss associated with the operation. As per the attached letter (Exhibit 7) from Global Spectrum, they would partner with their sister company Ovations to provide management support for the food service operation. Global Spectrum believes the convention center operation would gain efficiencies in sales, marketing, operations and finance that would yield savings in expenses and provide clients with a one-stop event services experience. The attached letter from Global Spectrum projects a net return to the convention center of \$227,998 from April – September (6 months).

- 4. Alternative 4:** Centerplate sent a letter yesterday desiring to resend their terminate notice and continue for another quarter thru June giving the City enough time to complete the ITN process.

Mr. Bloomberg the Chair of the Convention Center Advisory Board stated that he had some concern about the accelerated process with alternative 4, but believed this was the best option. He also stated that the main concern is the master plan development of the Convention Center and they prefer to not negotiate both items at the same time. The Committee recommended moving forward with alternative 4 to continue working with Centerplate thru June to allow the City enough time to complete the ITN. Commissioner Libbin voiced his concern about the tight timeline.

NEW BUSINESS

- 2. Discussion regarding giving guidance to the IT Steering Committee to review the pros and cons of becoming a paperless environment and create new policies and procedures to be implemented within the City of Miami Beach**

ACTION

The Committee assigned the item to Commissioner Jorge Exposito who will meet with the IT Steering Committee to further discuss how to phase the project and what would be the best plan of action and what would be the timeframe to implement.

Chief Financial Officer Patricia Walker presented this item.

Chairperson Weithorn suggested the best approach would be to move forward going paperless from this point and eventually over time you would become fully paperless. Chief Financial Officer Patricia Walker stated that an inventory of all manual systems would need to be done. The Committee assigned the item to Commissioner Jorge Exposito who will meet with the IT Steering Committee to further discuss how to phase the project and what would be the best plan of action and what would be the timeframe to implement.

3. Discussion regarding renewal of the Professional Services Agreement between the City of Miami Beach and the Superlative Group for professional services in corporate sponsorship marketing pursuant to request for proposals No. 06-04/05

ACTION

The Committee recommended continuing the agreement with Superlative for one year and for Superlative to negotiate with staff on the 45% Commission being charged on license agreements.

Acting Assistant City Manager Max Sklar presented this item.

Acting Assistant City Manager Max Sklar began by stating the current Agreement with Superlative Group has recently expired. The City has the ability to extend the Agreement for two (2) additional one (1) year renewal terms, upon the same terms and conditions at the City Manager's sole option and discretion. The City has had this agreement for years with the first phase being the assessment of all of the Cities assets and the second phase being the Coca Cola agreement the City is currently in. Commissioner Jorge Exposito stated it's important to provide both the value to the City and what the City has to provide when presenting ideas.

Acting Assistant City Manager Sklar added the Agreement entitles the Consultant to receive a commission based upon a percentage of total gross revenues to the City (GR) generated by Sponsorship Agreements obtained by Consultant. The commission structure shall be as follows:

- (i) 15% commission on \$0 – 250,000 in GR to City;
- (ii) 12% commission on \$250,001 – 500,000 in GR to City;
- (iii) 10% commission on \$500,001 – 1,000,000 in GR to City;
- (iv) 6% commission on \$1,000,000+ in GR to City;

And, additionally,

- (v) 7% commission on renewals (percentage of GR for first renewal only);
- (vi) 45% commission on licensing agreements (to include monitoring); and
- (vii) 10% commission on budgeted cost avoidance measures, as defined in Section 3.1.6.

Commissioner Jerry Libbin stated that his understanding from the previous meeting was that 45% commission was too much and that the fee should be renegotiated. Chairperson Deeded Weithorn stated the agreements should not be more than a year at a time. Superlative Representative Kyle Kantor stated they are working with utility service providers that partner with your utility to send out a marketing letter to sell their service and the City in turn gets a percentage of revenues from these sales. The information has been provided to the public works department to get feedback on this item. Commissioner Jorge Exposito made a motion to continue the agreement with Superlative for one year and for Superlative to negotiate with staff on the 45% Commission being charged on license agreements. Commissioner Michael Gongora seconded the motion.

4. Discussion to consider replacement of the City's Public Safety Radio System with a new P25 compliant system before the federally mandated 2016 timeframe

ACTION

The Committee recommended sending this item straight to Commission with the criteria of issuing an RFP to secure the services of a Consultant, at a reasonable price, that can compile all the stakeholder's requirements and provide system specifications and recommend an option to move forward with implementing the P25 system.

Chief Financial Officer Patricia Walker presented this item.

Chief Financial Officer Patricia Walker began the discussion by stating the City of Miami Beach, the Licensee, operates a Motorola equipped 800 MHz 10 channel trunked Public Safety Radio System, the System, in its designated Federal Communication Commission (FCC) jurisdiction. The System is currently on year eight (8) of a ten (10) year life cycle and it is not Project 25 (P25), compliant as defined by federal P25 standards, as the standards were emerging as the system was being contracted. The City's goal is to replace the System with a new P25 compliant system before the 2016 timeframe. P25 is a suite of standards for digital radio communications for use of interoperability by federal, state and local public safety agencies in North America to enable them to communicate with other agencies and mutual aid response teams in emergencies. The system replacement time cycle, based on procurement of the existing system, is over two (2) years from issuance of the RFP to acceptance of a working system. There are a few ways for the City to achieve compliance by the narrow banded P25 directive issued by the FCC. The City can purchase a replacement P25 compliant radio system, it can join with other agencies in purchasing and establishing a Regional radio system or it can operate as a guest on a larger host's radio system. Regardless of the direction the City moves in, it should first secure the services of a professional consultant (Consultant) that can compile all the stakeholder's requirements and manage the project to ensure that the requirements are implemented in the new radio system.

Chairperson Deede Weithorn requested a cost breakdown of what the Consultant would cost as well as the radio system. Commissioner Jorge Exposito asked Chief of Police Raymond Martinez if there was a preference as to how they want this item approached. Chief Raymond Martinez stated the Regional approach is important for expanded coverage when officers have to look for subjects at their homes outside of Miami Beach area or when transporting prisoners to jails. Established regional interoperability memorandums allow Miami Beach radios to reach each region's dispatcher while in their region. It will be important during the negotiations to understand if any of the frequencies would have to be relinquished if this option is chosen. Police Union Representative Alex Bello stated that they have already began to have issues with Motorola and this is an important matter currently on hand.

The Committee recommended sending this item straight to Commission with the criteria of issuing an RFP to secure the services of a Consultant, at a reasonable price, that can compile all the stakeholder's requirements and provide system specifications and recommend an option to move forward with implementing the P25 system. Commissioner Jorge Exposito made the motion that was seconded by Commissioner Michael Gongora.

5. Discussion regarding the possible World Out Games Miami Beach 2017 Funding

ACTION

Item Deferred.

6. Discussion Budget Advisory Committee's proposed policies and guidelines for the City's Pension Plan

ACTION

The Committee assigned the item to Chairperson Deede Weithorn. The item was deferred to be further discussed at either an April or May Finance meeting with an LTC being issued on how this item will be handled to allow all Commissioners to participate.

7. Discussion to consider additional community input for the Sunset Harbor Neighborhood Improvements Projects

ACTION

The Committee decided to discuss this item at the June or July budget meeting with the possibility of amending the budget for this item.

Public Works Director Fred Beckmann presented this item.

Public Works Director Fred Beckmann began by stating the Sunset Harbour Neighborhood was not part of the original Neighborhood Improvement Program. Over the past several years, with the opening of more restaurants, Fresh Market and the parking garage with retail stores, Sunset Harbour has evolved to become a much more active residential community. As the City has done in the past with the original Neighborhood Improvement Program, a community-based planning process should be used to develop the elements of the Sunset Harbour Neighborhood improvement project. This would provide the residents and business owners with opportunities to attend Community Design Workshops and assist in the development of the design for the neighborhood. Like the other Neighborhood Improvement Program projects, the City could retain a consultant through a Request for Qualifications. This consultant would manage at least two Community Design Workshops at which residents would provide input on the proposed design. The consultant would then prepare a Basis of Design Report (BODR) that would go to the Commission for formal approval. Once the BODR is adopted, the consultant would proceed with the design and permitting of the project.

Chairperson Deede Weithorn stated we have to have a budget and an expectation before we go before the residents so that it's clear what the options are and the how they can be executed. Interim City Manager added the plan should be called the Street Scape Improvement Plan. The Committee decided to discuss this item at the June or July budget meeting with the possibility of amending the budget for this item.

8. **Discussion directing the Administration to give the Commission an analysis of all the City Personnel receiving Planning Day Pay and/or Executive Work day pay, details about its genesis, aggregate cost to the City, intended purpose and history**

ACTION

The Committee recommended that no new personnel shall receive Planning Days and/or Work Day Pay and for Interim City Manager Kathie G. Brooks to bring alternatives to the budget meeting for those employees currently receiving this pay.

Commissioner Jerry Libbin presented this item.

Commissioner Jerry Libbin began the discussion item by stating that staff has attempted to research the genesis of the Planning Day benefit. Staff also searched the archived records maintained by the City Clerk but did not find any specific information on the origin of this employee benefit. The Human Resources Department electronic records go back to 2005 but only track those employees that received the benefit and the actual number of days accrued varies by classification. The general consensus was that this compensation benefit was instituted in part to deal with salary compression issues and was utilized as an executive benefit to recruit and attract a competitive workforce. Interim City Manager Kathie G. Brooks stated most individuals came in with these offers as part of their compensation. The fair thing to do would be to roll them into the current individual's salary and then move forward with not offering it. Commissioner Michael Gongora stated he doesn't think there should be any action taken on this item today. Commissioner Jorge Exposito requested that Interim City Manager Brooks bring this item back during the budget meetings with alternatives so that it can be further discussed. Commissioner Exposito made the motion that no new personnel shall receive Planning Days and/or Work Day Pay and for Interim City Manager Kathie G. Brooks to bring alternatives to the budget meeting for those employees currently receiving this pay.

9. **Discussion regarding advertising panels on Lincoln Road**

ACTION

The Committee recommended going with Option 2 to go to the Historic Preservation and Design Review Boards to seek their direction as to what type of directory structures are most appropriate for the Lincoln Road Corridor. After this direction is obtained, the Administration recommends

that a Request for Proposals be issued.

Public Works Director Fred Beckmann presented this item.

Public Works Director Fred Beckmann began by stating The City currently has an agreement with Clear Channel Adshel Inc., to construct, operate and maintain directory structures in the Lincoln Road Area, to provide directory information location maps, offer advertising space for commercial use, fabricate and install street signs and block numbers at ten (10) intersections along Lincoln Road. The current agreement terminates on April 17, 2013. Clear Channel Adshel Inc. is interested in submitting an unsolicited proposal for replacing the current fixed advertising panels on Lincoln Road with digital advertising panels, but has not yet submitted its proposal. Clear Channel Adshel Inc. recently sought approval from the Historic Preservation and Design Review Boards for the replacement of existing fixed advertising panels with digital advertising panels in twenty (20) bus shelters located in South Beach, but both Boards denied the request. Based on the above, there are two options:

Option 1: Issue a Request for Proposals for fixed advertising panels

Option 2: Go to Historic Preservation and Design Review Boards to seek their direction as to what type of directory structures are most appropriate for the Lincoln Road Corridor. After this direction is obtained, the Administration recommends that a Request for Proposals be issued.

Chairperson Deede Weithorn stated we should go with option 2 to understand the rationale behind the Boards decision and determine if it's a bigger discussion that needs to be had by the Commission. The Committee recommended going with Option 2 to go to the Historic Preservation and Design Review Boards to seek their direction as to what type of directory structures are most appropriate for the Lincoln Road Corridor. After this direction is obtained, the Administration recommends that a Request for Proposals be issued.



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: March 13, 2013

SUBJECT: **REPORT OF THE FEBRUARY 21, 2013 SPECIAL LAND USE AND DEVELOPMENT COMMITTEE MEETING**

A Special Land Use and Development Committee meeting was held on February 21, 2013. Members in attendance were Commissioners Góngora and Libbin. Commissioner Weithorn, along with members from the Administration and the public, were also in attendance. Please see the attached sign-in sheet. The meeting was called to order at 5:10 pm.

1. DISCUSSION REGARDING MIAMI BEACH UNITED RESOLUTIONS TO ADDRESS THE ISSUE OF COMPATIBILITY OF CERTAIN USES IN PROXIMITY TO RESIDENTIAL USES, TO CREATE SAFEGUARDS WHILE STILL ALLOWING FOR FLEXIBILITY OF DEVELOPMENT.

**(RETURNING FROM THE DECEMBER 19, 2012 LUDC MEETING
ORIGINALLY REFERRED BY COMMISSIONER MICHAEL GONGORA
JULY 18, 2012 CITY COMMISSION MEETING, ITEM C4F)**

AFTER-ACTION:

SIDEWALK CAFES:

Richard Lorber provided an overview of the Miami Beach United (MBU) Resolution proposing Sidewalk Café Zones, with expanded regulations, be created for those establishments within 200' of a residential district/zone. Staff suggested a 100' zone, as it has less of an impact on established areas that are not problematic, such as Lincoln Road. Staff also suggests requiring Conditional Use Approval; this would allow for mandatory notice. Staff also suggested compromising on hours of operation limits.

Jorge Gomez indicates that an outdoor café (private property) could have an impact and it might make sense to apply regulations to those.

Christine Florez, Jeff Donnalley, Mark Needle, Morris Sunshine, Nancy Liebman and Michael Larkin spoke.

Generally, the residents comments were in concurrence with the staff analysis in particular the hours of operation suggested by staff. They expressed concerns with compliance with the code and specifically the noise regulations. There was support to extend the regulations to other outdoor, open air establishments, regardless of location. The residents were not advocating elimination of these uses, as they are important for economic health, but believe more regulation is needed, particularly the ability to better control more marginal establishments. Some residents stated that sidewalk cafes deserve attention and public participation and the Planning Board would serve an important role, as affected persons would be noticed. A representative of business interests was concerned with notice and

suggested the matter be continued so building owners can participate

Comm. Weithorn: Would find it acceptable for a business owner to go to the Planning Board Conditional Use Process, if they want to exceed certain thresholds. Also, if violations accrue, CUP required; legal would need to opine on such a process.

Comm. Libbin: Agrees with general tenants of proposals. Believes in less interference. Agrees that Ocean Drive and Lincoln Road deserve special consideration. Believes that staff's proposals can move forward, particularly the 100' radius. Agrees that exterior speakers can be regulated. Has question on what constitutes an 'eating establishment'. Criteria needs to be specific. He also accepted modifying the hour of operation and suggests no Planning Board oversight, for now. He expressed some concern with renewals and imposing restrictions on good operators at time of renewal.

Comm. Weithorn: Suggest using State guidelines/regs for smoking establishments. CUP regulations should be applied for new establishments.

Comm. Gongora: Agrees with Commissioner Libbin's comments on 100' radius, the ban on outdoor speakers. Also likes requirement for food being served with drinks for new establishments. Later hours (11:00 pm and 1:00 am).

MOTION: Libbin/Gongora: Refer an Ordinance Amendment to the Planning Board:

- For sidewalk cafes within a 100' radius of a residential district the following restrictions: No outdoor speakers and alcohol with food service only restriction on new applications. Applicability to allow existing cafes to continue under terms of current license, with Planning Board approval required to exceed thresholds for new establishments.
- Move hours of operation to reflect current license requirements (12:00 AM / 2:00 AM).

SINGLE FAMILY DEVELOPMENT INTERFACE:

Richard Lorber: Provided overview of MBU Resolution pertaining to the compatibility of new developments in close proximity to existing Single Family districts. Within 100' of Single Family districts, the most interface occurs. He explained the rationale behind requiring specified setbacks in the massing of new structures facing Single Family districts. Established minimum setbacks would add more predictability in the development review process. He also explained that the current notice requirements are good and 30 days is sufficient.

Terry Beinstock: Commented that Mr. Lorber did a good job of explaining the overall issue. He was concerned with 100' radius, particularly as it may be affected by a canal or waterway. Also, suggests more outreach to HOA's.

Gabrielle Redfern: On CABI project, the concern was that residents/neighbors not given the same amount of time to testify and present a rebuttal to what was proposed by the developer.

Comm. Gongora: Agrees that resident participation should be equalized.

Comm. Weithorn: Believes larger groups should have the same amount of time and opportunity to present.

Jeff Donnalley: Agrees that more guidance needed regarding resident participation.

Mark Needle: Should not be limited to interface with sf areas; multi-family areas can also benefit from these types of regulations. All areas with commercial in close proximity to residential areas should be part of the discussion.

MOTION: Libbin/Gongora: (2-0) Adopt staff recommendation as an Ordinance referral to the Planning Board.

Attachment


KGB/JGG/RL:trm

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DRAFT

SPECIAL LAND USE AND DEVELOPMENT COMMITTEE MEETING

February 21, 2013 @ 5:00 pm
 City Manager's Large Conference Room

Attendance Sheet

	NAME	CONTACT NUMBER	I WISH TO RECEIVE THE AGENDA ELECTRONICALLY	E-MAIL ADDRESS
1.	Tom Bierstock	305 903-4000	yes	tbierstock @tbierstock.com
2.	Nancy Lehman	305-609-4258	yes	nlehman @ AOL.COM
3.	Ron Starckman	305-454-4071	no	@
4.	MORRIS Simonsen	305-672 9090	yes	Morris@control @the-beach.net
5.	Mark Needle	305-914-0014	Yes (already do)	mark.needle @ protransit.org
6.	ROBERT Santos-Kirwan ext 6684			robertsantos-kirwan@kaneleachfl.gov
7.	JEFF DOWNWELL	305-532-1441	YES	JEFFDOWNWELL@AOL.COM
8.	Gary Held	x 7470		garyheld @ miami beach FL.gov
9.	Elsa Uruiza	31494-9060	✓	elsa.uruiza @ att.net
10.	ETHELLE REDFERN	x 6752	✓	ETHELLEREDFERN @ MIAMI BEACH FL.GOV.
11.	Leon Herman	x 6437	✓	@
12.	Desiree Lane	305 673 7107	X	lane @
13.	DANIEL DALY	(305) 673-6649	✓	DANDALY3 @GMAIL.COM
14.	Christine Floret	305 923 38102	yes	chrisfloret @ gmail.com
15.				@
16.				@
17.				@
18.				@
19.				@
20.				@

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C7

RESOLUTIONS

Condensed Title:

A Resolution authorizing the City Manager to apply for and accept five (5) grants.

Key Intended Outcomes Supported:

1) and 2) Maintain City's infrastructure; 3) Increase satisfaction with family recreational activities; 4) Maintain Miami Beach public areas and rights of way citywide; and 5) Increase community satisfaction with city government.

Supporting Data - 2009 Community Survey: 1) and 2) 21.4% of residents stated that "improving infrastructure" was one of the areas that the City can address to improve public safety; 3) City Parks/recreational facilities achieved the third greatest attendance for City destinations/attractions after restaurants and beaches. 50.4% of respondents reported visiting City Parks/recreational facilities "10 or more times annually"; 4) The Parks and Recreation Department has completed the fourth year's goal for the reforestation plan with over 400 trees planted, bringing the program total to 4,250 trees installed to date; **2009 Community Survey:** The rating of the maintenance of parks increased from 77.9% rating as "Good" or "Excellent" in 2007 to 89.1% in 2009; 5) The Fire Department has experienced more than a 9% increase in number of pre-hospital care calls for service from 14,796 in 2000 to 16,247 in 2011.

Item Summary/Recommendation:

Approval to apply to: 1) Florida Inland Navigation District (FIND) for funding in the approximate amount of \$280,000 for the construction of Normandy Shores Park seawall; 2) Florida Inland Navigation District (FIND) for funding in the approximate amount of \$160,000 for the design of Indian Creek Park seawall; 3) Florida Inland Navigation District (FIND) for funding in the approximate amount of \$40,000 for the Parks Blueways Plan; 4) the Florida Department of Agriculture and Consumer Services, Urban Forestry Grant Program, in the approximate amount of \$10,000 for Tree Planting; and, 5) State of Florida EMS in the approximate amount of \$40,000 for Pre-hospital equipment. **Adopt the Resolution.**

Advisory Board Recommendation: N/A

Financial Information:

Source of Funds	#	Grant Name/Project	Grant Approx. Amount	Match Amount/City Expense/Source
	1	FIND/Normandy Shores Park Seawall Construction	\$280,000	\$280,000 - Seawall Repairs project (pwcseawall) 351-2150-069358
	2	FIND/Indian Creek Park Seawall Design	\$160,000	\$160,000 - Matching funds in the approximate amount of \$160,000 will be requested through the FY 2013/14 Budget Process
	3	FIND/Blueways Plan	\$40,000	\$40,000 - Matching funds in the approximate amount of \$40,000 are available in Parks Department Operating Budget for FY 2012/13
	4	DEP/Urban Forestry/Tree Planting	\$10,000	\$11,000 - 2003 GO Bonds Neighborhood Improvement - Central Bayshore Neighborhood (rwmbsbpa) 384-2205-069357
	5	State of Florida Matching EMS/Pre-Hospital Equipment	\$40,000	\$10,000/Fire Department FY 2012/13 Operating Funds

City Clerk's Office Legislative Tracking:

Judy Hoanshelt, Grants Manager, Office of Budget and Performance Improvement

Sign-Offs:

Department Director	Assistant City Manager	City Manager
		





MIAMI BEACH

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

COMMISSION MEMORANDUM

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

FROM: Kathie G. Brooks, Interim City Manager

DATE: March 13, 2013

SUBJECT: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING AND AUTHORIZING THE CITY MANAGER OR HER DESIGNEE TO SUBMIT THE FOLLOWING GRANT APPLICATIONS: 1) FLORIDA INLAND NAVIGATION DISTRICT FOR FUNDING IN THE APPROXIMATE AMOUNT OF \$280,000 FOR SHORELINE RECONSTRUCTION OF NORMANDY SHORES PARK SEAWALL; 2) FLORIDA INLAND NAVIGATION DISTRICT FOR FUNDING IN THE APPROXIMATE AMOUNT OF \$160,000 FOR DESIGN OF INDIAN CREEK PARK SEAWALL; 3) FLORIDA INLAND NAVIGATION DISTRICT FOR FUNDING IN THE APPROXIMATE AMOUNT OF \$40,000 FOR A PARKS BLUEWAYS PLAN; 4) THE FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES, URBAN FORESTRY PROGRAM, IN THE APPROXIMATE AMOUNT OF \$10,000 FOR TREE PLANTINGS; AND, 5) STATE OF FLORIDA, DEPARTMENT OF HEALTH, FOR FUNDING IN THE APPROXIMATE AMOUNT OF \$40,000 FOR EQUIPMENT RELATED TO PRE-HOSPITAL EMERGENCY SERVICES APPROPRIATING THE ABOVE FUNDS, IF APPROVED AND ACCEPTED BY THE CITY, AND AUTHORIZING THE EXECUTION OF ALL NECESSARY DOCUMENTS RELATED TO THESE APPLICATIONS**

ADMINISTRATION RECOMMENDATION

Adopt the Resolution.

ANALYSIS

1. Approval to submit an application to Florida Inland Navigation District (FIND) in the approximate amount of \$280,000 for construction of the seawall at Normandy Shores Park

The Florida Legislature created s. 374.976, Florida Statutes in recognition of the importance and benefits of inland navigation channels and waterways, as well as in acknowledgement of the problems associated with the construction, continued maintenance and use of these waterways. This law authorizes and empowers each inland navigation district to undertake programs intended to alleviate the problems associated with its waterways. The program that provides funding for these projects is called the Waterways Assistance Program.

The Administration intends to submit three applications under this program. FIND requires a \$1:\$1 match; they will provide 50% of the cost of each project, and the City will be responsible for the matching funds. The first submittal will be for shoreline restoration, of the seawalls at Normandy Shores Park.

Normandy Shores Park seawall has been rated as "Critical" condition and the design portion of this project has already commenced; the application to FIND will be for construction funding only. The construction cost is approximately \$560,000, and the request to FIND will be for approximately \$280,000. Matching funds in the amount of \$280,000 are in the Seawall Repairs project.

2. Approval to submit an application to Florida Inland Navigation District (FIND) in the approximate amount of \$160,000 for the design of the Indian Creek Park seawall

Indian Creek Park (also known as Brittany Bay Park) seawall has been rated as "Serious" condition; the Administration intends to request funding for Phase 1, design, through this funding cycle, and next year request funds for Phase 2, construction. It should be noted that FIND will not reimburse for design until the project goes into the construction phase. The cost for design is approximately \$320,000; therefore the request to FIND will be for approximately \$160,000. Matching funds in the approximate amount of \$160,000 will be requested through the FY 2013/14 Budget Process. The seawall projects support the key intended outcome: maintain City's infrastructure.

The seawalls at Normandy Shores Park and Indian Creek Park were selected because FIND will only provide funding for seawalls on natural, navigable waterways, and these two qualify

3. Approval to submit an application to Florida Inland Navigation District (FIND) in the approximate amount of \$40,000 for the Parks Blueways Plan

In addition, the City intends to submit an application to Florida Inland Navigation District for the Parks Department Blueways Plan which will indicate public access points to the waterways. As part of the Fiscal Year 2012/2013 Workplan for the Parks and Recreation Department, staff is developing a conceptual Blueways Plan. The FIND funding will allow the plan to be fully developed including community outreach. This type of plan is a new funding initiative for FIND and the City intends to apply for approximately \$40,000 to complete the Plan. Matching funds in the approximate amount of \$40,000 are available in the Parks Department FY 2012/13 Operating Budget.

In accordance with FIND guidelines, Attachment 1, Florida Inland Navigation District's Resolution for Assistance 2013 under The Florida Inland Navigation District Waterways Assistance Program, is attached and included with this agenda item for execution for this project and the seawall projects (above).

4. Approval to submit an application to the Florida Department of Agriculture and Consumer Services, Urban Forestry Grant Program, in the approximate amount of \$10,000 for Tree Planting

As part of the federal government's Urban and Community Forestry Matching Grant Program, funds are available, through the Florida Department of Agriculture for organizations to develop or enhance their urban and community forestry programs. Awards can be used for tree planting on public land, tree protection projects, and tree maintenance projects. A maximum of \$10,000 is available for each tree planting project and the program requires \$1:\$1 matching funds.

The City Administration intends to apply for funding for Tree planting. The project area for this grant includes: 40th street to the north, Flamingo Drive to the east, Alton Road to the west and Dade Boulevard to the south. The Administration will request funding in the approximate amount of \$10,000 to plant trees. Matching funds are available in the amount of \$10,150 from 2003 GO Bonds Neighborhood Improvement. This project will fund the planting of trees in the City, including the Central Bayshore Neighborhood (Bayshore Neighborhood – Bid Pack A project).

This grant supports the Reforestation Program, which the City Commission authorized in 2007, and includes tree planning as part of CIP projects, and funds for tree maintenance, including salaries and equipment for a tree maintenance crew. By accepting this grant, the City also agrees to enter into a Memorandum of Agreement with the Florida Department of Agriculture and Consumer Services. Attachment 2 to this item is an example from the Urban Forestry Program of a Maintenance Memorandum of Agreement which also needs to be executed. This project supports the key intended outcome: maintain Miami Beach public areas and rights of way citywide.

5. Approval to submit an application to the State of Florida, Department of Health for funding in the approximate amount of \$40,000 for equipment related to Pre-Hospital Emergency Services

The State of Florida EMS Matching grant program provides emergency medical service providers with funds to acquire, repair improve or upgrade emergency medical services systems. Funds must be used for the improvement and expansion of emergency medical services within the list of eligible activities outlined by the State.

The Administration has requested funding in the approximate amount of \$40,000 for EMS equipment to increase the effectiveness of Fire personnel in emergency situations. The Fire Department will use FY 2013/14 operating budget funds in the approximate amount of \$10,000 to cover the costs of the match. This grant supports the key intended outcome: increase community satisfaction with City government.

CONCLUSION

The Administration requests approval to authorize the City Manager or his designee to submit the following grant applications to: 1) Florida Inland Navigation District for funding in the approximate amount of \$280,000 for the construction of Normandy Shores Park seawall; 2) Florida Inland Navigation District for funding in the approximate amount of \$160,000 for design of Indian Creek Park seawall; 3) Florida Inland Navigation District for funding in the approximate amount of \$40,000 for the Parks Blueways Plan; 4) Florida Department of Agriculture and Consumer Services, Urban Forestry Grant Program, in the approximate amount of \$10,000 for Tree Planting; 5) State of Florida, Department of Health for funding in the approximate amount of \$40,000 for equipment related to Pre-Hospital Emergency Services; and appropriating the above funds, if approved and accepted by the City, and authorizing the execution of all necessary documents related to these applications.

JMG/KGB/JMH

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ATTACHMENT E-6
RESOLUTION FOR ASSISTANCE 2013
UNDER THE FLORIDA INLAND NAVIGATION DISTRICT
WATERWAYS ASSISTANCE PROGRAM

WHEREAS, THE _____ is interested in carrying out the
(Name of Agency)
following described project for the enjoyment of the citizenry of _____
and the State of Florida:

Project Title _____

Total Estimated Cost \$ _____

Brief Description of Project:

AND, Florida Inland Navigation District financial assistance is required for the program mentioned above,

NOW THEREFORE, be it resolved by the _____
(Name of Agency)
that the project described above be authorized,

AND, be it further resolved that said _____
(Name of Agency)

make application to the Florida Inland Navigation District in the amount of _____% of the actual cost of the project in behalf of said _____
(Name of Agency)

AND, be it further resolved by the _____
(Name of Agency)
that it certifies to the following:

1. That it will accept the terms and conditions set forth in FIND Rule 66B-2 F.A.C. and which will be a part of the Project Agreement for any assistance awarded under the attached proposal.

2. That it is in complete accord with the attached proposal and that it will carry out the Program in the manner described in the proposal and any plans and specifications attached thereto unless prior approval for any change has been received from the District.

3. That it has the ability and intention to finance its share of the cost of the project and that the project will be operated and maintained at the expense of said _____

_____ for public use.
(Name of Agency)

4. That it will not discriminate against any person on the basis of race, color or national origin in the use of any property or facility acquired or developed pursuant to this proposal, and shall comply with the terms and intent of the Title VI of the Civil Rights Act of 1964, P. L. 88-352 (1964) and design and construct all facilities to comply fully with statutes relating to accessibility by handicapped persons as well as other federal, state and local laws, rules and requirements.

5. That it will maintain adequate financial records on the proposed project to substantiate claims for reimbursement.

6. That it will make available to FIND if requested, a post-audit of expenses incurred on the project prior to, or in conjunction with, request for the final 10% of the funding agreed to by FIND.

This is to certify that the foregoing is a true and correct copy of a resolution duly and legally adopted by the _____ at a legal meeting held on this _____ day of _____ 20____.

Attest

Signature

Title

Title

(2)

BID NUMBER: RFP/FFS-12/13-48

OPENING DATE: MARCH 22, 2013 @ 2:00 P.M.

**ATTACHMENT J
EXAMPLE**

**URBAN AND COMMUNITY FORESTRY GRANT
MAINTENANCE MEMORANDUM OF AGREEMENT**

This Agreement, made and entered into this the ____ day of _____, 20____, by and between the FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES, State of Florida, hereinafter called the Department and hereinafter called the Contractor.

WITNESSETH

WHEREAS, the Department desires to increase the general level of knowledge of the principles of urban and community forestry by awarding funds to the Contractor for the establishment of a demonstration tree planting project as outlined in the Urban and Community Forestry grant application Number _____ and Grant Memorandum of Agreement (the Grant Agreement) attached hereto as Exhibit "1" and by reference made a part hereof;

WHEREAS, the Contractor agreed in the Grant Agreement to maintain the project as described in the Grant Application;

WHEREAS, the Contractor by Resolution desires to enter into this Agreement and authorizes its officers to do so.

NOW THEREFORE, herein and in Exhibit "1", the Grant Memorandum of Agreement, the parties covenant and agree as follows:

- A. The Contractor shall maintain the project in a responsible manner and with due care in accordance with the below listed Project Standards for the property at the following location:

Specifically, the Contractor accepts the below listed responsibilities and duties:

- (1) All planting stock or replacement must be Florida Grade #1 or better.
- (2) Proper watering and proper fertilization of all trees/plants.
- (3) Keeping trees/plants as free as practicable from disease and harmful insects;
- (4) Proper mulching of trees and/or planting beds;
- (5) Keeping the premises free of weeds;
- (6) Mowing and/or cutting grasses to the proper length;
- (7) Proper pruning of all trees which includes; removing dead or disease parts of trees or (ii) pruning such parts thereof which present a hazard;
- (8) Removing and replacing dead or diseased trees/plants in their entirety, or removing and replacing those that fall below original Project Standards.

- (9) Following the Planting and Maintenance Guidelines as included herein.

The Contractor agrees to repair, or remove and replace at its own expense all or part of the project that falls below Project Standards. In the event any part or parts of the project, including all plants, must be removed and replaced for whatever reason, then they shall be replaced with the same grade, size and specification as provided in the original plans for the project. Furthermore, the Contractor shall keep litter removed from the project area. The above named functions to be performed by the Contractor shall be subject to periodic inspections by the Department. It is the intent of the parties that the Contractor shall be the owner of the planting and other installations included and stipulated in the grant application comprising the project.

- B. The terms of this Agreement commence on the date of Certification of Acceptance and continue for a period of three (3) years.
- C. In the event this Agreement is terminated in accordance with the provisions provided in Exhibit 1, then the Contractor shall refund to the Department a pro-rated portion of the grant award based upon the following schedule:
 - (1) If this agreement is terminated within one year of this agreement, 75 percent of the grant award;
 - (2) If this agreement is terminated during the second year of this agreement, 50 percent of the grant award;
 - (3) If this agreement is terminated during the third year of this agreement, 25 percent of the grant award.
- D. This Agreement, together with the Urban and Community Forestry Grant Memorandum of Agreement, embodies the entire agreement and understanding between the parties hereto and there are no other agreements or understandings, oral or written, with reference to the subject matter hereof that are not superseded hereby.

Signed by parties to this agreement:

**FLORIDA DEPARTMENT OF AGRICULTURE AND
CONSUMER SERVICES**

CONTRACTOR

Signature

Signature

Title

Title

Date

Date

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING AND AUTHORIZING THE CITY MANAGER OR HER DESIGNEE TO SUBMIT THE FOLLOWING GRANT APPLICATIONS: 1) FLORIDA INLAND NAVIGATION DISTRICT FOR FUNDING IN THE APPROXIMATE AMOUNT OF \$280,000 FOR SHORELINE RECONSTRUCTION OF NORMANDY SHORES PARK SEAWALL; 2) FLORIDA INLAND NAVIGATION DISTRICT FOR FUNDING IN THE APPROXIMATE AMOUNT OF \$160,000 FOR DESIGN OF INDIAN CREEK PARK SEAWALL; 3) FLORIDA INLAND NAVIGATION DISTRICT FOR FUNDING IN THE APPROXIMATE AMOUNT OF \$40,000 FOR A PARKS BLUEWAYS PLAN; 4) THE FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES, URBAN FORESTRY PROGRAM, IN THE APPROXIMATE AMOUNT OF \$10,000 FOR TREE PLANTINGS; AND, 5) STATE OF FLORIDA, DEPARTMENT OF HEALTH, FOR FUNDING IN THE APPROXIMATE AMOUNT OF \$40,000 FOR EQUIPMENT RELATED TO PRE-HOSPITAL EMERGENCY SERVICES; APPROPRIATING THE ABOVE FUNDS, IF APPROVED AND ACCEPTED BY THE CITY, AND AUTHORIZING THE EXECUTION OF ALL NECESSARY DOCUMENTS RELATED TO THESE APPLICATIONS

WHEREAS, the Florida Legislature created s. 374.976, Florida Statutes in recognition of the importance and benefits of inland navigation channels and waterways, as well as in acknowledgement of the problems associated with the construction, continued maintenance and use of these waterways and this law authorizes and empowers each inland navigation district to undertake programs intended to alleviate the problems associated with its waterways; and

WHEREAS, FIND requires a \$1:\$1 match; they will provide 50% of the cost of each project, and the City will be responsible for the matching funds; and

WHEREAS, the Administration intends to submit an application for shoreline restoration, specifically the seawall at Normandy Shores Park; and

WHEREAS, Normandy Shores Park seawall has been rated as "Critical" condition and the design portion of this project has already commenced; the application to FIND will be for construction funding only, which is approximately \$560,000, and the request to FIND will be for approximately \$280,000 and matching funds in the amount of \$280,000 are in the Seawall Repairs project; and

WHEREAS, Indian Creek Park (also known as Brittany Bay Park) seawall has been rated as "Serious" condition; the Administration also intends to request funding for the design of Indian Creek Park seawall, through this funding cycle, and next year request funds for construction; and

WHEREAS, it should be noted that FIND will not reimburse for design until the project goes into the construction phase and the cost for design is approximately \$320,000; therefore the request to FIND will be for approximately \$160,000 and matching funds in the approximate amount of \$160,000 will be requested through the FY 13/14 Budget Process; and

WHEREAS, the seawalls at Normandy Shores Park and Indian Creek Park were selected because FIND will only provide funding for seawalls on natural, navigable waterways, and these two qualify; and

WHEREAS, the City also intends to submit is for the Parks Department Blue Ways Plan which will indicate public access points to the waterways and this type of plan is a new funding initiative for FIND and the City intends to apply for approximately \$40,000 to complete the Plan and matching funds in the approximate amount of \$40,000 is available in the Parks Department FY 2012/13 Operating Budget; and

WHEREAS, as part of the Fiscal Year 2012/2013 Workplan for the Parks and Recreation Department, staff is developing a conceptual Blueways Plan and the FIND funding will allow the plan to be fully developed including community outreach; and

WHEREAS, in accordance with FIND guidelines, Attachment 1, Florida Inland Navigation District's Resolution for Assistance 2013 under The Florida Inland Navigation District Waterways Assistance Program, is attached and included with this agenda item for execution; and

WHEREAS, as part of the federal government's Urban and Community Forestry Matching Grant Program, funds are available, through the Florida Department of Agriculture for organizations to develop or enhance their urban and community forestry programs and awards can be used for tree planting on public land, tree protection projects, and tree maintenance projects and the program requires \$1:\$1 matching funds.

WHEREAS, the City Administration intends to apply for funding for the Tree Planting in the City, including the Central Bayshore Neighborhood (Bayshore Neighborhood – Bid Pack A project) which includes: 40th street to the north, Flamingo Drive to the east, Alton Road to the west and Dade Boulevard to the south; and

WHEREAS, the Administration will request funding in the approximate amount of \$10,000 to plant trees and matching funds are available in the amount of \$11,000 from 2003 GO Bonds Neighborhood Improvement - Central Bayshore Neighborhood; and

WHEREAS, this grant supports the Reforestation Program, which the City Commission authorized in 2007, and includes tree planning as part of CIP projects, and funds for tree maintenance, including salaries and equipment for a tree maintenance crew; and

WHEREAS, by accepting this grant, the City also agrees to enter into a Memorandum of Agreement with the Florida Department of Agriculture and Consumer Services and Attachment 2 to this item is an example of a Memorandum of Agreement from the Urban Forestry Program which will need to be executed; and

WHEREAS, this project supports the key intended outcome: maintain Miami Beach public areas and rights of way citywide; and

WHEREAS, the Administration requests approval to submit an application to the Florida Department of Agriculture and Consumer Services, Urban Forestry Grant Program, in the approximate amount of \$10,000 for Tree Planting; and

WHEREAS, the State of Florida EMS Matching grant program provides emergency medical service providers with funds to acquire, repair improve or upgrade emergency medical services systems; and

WHEREAS, funds must be used for the improvement and expansion of emergency medical services within the list of eligible activities outlined by the State; and

WHEREAS, the Administration has requested funding in the approximate amount of \$40,000 for EMS equipment which will to allow Emergency Medical Services personnel to be more effective; and

WHEREAS, the grant requires a 25% match of the total project cost and the Fire Department will use its FY 2012/13 operating budget to cover the costs of this match; and

WHEREAS, this grant supports the key intended outcome: increase community satisfaction with City government.

NOW THEREFORE, BE IT DULY RESOLVED THAT THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH hereby approve and authorize the City Manager or her designee to support grant applications to: 1) Florida Inland Navigation District for funding in the approximate amount of \$280,000 for shoreline reconstruction of Normandy Shores Park seawall; 2) Florida Inland Navigation District for funding in the approximate amount of \$160,000 for design of Indian Creek Park seawall; 3) Florida Inland Navigation District for funding in the approximate amount of \$40,000 for a Parks Blueways plan; 4) Florida Department of Agriculture and Consumer Services, Urban Forestry Program, in the approximate amount of \$10,000 for tree plantings; and, 5) State of Florida, Department of Health, for funding in the approximate amount of \$40,000 for equipment related to pre-hospital emergency services; appropriating the above grants, if approved and accepted by the City, and authorizing the execution of all documents related to these applications.

PASSED and ADOPTED this _____ day of _____, 2013

ATTEST:

MAYOR

CITY CLERK

KGB/JMH
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**APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION**

Joe Coville

City Attorney
3-5-13

Date

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Condensed Title:

A Resolution accepting the recommendation of the Neighborhood and Community Affairs Committee automatically withdrawing items referred to City Commission Committees if not heard within six (6) months from its referral date and recommending inclusion of a report in the City Commission agenda transmitting a list of withdrawn items.

Key Intended Outcome Supported:

Increase Community Satisfaction with City Government.
Supporting Data (Surveys, Environmental Scan, etc.): N/A

Item Summary/Recommendation:

The subject was referred to the Neighborhood / Community Affairs Committee at the request of Commissioner Libbin at the February 6, 2013 City Commission meeting in an effort to eliminate unnecessary time and effort spent on items which are not ready to be discussed. Commissioner Libbin requested a discussion regarding items referred to Commission Committees if not heard within six (6) months of its referral dates the items should either be referred again to the Committee or removed altogether.

The item was heard at the February 19, 2013 Neighborhood / Community Affairs Committee. The Committee discussed the subject and ultimately unanimously passed a motion that all items referred to various City Commission Committees should be heard as soon as possible regardless of whether the referring City Commissioner is present for the discussion. The Committee also requested that elected officials should be noticed of when their items will be discussed at committee and agreed that one courtesy deferral should be accommodated if the commissioner is out of town or unable to attend. However, after six (6) months the item should be withdrawn and report of withdrawn items should be included in the City Commission agenda.

The Administration recommends the resolution be approved.

Advisory Board Recommendation:

The item was discussed at the February 19, 2013 Neighborhood and Community Affairs Committee (NCAC) meeting.

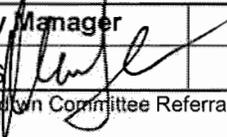
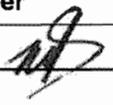
Financial Information:

Source of Funds:		Amount	Account
	1	N/A	
OBPI	Total		

Financial Impact Summary:

City Clerk's Office Legislative Tracking:

Sign-Offs:

Department Director	Assistant City Manager	City Manager
	MAS 	KGB 

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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: March 13, 2013

SUBJECT: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ACCEPTING THE RECOMMENDATION OF THE NEIGHBORHOOD AND COMMUNITY AFFAIRS COMMITTEE AUTOMATICALLY WITHDRAWING ITEMS REFERRED TO CITY COMMISSION COMMITTEES IF NOT HEARD WITHIN SIX (6) MONTHS FROM ITS REFERRAL DATE AND RECOMMENDING INCLUSION OF A REPORT IN CITY COMMISSION AGENDA TRANSMITTING A LIST OF WITHDRAWN ITEMS.**

ADMINISTRATION RECOMMENDATION

Adopt the Resolution

KEY INTENDED OUTCOME SUPPORTED

Increase Community Satisfaction with City Government.

BACKGROUND

The subject was referred to the Neighborhood / Community Affairs Committee at the request of Commissioner Libbin at the February 6, 2013 City Commission meeting in an effort to eliminate unnecessary time and effort spent on items which are not ready to be discussed. Commissioner Libbin requested a discussion regarding items referred to Commission Committees if not heard within six (6) months of its referral dates the items should either be referred again to the Committee or removed altogether.

The item was heard at the February 19, 2013 Neighborhood / Community Affairs Committee. The Committee discussed the subject and ultimately unanimously passed a motion that all items referred to various City Commission Committees should be heard as soon as possible regardless of whether the referring City Commissioner is present for the discussion. The Committee also requested that elected officials should be noticed of when their items will be discussed at committee and agreed that one courtesy deferral should be accommodated if the commissioner is out of town or unable to attend. However, after six (6) months the item should be withdrawn and report of withdrawn items should be included in the City Commission agenda.

CONCLUSION

The Administration recommends adopting the resolution approving the recommendation of the NCAC automatically withdrawing items referred to City Commission Committees if not heard within six (6) months from its referral date and recommending inclusion of a report in the City Commission agenda transmitting a list of withdrawn items.

KGB/MAS

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RESOLUTION TO BE SUBMITTED

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Condensed Title:

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ACCEPTING A DONATION OF SURPLUS FUNDS FROM THE MIAMI BEACH HEALTH FACILITIES AUTHORITY ("MBHFA") ACCOUNT, PURSUANT TO A RESOLUTION OF THE MBHFA ADOPTED AT ITS FEBRUARY 20, 2013 MEETING, IN THE AMOUNT OF \$ 715,331, FOR APPROPRIATION AND DISBURSEMENT BY THE CITY TO NON-PROFIT HUMAN HEALTH SERVICE AGENCIES, AS PROVIDED IN SECTION 154.209(14), FLORIDA STATUTES; PROVIDED FURTHER THAT THE MBHFA RECOMMENDS THAT SUCH SURPLUS FUNDS BE APPROPRIATED AND DISBURSED AS FOLLOWS: \$ 150,000 TO PROVIDE CONTINUED SUPPORT TO MIAMI BEACH COMMUNITY HEALTH CENTER, INC.; AND 2) \$ 565,331 TO MOUNT SINAI MEDICAL CENTER, TO BE USED FOR ITS MIAMI BEACH RESIDENT INDIGENT CARE PROGRAM TO PROVIDE TREATMENT FOR UNFUNDED RESIDENTS OF THE CITY OF MIAMI BEACH.

Key Intended Outcome Supported:

Increase resident ratings of Public Safety Services

Supporting Data (Surveys, Environmental Scan, etc.): N/A

Issue:

Should the City Commission accept a donation of surplus funds in the MBHFA account in the amount of \$715,331 for appropriation and distribution by the City to non-profit human health service agencies?

Item Summary/Recommendation:

At its meeting on February 20, 2013, and as provided in Section 154.209(14) Florida Statutes, the MBHFA approved a resolution for the donation of a portion of the surplus funds in the MBHFA account, in the amount of \$ 715,331, for appropriation and disbursement by the City to non-profit human health service agencies. The MBHFA further recommended that, in appropriating and disbursing the aforesated surplus funds, the Mayor and City Commission consider the foregoing recommendations:

- a) that the amount of \$ 150,000, be appropriated and disbursed toward to continued support of Miami Beach Community Health Center, Inc.; and
- b) that the amount of \$ 565,331, be appropriated and disbursed to Mount Sinai Medical Center, to be used for its Miami Beach Resident Indigent Care Program to provide treatment for unfunded residents of the City of Miami Beach.

Advisory Board Recommendation:

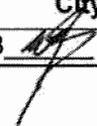
Financial Information:

Source of Funds:	Amount	Account	Approved
OBPI	\$715,331	166-1970-000343	
Total			

City Clerk's Office Legislative Tracking:

Patricia Walker, Chief Financial Officer

Sign-Offs:

Department Director	Assistant City Manager	City Manager
	PDW 	KGB 

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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: March 13, 2013

SUBJECT: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ACCEPTING A DONATION OF SURPLUS FUNDS FROM THE MIAMI BEACH HEALTH FACILITIES AUTHORITY ("MBHFA") ACCOUNT, PURSUANT TO A RESOLUTION OF THE MBHFA ADOPTED AT ITS FEBRUARY 20, 2013 MEETING, IN THE AMOUNT OF \$715,331, FOR APPROPRIATION AND DISBURSEMENT BY THE CITY TO NON-PROFIT HUMAN HEALTH SERVICE AGENCIES, AS PROVIDED IN SECTION 154.209(14), FLORIDA STATUTES; PROVIDED FURTHER THAT THE MBHFA RECOMMENDS THAT SUCH SURPLUS FUNDS BE APPROPRIATED AND DISBURSED AS FOLLOWS: \$150,000 TO PROVIDE CONTINUED SUPPORT TO MIAMI BEACH COMMUNITY HEALTH CENTER, INC.; AND 2) \$565,331 TO MOUNT SINAI MEDICAL CENTER, TO BE USED FOR ITS MIAMI BEACH RESIDENT INDIGENT CARE PROGRAM TO PROVIDE TREATMENT FOR UNFUNDED RESIDENTS OF THE CITY OF MIAMI BEACH.**

ADMINISTRATION RECOMMENDATION

Adopt the Resolution.

FUNDING

Funding in the amount of \$715,331 has been donated by the Miami Beach Health Facilities Authority to the City of Miami Beach for appropriation and distribution to non-profit human health service agencies

ANALYSIS

The Miami Beach Health Facilities Authority ("MBHFA") collects various fees for issuing bonds for non-profit human health care providers. At their meeting on February 20, 2013, the MBHFA made a determination that they had \$715,331 of excess funds and agreed to donate them to the City of Miami Beach for appropriation and distribution to

non-profit human health care agencies.

Additionally, the MBHFA also heard proposals from Mount Sinai Medical Center and agreed to recommend the distributions of the \$715,331 as follows:

- a) that the amount of \$150,000 be appropriated and disbursed toward to continued support of the Miami Beach Community Health Center, Inc.; and
- b) that funds, in the amount of \$565,331, be appropriated and disbursed to Mount Sinai Medical Center to be used for its Miami Beach Resident Indigent Care Program to provide treatment for unfunded residents of the City of Miami Beach.

The MBHFA also voted to reduce the amount of the annual fees owed by Mount Sinai Medical Center by fifty percent (50%) in future fiscal years. In addition, the MBHFA in their July 12, 2012 meeting voted to completely waive the fiscal year 2013 annual fees in the amount of \$88,614.

CONCLUSION

The Administration recommends that the Mayor and City Commission of the City of Miami Beach, Florida, accept a donation of surplus funds in the MBHFA account, pursuant to a resolution of the MBHFA adopted at its February 20, 2013 meeting, in the amount of \$715,331, and further accept the MBHFA recommendation that such surplus funds be appropriated and disbursed as follows: 1) \$150,000 to provide continued support to Miami Beach Community Health Center, Inc.; and 2) \$565,331 to Mount Sinai Medical Center, to be used for its Miami Beach Resident Indigent Care Program to provide treatment for unfunded residents of the City of Miami Beach.

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ACCEPTING A DONATION OF SURPLUS FUNDS FROM THE MIAMI BEACH HEALTH FACILITIES AUTHORITY (“MBHFA”) ACCOUNT, PURSUANT TO A RESOLUTION OF THE MBHFA ADOPTED AT ITS FEBRUARY 20, 2013 MEETING, IN THE AMOUNT OF \$ 715, 331, FOR APPROPRIATION AND DISBURSEMENT BY THE CITY TO NON-PROFIT HUMAN HEALTH SERVICE AGENCIES, AS PROVIDED IN SECTION 154.209(14), FLORIDA STATUTES; PROVIDED FURTHER THAT THE MBHFA RECOMMENDS THAT SUCH SURPLUS FUNDS BE APPROPRIATED AND DISBURSED AS FOLLOWS: \$ 150,000 TO PROVIDE CONTINUED SUPPORT TO MIAMI BEACH COMMUNITY HEALTH CENTER, INC.; AND 2) \$ 565,331 TO MOUNT SINAI MEDICAL CENTER, TO BE USED FOR ITS MIAMI BEACH RESIDENT INDIGENT CARE PROGRAM TO PROVIDE TREATMENT FOR UNFUNDED RESIDENTS OF THE CITY OF MIAMI BEACH.

WHEREAS, the Miami Beach Health Facilities Authority (MBHFA) was created and established in accordance with Section 154.207, Florida Statutes, to improve the commerce, welfare and prosperity of the citizens of Miami Beach and their health and living condition; and

WHEREAS, at its meeting on February 20, 2013, and as provided in Section 154.209(14) Florida Statutes, the MBHFA approved a resolution for the donation of a portion of the surplus funds in the MBHFA account, in the amount of \$ 715,331, for appropriation and disbursement by the City to non-profit human health service agencies; and

WHEREAS, the MBHFA further recommended that, in appropriating and disbursing the aforesated surplus funds, the Mayor and City Commission consider the foregoing recommendations:

- a) that the amount of \$ 150,000, be appropriated and disbursed toward to continued support of Miami Beach Community Health Center, Inc.; and
- b) that the amount of \$ 565,331, be appropriated and disbursed to Mount Sinai Medical Center, to be used for its Miami Beach Resident Indigent Care Program to provide treatment for unfunded residents of the City of Miami Beach.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Mayor and City Commission hereby accept a donation of surplus funds in the MBHFA account, pursuant to a Resolution of the MBHFA adopted at its February 20, 2013 meeting, in the amount of \$ 715,331, for appropriation and disbursement by the City to non-profit human health

service agencies, as provided in Section 154.209(14), Florida Statutes; provided further that the MBHFA recommends that such surplus funds be appropriated and disbursed as follows: 1) \$ 150,000 to provide continued support to Miami Beach Community Health Center, Inc.; and 2) \$ 565,331 to Mount Sinai Medical Center, to be used for its Miami Beach Resident Indigent Care Program to provide treatment for unfunded residents of the City of Miami Beach.

PASSED and ADOPTED this ____ day of _____, 2013.

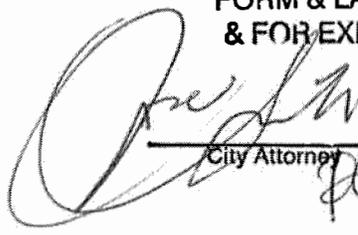
ATTEST:

CITY CLERK

MAYOR

F:\ATTOVAGUR\RESOS-ORD\Heath Facility Authority CITY RESO - Donation of Surplus Funds (2-22-13).doc

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



City Attorney

2-23-13

Date

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Condensed Title:

Consenting to the appointment of Jay Fink as an Acting Director of the Public Works Department for the City of Miami Beach.

Key Intended Outcome Supported:

Attract and maintain a quality workforce and Increase satisfaction with development and growth management across the City.

Supporting Data (Surveys, Environmental Scan, etc.): N/A

Issue:

Shall the Mayor and City Commission adopt the attached Resolution consenting and confirming Jay Fink as the Acting Director of the Public Works Department?

Item Summary/Recommendation:

The City's Public Works Director Fred Beckmann separated from his employment with the City on March 1, 2013. In anticipation of his departure, the recruitment process for a successor Public Works Director was initiated and resumes have been reviewed. However, the selection of this position has been temporarily placed on hold pending the outcome of the City Manager recruitment. To continue to ensure that the Department has the oversight and direction needed until a new Director is selected, it is recommended that Jay Fink be placed in an acting capacity for this position.

The Public Works Department is a large, full service organization providing planning, design, construction, maintenance, repair, and operation of City infrastructure including utility systems and City buildings and facilities. The Department is also responsible for City cleanliness and manages the Solid Waste Collection and Disposal Program. The Department is represented by a professional, semiprofessional and licensed disciplines working in Administration, Engineering, Transportation Management, Streets and Streetlights, Environmental Resources Management, Property Management, and the Water, Sewer, Stormwater and Sanitation Divisions.

Pursuant to the requirements of Article IV, Section 4.02 of the City Charter, it is recommended that the Mayor and the City Commission adopt the attached resolution consenting and confirming Jay Fink as the Acting Director of the Public Works Department for the City of Miami Beach.

Advisory Board Recommendation:

N/A

Financial Information:

Source of Funds:	Amount	Account	Approved
1			
2			
3			
4			
Total			

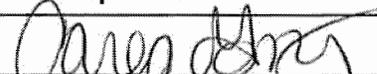
OBPI

Financial Impact Summary:

City Clerk's Office Legislative Tracking:

Carla Gomez, Human Resources

Sign-Offs:

Department Director	Assistant City Manager	City Manager
		

T:\AGENDA\2013\March 13\JAY FINK ITEM SUMMARY.docx





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 Brooks, Interim City Manager

DATE: March 13, 2013

SUBJECT: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, CONSENTING TO AND CONFIRMING THE APPOINTMENT OF JAY FINK AS THE ACTING DIRECTOR OF THE PUBLIC WORKS DEPARTMENT FOR THE CITY OF MIAMI BEACH.**

ADMINISTRATION RECOMMENDATION

Pursuant to the requirements of Article IV, Section 4.02, of the City Charter, it is recommended that the Mayor and Commission adopt the attached resolution consenting and confirming Jay Fink as the Acting Director of the Public Works Department for the City of Miami Beach.

ANALYSIS

Effective March 1, 2013, the City's Public Works Director, Fred Beckmann separated from his employment with the City due to retirement. In anticipation of his departure, the recruitment process for a successor Public Works Director was initiated and resumes have been reviewed. However, as you know, the selection of this position has been placed on hold to allow the permanent City Manager (once selected) to make this decision. In order to continue to ensure that the Department has the oversight and direction needed until a permanent Director is selected, I am recommending that Jay Fink be placed in an acting capacity for this position.

Jay Fink has almost 20 years of public work experience. He has served in a number of municipalities ranging from small to some of the largest in the state of Massachusetts. From 1995 to 1998, Jay served the Town of Weymouth, MA, as the Sewer and Water Superintendent. During his tenure, he successfully addressed such important issues as drought conditions threatening the availability of potable water and overflowing sanitary sewers that dumped raw sewerage on the streets of a major square and in the tributary to an auxiliary water source.

In 1998, Mr. Fink was hired as Utilities Director for the City of Newton, MA, where he was responsible for all facets of the Department of Public Works associated with the water, sewer, and drain divisions. Through cross training, planning and the development of standard operating procedures, Jay worked on the division becoming integrated and proactive. He developed the first municipal confined space entry program in the state,

operation and maintenance manual for the sanitary sewer system, which was used as a model by State regulators. Other procedures developed included a Public Works Emergency Response Manual and a Flood Mitigation Plan.

In 2002, Mr. Fink became the Commissioner of Public Works for the City of Quincy, MA, where he immediately was faced with severe budget cuts. Despite the major fiscal challenges, through prudent management and a team approach, Jay assured that Public works services to the community were not impacted negatively. Some of his cost saving measures included the integration of the Traffic and Parking Divisions into the Department by consolidating support services, redefining job descriptions and duties through union negotiations, revamping the yard waste collection schedule, evaluating procurement procedures, and developing new payment measures for contracted services.

In 2004, Jay accepted the position of Commissioner of Public Work for the City of Lynn, MA. He held this position for eight years until accepting the position with the City of Miami Beach as the Assistant Director of Public Works. While serving the City of Lynn, Jay had to deal with budget constraints and staff reductions due to the downward economy. He ensured that every opportunity to cut costs was evaluated including the monitoring of contracted services and competitive bidding. The results included the reduction of litter downtown, increasing the street signage, and addressing utility trenching throughout the City.

Jay has been serving as the Assistant Director of Public Works for the City of Miami Beach since April of 2012. In his short tenure, he has assumed responsibility over the Fleet Management Division after the former Division Director retired. Assisted by the Administration and Business Officer, the Fleet Division continues to move forward and is in the process of implementing new initiatives. In early November 2012, when the Property Management Division Director was relieved of his duties, Jay was asked to assume these duties in addition to his other responsibilities. Jay also had an opportunity to participate with the City's Emergency Operations Team during Tropical Storm Isaac. Thus far, Jay has demonstrated that his year of diversified experience in the field of Public Works has enabled him to effectively manage challenging and unforeseen situations.

CONCLUSION

The appointment of Jay Fink as the Acting Director of the Public Works Department will ensure that the Public Works Department maintains the oversight and direction needed until a permanent Director can be selected by the permanent City Manager (once selected). By doing so, the City can continue its nationally and internationally recognized tradition of providing effective and efficient public works services and managing the City's infrastructure to ensure the safety, health and well being of all residents and visitors of the City. This temporary appointment will

Pursuant to the requirements of Article IV, Section 4.02, of the City Charter, it is recommended that the Mayor and City Commission adopt the resolution consenting and confirming Jay Fink as the Acting Director of the Public Works Department.


KGB/CMG

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, CONSENTING TO AND CONFIRMING THE APPOINTMENT OF JAY FINK AS THE ACTING DIRECTOR OF THE PUBLIC WORKS DEPARTMENT FOR THE CITY OF MIAMI BEACH.

WHEREAS, the City Manager has appointed Jay Fink as an Acting Director of the Public Works Department for the City of Miami Beach; and

WHEREAS, pursuant to Article IV, Section 4.02 of the City of Miami Beach Charter, the City Manager has power to appointment directors of the City departments with the consent and conformance of the Mayor and the City Commission; and

WHEREAS, the Mayor and the City Commission wish to consent to and confirm the appointment of Jay Fink as the Acting Director of the Public Works Department for the City of Miami Beach.

NOW, THEREFORE, BE IT DULY RESOLVED THAT THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Mayor and the City Commission have consented to and confirmed the appointment of Jay Fink as the Acting Director of the Public Works Department for the City of Miami Beach.

PASSED and ADOPTED this ____ day of _____, 2013.

MAYOR

ATTEST:

CITY CLERK

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

[Handwritten Signature] _____ 3-6-13
City Attorney Date

T:\AGENDA\2013\March 13\JAY FINK Resolution.docx

Condensed Title:

A resolution accepting the recommendation of the Neighborhood/Community Affairs Committee at the January 28, 2013 meeting to install a fence around the perimeter of the Rakow Youth Center playfield.

Key Intended Outcome Supported:

Increase satisfaction with recreational programs

Supporting Data (Surveys, Environmental Scan, etc.): Miami Beach Customer Survey indicates 85% of residents rated the City's Recreation programs as either excellent or good.

Item Summary/Recommendation:

At the December 12, 2012, City Commission meeting, Commissioner Weithorn requested that a discussion concerning the placement of a fence along the perimeter of the Scott Rakow playfield be referred to the Neighborhoods Community Affairs Committee (NCAC). The discussion was subsequently held at the NCAC meeting held on January 28, 2013.

Following a presentation by the Administration the Neighborhood/Community Affairs Committee members discussed the need for a fence to ensure the safety of the youth participating in the Rakow Youth Center programs while on the playfield (projected to be approximately 4' H x 160' L x 60' W. at very preliminary cost estimate and subject to modification for this fence, based on the Commission approved Invitation To Bid No. 40-11/12, for Fencing Services to be \$16,500); the need to coordinate the timing of the fence installation with the Capital Improvement Projects Office to ensure it does not impede the project or get damaged during the planned construction of the Par 3 Golf Course; and the need to identify funding design, fabricate and install the fence, perhaps from unexpended contingency funds or other funds to be identified by the Administration. Prior to concluding the discussion the NCAC made the motion a fence should be installed around the perimeter of the Scott Rakow Youth Center playfield for the safety and security of the children using the field.

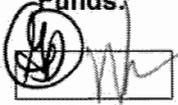
The Administration recommends the resolution be approved.

Advisory Board Recommendation:

MOTION: The Scott Rakow Youth Center Advisory Board unanimously requests that the City install a fence around the Scott Rakow Youth Center playfield for the safety of the children that attend the Youth Center. Motion Date November 17 2011/ Passed Unanimously

MOTION: The Parks and Recreational Facilities Advisory Board supports the Recommendation of the SRYC Advisory Board requesting the play area be fenced in light of safety and all issues. Motion Date: February 1, 2012/ Passed Unanimously

Financial Information:

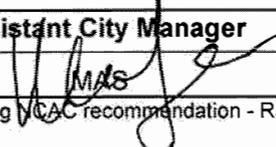
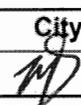
Source of Funds:		Amount	Account
 OBPI	1	\$20,000	011-0950-000349
	2		
	Total	\$20,000	

Financial Impact Summary:

City Clerk's Office Legislative Tracking:

Kevin Smith, Parks and Recreation Director

Sign-Offs:

Department Director	Assistant City Manager	City Manager
KS		 KGB

T:\AGENDA\2013\March 13\Comm. Summary - Accepting NCAC recommendation - Rakow Fence.doc



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: March 13, 2013

SUBJECT: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ACCEPTING THE RECOMMENDATION OF THE NEIGHBORHOOD/COMMUNITY AFFAIRS COMMITTEE AT THE JANUARY 28, 2013 COMMITTEE MEETING TO INSTALL A FENCE AROUND THE PERIMETER OF THE SCOTT RAKOW YOUTH CENTER PLAYFIELD**

ADMINISTRATION RECOMMENDATION

Adopt the Resolution

KEY INTENDED OUTCOME SUPPORTED

Increase satisfaction with recreational programs

FUNDING

Funding is available in the FY 12/13 Parks and Recreation Department Budget account 011-0950-000349 (Other Contractual Services) - \$20,000. These funds are budgeted each year for playground equipment repairs and maintenance. Parks and Recreation Department has reviewed their pending list of projects for the current fiscal year and is able to defer some of maintenance until the next fiscal year.

INTRODUCTION

At the December 12, 2012, City Commission meeting, Commissioner Weithorn requested that a discussion concerning the placement of a fence along the perimeter of the Scott Rakow playfield be referred to the Neighborhoods Community Affairs Committee (NCAC). The discussion was subsequently held at the NCAC meeting held on January 28, 2013.

BACKGROUND

On December 19, 2010, the City's grand re-opening ceremony of the Scott Rakow Youth Center took place with the long awaited ribbon cutting of the spectacular newly renovated Youth Center.

It was previously noted that two (2) key recreational elements missing in the original design was a playground and an outdoor playfield. Throughout the planning, design and construction phases of the Youth Center, there were the discussions with various interested parties regarding the inclusion of a playground and playfield and the need for the playfield to be fenced in for the safety and security of the children. At the time of the design there was concern from

the neighborhood regarding the fence, therefore the final design did include a playfield but did not include a fence around the perimeter to secure it.

Since opening the field, the Scott Rakow Youth Center staff has diligently attempted to supervise the small play-field area by requesting patrons, throughout the day, with either unleashed dogs on the Par 3, or golfers to leave the play-field. Staff has reported that there is

confusion by residents and users when dog owners walk the area, or allow their dogs run loose in and around the play-field. Since there is no separation or designation, it is assumed by users that land is part of the Par 3 Golf Course and open for use.

This inability to control access has resulted in dogs off leash running up to children on the playfield in an aggressive or intimidating manner or to grab the ball the children may be playing with, children stepping in dog feces (which poses health and cleanliness issues), and additional maintenance required to clean up the feces before the children can use the field.

The safety, security and health issues facing the children playing on the unfenced designated field at the Rakow Center due to the dogs off-leash or dog owners walking their dogs on leash but failing to clean-up after their animal is similar to those faced by patrons of South Pointe Park as a result of the dogs running off-leash.

ANALYSIS

The need for a fence to be installed around the perimeter of the Scott Rakow Youth Center playfield was discussed by the members of the NCAC at the committee's January 28, 2013 meeting. At the meeting the Committee was provided an agenda item prepared by the Administration that included the following motions passed by the Parks and Recreation Department's Advisory Boards and the preliminary estimate of the cost to fabricate and install a fence around the perimeter of the playfield.

Parks and Recreation Department's Advisory Boards Actions

Pursuant to the issues mentioned above, the Scott Rakow Youth Center Advisory Board, at its November 17, 2011 meeting approved a motion, which was subsequently forwarded to the Commission via an LTC, dated February 3, 2012, and which was subsequently reviewed by the Parks and Recreational Facilities Advisory Board who approved their own motion, and a second LTC was then presented to Commission on the same subject.

The two motions were as follows:

MOTION: The Scott Rakow Youth Center Advisory Board unanimously requests that the City install a fence around the Scott Rakow Youth Center playfield for the safety of the children that attend the Youth Center.

Members Present -Jeff Gordon, Paul Stein, Jeff Graff, Dana Turken, Stephanie Rosen and Esther Egozi Choukroun

Motion Date November 17 2011

Motion Made By Jeff Gordon

Motion Seconded By Dana Turken

Motion Passed Unanimously

MOTION: The Parks and Recreational Facilities Advisory Board supports the

Recommendation of the SRYC Advisory Board requesting the play area be fenced in light of safety and all issues.

Members Present- Amy Rabin, Meryl Wolfson, Harriet Halpryn, Rebecca Boyce, Leslie Graff and Jonathan Groff

Motion Date: February 1, 2012

Motion Made By Jonathan Groff

Motion Seconded By Meryl Wolfson

Motion Passed Unanimously

Preliminary Fence Cost

It is currently estimated that an aluminum ornamental picket fence around the perimeter of the Scott Rakow Youth Center playfield would be approximately 4' H x 160' L x 60' W. A very preliminary cost estimate for this fence, based on the Commission approved Invitation To Bid No. 40-11/12, for Fencing Services For Various City Departments for the design, fabrication and installation is \$16,500. Again, this is a preliminary estimate and maybe subject to modification.

Committee Discussion

Following a brief presentation by the Administration the Neighborhood/Community Affairs Committee members held a discussion that focused on the need for a fence to ensure the safety of the youth participating in the Rakow Youth Center programs, the need to coordinate the timing of the fence installation with the Capital Improvement Projects Office to ensure it does not impede the project or get damaged during the construction planned construction of the Par 3 Golf Course program, and the identification of the funding needed to construct and install the fence, perhaps from unexpended contingency funds or other funds to be identified by the Administration. Prior to the conclusion of the discussion the NCAC members unanimously approved a motion recommending that a fence should be installed around the perimeter of the Scott Rakow Youth Center playfield for the safety and security of the children using the field.

CONCLUSION

The Administration recommends the motion of the NCAC at the January 28, 2013 meeting to install a fence around the perimeter of the Scott Rakow Youth Center playfield for the safety and security of the children using the field be approved.

KGB/MAS/KS

T:\AGENDA\2013\March 13\Comm. Memo. Accepting NCAC recommendation - Rakow Fence.doc

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ACCEPTING THE RECOMMENDATION OF THE NEIGHBORHOOD/COMMUNITY AFFAIRS COMMITTEE AT ITS JANUARY 28, 2013 MEETING TO INSTALL A FENCE AROUND THE PERIMETER OF THE SCOTT RAKOW YOUTH CENTER PLAYFIELD.

WHEREAS, at the December 12, 2012, City Commission meeting, Commissioner Weithorn requested that a discussion concerning the placement of a fence along the perimeter of the Scott Rakow playfield be referred to the Neighborhood/Community Affairs Committee (NCAC); and

WHEREAS, on December 19, 2010, the City's grand re-opening ceremony of the Scott Rakow Youth Center took place with the long-awaited ribbon cutting of the spectacular newly renovated Youth Center; and

WHEREAS, it was previously noted that two (2) key recreational elements missing in the original design was a playground and an outdoor playfield; and

WHEREAS, throughout the planning, design and construction phases of the Youth Center, there were discussions with various interested parties regarding the inclusion of a playground and playfield and the need for the playfield to be fenced-in for the safety and security of the children, however, there was concern from the neighborhood regarding the fence, therefore the final design did include a playfield, but did not include a fence around the perimeter to secure it; and

WHEREAS, since opening the playfield, the Rakow Youth Center staff has diligently attempted to supervise the small playfield area by requesting patrons, throughout the day, with either unleashed dogs on the Par 3 or golfers to leave the playfield; and

WHEREAS, the inability to control access has resulted in dogs off-leash running up to children on the playfield in an aggressive or intimidating manner or to grab the ball the children may be playing with, children stepping in dog feces (which poses health and cleanliness issues), and additional maintenance required to clean up the feces before the children can use the field; and

WHEREAS, the need for a fence to be installed around the perimeter of the Scott Rakow Youth Center playfield was discussed by the members of the NCAC at the Committee's January 28, 2013 meeting; and

WHEREAS, at the January 28, 2013 meeting, the Committee was provided an agenda item prepared by the Administration that included the motions passed by Scott Rakow Youth Center Advisory Board and the Parks and Recreation Department's Advisory Board supporting the installation of a fence for the safety and security of the youth using the Rakow playfield and the preliminary estimate of the cost to fabricate and install a fence around the perimeter of the playfield; and

WHEREAS, following a brief presentation by the Administration the Neighborhood/Community Affairs Committee members held a discussion that focused on the need for a fence to ensure the safety of the youth participating in the Rakow Youth Center programs, the need to coordinate the timing of the fence installation with the Capital Improvement Projects Office to ensure it does not impede the project or get damaged during the construction planned construction of the Par 3 Golf Course program, and the identification of the funding needed to construct and install the fence, perhaps from unexpended contingency funds or other funds to be identified by the Administration; and

WHEREAS, prior to the conclusion of the discussion, the NCAC members unanimously approved a motion recommending that a fence should be installed around the perimeter of the Scott Rakow Youth Center playfield for the safety and security of the children using the field; and

WHEREAS, the Administration recommends that the City Commission accept the recommendation of the NCAC at its January 28, 2013 meeting to install a fence around the perimeter of the Scott Rakow Youth Center playfield for the safety and security of the children using the field.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Mayor and City Commission hereby accept the recommendation of the Neighborhood/Community Affairs Committee approved at its January 28, 2013 meeting to install a fence around the perimeter of the Scott Rakow Youth Center playfield.

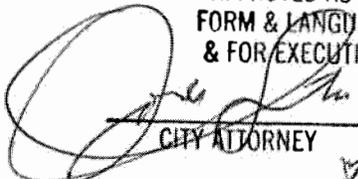
PASSED and **ADOPTED** this _____ day of March, 2013.

ATTEST:

MATTI HERRERA BOWER
MAYOR

RAFAEL GRANADO, CITY CLERK

T:\AGENDA\2013\March 13\Reso. - NCAC recommendation - Rakow Fence.doc

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

CITY ATTORNEY
2/27/13
DATE

Condensed Title:

A Resolution Of The Mayor And City Commission Of The City Of Miami Beach, Florida Approving, Pursuant To Section 2-367 (d) Of The Miami Beach City Code, The Sole Source Purchase Of Beach Access Accessibility "Mobi-Mats" From Deschamps Mat Systems, Inc. (d.b.a. DMS), The Exclusive Distributor Of The Access Mats, In The Annual Estimated Amount Of \$86,731.68, For A Period Of (3) Three Years.

Key Intended Outcome Supported:

Ensure safety and appearance of building structures and sites
Supporting Data (Surveys, Environmental Scan, etc.): Not available

Issue:

Shall the City Commission adopt the Resolution?

Item Summary/Recommendation:

Each year the City participates in Miami-Dade County's Parking Fines Reimbursement Program. The Program is based on Section 316.008, Florida Statutes, and Section 30-447 of the Code of Miami-Dade County, which authorizes the charging of fines for misuse of specially marked parking spaces for people with disabilities. A portion of the proceeds from the Parking Fines Reimbursement Program is provided to the City by Miami-Dade County for projects that benefit people with disabilities, in accordance with the Interlocal Agreement entered into by the City and the County on June 25, 2008.

The City of Miami Beach Disability Access Committee ("the Committee") meets monthly to discuss ADA compliance issues throughout the City. The Committee recommended in 2008 the purchase of Mobi-Mats by Deschamps Mats Systems, Inc. (DMS) with the proceeds from the Miami-Dade County's Parking Fines Reimbursement Program, including locations that the mats would best serve the public. Mobi-Mat is a durable, outdoor, lightweight access matting system. Mobi-Mat is designed to easily remove its anchoring system, roll up and store during turtle nesting season, hurricanes and occasional uses such as special events.

The Mobi-Mats will make beach area accessible and meet ADA and Disabled Discrimination Act ("DDA") requirements. The Mobi-Mat's durable material made of 100% polyester filament withstands the environmental elements, extensive pedestrian traffic, and will assist in protecting sensitive dunes. Wear and tear on the Mobi-Mats requires annual replacement of many of the mats.

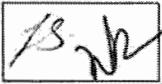
Mobi-Mats are only available for purchase from DMS (see attached sole source letter). However, in its due diligence, on February 11, 2013, the Procurement Division issued an "Intent to Award Pursuant to Sole Source Exemption" notifying interested parties that the City intended to make a non-competitive award for the acquisition of the Mobi-Mats. No responses were received. Miami-Dade County also recently compared the Mobi-mat to other products, and proceeded with the sole source purchase of the Mobi-Mat.

ADOPT THE RESOLUTION.

Advisory Board Recommendation:

N/A

Financial Information:

Source of Funds:	Amount	Account	
 OBPI	1	\$76,650.74	2013 ADA Compliance Grant Fund Acct No. 170-6958-000342
	2	\$ 9,477.87	2011 ADA Compliance Grant Fund Acct No. 170-6954-000342
	3	\$ 603.07	2010 ADA Compliance Grant Fund Acct No. 170-6961-000350
	Total	\$86,731.68	

Financial Impact Summary:

City Clerk's Office Legislative Tracking:

Alex Denis, Director Ext # 6641

Sign-Offs:

Department Director	Assistant City Manager	City Manager
AD  FB 	JGG  PDW 	KGB 

T:\AGENDA\2013\March 13\Sole Source Mobi-Mats SUMMARY.doc





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 

DATE: March 13, 2013

SUBJECT: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA APPROVING, PURSUANT TO SECTION 2-367 (d) OF THE MIAMI BEACH CITY CODE, THE SOLE SOURCE PURCHASE OF BEACH ACCESS ACCESSIBILITY “MOBI-MATS” FROM DESCHAMPS MAT SYSTEMS, INC. (D.B.A. DMS), THE EXCLUSIVE DISTRIBUTOR OF THE ACCESS MATS, IN THE ANNUAL ESTIMATED AMOUNT OF \$86,731.68, FOR A PERIOD OF (3) THREE YEARS.**

ADMINISTRATION RECOMMENDATION

Adopt the Resolution.

KEY INTENDED OUTCOME

Ensure safety and appearance of building structures and sites.

FUNDING

Funding in the amount of \$86,731.68 will be provided from the following accounts:

- \$76,650.74 – 2013 ADA Compliance Grant Fund Account No. 170-6958-000342
- \$ 9,477.87 – 2011 ADA Compliance Grant Fund Account No. 170-6954-000342
- \$ 603.07 – 2010 ADA Compliance Grant Fund Account No. 170-6961-000350
- \$86,731.68

Should additional funding be required for the purchase of more Mobi-Mats, it would be subject to the review and approval of the Office of Budget and Performance Improvement (OBPI).

BACKGROUND

Each year the City participates in Miami-Dade County's Parking fines Reimbursement Program. The Program is based on Section 316.008, Florida Statutes, and Section 30-447 of the Code of Miami-Dade County, which authorizes the charging of fines for misuse of specially marked parking spaces for people with disabilities. On June 25, 2008, the City of Miami Beach entered into a new Interlocal Agreement with Miami-Dade County for the distribution of these funds. A portion of the proceeds from the Parking Fines Reimbursement Program is provided to the City by Miami-Dade County for projects that benefit people with disabilities, in accordance with the Interlocal Agreement.

The City of Miami Beach Disability Access Committee (“the Committee”) meets monthly to discuss ADA compliance issues throughout the City. The Committee recommended in 2008 the purchase of the Mobi-Mats, and locations the mats would best serve the public. It was determined they should be initially installed on the beach at street ends, with disabled parking, on 4th, 5th, 10th, 14th, 21st and 35th streets.

The Committee recommends the purchase and location of additional Mobi-Mats as the need arises. The Mobi-Mats will make beach area accessible and meet ADA and Disabled Discrimination Act (“DDA”) requirements. The Mobi-Mat’s durable material made of 100% polyester filament withstands the environmental elements, extensive pedestrian traffic, and will assist in protecting sensitive dunes. Wear and tear on the Mobi-Mats requires annual replacement of many of the mats.

ANALYSIS

“Mobi-Mat” by Deschamps Mats Systems, Inc. (DMS) is a durable, outdoor, light-weight access matting system. The only other products on the market that resemble Mobi-Mat are the roll-up walkways that are made of heavy plastic lath. Mobi-Mat is designed to easily remove its anchoring system, roll up and store during turtle nesting season, hurricanes and occasional uses such as special events.

Mobi-Mats are only available for purchase from DMS (see attached sole source letter). However, in its due diligence, on February 11, 2013, the Procurement Division issued an “Intent to Award Pursuant to Sole Source Exemption” notifying interested parties that the City intended to make a non-competitive award for the acquisition of the Mobi-Mats. No responses were received.

Additionally, Miami-Dade County also recently compared the Mobi-mat to other products, Port-O-Path and Event-Deck, and proceeded with the sole source purchase of the Mobi-Mat because it requires less labor for the installation and removal, can be used for short and long term installations, it is easily portable, and it can be removed upon need, to different locations hosting special events, or due to hurricane/weather threats.

Other municipalities that have purchased the Mobi-Mats include Hollywood Beach, St. Petersburg, Ft. Myers Beach, Lee County and Sarasota County.

The price of the Mobi-Mats (model KIT Mobi Mat® RecPath Mobi - Type AFX) is \$1,814 for a 33 feet long by 60 inches wide mat and \$2,738 for a 50 feet long by 60 inches wide mat. See attached price list and quote for the quantities required.

CONCLUSION

The Administration recommends that the Mayor and City Commission of the City of Miami Beach, Florida approve, pursuant to Section 2-367 (d) of the Miami Beach City Code, the sole source purchase of beach access accessibility “Mobi-mats” from Deschamps Mat Systems, Inc. (d.b.a. DMS), the exclusive distributor of the access mats, in the annual estimated amount of \$86,731.68, for a period of (3) three years.

February 11th, 2013

Mobi-Mat Sole Source Certification

To Whom It May Concern:

We want to confirm and certify that the accessibility beach access mats, sold on the US market under the brand name "Mobi-Mat" are exclusively distributed by Deschamps Mats Systems Inc. (dba DMS), which is the wholly owned US subsidiary of the French manufacturer, Deschamps SA, located in the town of La Couronne, France.

DMS is headquartered in New Jersey, at 218 Little Falls Road, unit 7, Cedar Grove, NJ 07009 and is acting as the exclusive importer distributor of the Mobi-Mats for the entire United States.

Mobi-Mats can solely be purchased from Deschamps Mat Systems (DMS) and cannot be obtained through any other source. We are represented in Florida by our sole Agent, Mr. Jeff Olson, located in Sarasota, Fl. olson806@comcast.net (Jeff.Olson (External)).

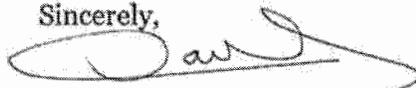
All purchases are made directly to Deschamps Mat Systems (DMS) at our US Headquarters in New Jersey.

Should you have any additional questions or clarification is needed, please do not hesitate to contact our office at: 973 928 3040 or email to our customer service-assistant@mobi-mats-dms.com.

You can also reach me at: thierry.darche@mobi-mat-dms.com

Thank you for your attention to this matter.

Sincerely,



Thierry Darche
Director of Operations
D M S

2013 PRICE LIST (r)
AG / SR / TD



	Kit P/N	Grade	Color	Weight lb/sq ft	Dimensions		Weight when rolled up lb	Finishings & Accessories				Price
					Width in	Length ft		Safety Edges	U-shaped Staples	Grommets	Connection System	
Mobi-Mat® RecPath	176267	A2X	Brown	0.34	60"	33'	58	✓	✓	✓	✓	\$ 2,199.00
	176268					50'	85	✓	✓	✓	✓	\$ 3,299.00
	176320				78"	33'	87	✓	✓	✓	✓	\$ 2,699.00
	176321					50'	123	✓	✓	✓	✓	\$ 3,999.00
	176270	A2XDL	Blue	0.37	60"	33'	61	✓	✓	✓	✓	\$ 2,629.00
	176271					50'	92	✓	✓	✓	✓	\$ 3,949.00
	176323				78"	33'	98	✓	✓	✓	✓	\$ 3,199.00
	176324					50'	140	✓	✓	✓	✓	\$ 4,799.00
	176272	A2XDL	Brown	0.37	60"	33'	61	✓	✓	✓	✓	\$ 2,629.00
	176273					50'	92	✓	✓	✓	✓	\$ 3,949.00
NEW 2013 Mobi-Mat® RecPath	191799	AFX	Blue	0.27	60"	33'	51	✓	✓	✓	✓	\$ 1,814.00
	191800					50'	73	✓	✓	✓	✓	\$ 2,738.00
	191807				78"	33'	64	✓	✓	✓	✓	\$ 2,357.00
	191808					50'	93	✓	✓	✓	✓	\$ 3,562.00
	191796	AFX	Brown	0.27	60"	33'	51	✓	✓	✓	✓	\$ 1,814.00
	191797					50'	73	✓	✓	✓	✓	\$ 2,738.00
	191803				78"	33'	64	✓	✓	✓	✓	\$ 2,357.00
	191804					50'	93	✓	✓	✓	✓	\$ 3,562.00

	Kit P/N	Grade	Color	Weight lb/sq ft	Dimensions		Weight when rolled up lb	Finishings & Accessories					Price	
					Width in	Length ft		Safety Edges	U-shaped Staples	Grounding Stakes	Grommets	I-Connection System		Stakes Retrieval Tool
Mobi-Mat® VMM	176264	A2X	Brown	0.36	120"	33'	125	✓		✓	✓	✓	✓	\$ 5,199.00
	176265					50'	190	✓		✓	✓	✓	✓	\$ 7,349.00

Mobi-Mat® RecPath & Vehicle Mobility Mat

Mobi-Mat® RecPath and VMM Type A2X are recommended for pedestrians, light & medium weight vehicles incl. wheelchairs, strollers, bicycles, ATV's, golf carts and autos.
 Mobi-Mat® RecPath Type A2X DL is recommended for both barefoot pedestrians and wheelchair users - especially designed for beach applications.
 Mobi-Mat® RecPath Type AFX is recommended for any type of ground surface and application.

Mobi-Chair	Kit P/N	Fabric Color	Weight	Clear Dimensions			Seat Dimensions			Weight Capacity	Price / Kit
				Length	Width	Height	Width	Depth	Height		
	176275	Blue	66 lbs	60"	42"	30"	18"	17"	19"	300 lbs	\$ 1,899.00

Mobi-Chair

Mobi-Chair is an amphibious beach wheelchair that allows its user to transition seamlessly from the boardwalk-to the beach-and into the water.

- Pricing doesn't include shipping costs.
- A Kit contains everything you need to install our products.

Deschamps Mat Systems, Inc.
 218 Little Falls Rd Unit 7
 Cedar Grove, NJ 07009
 USA



DMS Cage Code 3N2 Z7
 GSA Schedule #GS-07F-0316L
 DMS TIN 06-1633055

Quote #	13-01-1468-TD
Date	17-Jan-13

Delivery Time After Reception of Order	See Page 02
Sales Conditions	

Your local agent	Jeff Olson
e-mail :	olson806@comcast.net

CUSTOMER
City of Miami Beach Property Management Office Attn: Larry Gardner 1245 Michigan Avenue Miami Beach, FL 33139 Tel.: 305-673-7632 (Ext 2980) Cell: 786-376-8200 E-mail: larrygardner@miamibeachfl.gov

INCOTERM	Valid until	Currency
FOB Miami Beach, FL 33139-	28-Feb-13	USD

REF.	Description	Qty	Unit price in USD	Price in USD
191799	KIT Mobi-Mat® RecPath - Type AFX Color : Blue Dimensions : 33' long X 60 inches wide Delivered with bichromated steel staples pack Delivered with aluminum "beach sign"	15	\$ 1,814.00	\$ 27,210.00
191800	KIT Mobi-Mat® RecPath - Type AFX Color : Blue Dimensions : 50' long X 60 inches wide Delivered with bichromated steel staples pack Delivered with aluminum "beach sign"	21	\$ 2,738.00	\$ 57,498.00
	Ground Delivery	1	\$ 2,023.68	\$ 2,023.68

ACCEPTED FOR ORDER
Fax to DMS Inc , Fax : 1-973 928 3041
Place & date :
Name :
Stamp & Signature :

Amount Due	
Total amount due	\$ 86,731.68
INCOTERM:	
FOB Miami Beach, FL 33139-	

Made by	
POC	Jeff Olson
Phone # :	(941) 726-0171

RESOLUTION TO BE SUBMITTED

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Condensed Title:

A Resolution Of The Mayor And City Commission Of The City Of Miami Beach, Florida, Approving And Authorizing The Mayor And City Clerk To Execute An Amendment To The Joint Participation Agreement, Executed On October 17, 2012, With The Florida Department Of Transportation, For The Construction Of Drainage Improvements As Part Of The State Road 907/Alton Road Project At 10th Street.

Key Intended Outcomes Supported:

Ensure well maintained infrastructure

Supporting Data – N/A

Issue:

Shall the Mayor and City Commission Approve the Resolution?

Item Summary/Recommendation:

The Florida Department of Transportation (FDOT) is planning construction improvements on Alton Road/State Road (SR) 907. Project construction is scheduled to begin in April 2013 and be completed in July 2015. The Project will include significant drainage improvements a stormwater pump station at 10th Street. As a separate project, in March 2012 the City will be constructing a new seawall and street-end improvements at 10th Street west of Alton Road. In an effort to ensure coordination between the FDOT project and City project and minimize the construction impacts to residents along 10th Street, a JPA between FDOT and the City was approved by the City Commission on September 12, 2012 and executed on October 17, 2012. The JPA with FDOT allows the City to incorporate the proposed FDOT drainage elements along 10th Street (at FDOT's cost) as part of the City's 10th Street project, thus ensuring that the City's 10th Street improvements are not disturbed by the subsequent Alton Road project.

The JPA executed on October 17, 2012, provided that FDOT fund \$64,185 to cover the portion of construction along 10th Street pertaining to the Alton Road project. On November 27, 2012 the City issued an Invitation to bid for the Project. The bid was open until December 28, 2012. Following the bidding process the prices obtained were higher than those estimated in the JPA. The Amendment to the JPA will increase the total amount funded by FDOT from \$64,185 to \$194,190.30 and extend the contract term from April 1, 2013 to April 1, 2014.

THE ADMINISTRATION RECOMMENDS APPROVAL OF THE RESOLUTION

Advisory Board Recommendation: N/A

Financial Information:

Source of funds	#	Amount	Account	Approved

Financial Impact Summary: Funding for this project is recommended in the Fiscal Year 2012/13 Capital Improvement Program Budget

City Clerk's Office Legislative Tracking:

Elizabeth S. Wheaton, Environmental Resources Manager, Ext.6121

Sign-Offs:

Department Director	Assistant City Manager	City Manager
 FHB	 JGG	 KGB

T:\AGENDA\2013\March 13\FDOT JPA AMendment- 10th Street SUMM.doc





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: March 13, 2013

SUBJECT: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING AND AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN AMENDMENT TO THE JOINT PARTICIPATION AGREEMENT, EXECUTED ON OCTOBER 17, 2012, WITH THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION, FOR THE CONSTRUCTION OF DRAINAGE IMPROVEMENTS ON S.R. 907/ALTON ROAD AT 10th STREET.**

ADMINISTRATION RECOMMENDATION

The Administration recommends approving the Resolution.

FUNDING

Funding for this project is recommended in the Fiscal Year 2012/13 Capital Improvement Program Budget.

BACKGROUND

The Florida Department of Transportation (FDOT) is planning construction improvements on Alton Road/State Road (SR) 907. Project construction is scheduled to begin in April 2013 and be completed in July 2015. The Project will include significant drainage improvements a stormwater pump station at 10th Street. As a separate project, in March 2012 the City will be constructing a new seawall and street-end improvements at 10th Street west of Alton Road. In an effort to ensure coordination between the FDOT project and City project and minimize the construction impacts to residents along 10th Street, a JPA between FDOT and the City was approved by the City Commission on September 12, 2012 and executed on October 17, 2012. The JPA with FDOT allows the City to incorporate the proposed FDOT drainage elements along 10th Street (at FDOT's cost) as part of the City's 10th Street project, thus ensuring that the City's 10th Street improvements are not disturbed by the subsequent Alton Road project.

ANALYSIS

The JPA executed on October 17, 2012, provided that FDOT fund \$64,185 to cover the portion of construction along 10th Street pertaining to the Alton Road project. On November 27, 2012 the City issued an Invitation to bid for the Project. After the bids were opened, the prices for the work were higher than those provided in the JPA. To make up the price difference, the Amendment to the JPA will increase the total amount funded by FDOT from \$64,185 to \$194,190.30 and extend the contract term from April 1, 2013 to April 1, 2014.

CONCLUSION

The Administration strongly believes that the proposed stormwater drainage improvements to be constructed as part of the FDOT Alton Road Project are critical to the sustainability and quality-of-life of the City. The Amendment to the JPA will increase the total amount funded by FDOT and extend the contract term with FDOT from April 1, 2013 to April 1, 2014. As such, the Administration recommends approving the Resolution authorizing the Amendment with FDOT.

Attachment: Joint Participation Agreement Amendment

JGG/FHB/JJF/RWS/ESW

T:\AGENDA\2013\March 13\FDOT JPA Amendment - 10th Street MEMO.doc

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING AND AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN AMENDMENT TO THE JOINT PARTICIPATION AGREEMENT, EXECUTED ON OCTOBER 17, 2012, WITH THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION, FOR THE CONSTRUCTION OF DRAINAGE IMPROVEMENTS ON S.R. 907/ALTON ROAD AT 10th STREET.

WHEREAS, the Florida Department of Transportation (FDOT) is planning to construct improvements on Alton Road/State Road (S.R.) 907 from 5th Street to Michigan Avenue (Project); and

WHEREAS, the Project will improve the quality-of-life along the Alton Road corridor by including construction of watermain and stormwater drainage improvements along Alton Road and intersecting side streets which will help alleviate flooding along Alton Road and enhance the City's utility infrastructure system; and

WHEREAS, a Joint Participation Agreement (JPA) with the FDOT is necessary to allow the City to construct the proposed FDOT drainage elements along 10th Street (at FDOT's cost) as part of the City's 10th Street Seawall and Street-End project, thus ensuring that the City's 10th Street improvements are not disturbed by the subsequent Alton Road Project; and

WHEREAS, on October 17, 2012 a JPA was executed with the FDOT for the construction of drainage improvements of S.R. 907/Alton Road at 10th Street in the total amount of Sixty Four Thousand One Hundred Eighty Five Dollars (\$64,185.00) for the project costs; and

WHEREAS, it is necessary to increase the total Contract amount by One Hundred Thirty Thousand Five Dollars and Thirty Cents (\$130,005.30) to provide additional dollars needed to fully fund the FDOT's share of project costs; and

WHEREAS, the contract term will be extended from April 1, 2013 to April 1, 2014; and

WHEREAS, the invoicing shall be modified to reflect 120 days after the extended contract term of April 1, 2014, which will be amended to July 30, 2014; and

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Mayor and City Commission hereby approve and authorize the Mayor and City Clerk to execute an amendment to the Joint Participation Agreement, executed on October 17, 2012, with the State of Florida Department of Transportation, for the construction of drainage improvements on S.R. 907/Alton Road at 10th Street.

PASSED AND ADOPTED THIS _____ DAY OF _____ 2013.

ATTEST:

CITY CLERK

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

2nd print
PPA *3-4-13*

City Attorney **Date**

**AMENDMENT ONE TO JOINT PARTICIPATION AGREEMENT
BETWEEN THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION
AND THE CITY OF MIAMI BEACH**

This Amendment One to that certain Joint Participation Agreement AQT20, executed on October 17, 2012 (the "Contract"), incorporated herein by reference, between the City of Miami Beach, a municipal corporation of the State of Florida ("CITY"), and the State of Florida Department of Transportation, a component agency of the State of Florida ("DEPARTMENT"), for the construction of drainage improvements on S.R. 907/Alton Road at 10th Street, programmed under Financial Project Number 249911-4-58-01 ("PROJECT"), is entered into this _____ day of _____, 20__.

RECITALS:

WHEREAS, the Contract was entered into by both parties pursuant to the approval of the DEPARTMENT and of the CITY Commission by Resolution No. 2012-27994, adopted on September 12, 2012, in the total amount of Sixty Four Thousand One Hundred Eighty Five Dollars (\$64,185.00) for the PROJECT costs; and

WHEREAS, it is necessary to increase the total Contract amount by One Hundred Thirty Thousand Five Dollars and Thirty Cents (\$130,005.30) to provide additional dollars needed to fully fund the DEPARTMENT's share of PROJECT costs as identified in the attached Exhibit 'A1', 'Amended Financial Summary', which is herein incorporated by reference; and

WHEREAS, Section 2(c) in the General Requirements and Section 8, Expiration of Agreement, shall be amended to extend the Contract term from April 1, 2013 to April 1, 2014; and

WHEREAS, Section 9, Invoicing, shall be modified to reflect 120 days after the extended Contract term of April 1, 2014, which will be amended to July 30, 2014; and

WHEREAS, the CITY Commission has adopted Resolution No. _____ on _____, 20__, to approve the PROJECT increase in the total Contract amount from \$64,185.00 to \$194,190.30 and extend the contract term from April 1, 2013 to April 1, 2014.

NOW, THEREFORE, for the considerations hereinafter set forth:

The Contract dated October 17, 2012, is hereby amended as follows:

Financial Provisions shall be increased by an amount not to exceed One Hundred Thirty Thousand Five Dollars and Thirty Cents (\$130,005.30). The contract total shall not exceed One Hundred Ninety Four Thousand One Hundred Ninety Dollars and Thirty Cents (\$194,190.30).

Section 2(c) and 8 shall extend the Contract term to April 1, 2014.

Section 9 shall extend the final invoice submittal to July 30, 2014.

Exhibit "A" shall be supplemented by the increased amount of One Hundred Thirty Thousand Five Dollars and Thirty Cents (\$130,005.30), as detailed in the attached Exhibit 'A1'.

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All other terms and conditions of the Contract are in effect and remain unchanged.

CITY OF MIAMI BEACH:

**STATE OF FLORIDA, DEPARTMENT OF
TRANSPORTATION:**

By: _____
City Manager

By: _____
District Secretary

**ATTEST:
(SEAL)**

**ATTEST:
(SEAL)**

By: _____
City Clerk

By: _____
Executive Secretary

LEGAL REVIEW

LEGAL REVIEW:

By: Paul Ogilby
City Attorney
f *PO*

By: _____
District Chief Counsel

EXHIBIT 'A1'

AMENDED FINANCIAL SUMMARY

10th Street Intersection

ITEM NO.	DESCRIPTION	UNIT	QUANTITY	UNIT PRICE	AMOUNT
Drainage @ Alton Road and 10th Street					
Backflow Preventers for Existing 6.5' X 3' Box Culvert Outfall					
1	BONDS AND INSURANCE	LS	17.2%*	\$33,700.00	\$5,796.40
2	GENERAL CONDITIONS	LS	17.2%*	\$271,000.00	\$46,612.00
3	SURVEY AND LAYOUT SITE CONTROL	LS	17.2%*	\$14,000.00	\$2,408.00
4	INDEMNIFICATION	LS	17.2%*	\$25.00	\$4.30
5	MAINTENANCE OF TRAFFIC	LS	17.2%*	\$5,800.00	\$997.60
6	REMOVE AND DISPOSE UNSUITABLE MATERIAL	CY	392	\$28.00	\$10,976.00
7	MANATEE GRATE 8'X3'	LF	8	\$345.00	\$2,760.00
8	4'x6' CONCRETE CULVERT	LF	139	\$540	\$75,060.00
9	DOUBLE ALUMINUM ACCESS DOOR	EA	1	\$2,540.00	\$2,540.00
10	2" TYPE S-3 ASPHALT PAVEMENT	SY	134	\$20.00	\$2,680.00
11	TEMPORARY SHEETING AND SHORING AND DEWATERING	LS	1	\$42,500	\$42,500.00
12	LIMEROCK BOULDER REVETMENT	TN	16	\$116.00	\$1,856.00
DESCRIPTION					COST
Subtotal					\$194,190.30
TOTAL PROJECT COST					\$194,190.30

*Department's responsibility of the pay item.

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Condensed Title:

Resolution Accepting The Recommendation Of The Finance And Citywide Projects Committee To Execute An Amendment To The Lease Between The City And Damian J. Gallo & Associates, Inc. D/B/A Permit Doctor For An Additional Use Of The Ground Floor Retail Space Located At 1701 Meridian Avenue, Unit 4 (a/k/a 775 17th Street)

Key Intended Outcome Supported:

Not Applicable

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

Not Applicable

Issue:

Shall the City agree to an Amendment to The Lease with Damian J. Gallo & Associates, Inc. d/b/a Permit Doctor.

Item Summary/Recommendation:

On May 13, 2009, the Mayor and City Commission passed Resolution No. 2009-27071, approving a Consent to Assignment and Assumption of Lease Agreement whereby the Dade County Federal Credit Union assigned its lease to Damian J. Gallo & Associates, Inc. d/b/a Permit Doctor ("Tenant") and certain terms and conditions of the Lease Agreement were modified. The lease automatically renewed on February 1, 2011 and expires on January 30, 2016, with no additional renewal options.

Pursuant to the Lease, the Demised Premises shall be used by Tenant solely for the purpose(s) of providing building plan and permit processing services. The Tenant has requested permission to expand the use of the Demised Premises to include a cafe in a portion of space, to be separated by partition walls from the space which Tenant will continue to operate its plan and permit processing services. The Tenant further requested to use the outdoor walkway, immediately outside and to the east of the Premises, as an outdoor eating area.

From a Landlord/Proprietary perspective, the tenant mix at 1701 Meridian Avenue is more conducive to a café than to a plans/permitting processor's office. The use of the outdoor area in the City Hall complex is new but is comparable to other outdoor concession/lease agreements with the City such as Smith & Wollensky, Syanna and Cinematheque.

At its January 24, 2013 meeting, the Finance and Citywide Projects Committee recommended in favor of allowing the Tenant to use the Demised Premises for the dual purpose of plan/permit processing services (d/b/a Permit Doctor) as well as a café, subject to regulatory approvals at every level. Furthermore, it was recommended that the Tenant negotiate with legal to use the outdoor space for an eating area, and that any such agreement should be subject to the City having the right to revoke said agreement.

Advisory Board Recommendation:

Finance & Citywide Projects Committee: January 24, 2013

Financial Information:

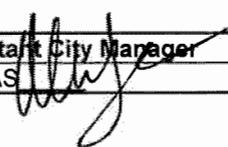
Source of Funds:	Amount	Account
1	n/a	

Financial Impact Summary:

City Clerk's Office Legislative Tracking:

Anna Parekh, ext. 6471

Sign-Offs:

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

KGB/MAS/AP/MM

T:\AGENDA\2013\March 13\Damian J. Gallo Lease Amendment SUM (3-13-13).docx



COMMISSION MEMORANDUM

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

FROM: Kathie Brooks, Interim City Manager

DATE: March 13, 2013

SUBJECT: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, TO ACCEPT THE RECOMMENDATION OF THE FINANCE AND CITYWIDE PROJECTS COMMITTEE TO EXECUTE AN AMENDMENT TO THE LEASE AGREEMENT BETWEEN THE CITY OF MIAMI BEACH AND DAMIAN J. GALLO & ASSOCIATES, INC. D/B/A PERMIT DOCTOR, DATED JULY 30, 2003, INVOLVING THE USE OF APPROXIMATELY 1,269 SQUARE FEET OF GROUND FLOOR RETAIL SPACE LOCATED AT 1701 MERIDIAN AVENUE, UNIT 4 (A/K/A 775 17TH STREET), MIAMI BEACH, FLORIDA; SAID AMENDMENT AUTHORIZING AN ADDITIONAL USE OF THE PREMISES AND FURTHER AUTHORIZING THE CITY TO NEGOTIATE A CONCESSION AGREEMENT ALLOWING FOR AN OUTDOOR EATING AREA, ADJACENT TO THE LEASED PREMISES**

ADMINISTRATION RECOMMENDATION

Adopt the Resolution.

BACKGROUND

On July 30, 2003, the Mayor and City Commission passed Resolution No. 2003-25298 approving a Lease Agreement between the City and the Miami Beach Federal Credit Union for the use of approximately 1,350 square feet of City-owned property, located at 1701 Meridian Avenue, Unit 4 (a/k/a 775 17th Street), Miami Beach, Florida for use as a federal credit union.

On January 11, 2006, the Mayor and City Commission passed Resolution No. 2006-26087 approving a Consent to Assignment and First Amendment to Lease Agreement whereby the Miami Beach Federal Credit Union assigned its lease to the Dade County Federal Credit Union and certain terms and conditions of the Lease Agreement were modified, including amending the Term to commence on February 1, 2006 and expire on January 31, 2011, with one automatic extension option for a period of four (4) years and 364 days.

On May 13, 2009, the Mayor and City Commission passed Resolution No. 2009-27071, approving a Consent to Assignment and Assumption of Lease Agreement whereby the Dade County Federal Credit Union assigned its lease to Damian J. Gallo & Associates, Inc. d/b/a Permit Doctor ("Tenant") and certain terms and conditions of the Lease Agreement were modified, including correcting the square footage of the Demised Premises, which is 1,269 square feet of ground floor retail space (not 1,350 square feet). The lease automatically renewed on February 1, 2011 and expires on January 30, 2016, with no additional renewal options.

As stated in Section 7.1 of the Lease Agreement, the Demised Premises shall be used by Tenant solely for the purpose(s) of providing building plan and permit processing services. The Tenant has requested permission from the City to expand the use of the Demised Premises to include a cafe in

approximately the eastern 2/3 portion of space, to be separated by partition walls from the space which Tenant will continue to operate its plan and permit processing services (d/b/a Permit Doctor). Furthermore, Tenant has requested to use the outdoor walkway, immediately outside and to the east of the Premises (perpendicular to the 17th Street sidewalk), as an outdoor eating area, containing four tables/umbrellas and eight chairs. A plan of the proposed Permit Doctor / café space, and the outdoor eating area which was prepared by Tenant, is attached hereto and marked "Attachment 1". A photograph of the existing adjacent outdoor space is also attached for your review and consideration and marked "Attachment 2."

ANALYSIS

The proposed café would cater to pedestrians along 17th Street as well as visitors to the convention center during special events. From a Landlord/Proprietary perspective, the tenant mix at 1701 Meridian Avenue is more conducive to a café than to a plans/permitting processor's office. The current waxing salon, massage franchise, and hair-drying salon all better function with an ancillary café/snack shop than with the current office use.

The use of the outdoor area in the City Hall complex is new but is comparable to other outdoor concession/lease agreements with the City such as Smith & Wollensky, Syanna and Cinematheque.

Tenant is currently paying a market rental rate of \$36.63 per square foot, on a triple net basis. The other three retail tenants at 1701 Meridian Avenue currently pay a triple net rental rate ranging from \$27.60 - \$38.36 per square foot. In addition to base rent, the retail tenants at 1701 Meridian pay operating expenses (including maintenance, insurance and real estate taxes) in the amount of approximately \$13.00 per square foot.

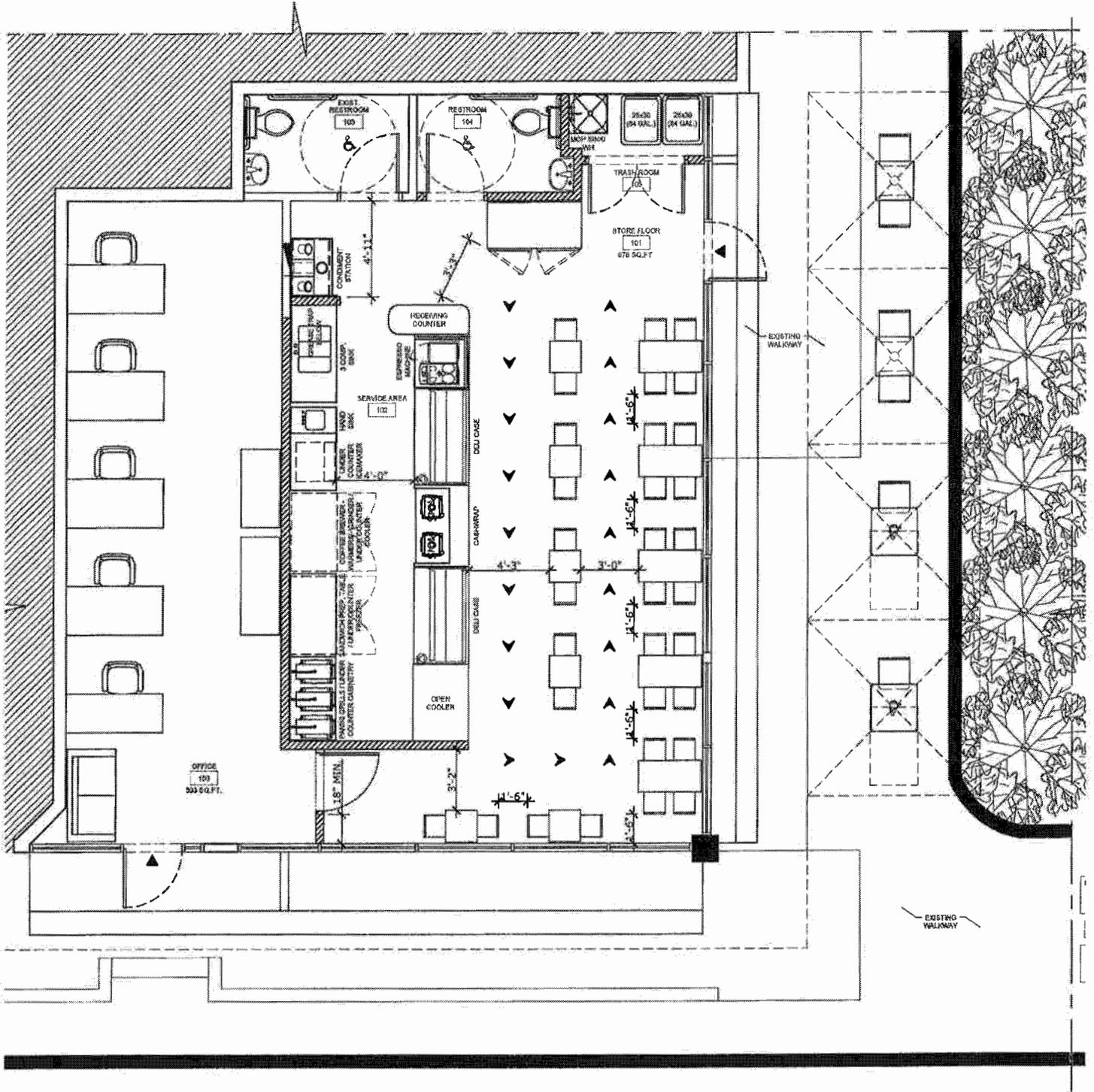
At its January 24, 2013 meeting, the Finance and Citywide Projects Committee (FCWPC) recommended in favor of allowing the Tenant to use the Demised Premises for the dual purpose of plan/permit processing services (d/b/a Permit Doctor) as well as a café, subject to regulatory approvals at every level. Furthermore, it was recommended that the Tenant negotiate with the City for the use of the outdoor space for an eating area. Any resulting agreement will be subject to the City having the right to revoke said agreement and will be subject to all regulatory approvals, and will include provisions for a return to the City, comparable to what has been negotiated with other tenants for similar circumstances. Therefore, if the Commission accepts the recommendation of the FCWPC, then a separate Concession Agreement will be negotiated for the outdoor space, including provisions for the greater of a minimum guaranteed fee to the City which will be based on sales projections, or 15% of gross sales. This is consistent with the terms and conditions recently negotiated and approved for Cinematheque at 1130 Washington Avenue.

CONCLUSION AND RECOMMENDATION

The Administration recommends that the Mayor and City Commission accept the recommendation of the FCWPC to execute an Amendment to the Lease Agreement with Damian J. Gallo & Associates, Inc. d/b/a/ Permit Doctor to allow for an additional use of the Premises, and further authorize the Administration to negotiate a separate Concession Agreement allowing for an outdoor eating area, adjacent to the Leased Premises.

KGB\MAS\AP\MM
Attachment

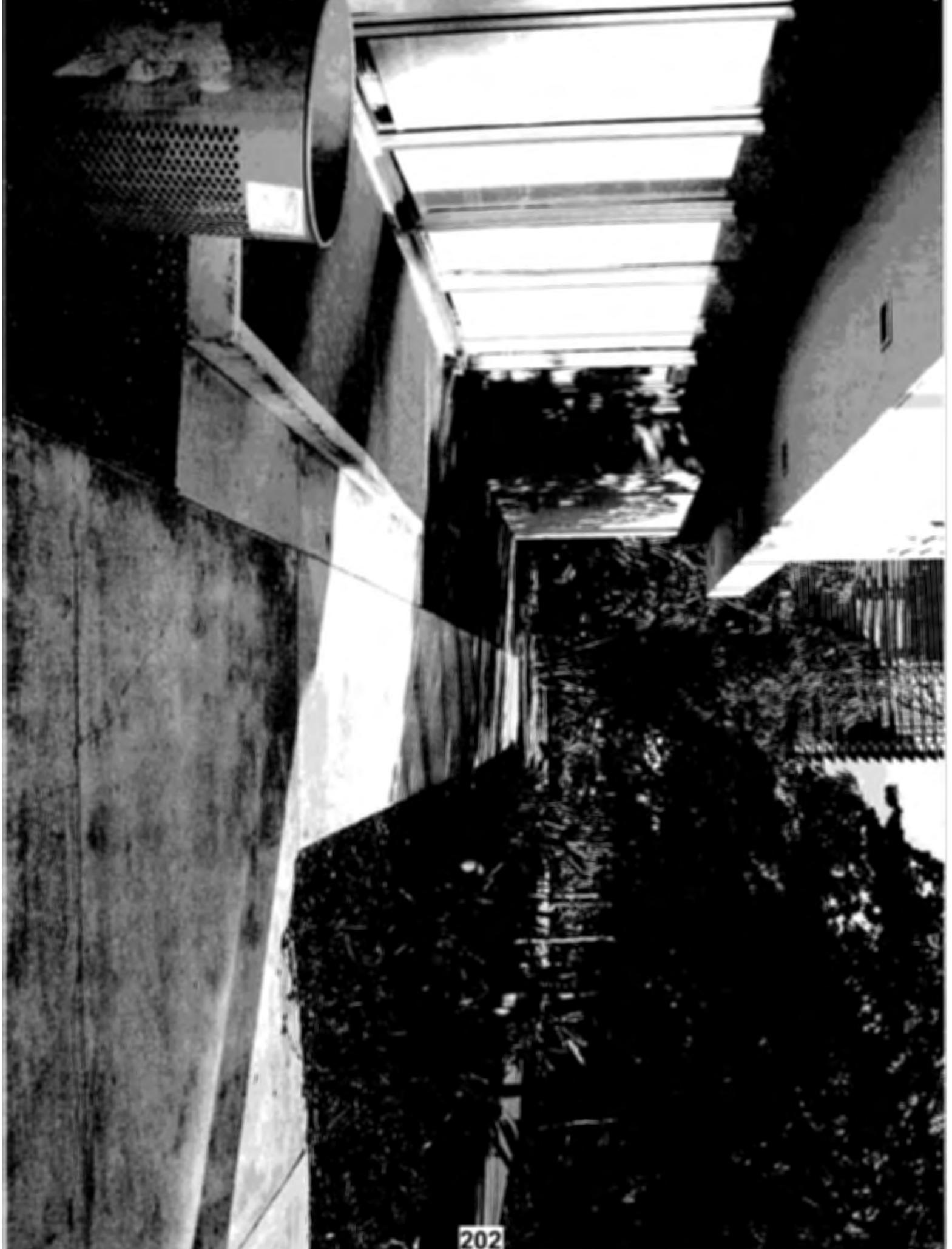
ATTACHMENT 1

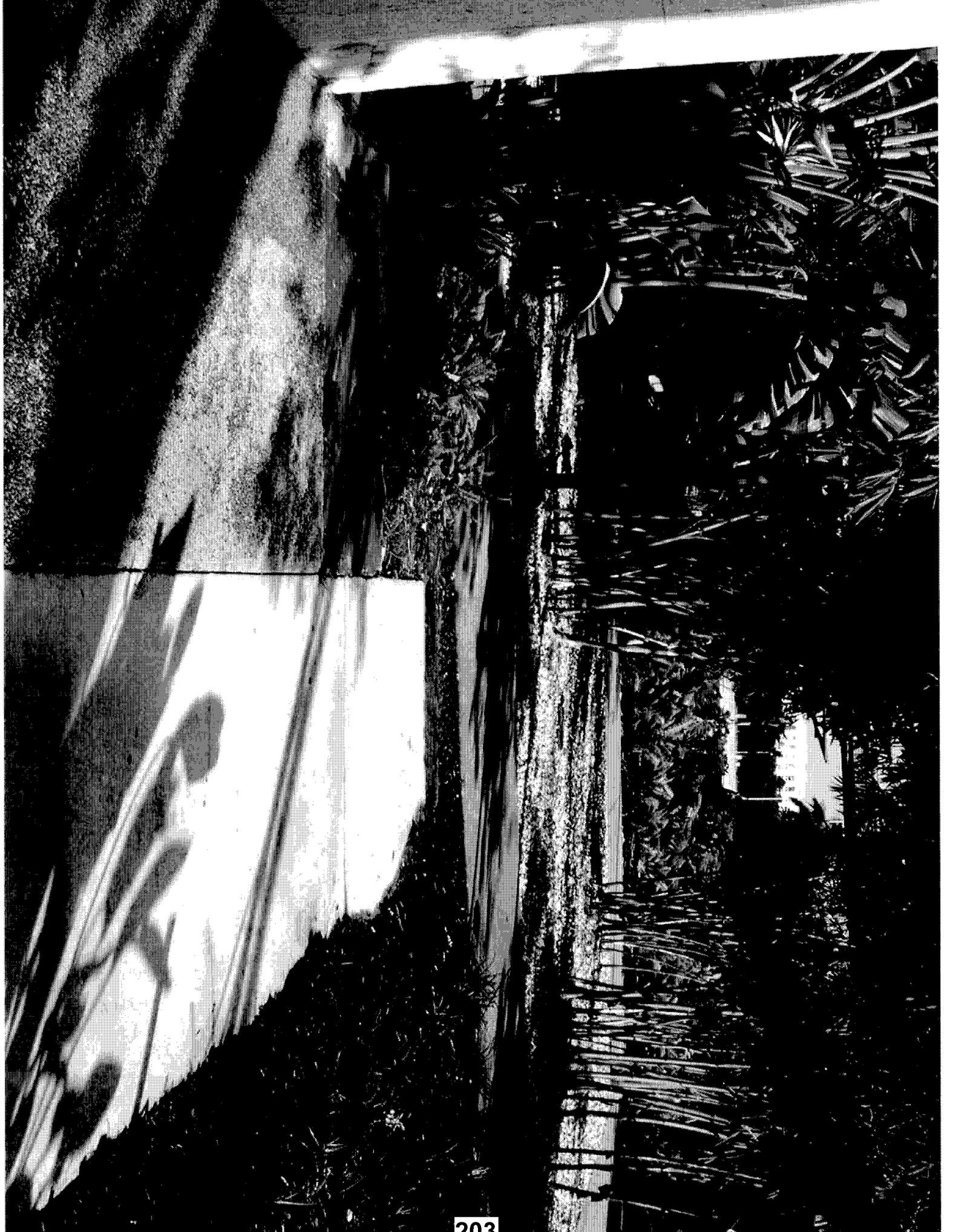


17 TH ST

A PROPOSED PLAN
A-1 SCALE: 1/4" = 1'-0"







RESOLUTION TO BE SUBMITTED

Condensed Title:

Resolution Accepting The Recommendation Of The Finance And Citywide Projects Committee To Execute An Amendment To The Lease Between The City And MDGLCC Foundation, Inc. Providing For A Rent Reduction For The Use Of Office Space Located At 1130 Washington Avenue, 1st Floor North

Key Intended Outcome Supported:

Not Applicable

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

Not Applicable

Issue:

Shall the City agree to an Amendment to The Lease with MDGLCC Foundation, Inc.

Item Summary/Recommendation:

On March 10, 2010, the Mayor and City Commission passed Resolution No. 2010-27354, approving a Lease Agreement between the City and MDGLCC Foundation, Inc. ("MDGLCC") for the use of approximately 2,543 square feet of City-owned property, located at 1130 Washington Avenue, 1st Floor North, Miami Beach, Florida. On October 30, 2012, MDGLCC submitted a letter to the City describing certain problems with the building due to its age, as well as certain maintenance and repair issues.

MDGLCC has expressed a need for a rent reduction in order to offset the cost of hiring additional staff, increase its hours of operation, and broaden its advertising. MDGLCC currently pays annual rent in the amount of \$20.56 per square foot, payable in monthly installments of \$4,357, consisting of \$2,062 for base rent (\$9.73/sf), \$1,950 for common area maintenance (\$9.20/sf) and \$345 for insurance (\$1.63/sf). MDGLCC requested a rent reduction from \$4,357 monthly to \$2,500 monthly, representing a reduction in rent from \$20.56 per square foot to \$11.80 per square foot.

At its January 24, 2013 meeting, the Finance and Citywide Projects Committee recommended in favor of granting Tenant's request for a rent reduction from \$20.56/sf to \$11.80/sf. The FCWPC recommendation to execute an Amendment to the Lease Agreement granting MDGLCC's request for a rent reduction; and further including certain performance criteria/measurables as established by Tenant and the City is presented for your consideration.

Advisory Board Recommendation:

Finance & Citywide Projects Committee: January 24, 2013

Financial Information:

Source of Funds:	Amount	Account
1	n/a	

Financial Impact Summary:

City Clerk's Office Legislative Tracking:

Anna Parekh, ext. 6471

Sign-Offs:

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

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

COMMISSION MEMORANDUM

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

FROM: Kathie Brooks, Interim City Manager

DATE: March 13, 2013

SUBJECT: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ACCEPTING THE RECOMMENDATION OF THE FINANCE AND CITYWIDE PROJECTS COMMITTEE AND APPROVING AND AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN AMENDMENT TO THE LEASE AGREEMENT BETWEEN THE CITY AND MDGLCC FOUNDATION, INC., DATED MARCH 10, 2010, INVOLVING THE USE OF APPROXIMATELY 2,543 SQUARE FEET OF OFFICE SPACE LOCATED AT HISTORIC CITY HALL, 1130 WASHINGTON AVENUE, 1ST FLOOR NORTH, MIAMI BEACH, FLORIDA; SAID AMENDMENT PROVIDING FOR A RENT REDUCTION**

ADMINISTRATION RECOMMENDATION

The Finance and Citywide Projects Committee recommendation to execute an Amendment to the Lease Agreement granting MDGLCC's request for a rent reduction; and further including certain performance criteria/measurables as established by Tenant and the City is presented for your consideration.

BACKGROUND

On March 10, 2010, the Mayor and City Commission passed Resolution No. 2010-27354, approving a Lease Agreement between the City and MDGLCC Foundation, Inc. ("MDGLCC" or "Tenant") for the use of approximately 2,543 square feet of City-owned property, located at 1130 Washington Avenue, 1st Floor North, Miami Beach, Florida ("Leased Premises"); said Lease having a term of three (3) years, commencing on April 1, 2010, and ending on March 31, 2013, with two (2) additional three (3) year renewal terms.

On October 30, 2012, Steven Adkins, President of MDGLCC, submitted a letter to Commissioner Michael Gongora, which is attached hereto and labeled "Attachment 1," wherein Mr. Adkins described certain problems with the building due to its age, as well as certain maintenance and repair issues. Mr. Adkins requested a rent reduction and a new ten (10) year lease.

On December 6, 2012, the Administration met with Mr. Adkins and Karen Brown, Executive Director of MDGLCC, to discuss the issues described in Mr. Adkins' letter. During the meeting, MDGLCC advised the City they had been communicating directly with Duane Knecht, former Director of Property Management, regarding various maintenance and repair issues related to their office and the building. It was determined that Property Management had been responding to MDGLCC's maintenance issues

without consideration for the City's or the Tenant's obligations under the Lease. Few, if any, formal work orders had been placed. While it was acknowledged that Property Management attempted to remedy rodent issues, the problem persisted. During the December 6th meeting, Property Management staff committed to continue to explore solutions to alleviate the circumstances, including concerns about leaks, which have affected the entire building, and problems with the air conditioning system, and fire alarm panel. Potential solutions for window treatments to block the heat were also discussed. MDGLCC was provided additional contact information for Office of Real Estate, Housing & Community Development staff and both City staff and the Tenant committed to more closely tracking contractual obligations and work orders so that persistent problems may be addressed jointly and separately by both parties as necessary.

In the meantime, the Tenant has expressed a need for a rent reduction in order to offset the cost of hiring additional staff, increase its hours of operation, and broaden its advertising.

The Tenant also requested a new ten (10) year lease. However, in light of the fact that, as mentioned above, the current Lease term ends on March 31, 2013, and has two additional three (3) year renewal terms, the Tenant did not pursue the request for a new lease.

ANALYSIS

Rent Reduction:

MDGLCC requested that its rent be reduced to \$30,000 annually (\$11.80 per square foot) payable in monthly installments of \$2,500. MDGLCC currently pays annual rent in the amount of \$52,280 (\$20.56 per square foot) payable in monthly installments of \$4,357. Said monthly amount consists of \$2,062 for base rent (\$9.73 per square foot), \$1,950 for common area maintenance (\$9.20 per square foot) and \$345 for insurance (\$1.63 per square foot).

As a comparison, the other ground floor tenant, Miami Beach Film Society, Inc. (d/b/a/ Miami Beach Cinematheque), also located on the 1st Floor of Historic City Hall, currently pays \$20.56 per square foot, which includes base rent of \$9.73, plus \$9.20 per square foot for common area maintenance, plus \$1.63 per square foot for insurance. The operating expenses for both MDGLCC and Cinematheque are currently \$10.83 per square foot.

With the exception of the Miami Dade County Clerk of the Courts, the remaining six tenants in the building, which are for-profit entities (Strang Adams, P.A.; Paul A. Sack, Esq.; Rubin & Bickman, PLLC; David L. Wrubel, CPA; GEMCOR, Inc.; and Immunity, Inc.) currently pay a rental rate ranging from \$23.30 to \$26.07 per square foot for office space, which includes common area maintenance of \$11.08 per square foot plus insurance charges of \$1.63 per square foot.

Comparable asking rent for office space on Washington Avenue is currently a weighted average of \$30.58 per square foot.

As requested by the Finance and Citywide Projects Committee (FCWPC) on January 24, 2013, during the discussion of MDGLCC's request for a rent reduction, staff prepared a list of rental amounts paid by non-profit organizations renting City facilities. The requested list is attached hereto and labeled "Attachment 2". Said rental amounts vary greatly based on various factors including the time the agreement was executed, the non-profit entity, the size of the premises/land, etc.

Lease Term:

MDGLCC's current lease is for a period of three (3) years expiring March 31, 2013, with two (2) additional three (3) year renewal terms, subject to approval by the City Manager.

CONCLUSION AND RECOMMENDATION

The Finance and Citywide Projects Committee recommendation to execute an Amendment to the Lease Agreement granting MDGLCC's request for a rent reduction; and further including certain performance criteria/measurables as established by Tenant and the City is presented for your consideration.


KGB/MA/SWP/MM
Attachments

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Attachment 1

1130 Washington Ave.
1st Floor North
Miami Beach, FL 33139
EMAIL: mdglcc@bellsouth.net
WEB: www.gaybizmiami.com
OFFICE: 305-673-4440
FAX: 305-673-8883

A Not -For-Profit Corporation

October 30, 2012

Commissioner Michael Gongora
City of Miami Beach
1700 Convention Center Dr.
Miami Beach, FL 33139

RE: MDGLCC Foundation Lease - Historic City Hall

Dear Commissioner;

On behalf of the MDGLCC Foundation, Inc. which leases space from the City of Miami Beach in Historic City Hall, I would like to ask for your assistance in bringing before the -Mayor & Commission a request for lease reduction. As a refresher, the LGBT Visitor Center on Miami Beach:

- is the safe and welcoming gathering place of the LGBT community in Miami-Dade.
- serves tourists and community members through a variety of programs and services.
- offers warm hospitality and a friendly welcoming face to those visiting our city for the first time.
- provides educational outreach through community partnerships and community calendar.

Since moving into the space more formally known as Historic City Hall (1130 Washington Ave. - 1st Floor North, Miami Beach, FL 33139), we have found that being tenants of an older building brings with it many issues. While we think the location for our business in operating the LGBT Visitor Center is ideal, the condition of the building is less so. The problems we have encountered (and continue to face):

- The building is infested with rats – since early 2011, we have dealt with a severe rat problem. The City of Miami Beach property management group (specifically Duane Knecht and his team) have tried unsuccessfully to alter the situation. Traps have been placed around the property and, many rodents have been captured. However, the rodent droppings and urine cause an extremely unpleasant odor and, are by themselves very unhealthy (it is everywhere from air ducts to ceiling tiles to ventilation).
- The building alarm – Though, not as bad as it once was, the alarm will go off for no reason and, continues to do so.
- Heat in the offices – The dome portions of all east and west facing windows remain uncovered. Due to restrictions imposed by Design Preservation, we cannot place anything on the windows that might block the intense sun (and heat). Florida Power & Light did an energy assessment of the building a couple of years back and, determined that placing a film over the windows would make the space more efficient and, cut down on the direct sunlight. Nothing has transpired and, we have higher than normal energy costs, as a result.
- Leaks in the ceiling - During heavy rains, we have reported leaks in our ceiling in many areas. Again, property management has responded but, there are still areas affected.

Michael, we are committed to staying here and, have invested tens of thousands of dollars to make this space a premiere LGBT Visitor/Community Center...one we and the City/County can be proud of. We would like to request that the City grant MDGLCC Foundation Inc a new 10 year lease at \$2500/month, commencing as soon as can be approved. The roughly \$1,850 in monthly savings would be used as follows:

- Services – As a result of our location, we see a lot of traffic from the general public...not just the LGBT market. We have become a resource center for all travelers, homeless persons, unemployed, people looking for the New City Hall, etc. We just don't have the staff to properly address the needs of some of these people. Having an additional person(s) will allow us to solicit the proper training to handle these situations more adeptly.
 - Add an additional staff person. We are currently open Monday – Friday from 9 am to 6 pm. Our goal is to be open 7 days a week and, longer hours into the evenings.

Miami-Dade Gay & Lesbian Chamber of Commerce
EMAIL: mdglcc@bellsouth.net
OFFICE: 305-673-4440

- Advertising – The Foundation has a limited ad budget and, has secured assistance through grants to fund advertising placements in Passport, Wire and Hotspots Magazine. We believe that the additional cash flow support will allow us to look at more online opportunities and, broaden our market reach leading to more LGBT visitor traffic to Miami Beach.

We appreciate your assistance in this matter and, look forward to discussing any questions you might have. Please feel free to call me at your earliest convenience.

Kind regards,

Steven Adkins, President
MDGLC Foundation, Inc.

Attachment 2

Tenant	Location	Square Foot	Document type	Start Date	Expiration Date	Term	Term w/ Options	Annual					Monthly Amount
								Base Rent	CAM	Insurance	Total	Gross Rent/Sq. Ft.	
HISTORIC CITY HALL - 1130 Washington Avenue, Miami Beach, Florida 33139													
MDGLCC	1 st FL - North	2543	Lease	4/1/2010	3/31/2013	3 YRS	Two 3 YR Renewals	\$ 24,739.46	\$ 23,395.60	\$ 4,145.04	\$ 52,280.10	\$ 20.56	\$ 4,356.67
Miami Beach Film Society, Inc.	1 st FL - South	2523	Lease	3/1/2010	2/28/2013	3 YRS	Two 3 YR Renewals	\$ 24,544.89	\$ 23,211.60	\$ 4,112.52	\$ 51,869.01	\$ 20.56	\$ 4,322.42
Miami Beach Film Society, Inc.	Outdoor Courtyard	---	Concession	12/1/2012	2/28/2013	3 Months	Two 3 YR Renewals	\$ 7,000.00	\$ -	\$ -	\$ 7,000.00	N/A	\$ 583.33
Miami Dade Clerk of the Court	2nd Floor	6148	Lease	10/1/1990	9/30/1991	1 YR	Yearly Auto Renewal	\$ 1.00	\$ -	\$ -	\$ 1.00	\$ 0.00	Payable annually
SOUTH SHORE COMMUNITY CENTER - 833-6th Street, Miami Beach, Florida 33139													
UNIDAD	1st Floor Storage & 2nd Floor Offices	4155	Lease	10/2/2009	9/30/2014	5 YRS	One 5 YR Renewal	\$ 1.20	\$ 31,893.72	\$ -	\$ 31,894.92	\$ 7.68	\$ 2,657.91
Miami-Dade Comm. Action Agency	1st Floor	2076	Lease	10/2/2009	9/30/2014	5 YRS	One 5 YR Renewal	\$ 1.20	\$ 15,935.28	\$ -	\$ 15,936.48	\$ 7.68	\$ 1,328.04
Jewish Community Services (Sr. Ride)	1st Floor	445	Lease	10/2/2009	9/30/2014	5 YRS	One 5 YR Renewal	\$ 1.20	\$ 3,415.80	\$ -	\$ 3,417.00	\$ 7.68	\$ 284.75
Jewish Community Services (Sr. Meals)	1st Floor Storage & Auditorium	3081	Lease	10/2/2009	9/30/2014	5 YRS	One 5 YR Renewal	\$ 2.40	\$ 7,576.20	\$ -	\$ 7,578.60	\$ 2.46	\$ 631.55
Little Havana Activities and Nutrition Centers	1st FL	2919	Lease	10/2/2009	9/30/2014	5 YRS	One 5 YR Renewal	\$ 1.20	\$ 22,406.16	\$ -	\$ 22,407.36	\$ 7.68	\$ 1,867.28
VARIOUS CITY-WIDE LOCATIONS													
Boys & Girls Club	1200 Michigan Ave	---	Mgmt Agreement	11/1/2008	10/31/1938	30 YRS	Two 10 YR Renewal	\$ -	\$ -	\$ -	\$ -	N/A	\$ -
Commissioner Bruno Barreiro	1700 Convention Center Drive	412	Lease	2/1/2013	11/30/2016	46 Months	One 3 YR Renewal	\$ 1.00	\$ -	\$ -	\$ 1.00	\$ 0.00	Payable annually
Council Towers North	1049 Collins Ave	20909	Lease/Use	7/9/1976	7/8/2026	50 YRS	N/A	\$ 19,125.00	\$ -	\$ -	\$ 19,125.00	\$ 0.91	\$ 1,593.75
Council Towers South	533 Collins Ave	24829	Lease/Use	7/9/1976	7/8/2026	50 YRS	N/A	\$ 21,500.00	\$ -	\$ -	\$ 21,500.00	\$ 0.87	\$ 1,791.67
ECOMB, Inc.	210 2nd Street	1251	Lease	12/16/2009	12/31/2012	3 Y 16 D	One 3 YR Renewal	\$ 1.20	\$ 740.88	\$ -	\$ 742.08	\$ 0.59	\$ 61.84
Holocaust Memorial	1933-1945 Meridian Ave	---	Lease	3/8/2000	3/7/2099	99 YRS	N/A	\$ 10.00	\$ -	\$ -	\$ 10.00	N/A	Payable annually
Jewish Community Center	4221 Pine Tree Drive	---	Lease	11/8/2000	11/7/2099	99 YRS	N/A	\$ 10.00	\$ -	\$ -	\$ 10.00	N/A	Payable annually
Log Cabin Enterprises	8128 Collins Ave.	52500	Lease	8/1/2009	7/31/2012	3 YRS	One 3 YR Renewal	\$ 7,200.00	\$ -	\$ -	\$ 7,200.00	\$ 0.14	\$ 600.00
Miami Beach Botanical Gardens	2000 Convention Center Drive	87120	Mgmt Agreement	7/1/2007	6/30/2012	5 YRS	One 5 YR Renewal	\$ 1.00	\$ -	\$ -	\$ 1.00	\$ 0.00	Payable annually
Miami Beach Watersports Center	65th Street & Indian Creek Drive	---	Lease	8/1/2002	5/21/2021	18 YRS/9 M/21 D	N/A	\$ 10.00	\$ -	\$ -	\$ 10.00	N/A	Payable annually
Miami City Ballet	2200 Liberty Avenue	63000	Lease	2/9/2006	4/12/2046	40 YRS/63 D	4 15 YR Renewal	\$ 1.00	\$ 97,297.15	\$ -	\$ 97,298.15	\$ 1.54	Varies by month
Miami Design Preservation League	1001 Ocean Dr.	---	Mgmt Agreement	1/1/2010	12/31/2014	5 YRS	2 5 YR Renewal	\$ -	\$ 23,905.44	\$ -	\$ 23,905.44	N/A	\$ 1,992.12
Mystary Park Arts Co.	2100 Wash. Ave.	5375	Lease	1/13/2010	1/12/2016	5 YRS	Two 2YR Renewal	\$ -	\$ 10,464.00	\$ -	\$ 10,464.00	\$ 1.95	\$ 872.00
Police Athletic League	999 11 th St	12600	Lease	7/1/1996	6/30/2023	27 YRS	N/A	\$ 1.00	\$ -	\$ -	\$ 1.00	\$ 0.00	Payable annually
Representative David Richardson	1701 Meridian Avenue	149	Lease	12/20/2012	11/30/2014	3 YRS	Three 2 YR Renewal	\$ -	\$ 894.00	\$ 134.16	\$ 1,028.16	\$ 6.90	\$ 85.88
UNIDAD - Northbeach Senior Center	7251 Collins Avenue	---	Mgmt Agreement	9/30/2006	9/29/2046	40 YRS	Four 10 YR Renewal	\$ -	\$ -	\$ -	\$ -	N/A	\$ -

AMENDMENT NO. 1 TO LEASE AGREEMENT

This Amendment No. 1 to Lease Agreement is entered into this _____ day of _____, 2013 by and between the **CITY OF MIAMI BEACH**, a Florida municipal corporation, (hereinafter referred to as "City" or "Landlord"); and **MDGLCC FOUNDATION, INC.**, a Florida not-for-profit corporation (hereinafter referred to as "Tenant").

WITNESSETH:

WHEREAS, on March 10, 2010, the Mayor and City Commission adopted Resolution No. 2010-27354, approving a Lease Agreement between the City and MDGLCC Foundation, Inc., for use of approximately 2,543 square feet of City-owned property at 1130 Washington Avenue, 1st Floor North, Miami Beach, Florida, for an initial term of three years, with two additional three year renewal terms, at the City's sole discretion; and

WHEREAS, on March 13, 2013, the Mayor and City Commission adopted Resolution No. 2013-_____ accepting the recommendation of the Finance and Citywide Projects Committee and approving and authorizing the Mayor and City Clerk to execute an Amendment to the Lease Agreement between the City and MDGLCC Foundation, Inc., dated March 10, 2010, involving the use of approximately 2,543 square feet of office space located at Historic City Hall, 1130 Washington Avenue, 1st Floor North, Miami Beach, Florida; said amendment providing for a rent reduction; and

NOW THEREFORE, the City and Tenant, for and in consideration of the mutual covenants, agreements and undertakings herein contained, do by these presents mutually covenant and agree to amend the Lease Agreement, as follows:

1. Subsection 3.1, entitled "Base Rent", on Page 2 of the Lease Agreement, shall be shall be amended (*deleted items struck through and inserted items underlined*) as follows:

Base Rent for the Demised Premises shall begin to accrue on ~~August 1, 2006~~ April 1, 2013 (the Commencement Date).

- 3.1.1 Throughout the Term herein, the Base Rent for the Demised Premises shall be ~~Twenty Three Thousand Three Hundred Nineteen Dollars and 31/100 (\$23,319.31) per year, payable in monthly installments of One Thousand Nine Hundred Forty Three Dollars and 28/100 (\$1,943.28)~~ Thirty Thousand Dollars and 00/100 (\$30,000.00) per year, payable in monthly installments of Two Thousand Five Hundred Dollars and 00/100 (\$2,500.00).

2. Section 7, entitled "Use and Possession of Demised Premises", on Page 4 of the Lease Agreement, shall be amended (*deleted items struck through and inserted items underlined*) as follows:

7. Use and Possession of Demised Premises.

- 7.1 The Demised Premises shall be used by the Tenant as office, retail and visitor center space for the Miami-Dade Gay & Lesbian Chamber of Commerce for purposes of promoting a unified and thriving, gay and gay-friendly, business and professional community throughout Miami-Dade County. Tenant shall be required to offer Public Services as contained in "Exhibit A" attached hereto. Said Premises shall be open for operation a minimum of five (5) days a week, with minimum hours of operation being as follows:

Monday - Friday: ~~4:00 AM~~ 9:00 AM to 6:00 PM

Tenant shall not otherwise modify the days or hours of operation without the prior written approval of the City Manager. Nothing herein contained shall be construed to authorize hours contrary to the laws governing such operations. In addition to the foregoing days and hours of operation, Tenant shall provide aAdditional sStaffing and hHours/dDays of oOperation, hereby known as Measurables, and further describeds contained in "Exhibit B" attached hereto.

3. Except as otherwise specifically amended herein, all other terms and conditions of the Lease Agreement by and between the Landlord and Tenant shall remain in full force and effect. In the event there is a conflict between the provisions provided herein and the Lease Agreement, the provisions of this Amendment No. 1 to Lease Agreement shall govern.

[The remainder of this page has been left intentionally blank]

IN WITNESS WHEREOF, this Amendment has been duly executed by the parties hereto as of the day and year first written above.

Attest:

CITY OF MIAMI BEACH, FLORIDA

Rafael Granado, City Clerk

Matti Herrera Bower, Mayor

Attest:

MDGLCC FOUNDATION, INC.

Secretary

Steve Adkins, President

(Print Name)

CORPORATE SEAL
(affix here)

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EXHIBIT A

Public Services

Public Services Offered at the Demised Premises

- Personalized Visitor Services
 - Hotel Booking
 - Restaurant Referral
 - Travel advice
 - Tour information & bookings
 - Mapping and location services
 - LGBT information
 - City of Miami Beach Activity Calendar

- City of Miami Beach Services Referral Office
 - Homeless
 - Discrimination
 - Business Licenses
 - Parking & Marriage Licenses

- Hi-Speed Internet HotSpot

- Computer Center with 2 computers

- Online Travel and Community Info provider via www.GoGayMiami.com

- Meeting Place (Volunteer and general meeting location) for the following:
 - SMART Recovery Center (Tuesday evenings)
 - AIDS Testing Center (SoBeAids Project)
 - Winter Party
 - White Party
 - Aqua Girl
 - Miami Beach Gay Pride
 - Sizzle Miami
 - Miami Beach Bruthaz
 - GLISA (WorldOutGames 2017)
 - Pink Flamingo Hospitality Program
 - MDLGCC
 - MGLFF
 - GMCVB FAM Trip Location
 - MCIV Dignitary Training Location
 - MIFF
 - Florida Grand Opera
 - Arsht Center
 - Pridelines Youth Services
 - Switchboard Miami
 - MDGLCC Financial Education

- Local Artist Exhibits
 - Art United
 - LGBT Art Festival
 - Classical South Florida

- Publication Distribution Site
 - Wire Magazine
 - Hotspots Magazine
 - South Florida Gay News
 - Genre Latino
 - SHE Magazine
 - Miami Magazine
 - Aventura Magazine
 - CLARITY Business Magazine
 - Miami Today
 - Miami Herald
 - Passport Magazine
 - Welcome/Bievenidos Magazines

- Television Viewing Center (2 televisions offering cable and local viewing)

EXHIBIT B

Measurables~~Additional Staffing and Hours/Days of Operation~~

- Add Part-time staff person to work 20 hours per week – Effective July 2013
- Open on Saturdays from 11:00 AM to 4:00PM – Effective July 2013
- Open on Sundays from 11:00 AM to 4:00 PM – Effective October 2013
- Extend weekday hours until 7:00 PM – Effective January 2014

RESOLUTION TO BE SUBMITTED

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Condensed Title:

A Resolution accepting the recommendation of the Neighborhood/Community Affairs Committee requesting the Miami Beach Visitor And Convention Authority to serve as the host committee for the City Of Miami Beach Centennial, which will occur on march 26, 2015.

Key Intended Outcome Supported:

Maximize Miami Beach as a Brand Destination

Promote and Celebrate Our City's Diversity

Supporting Data (Surveys, Environmental Scan, etc.): N/A

Item Summary/Recommendation:

The City's centennial will occur on March 26, 2015. Planning for a Centennial celebration requires a lot of time and resources. In order to kick-start the planning process the City Administration referred a discussion to the Neighborhood/Community Affairs Committee at the December 12, 2012 City Commission meeting.

The Neighborhood/Community Affairs Committee discussed this item at their January 28, 2013 meeting and agreed that planning for the City's Centennial should begin immediately and further stated that it should be a yearlong celebration. Upon further discussion, the Committee passed a motion recommending that the Miami Beach Visitor & Convention Authority (MBVCA) take this on as a project. The MBVCA would need to develop a comprehensive vision for the celebration and oversee the planning, fundraising, logistics and coordination of the Centennial celebration.

The MBVCA will be discussing this item at their next meeting and additional information will be provided following the meeting

The Administration recommends adopting the recommendation of the Neighborhood/Community Affairs Committee.

Advisory Board Recommendation:

The Neighborhood/Community Affairs Committee discussed this item at their January 28, 2013 meeting and recommended the Miami Beach Visitor and Convention Authority take this on as a project and serve as the host committee.

Financial Information:

Source of Funds:		Amount	Account
	1		
	2		
	3		
	Total		

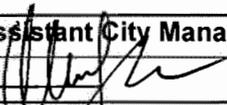
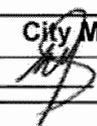
OBPI

Financial Impact Summary:

City Clerk's Office Legislative Tracking:

Max A. Sklar, Acting Assistant City Manager

Sign-Offs:

Department Director	Assistant City Manager	City Manager
	MAS 	KGB 

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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: March 13, 2013

SUBJECT: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ACCEPTING THE RECOMMENDATION OF THE NEIGHBORHOOD/COMMUNITY AFFAIRS COMMITTEE REQUESTING THE MIAMI BEACH VISITOR AND CONVENTION AUTHORITY TO SERVE AS THE HOST COMMITTEE FOR THE CITY OF MIAMI BEACH CENTENNIAL, WHICH WILL OCCUR ON MARCH 26, 2015.**

ADMINISTRATION RECOMMENDATION

Adopt the Resolution.

KEY INTENDED OUTCOME

Maximize Miami Beach as a Brand Destination

Promote and Celebrate Our City's Diversity

BACKGROUND

The City's centennial will occur on March 26, 2015. Planning for a Centennial celebration requires a lot of time and resources. In order to kick-start the planning process the City Administration referred a discussion to the Neighborhood/Community Affairs Committee at the December 12, 2012 City Commission meeting.

The Neighborhood/Community Affairs Committee discussed this item at their January 28, 2013 meeting. The Committee agreed that planning for the City's Centennial should begin immediately and further stated that it should be a yearlong celebration. Upon further discussion, the Committee passed a motion recommending that the Miami Beach Visitor & Convention Authority (MBVCA) take this on as a project. The MBVC would need to develop a comprehensive vision for the celebration and oversee the planning, fundraising, logistics and coordination of the Centennial celebration. They would also need to do the following as part of this project:

- Celebrate the City through a comprehensive use of its venues and amenities.
- Manage a broad range of activities whose content and pricing reflect the demographic, economic and cultural diversity of the City, including events that are free to the public.
- Work collaboratively with all parties interested in these goals, and especially with the City's cultural, historic and civic organizations.

- Creating an event to attract local, national, and international visitors.
- Coordinate with the City Administration and provide periodic updates to the Administration and City Commission.

The MBVCA will be discussing this item at their next meeting and additional information will be provided following the meeting

CONCLUSION

The Administration recommends that the Mayor and City Commission adopt the recommendation of the Neighborhood/Community Affairs Committee.

KGB/MAS
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RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ACCEPTING THE RECOMMENDATION OF THE NEIGHBORHOOD/COMMUNITY AFFAIRS COMMITTEE REQUESTING THE MIAMI BEACH VISITOR AND CONVENTION AUTHORITY TO SERVE AS THE HOST COMMITTEE FOR THE CITY OF MIAMI BEACH CENTENNIAL, WHICH WILL OCCUR ON MARCH 26, 2015.

WHEREAS, the City's Centennial will occur on March 26, 2015; and

WHEREAS, planning for a Centennial celebration requires a lot of time and resources; and

WHEREAS, the City Administration referred a discussion to the Neighborhood/Community Affairs Committee at the December 12, 2012 City Commission meeting; and

WHEREAS, the Neighborhood/Community Affairs Committee discussed this item at their January 28, 2013 meeting and recommended the Miami Beach Visitor and Convention Authority take this on as a project and serve as the host committee.

NOW, THEREFORE, BE IT DULY RESOLVED THAT THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, hereby accept the recommendation of the Neighborhood/Community Affairs Committee requesting the Miami Beach Visitor and Convention Authority to serve as the host committee for the City of Miami Beach Centennial, which will occur on March 26, 2015.

PASSED and **ADOPTED** this _____ day of _____, 2013.

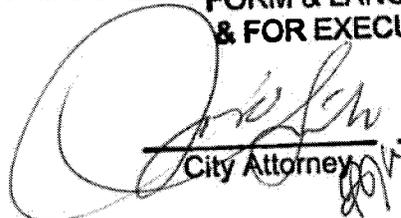
ATTEST:

MATTI HERRERA BOWER
MAYOR

RAFAEL GRANADO
CITY CLERK

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



City Attorney 2-22-13
Date

Condensed Title:

A Resolution Of The Mayor And City Commission Of The City Of Miami Beach, Florida, Accepting The Recommendation Of The City Manager Pertaining To The Ranking Of Firms, Pursuant To Request For Qualifications (RFQ) No. 56-11/12, For The Purpose Of Conducting And Documenting Detailed Facilities Condition Assessments Of Various Buildings/Assets Owned By The City Of Miami Beach, And To Develop A Schedule For Assets And Equipment Replacement Within The Buildings/Assets To Include Current And Projected Future Replacement Costs; Authorizing The Administration To Enter Into Negotiations With All Three Proposers: Bermello Ajamil & Partners, Inc.; Nova Engineering And Environmental, LLC.; And VFA, Inc.; And Further Authorizing The Mayor And City Clerk To Execute Agreements Upon Conclusion Of Successful Negotiations By The Administration.

Key Intended Outcome Supported:

Ensure well maintained facilities.
Supporting Data (Surveys, Environmental Scan, etc.): The 2009 Customer Satisfaction Survey indicated that 87.2% of residents, and 85% of businesses rated the appearance and maintenance of the City's public buildings as excellent or good.

Issue:

Shall the City Commission adopt the Resolution?

Item Summary/Recommendation:

The purpose of this RFQ is to select qualified proposers to conduct and document detailed Facility Conditions Assessments (FCA) of various buildings/assets owned by the City of Miami Beach, and to develop a schedule for assets and equipment replacement within the buildings/assets, to include current and projected future replacement costs. The successful Proposer will be required to provide a thorough FCA of the City owned facilities listed in Appendix A, following the VFA Capital Planning Management Solution software format currently used by the City for maintaining facility condition assessment data gathered through the facilities condition assessment process recommended herein.

RFQ No. 56-11/12 was issued on September 21, 2012, with a deadline for the receipt of qualification packages of November 2, 2012. BidNet issued bid notices to 43 prospective proposers and five (5) proposers downloaded the bid notification. Procurement sent notice via e-mail to all 44 firms from the City's rotational Architectural/Engineering. The notices resulted in the receipt of three (3) proposals from the following firms: Bermello Ajamil and Partners, Inc.; Nova Engineering and Environmental, LLC; VFA, Inc.

The Interim City Manager via Letter to Commission (LTC) No. 332-2012, appointed an Evaluation Committee (the "Committee") to evaluate proposals received. Following the receipt of proposals, the Committee convened and discussed the proposer's qualifications, experience, and competence, and further scored the proposers in accordance with the criteria established by the RFQ. The Committee unanimously recommended to enter into negotiations with the top-ranked firm, Bermello Ajamil & Partners, Inc.; and should the Administration not be able to successfully negotiate an agreement with the top-ranked firm, authorizing the administration to negotiate with the second-ranked firm, VFA, Inc.; and should the administration not be able to negotiate an agreement with the second-ranked firm, authorizing the administration to negotiate an agreement with the third-ranked firm, Nova Engineering and Environmental, LLC.

After considering the review and recommendation of Committee, the Interim City Manager exercised her due diligence and recommends that the Mayor and the City Commission authorize the Administration to enter into negotiations with all three proposers; further authorizing the Mayor and City Clerk to execute an agreement upon conclusion of successful negotiations by the Administration.

ADOPT THE RESOLUTION.

Advisory Board Recommendation:

N/A

Financial Information:

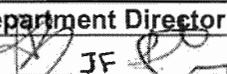
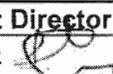
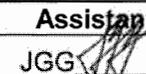
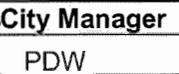
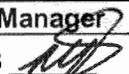
Source of Funds:	Amount	Account
1	\$159,000	Property Management Account No. 520-1720-000349
2	\$132,000	Property Management Account No. 011-0815-000349
3		
Total	\$291,000	

Financial Impact Summary:

City Clerk's Office Legislative Tracking:

Alex Denis, Director Ext # 6641

Sign-Offs:

Department Director	Assistant City Manager	City Manager
AD  JF 	JGG  PDW 	KGB 

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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

DATE: March 13, 2013

SUBJECT: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ACCEPTING THE RECOMMENDATION OF THE INTERIM CITY MANAGER PERTAINING TO THE RANKING OF FIRMS, PURSUANT TO REQUEST FOR QUALIFICATIONS (RFQ) NO. 56-11/12, FOR THE PURPOSE OF CONDUCTING AND DOCUMENTING DETAILED FACILITIES CONDITION ASSESSMENTS OF VARIOUS BUILDINGS/ASSETS OWNED BY THE CITY OF MIAMI BEACH, AND TO DEVELOP A SCHEDULE FOR ASSETS AND EQUIPMENT REPLACEMENT WITHIN THE BUILDINGS/ASSETS TO INCLUDE CURRENT AND PROJECTED FUTURE REPLACEMENT COSTS; AUTHORIZING THE ADMINISTRATION TO ENTER INTO NEGOTIATIONS WITH ALL THREE PROPOSERS: BERMELLO AJAMIL & PARTNERS, INC.; NOVA ENGINEERING AND ENVIRONMENTAL, LLC.; AND VFA, INC.; AND FURTHER AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AGREEMENTS UPON CONCLUSION OF SUCCESSFUL NEGOTIATIONS BY THE ADMINISTRATION.**

ADMINISTRATION RECOMMENDATION

Adopt the Resolution.

KEY INTENDED OUTCOME

Ensure well maintained facilities.

FUNDING

The amount budgeted for these services for Fiscal Year 2012/2013 is \$291,000. Funding in the amount required will be provided from the following accounts:

- \$159,000 – Property Management Account No. 520-1720-000349
- \$132,000 – Property Management Account No. 011-0815-000349
- \$291,000**

Should additional funding be required due to increased need of services, it would be subject to the review and approval of the Office of Budget and Performance Improvement (OBPI).

BACKGROUND

The purpose of this RFQ is to select qualified proposers to conduct and document detailed Facility Conditions Assessments (FCA) of various buildings/assets owned by the City of Miami Beach, and to develop a schedule for assets and equipment replacement within the buildings/assets, to include current and projected future replacement costs.

It is extremely important that FCAs be performed on a regular schedule for City of Miami Beach buildings and assets. These FCAs assist in determining the asset value, replacement cost, and a full condition report of all systems that support the asset within the asset's envelope. The FCA projects

timelines for equipment replacement based on condition and lifecycle and projects needed upgrades within the asset's interior and exterior envelope.

All of this information combined generates the asset's Facility Condition Index (FCI). The FCI is used to measure a facility's overall condition (excellent, good, poor, or should be demolished) and provides a monetary investment value needed to bring the asset's FCI to a more desirable rating. The FCI is also a tool used in the City's Active Strategy Program to track the overall average condition of the major facilities within the City.

Seven years ago, the City invested in the VFA Capital Planning Management Solutions software program that, combined with the information collected through the FCA process, provides a tool to manage and assure that the City maintains all its facilities at the highest possible level of integrity and functionality.

Additionally, the information gathered from the FCA is critical to an effective facility management program, and this information can only be attained by conducting thorough facility inspections. The City does not have the capacity to conduct the required comprehensive inspections itself; thus relies on outside sources who possess the knowledge and experience to conduct a timely detailed FCA, and who are knowledgeable and experienced in working with the VFA Capital Planning Management Solutions software used by the City to manage this data.

SCOPE OF SERVICES

The successful Proposer will be required to provide a thorough FCA of the City owned facilities listed in Appendix A, following the VFA Capital Planning Management Solution software format currently used by the City for maintaining facility condition assessment data gathered through the facilities condition assessment process recommended herein.

All inspectors must be certified by the State of Florida to perform inspections for their specific discipline(s) and must have extensive knowledge of current building code requirements.

All FCAs must be completed within 120 days of the contract award. All data gathered from the FCA must be loaded into VFA by the successful Proposer within 90 days of completion of such FCA.

The City retains the right to award all, partial, or none of the facilities, or to make multiple awards, if deemed in the best interest of the City.

RFQ PROCESS

On July 18, 2012, the Mayor and City Commission approved the issuance of Request for Qualifications (RFQ) No. 56-11/12, for the purpose of conducting and documenting a detailed facilities condition assessment of various buildings/assets owned by the City of Miami Beach, and to develop a schedule for assets and equipment replacement within the buildings/assets, to include current and projected future replacement costs (the "RFQ").

RFQ No. 56-11/12 was issued on September 21, 2012, with a deadline for the receipt of qualification packages of October 23, 2012. A pre-proposal conference to provide information to the proposers submitting a response was held on October 5, 2012. Two addenda were issued to answer questions by prospective proposers, hence postponing the deadline to November 2, 2012.

BidNet issued bid notices to 43 prospective proposers and five (5) proposers downloaded the bid notification. Additionally, Procurement sent notice via e-mail to all 44 firms from the City’s rotational Architectural/Engineering contract with the intent of maximizing competition and participation. The notices resulted in the receipt of three (3) proposals from the following firms:

- Bermello Ajamil and Partners, Inc.
- Nova Engineering and Environmental, LLC
- VFA, Inc.

On December 20, 2012, the Interim City Manager via Letter to Commission (LTC) No. 332-2012, appointed an Evaluation Committee (the “Committee”) consisting of the following individuals:

- Herman Fung, Contracts Coordinator, Property Management
- Margarita Wells, Environmental Specialist, Public Works
- * Gerardo Usallan, Capital Projects Coordinator, CIP
- Christi Cvijanovic, Resident and CMB Leadership Academy Graduate
- Guy Simani, Resident and CMB Leadership Academy Graduate
- * Glendon Hall, Management and Budget Analyst (Alternate)
- Michael Silverman, Resident and CMB Leadership Academy (Alternate)

* Committee member Gerardo Usallan could not attend the meeting, and was replaced by Glendon Hall, Management and Budget Analyst.

The Committee convened on January 15, 2013 for presentations from all proposers, followed by a question and answer session, and reconvened on January 23, 2013 for deliberations. The Committee was instructed to score and rank the proposals pursuant to the evaluation criteria established in the RFQ, which was as follows:

Total Points	Criteria
25	The experience and qualifications of the Proposer
30	The experience and qualifications of the professional personnel assigned to the Project Team and the Project Manager, as well as their familiarity with this project and a thorough understanding of the methodology and approach to be used in this assignment
20	Past performance based on quality of the Performance Evaluation Surveys and the Administration’s due diligence based upon reference checks performed of the Proposer’s clients
5	Willingness to meet time and budget requirements as demonstrated by past performance, methodology and approach
5	Certified minority business enterprise participation. Either the Proposer or a member of the Proposer’s Team may qualify for proof of certification for minority business enterprise participation. Accepted minority business enterprise certifications include the Small Business Administration (SBA), State of Florida, or Miami-Dade County
5	Location
5	Recent, current and projected workloads of the firms
5	The volume of work previously awarded to each firm by the City, with the object of effecting an equitable distribution of contracts among qualified firms, provided such distribution does not violate the principle of selection of the most highly qualified firm

Additional points, over the aforementioned potential points were to be allocated, if applicable and in accordance to following ordinances.

LOCAL PREFERENCE: The Evaluation Committee will assign an additional five (5) points to Proposers, which are, or include as part of their proposal team, a Miami Beach-based vendor as defined in the City’s Local Preference Ordinance. No points were allocated to any of the proposers for local preference.

VETERANS PREFERENCE: The Evaluation Committee will assign an additional five (5) points to Proposers, which are, or include as part of their proposal team, a small business concern owned and controlled by a veteran(s) or a service-disabled veteran business enterprise, as defined in the City’s Veterans Preference Ordinance. No points were allocated to any of the proposers for veteran’s preference.

The Committee discussed proposer’ qualifications, experience, and competence, and further scored the proposers. The Committee’s final rankings are as follows:

FINAL RANKINGS						
	Herman Fung	Margarita Wells	Glendon Hall	Christi Cvijanovic	Guy Simani	<u>LOW AGGREGATE TOTALS</u>
Bermello Ajamil & Partners	(88) 1	(92) 1	(96) 1	(97) 1	(93) 1	(5) 1
VFA, Inc.	(79) 2	(75) 2	(81) 2	(87) 2	(81) 2	(10) 2
Nova Engineering and Environmental	(78) 3	(67) 3	(79) 3	(78) 3	(74) 3	(15) 3

A motion was presented by Christi Cvijanovic, seconded by Guy Simani, and unanimously approved by all Committee members, to recommend entering into negotiations with the top-ranked firm, Bermello Ajamil & Partners, Inc.; and should the administration not be able to successfully negotiate an agreement with the top-ranked firm, authorizing the administration to negotiate with the second-ranked firm, VFA, Inc.; and should the administration not be able to negotiate an agreement with the second-ranked firm, authorizing the administration to negotiate an agreement with the third-ranked firm, Nova Engineering and Environmental, LLC.

COMPANY’S PROFILE

BERMELLO AJAMIL & PARTNERS (B&A)

Founded in 1939 (incorporated under its current name in 1992), B&A is an A/E firm providing complete planning, design and construction services in the disciplines of architecture, engineering, planning, interior design and landscape architectures since 1939. B&A maintains a staff of over 86 personnel, and has extensive experience in providing plans review and building inspection services. For over 12 years, B&A has been the Building Code consultant for the Miami-Dade County School Board. B&A has also worked on all types of projects with municipalities, local and state agencies throughout South Florida, including among others: Miami-Dade County, City of Miami, City of Fort Lauderdale, Port of Miami, City of Miramar.

VFA, INC. (VFA)

VFA was founded in 1998, and employs over 100 experienced building analysts, which are comprised of project directors, project managers, architects, electrical and mechanical engineers with an average of 20 + years experience. Some of the representative clients in addition to the US General Services Administration include U.S. Navy Bureau of Medicine and Surgery; the States of Idaho, Illinois, Louisiana and Missouri; and the Cities of New York, Houston, Kansas and Calgary among others.

NOVA ENGINEERING AND ENVIRONMENTAL

Nova was established in 1996, and currently employs approximately 150 personnel in 11 offices, consisting of registered engineers, certified plans examiners and inspectors, geologists and specialty consultants. Nova provides similar services to State of Florida Department of Corrections, State of Florida Juvenile Justice, City of Fort Lauderdale, City of Naples, and Miami-Dade Community College among other agencies.

MANAGER'S DUE DILIGENCE

After considering the review and recommendation of Committee, the Interim City Manager exercised her due diligence and recommends that the Mayor and the City Commission authorize the Administration to enter into negotiations with all three proposers rather than only one as recommended by the Committee because of the amount of projects and the short window (120 days) in which FCAs are to be completed; further authorizing the Mayor and City Clerk to execute an agreement upon conclusion of successful negotiations by the Administration.

The list of facilities will be divided based on total square footage as a basis for negotiations. Upon completion of negotiations, the facility assessments will be assigned as deemed in the best interest of the City to each proposer.

CONCLUSION

The Administration recommends that the Mayor and City Commission of the City of Miami Beach, Florida accept the recommendation of the Interim City Manager pertaining to the ranking of firms, pursuant to Request for Qualifications (RFQ) No. 56-11/12, for the purpose of conducting and documenting detailed facilities condition assessments of various buildings/assets owned by the City of Miami Beach, and to develop a schedule for assets and equipment replacement within the buildings/assets to include current and projected future replacement costs; authorizing the Administration to enter into negotiations with all three proposers: Bermello Ajamil & Partners, Inc.; Nova Engineering and Environmental, LLC.; and VFA, Inc.; and further authorizing the Mayor and City Clerk to execute agreements with all firms contingent upon conclusion of successful negotiations by the Administration.

APPENDIX A - List of Facilities scheduled for FCA

Facility Description		Facility Description	
1	10th Beach Patrol	37	Byron Carlyle Theater
2	10th St. Auditorium	38	Carl Fisher Clubhouse
3	12th Street Parking Garage	39	City Hall
4	13th Street Parking Garage	40	Colony Theater
5	14th. Street Beach Restroom	41	Crespi Park Building
6	16th Street Parking Garage	42	Electrowave Building
7	16th Street Parking Garage	43	Fire Station 1
8	17th Street Parking Garage	44	Fire Station 2
9	21th Street Community Center	45	Fire Station 3
10	42nd Street Parking Garage	46	Fire Station 4
11	777 Building	47	Flamingo Pool Facility Buildings
12	7th Street Parking Garage	48	Fleet Maintenance Shop #1
13	A-555 Building	49	Fleet Maintenance Shop #2
14	A-Beach Restroom No. 1 - 3rd Street	50	Fleet Maintenance Shop #3
15	A-Beach Restroom No. 2 - 6th Street	51	Garden Center Buildings
16	A-Beach Restroom No. 3 - 10th Street	52	Historic City Hall
17	A-Beach Restroom No. 4 - 14th Street	53	Historic Fire Station 2
18	A-Beach Restroom No. 5 - 21st Street	54	Lummus Park Beach Restroom
19	A-Beach Restroom No. 6 - Men - 46th Street	55	Marine Patrol Building @ Bay St
20	A-Beach Restroom No. 6 - Women - 46th Street	56	Miami Beach Golf Clubhouse
21	A-Beach Restroom No. 7 - 53rd Street	57	Miami City Ballet Building
22	A-Beach Restroom No. 8 - Men - 64th Street	58	Muss Park Building
23	A-Beach Restroom No. 8 - Women - 64th Street	59	Normandy Golf course Clubhouse
24	Acorn Band shell	60	North Shore Band shell Building
25	Acorn Theater	61	North Shore Open Space Park Restroom # 1
26	A-Fairway Park Pavilion	62	North Shore Youth Center
27	A-Normandy Isle Park Pool	63	Old Library Building
28	A-Normandy Shores Park Restrooms & Storage	64	PAL Building
29	A-North Shore Open Space Park Pavilion No. 1	65	Police Garage
30	A-North Shore Open Space Park Pavilion No. 2	66	Police Station
31	A-North Shore Open Space Park Pavilion No. 3	67	Public Works operations facility
32	A-North Shore Open Space Park Restroom No. 2	68	Sanitation Storage
33	A-North Shore Open Space Park Restroom No. 3	69	South Shore Community Center
34	A-Scott Rakow Community Youth Center	70	Stillwater Park Building
35	A-South Point Police Substation	71	Tatum Park Building
36	Bass Museum		

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ACCEPTING THE RECOMMENDATION OF THE INTERIM CITY MANAGER PERTAINING TO THE RANKING OF FIRMS, PURSUANT TO REQUEST FOR QUALIFICATIONS (RFQ) NO. 56-11/12, FOR THE PURPOSE OF CONDUCTING AND DOCUMENTING A DETAILED FACILITIES CONDITION ASSESSMENT OF VARIOUS BUILDINGS/ASSETS OWNED BY THE CITY OF MIAMI BEACH, AND TO DEVELOP A SCHEDULE FOR ASSETS AND EQUIPMENT REPLACEMENT WITHIN THE BUILDINGS/ASSETS TO INCLUDE CURRENT AND PROJECTED FUTURE REPLACEMENT COSTS; AUTHORIZING THE ADMINISTRATION TO ENTER INTO NEGOTIATIONS WITH ALL THREE PROPOSERS: BERMELLO AJAMIL & PARTNERS, INC.; NOVA ENGINEERING AND ENVIRONMENTAL, LLC.; AND VFA, INC.; AND FURTHER AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AGREEMENTS UPON CONCLUSION OF SUCCESSFUL NEGOTIATIONS BY THE ADMINISTRATION.

WHEREAS, On July 18, 2012, the Mayor and City Commission approved the issuance of Request for Qualifications (RFQ) No. 56-11/12, for the purpose of conducting and documenting a detailed facilities condition assessment of various buildings/assets owned by the City of Miami Beach, and to develop a schedule for assets and equipment replacement within the buildings/assets, to include current and projected future replacement costs; and

WHEREAS, RFQ No. 56-11/12 was issued on September 21, 2012, with a deadline for the receipt of qualification packages of October 23, 2012; and

WHEREAS, a pre-proposal conference to provide information to the proposers submitting a response was held on October 5, 2012, and two addenda were issued to answer questions by prospective proposers, hence postponing the deadline to November 2, 2012; and

WHEREAS, BidNet issued bid notices to 43 prospective proposers and five (5) proposers downloaded the bid notification, and Procurement sent notice via e-mail to all 44 firms from the City's rotational Architectural/Engineering contract with the intent of maximizing competition and participation; and

WHEREAS, the notices resulted in the receipt of three (3) proposals from the following firms: Bermello Ajamil and Partners, Inc., Nova Engineering and Environmental, LLC, and VFA, Inc.; and

WHEREAS, On December 20, 2012, the Interim City Manager via Letter to Commission (LTC) No. 332-2012, appointed an Evaluation Committee (the "Committee") consisting of the following individuals:

- Herman Fung, Contracts Coordinator, Property Management
- Margarita Wells, Environmental Specialist, Public Works
- Gerardo Usallan, Capital Projects Coordinator, CIP
- Christi Cvijanovic, Resident and CMB Leadership Academy Graduate

- Guy Simani, Resident and CMB Leadership Academy Graduate
- Glendon Hall, Management and Budget Analyst (Alternate)
- Michael Silverman, Resident and CMB Leadership Academy (Alternate)

WHEREAS, Committee member Gerardo Usallan could not attend the meeting, and was replaced by Glendon Hall, Management and Budget Analyst; and

WHEREAS, the Committee convened on January 15, 2013 for presentations from all proposers, followed by a question and answer session, and reconvened on January 23, 2013 for deliberations; and

WHEREAS, the Committee was instructed to score and rank the proposals pursuant to the evaluation criteria established in the RFQ, which was as follows:

- **25 Points** - The experience and qualifications of the Proposer
- **30 Points** - The experience and qualifications of the professional personnel assigned to the Project Team and the Project Manager, as well as their familiarity with this project and a thorough understanding of the methodology and approach to be used in this assignment
- **20 Points** - Past performance based on quality of the Performance Evaluation Surveys and the Administration's due diligence based upon reference checks performed of the Proposer's clients
- **5 Points** - Willingness to meet time and budget requirements as demonstrated by past performance, methodology and approach
- **5 Points** - Certified minority business enterprise participation. Either the Proposer or a member of the Proposer's Team may qualify for proof of certification for minority business enterprise participation. Accepted minority business enterprise certifications include the Small Business Administration (SBA), State of Florida, or Miami-Dade County
- **5 Points** – Location
- **5 Points** - Recent, current and projected workloads of the firms
- **5 Points** - The volume of work previously awarded to each firm by the City, with the object of effecting an equitable distribution of contracts among qualified firms, provided such distribution does not violate the principle of selection of the most highly qualified firm
- **5 Points** – Local Preference for Miami Beach-Based Vendors
- **5 Points** – Preference for Florida Small Businesses Owned and Controlled by Veterans and to State-Certified Service-Disabled Veteran Business Enterprises; and

WHEREAS, the Committee discussed proposer' qualifications, experience, and competence, and further scored the proposers; and

WHEREAS, a motion was presented by Christi Cvijanovic, seconded by Guy Simani, and unanimously approved by all Committee members, to recommend entering into negotiations with the top-ranked firm, Bermello Ajamil & Partners, Inc.; and should the administration not be able to successfully negotiate an agreement with the top-ranked firm, authorizing the administration to negotiate with the second-ranked firm, VFA, Inc.; and should the administration not be able to negotiate an agreement with the second-ranked firm, authorizing the administration to negotiate an agreement with the third-ranked firm, Nova Engineering and Environmental, LLC.; and

WHEREAS, after considering the review and recommendation of Committee, the Interim City Manager exercised her due diligence and recommends that the Mayor and the City Commission authorize the Administration to enter into negotiations with all three proposers rather than only one as recommended by the Committee because of the amount of projects and the short window (120 days) in which FCAs are to be completed; further authorizing the Mayor and City Clerk to execute an agreement upon conclusion of successful negotiations by the Administration; and

WHEREAS, the list of facilities will be divided based on total square footage as a basis for negotiations; and upon completion of negotiations, the facility assessments will be assigned as deemed in the best interest of the City to each proposer.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Mayor and City Commission hereby accept the recommendation of the Interim City Manager pertaining to the ranking of firms, pursuant to Request for Qualifications (RFQ) No. 56-11/12, for the purpose of conducting and documenting detailed facilities condition assessments of various buildings/assets owned by the City of Miami Beach, and to develop a schedule for assets and equipment replacement within the buildings/assets to include current and projected future replacement costs; authorizing the Administration to enter into negotiations with all three proposers: Bermello Ajamil & Partners, Inc.; Nova Engineering and Environmental, LLC.; and VFA, Inc.; and further authorizing the Mayor and City Clerk to execute agreements with all firms contingent upon conclusion of successful negotiations by the Administration.

PASSED AND ADOPTED this ____ day of _____, 2013.

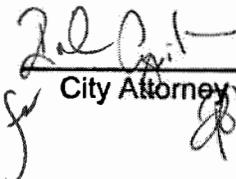
ATTEST:

CITY CLERK

MAYOR

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



City Attorney

3-6-13

Date

Condensed Title:

A Resolution Of The Mayor And City Commission Of The City Of Miami Beach, Florida, Accepting The Recommendation Of The City Manager Pertaining To The Ranking Of Proposals, Pursuant To Request For Proposals (RFP) No. 022-2013me, For Call Center Services; Authorizing The Administration To Enter Into Negotiations With The Top-Ranked Proposers, 1-800 We Answer; And Should The Administration Not Be Successful In Negotiating An Agreement With The Top-Ranked Proposer, Authorizing Negotiations With The Second-Ranked Proposer, Inktel Government BPO Services; And Should The Administration Not Be Successful In Negotiating An Agreement With The Second-Ranked Proposer, Authorizing Negotiations With The Third-Ranked Proposer, Ivox Solutions, LLC.; Further Authorizing The Mayor And City Clerk To Execute An Agreement Upon Conclusion Of Successful Negotiations By The Administration.

Key Intended Outcome Supported:

Increase community satisfaction with City government; Enhance external and internal communications from and within the City; Maximize Efficient Delivery of Service; Improve process through information technology; Control costs of payroll including salary and fringes, minimize taxes, and ensure expenditure trends are sustainable over the long term.

Supporting Data (Surveys, Environmental Scan, etc: The Utility Billing Section is currently averaging 20,000 calls annually with a 10% abandoned rate, while the Parking Department is averaging 30,000 annual customer service calls with a 20% abandoned rate. Prior to implementing the Building department call center, the department had an average abandonment rate of 31% vs 3.79% after its implementation. In 2012, the Building call center received 57,635 calls; the calls were answered within an average of 21 seconds. The 2012 Community Satisfaction Report, 65% of respondents agreed or strongly agreed that it was easy to get to someone who could help them during their most recent contact with the City.

Item Summary/Recommendation:

On December 12, 2012, the Mayor and City Commission approved the issuance of Request for Proposals (RFP) No. 022-2013ME For Call Center Services (RFP). The RFP was issued on December 24, 2012, with an opening date of February 4th, 2013. A pre-proposal conference to provide information to the proposers submitting a response was held on January 9, 2013.

Twelve (12) prospective proposers downloaded the solicitation from BidNet and 22 prospective proposers downloaded the solicitation from The Public Group. Additionally, the Procurement Division notified 60 additional proposers via e-mail, which resulted in the receipt of four (4) proposals.

On February 20, 2013, the City Manager via Letter to Commission (LTC) No. 058-2013, appointed an Evaluation Committee (the "Committee"). The Committee convened on February 28, 2013 to consider proposals received and interview proposing teams.

Based on the results of the February 28 Committee meeting, the Committee has recommended entering into negotiations with the top-ranked proposers, 1-800 We Answer; and should the administration not be successful in negotiating an agreement with the top-ranked proposer, authorizing negotiations with the second-ranked proposer, Inktel Government BPO Services; and should the administration not be successful in negotiating an agreement with the second-ranked proposer, authorizing negotiations with the third-ranked proposer, IVOX Solutions, LLC.

ADOPT THE RESOLUTION

Advisory Board Recommendation:

Financial Information:

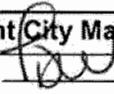
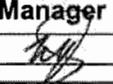
Source of Funds:	Amount	Account
1	\$37,500	Parking Enterprise Fund 480-0461-000312
2	\$37,500	Water and Sewer Enterprise Fund 425-0410-000312
Total	\$75,000	

Financial Impact Summary:

City Clerk's Office Legislative Tracking:

Alex Denis, Extension 6641

Sign-Offs:

Department Director	Assistant City Manager	City Manager
AD 	PDW 	KGB 

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COMMISSION MEMORANDUM

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

FROM: Kathie G. Brooks, Interim City Manager *KGB*

DATE: March 13, 2013

SUBJECT: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ACCEPTING THE RECOMMENDATION OF THE CITY MANAGER PERTAINING TO THE RANKING OF PROPOSALS, PURSUANT TO REQUEST FOR PROPOSALS (RFP) NO. 022-2013ME, FOR CALL CENTER SERVICES; AUTHORIZING THE ADMINISTRATION TO ENTER INTO NEGOTIATIONS WITH THE TOP-RANKED PROPOSERS, 1-800 WE ANSWER; AND SHOULD THE ADMINISTRATION NOT BE SUCCESSFUL IN NEGOTIATING AN AGREEMENT WITH THE TOP-RANKED PROPOSER, AUTHORIZING NEGOTIATIONS WITH THE SECOND-RANKED PROPOSER, INKTEL GOVERNMENT BPO SERVICES; AND SHOULD THE ADMINISTRATION NOT BE SUCCESSFUL IN NEGOTIATING AN AGREEMENT WITH THE SECOND-RANKED PROPOSER, AUTHORIZING NEGOTIATIONS WITH THE THIRD-RANKED PROPOSER, IVOX SOLUTIONS, LLC.; FURTHER AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN AGREEMENT UPON CONCLUSION OF SUCCESSFUL NEGOTIATIONS BY THE ADMINISTRATION.**

ADMINISTRATION RECOMMENDATION

Adopt the Resolution.

KEY INTENDED OUTCOME SUPPORTED

- Increase community satisfaction with City government
- Enhance external and internal communications from and within the City
- Maximize Efficient Delivery of Service
- Improve process through information technology.
- Control costs of payroll including salary and fringes, minimize taxes, and ensure expenditure trends are sustainable over the long term.

FUNDING

The total budget for the outsourcing project is \$75,000, which is sufficient to cover costs for the remainder of FY 2012/2013, with no funds being utilized from the General Fund. Funding is available as follows:

\$37,500 is available from the Water and Sewer Enterprise Fund 425-0410-000312
 \$37,500 is available from the Parking Enterprise Fund 480-0461-000312

Funding from the EOC operations Account No. 011-1210-000343 will be allocated as needed

BACKGROUND

At their July 29, 2011 budget briefing for fiscal year 2011/12, the Finance and Citywide Projects Committee was advised of the Administration's proposal to outsource utility billing and parking customer service calls. At that time, the Utility Billing Section was averaging 20,000 calls annually, while the Parking Department was averaging 30,000 annual customer service calls. Both departments were experiencing a high number of abandoned calls and from customers experiencing long waits. Currently, the Utility Billing Section is experiencing 2,000 calls monthly of which approximately 340 or 17% are abandoned. The Parking Department is currently experiencing 2,500 calls monthly of which 500 or 20% are abandoned.

On September 12, 2012, the Commission approved the issuance of the RFP for Call Center Services. As the request of Commissioner Wolfson, the RFP was not issued and a discussion item was placed at the October 12, 2012. On October 12, 2012 the Commission deferred this item to the Finance and Citywide Committee. On November 9, 2012 the Finance and Citywide Committee discussed this item and recommended the issuance of the RFP without recommending any further modifications to the scope of services or minimum requirements.

Presently, these calls are routed to Finance employees in the Customer Service Center who are working with customers face-to-face and performing assigned accounting and financial functions. When a call is routed to one of these employees, the employee must stop what he or she is doing to address the caller's questions. On most occasions, there are follow-up tasks related to the caller's inquiry to be addressed before the employee can resume the original task he or she was doing. These constant interruptions affect employee's effectiveness and productivity.

Based on the call volume reported for utility service and parking questions and information, it is estimated that the City of Miami Beach would require an equivalent of two full-time dedicated employees to manage call volume. Two full-time dedicated employees would cost the City approximately \$140,000 in salary and benefits. It is anticipated that the cost of outsourcing these call services would be considerably less, provide a higher level of customer service and a reduction of abandoned calls, and would lead to more productive and effective employees in their respective areas of work. As example of some of the efficiencies gained by outsourcing call services, it is anticipated that the proposed outsourcing of phone calls will lead to more productive City employees by eliminating call responsibilities; reduce lines and traffic at our customer service counter; and, lead to more positive customer experiences.

In seeking firms interested in providing the City with call center services, the City solicited responses from qualified firms to provide Call Center services to various departments of the City of Miami Beach through and RFP process. The City also requested proposals for consideration of outsourcing the combined Business Tax, Certificate of Use, and Annual Fire Permit calls received by the Finance Department Revenue Division customer service team and for outsourcing the Emergency Operation Center (EOC).

RFP PROCESS

On December 12, 2012, the Mayor and City Commission approved the issuance of Request for Proposals (RFP) No. 022-2013ME For Call Center Services (RFP).

RFP No. 022-2013ME was issued on December 24, 2012, with an opening date of February 4th, 2013. A pre-proposal conference to provide information to the proposers submitting a

response was held on January 9, 2013.

Twelve (12) prospective proposers downloaded the solicitation from BidNet and 22 prospective proposers downloaded from The Public Group. Additionally, the Procurement Division notified 60 additional proposers via e-mail, which resulted in the receipt of the following four (4) responsive proposals:

1. 1-800 We Answer
2. Answernet
3. Inktel Government BPO Services
4. Ivox Solutions LLC

On February 20, 2013, the City Manager via Letter to Commission (LTC) No. 058-2013, appointed an Evaluation Committee (the "Committee") consisting of the following individuals:

- Barbara Hawayek, Customer Services Manager;
- Manny Marquez, Revenue Manager, Finance Division;
- Gina Davidson, Resident and Leadership Academy Graduate;
- Itziar Gonzalez, Resident and Leadership Academy Graduate;
- Drazen Cvijanovic, Resident and Leadership Academy Graduate; and

The following individuals were appointed as alternates:

- Rocio Alba, Financial Analyst III, Parking;
- Georgie Echert, Finance Assistant Director

The Committee convened on February 28, 2013 to consider proposals received and interview proposing teams. The Committee was provided with an overview of the project, information relative to the City's Cone of Silence Ordinance and the Government Sunshine Law. The Committee was also provided with general information on the scope of services, Performance Evaluation Surveys, and additional pertinent information from all responsive proposers. Additionally, the Committee engaged in a Question and Answer session after the presentation of each proposer.

The Committee was instructed to score and rank each proposal pursuant to the evaluation criteria established in the RFP, which was as follows:

<u>Evaluation Criteria/Factors:</u>	<u>Weight</u>
1. Experience and qualifications of the proposer	30 points
2. Experience and qualifications of the agents assigned to provide services to the City	10 points
3. Methodology and Approach to include the demonstrated ability to achieve the City's objectives	20 points
4. Cost/Fees	30 points
5. Past Performance Surveys	10 points

Additional points, over the aforementioned potential points were to be allocated, if applicable and in accordance to following ordinances.

LOCAL PREFERENCE: The Evaluation Committee will assign an additional five (5) points to Proposers, which are, or include as part of their proposal team, a Miami Beach-based vendor

as defined in the City's Local Preference Ordinance. Please note that no proposer was eligible for Local preference.

VETERANS PREFERENCE: The Evaluation Committee will assign an additional five (5) points to Proposers, which are, or include as part of their proposal team, a small business concern owned and controlled by a veteran(s) or a service-disabled veteran business enterprise, as defined in the City's Veterans Preference Ordinance. Please note that no proposer was eligible for Veterans preference.

The Committee discussed its individual perceptions of the proposers' qualifications, experience, and competence, and further scored and ranked the proposers accordingly. The Committee's final rankings are as follows:

FINAL RANKINGS

RFP# 22-2013ME FOR CALL CENTER SERVICES	Manny Marquez	Barbara Hawayek	Drazen Cvijanovic	Regina Davidson	Itziar Gonzalez	LOW AGGREGATE TOTALS
1-800 We Answer	(83) 1	(77) 2	(75) 1	(89) 1	(80) 1	(6) 1
Inktel Government BPO Services	(75) 2	(80) 1	(57) 3	(67) 3	(77) 2	(11) 2
IVOX Solutions, LLC	(73) 3	(43) 3	(61) 2	(71) 2	(73) 4	(14) 3
AnswerNet	(44) 4	(33) 4	(35) 4	(46) 4	(75) 3	(19) 4

A motion was presented by Manny Marquez, seconded by Barbara Hawayek, and unanimously approved by all Committee members, to recommended entering into negotiations with the top-ranked proposers, 1-800 We Answer; and should the Administration not be successful in negotiating an agreement with the top-ranked proposer, authorizing negotiations with the second-ranked proposer, Inktel Government BPO Services; and should the administration not be successful in negotiating an agreement with the second-ranked proposer, authorizing negotiations with the third-ranked proposer, IVOX Solutions, LLC.

While submitting the lowest cost proposal, committee members ranked IVOX Solutions LLC, third overall and, in doing so, provided the following feedback for their actions:

- IVOX Solutions LLC has no redundant centers; they have only one location located in Palm City. For example, 1-800 We Answer has several centers across the country and has complete redundancy between the call centers in case of a real emergency or a protracted black-out. The City's calls will be forwarded to the 200+ seat call center in Jacksonville, Florida or one of the other locations (Boston, Baton Rouge, Kansas City, Montgomery, Philadelphia or Miami).

In its response to the City, 1-800 We Answer has proposed to create a hybrid program mixing dedicated agents and shared agents. Dedicated agents offer a high level of service as they are trained specifically on City requirements and handle only City-related calls received by the firm. Shared agents are also trained on City requirements but may handle calls from other customers of the firm. While shared agents do not strictly handle City-related calls, the advantage of having shared agents supplement dedicated agents is that City customers would

normally experience a shorter call response time when supplementing dedicated agents with shared agents.

Based on the funding available, the Administration is recommending commencing the program with two (2) dedicated agents, to be supplemented during times of high call volume with shared agents. Costs for both dedicated and shared agents are noted in Attachment A. The cost of the recommended hybrid model (dedicated agents supplemented with shared agents) is expected to cost the City approximately \$115,000 per year. We anticipate beginning this program during April 2013 and the funding allocated of \$75,000, is sufficient to cover the program for the remainder of this fiscal year.

After the initial 90 day implementation period, the City will analyze the call data and may adjust the number of dedicated and shared agents to maximize customer service responsiveness while maintaining a cost-effective program. Additionally, the City will have sufficient information to property budget for the upcoming FY 2013/14.

Upon approval of this recommendation, Administration will negotiate the most customer-focused and cost-effective terms and pricing with the selected firm as indicated above and ensure an enhanced level of customer service through a reduction of call waiting times which is the primary reason individuals abandon calls.

1-800 WE ANSWER'S PROFILE

Founded in 1969 as a small local New York City answering service, 1-800 We Answer has undergone rapid expansion since 2007. 1-800 We Answer's core menu of business support services focuses on providing telephone answering, call center, telemarketing, market research, virtual office and phone system services. The Company has been solely owned by Robert Porter since 2007 when he purchased the Company from Jo-Ann Sickinger although he has been operating and managing the company for 21 years.

1-800 We Answer has over 40 years of experience, including 14 years with a center in the Miami area. With centers nationwide, 1-800 We Answer's solutions are scalable to meet the City of Miami Beach's Emergency Operations Center (EOC) needs either in Miami, Jacksonville or one of its other ten (10) centers nationwide in the event of an outage or weather incident.

1-800 We Answer Miami's location meets the City's needs for a fully-bilingual facility, where all agents are able to communicate fluently in both English and Spanish. The Miami center is fully HIPAA Compliant ensuring the stringent federal regulations regarding confidentiality, security and privacy mandated for the healthcare community are extended to all clients.

The following are some of 1-800 We Answer government clients: Miami Parking Authority, Florida Charter School Initiative, City of Modesto, CA Utilities Division, City of Fountain, CO Utilities Division, Cook County, IL Correctional Facilities, Alabama Department of Post-Secondary Education, New York City Department of Education, Maryland Charter School Initiative, DC Public School System, U.S. Representative Chellie Pingree, U.S. Representative Ann Kirkpatrick, NYC Public Library.

24/7-365-Day-a-Year Call-Handling

1-800 We Answer can run, if necessary, 24/7-365-days-a-year. To ensure this, 1-800 We Answer employs its own technical department, including 24-hour-a-day on-call technicians with remote access capability, backup systems and emergency generators. 1-800 We Answer

also has complete redundancy between the call centers in case of a real emergency or a protracted black-out. The City's calls will be forwarded to the 200+ seat call center in Jacksonville, Florida or one of the other locations (Boston, Baton Rouge, Kansas City, Montgomery, Philadelphia or Miami).

Programming the City of Miami Beach Account

Programming the City of Miami Beach/WE ANSWER account will be accomplished through Pinnacle, a leader in call center software technology, and by 1-800 We Answer's team of in-house programmers. Pinnacle's logical scripting system, through unique visual prompting, guides the agent seamlessly through every call. Routing of all emergency calls to triage numbers is accomplished through the call center software by a dedicated triage operator and all emergency calls dispatch disposition is reviewed by a supervisor. Clients can modify phone numbers, escalation lists, on-call personnel and other changes through their on-line account management tool. Scripting changes are handled same-day by the programming team and the City's point-of-contact will email you as soon as your requested changed has been implemented. Protocol changes or special announcements to the agents regarding the City's account (e.g. notification of holiday hours, new locations, protocol changes etc.) are conveyed to the agents via: 1) Training sessions 2) Electronic bulletin board announcements required reading for every agent before starting their shift, and 3) on-the-fly status notifications which can be programmed immediately and directly into your account by any supervisor or senior agent.

Secure VPN Integration Capabilities

Connecting to the City of Miami Beach's utility billing software and database will be achieved through a secure VPN connection. 1-800 We Answer VPN connections require remote access to be authenticated and make use of encryption techniques to prevent disclosure of private information. The Chief Information Officer ensures all VPN connections meet the City's security goals: authentication, integrity, and confidentiality.

Reporting

1-800 We Answer team will set-up an online reporting module for the City of Miami Beach to view messages, call volume and account details. Additional reporting, in requested formats with requested account metrics, will be delivered to the City of Miami Beach according to upon agreed scheduled.

Monitoring of Calls

All calls are recorded and recordings are retained for one year. Requested call recordings will be delivered via.wav file. The City of Miami Beach is encouraged to place test calls into the center to ensure CSR compliance with City of Miami Beach protocols and quality levels. CSR are monitored 24/7 by supervisors.

Emergency Operations Center (EOC) And Emergency Operations Call Center Planning

The City of Miami Beach working with the WE ANSWER Major Accounts Team will meet to develop an Emergency Operations Plan (EOP) to outline the concepts of the operations for coordinated effort by the City of Miami Beach, the call center, and other government departments. Stakeholders will develop an emergency operations plan to provide a common guide for action and a framework

System Backup

1-800 We Answer has a disaster recovery plan and procedures in place in the event of phone outages, software or hardware failures. 1-800 We Answer's primary telephone company provider for your contact centers is PAETEC/ Windstream.

Fees

The following are the fees proposed by 1-800 We Answer. Additionally, 1-800 We Answer proposed an alternate cost proposal of a flat fee in the amount of \$99,000 per year for the City's consideration.

Cost Per Production Minute Per Shared Agent	\$0.70 / Min.
Cost Per Hour Per Dedicated Agent	\$ 25.00 / Hr **Min 2 Full-Time Dedicated CSRs
Set Up Fees	\$ No Charge
Training Hours	\$ No Charge
Curriculum Development	\$ No Charge
Cost per Agent per Hour (Training)	\$ Per Min. No Charge ** Dedicated Agents \$25.00 / Hr
Project Management	\$ No Charge
Script Development Fee	\$ No Charge
Digital Recording	\$ No Charge
Team Supervisor / Quality Assurance	\$ No Charge
Development of TDD	\$500.00 ** One-Time Charge

MANAGER'S DUE DILIGENCE

After considering the review of the recommendation of City staff, the City Manager exercised her due diligence and is recommending that the Mayor and the City Commission enter into negotiations with top-ranked proposer, 1-800 We Answer; and should the administration not be successful in negotiating an agreement with the top-ranked proposer, authorizing negotiations with the second-ranked proposer, Inktel Government BPO Services; and should the administration not be successful in negotiating an agreement with the second-ranked proposer, authorizing negotiations with the third-ranked proposer, IVOX Solutions, LLC.

CONCLUSION

The Administration recommends that the Mayor and City Commission of the City of Miami Beach, Florida accept the recommendation of the City Manager pertaining to the ranking of proposals, pursuant to request for proposals (RFP) No. 022-2013ME For Call Center Services; authorizing the administration to enter into negotiations with the top-ranked proposer, 1-800 We Answer; and should the administration not be successful in negotiating an agreement with the top-ranked proposer, authorizing negotiations with the second-ranked proposer, Inktel Government BPO Services; and should the administration not be successful in negotiating an agreement with the second-ranked proposer, authorizing negotiations with the third-ranked proposer, IVOX Solutions, LLC.

ATTACHMENT "A"

RFP 022-2013ME CALL CENTER SERVICES	1-800 We Answer	Inktel Government BPO Services	IVOX Solutions, LLC.	AnswerNet
Items	<i>Option 1</i>	<i>Only Option</i>	<i>Only Option</i>	<i>Option 1</i>
Cost Per Production Minute Per Shared Agent	\$0.70 / Min.	\$ 0.79 / Per Min.	\$ 0.425 / Min.	\$0.73
Cost Per Hour Per Dedicated Agent	\$ 25.00 / Hr **Min 2 Full-Time Dedicated CSRs	\$ 28.00 / Per Worked Hr	\$ 23.00 / Hr	\$32.00
Set Up Fees	\$ No Charge	Included		\$2,700.00
Training Hours	\$ No Charge	Included	\$ 21.00 / Hr	20
Curriculum Development	\$ No Charge	\$ 90.00 / Per Hr	\$ 25.00 / Hr	To Be Provided By City of Miami Beach
Cost per Agent per Hour (Training)	\$ Per Min. No Charge ** Dedicated Agents \$25.00 / Hr	\$ 20.00 / Per Training Hr	\$ 21.00 / Hr	\$20.00
Project Management	\$ No Charge	\$ 90.00 / Per Hr	\$ 25.00 / Hr	\$ 75.00 / Hr
Script Development Fee	\$ No Charge	\$ 90.00 / Per Hr	\$ 25.00 / Hr	\$ 100.00 / Hr
Digital Recording	\$ No Charge	\$ Included	Per User - TBD	\$ 2,500.00 Setup
Team Supervisor / Quality Assurance	\$ No Charge	\$ Included	\$ 21.00 / Hr	Included In Agent Fee
Development of TDD	\$500.00 ** One-Time Charge	\$ Included	\$ 25.00 / Hour	\$750.00 Equip.Fee (Per Unit) + \$32.00 / Hr Agent Time + \$50.00 Per Mth for Dedicated Telephone Line
Additional Item Added *** Data Storage				+ \$ 100.00 Per Month, Per Terabyte of Storage To Maintain files
Emergency Adder Fee ***GPS Location Fee				\$ 15,000.00
Emergency Adder Fee ***Setup Fee (If not done in conjunction with Finance and Parking)				\$ 2,500.00

RFP 022-2013ME CALL CENTER SERVICES	1-800 We Answer	Inktel Government BPO Services	IVOX Solutions, LLC	AnswerNet
ALTERNATE	**Flat Fee for Services - 99k/year			<p>** The annual budget for the City of Miami Beach program has been stated as set at \$75,000.00 for the Finance and Parking portion of the contract. AnswerNet is prepared to propose the following package for that fee. \$ 2,700.00 Setup; \$4,000.00/Training (Presuming 10 Agents @ \$20.00/Hr for 20 Hrs; Shared Agent Pool for Tier 1 calls at \$0.73/Hr Tier 2 or higher calls requiring escalation would be xispositioned to two dedicated agents who are 100% assigned to the account at a rate of \$32.00/hr. This results in up to \$67,000.00 available for agent time, and is the most flexible and cost effective option to ensure that you maximize the productivity of allocated budget dollars devoted to client service.</p> <p>** Monthly Reporting: \$1,200.00 (12Mth x \$100.00).</p>

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ACCEPTING THE RECOMMENDATION OF THE CITY MANAGER PERTAINING TO THE RANKING OF PROPOSALS, PURSUANT TO REQUEST FOR PROPOSALS (RFP) NO. 022-2013ME, FOR CALL CENTER SERVICES; AUTHORIZING THE ADMINISTRATION TO ENTER INTO NEGOTIATIONS WITH THE TOP-RANKED PROPOSERS, 1-800 WE ANSWER; AND SHOULD THE ADMINISTRATION NOT BE SUCCESSFUL IN NEGOTIATING AN AGREEMENT WITH THE TOP-RANKED PROPOSER, AUTHORIZING NEGOTIATIONS WITH THE SECOND-RANKED PROPOSER, INKTEL GOVERNMENT BPO SERVICES; AND SHOULD THE ADMINISTRATION NOT BE SUCCESSFUL IN NEGOTIATING AN AGREEMENT WITH THE SECOND-RANKED PROPOSER, AUTHORIZING NEGOTIATIONS WITH THE THIRD-RANKED PROPOSER, IVOX SOLUTIONS, LLC.; FURTHER AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN AGREEMENT UPON CONCLUSION OF SUCCESSFUL NEGOTIATIONS BY THE ADMINISTRATION.

WHEREAS, on December 12, 2012, the Mayor and City Commission approved the issuance of Request for Proposals (RFP) No. 022-2013ME For Call Center Services (RFP); and

WHEREAS RFP No. 022-2013ME was issued on December 24, 2012, with an opening date of February 4th, 2013; and

WHEREAS a pre-proposal conference to provide information to the proposers submitting a response was held on January 9, 2013; and

WHEREAS, twelve (12) prospective proposers downloaded the solicitation from BidNet and 22 from The Public Group; additionally, the Procurement Division notified 60 additional proposers via e-mail, which resulted in the receipt of four (4) responsive proposals; and

WHEREAS, on February 20, 2013, the City Manager via Letter to Commission (LTC) No. 058-2013, appointed an Evaluation Committee (the "Committee") consisting of the following individuals:

- Barbara Hawayek, Customer Services Manager;
- Manny Marquez, Revenue Manager, Finance Division;
- Gina Davidson, Resident and Leadership Academy Graduate;
- Itziar Gonzalez, Resident and Leadership Academy Graduate; and
- Drazen Cvijanovic, Resident and Leadership Academy Graduate;

The following individuals were appointed as alternates:

- Rocio Alba, Financial Analyst III, Parking;
- Georgie Echert, Finance Assistant Director; and

WHEREAS, the Committee convened on February 28, 2013 to consider proposals received and interview proposing teams; and

WHEREAS, the Committee was provided with an overview of the project, information relative to the City's Cone of Silence Ordinance and the Government Sunshine Law. The Committee was also provided with general information on the scope of services, Performance Evaluation Surveys, and additional pertinent information from all responsive proposers; and

WHEREAS, the Committee discussed its individual perceptions of the proposers' qualifications, experience, and competence, and further scored and ranked the proposers accordingly; and

WHEREAS, a motion was presented by Manny Marquez, seconded by Barbara Hawayek, and unanimously approved by all Committee members, to recommended entering into negotiations with the top-ranked proposers, 1-800 We Answer; and should the Administration not be successful in negotiating an agreement with the top-ranked proposer, authorizing negotiations with the second-ranked proposer, Inktel Government BPO Services; and should the administration not be successful in negotiating an agreement with the second-ranked proposer, authorizing negotiations with the third-ranked proposer, IVOX Solutions, LLC; and

WHEREAS, after considering the review of the recommendation of City staff, the City Manager exercised her due diligence and is recommending that the Mayor and the City Commission enter into negotiations with top-ranked proposer, 1-800 We Answer; and should the administration not be successful in negotiating an agreement with the top-ranked proposer, authorizing negotiations with the second-ranked proposer, Inktel Government BPO Services; and should the administration not be successful in negotiating an agreement with the second-ranked proposer, authorizing negotiations with the third-ranked proposer, IVOX Solutions, LLC.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Mayor and City Commission hereby accept the recommendation of the City Manager pursuant to Request for Proposals (RFP) proposals (RFP) No. 022-2013ME For Call Center Services; authorizing the administration to enter into negotiations with the top-ranked proposer, 1-800 We Answer; and should the administration not be successful in negotiating an agreement with the top-ranked proposer, authorizing negotiations with the second-ranked proposer, Inktel Government BPO Services; and should the administration not be successful in negotiating an agreement with the second-ranked proposer, authorizing negotiations with the third-ranked proposer, IVOX Solutions, LLC.

PASSED AND ADOPTED THIS _____ DAY OF _____ 2013.

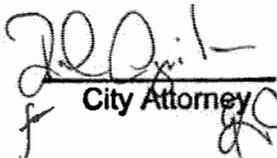
ATTEST:

CITY CLERK

MAYOR

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



City Attorney

3-6-13

Date

C7 - Resolutions

C7M A Resolution Waiving By 5/7th Votes, The Competitive Bidding Requirement, Finding Such Waiver To Be In The Best Interest Of The City, And Authorizing The City Manager To Purchase Vehicles Pursuant To The Florida Sheriffs Association Contract No. 12-20-0905.

(Fleet Management)
(Memorandum to be Submitted in Supplemental)

Agenda Item C7M
Date 3-13-13

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Condensed Title:

A Resolution of the Mayor and City Commission of the City of Miami Beach, Florida, Accepting the Recommendation of the Interim City Manager Pertaining to the Ranking of Firms, Pursuant to Request for Qualifications (RFQ) NO. 52-11/12, for Professional Construction Engineering and Inspection (CEI) Firms to Provide Various CEI Services on an "As Needed" Basis; Authorizing the Mayor and City Clerk to Execute Agreements upon Completion of Successful Negotiations with the Five Top-Ranked Proposers: Atkins North America, Inc., Bermello Ajamil & Partners, Inc., Chen Moore and Associates, Corzo Castella Carballo Thompson Salman, P.A. (C3TS), and Parson Brinckerhoff, Inc.

Key Intended Outcome Supported:

Ensure well-maintained infrastructure
Supporting Data (Surveys, Environmental Scan, etc.): The 2009 Customer Satisfaction Survey indicated that 79% of businesses rated recently completed capital improvement projects as "excellent" or "good."

Issue:

Shall the Mayor and City Commission Adopt The Resolution?

Item Summary/Recommendation:

Adequate management of construction projects by the City of Miami Beach Office of Capital Improvement Projects (CIP) requires implementation of CEI services during construction including, but not limited to, general coordination, value engineering, pre-construction, field observations, shop drawing submittals, quality control, and closeouts. The ability to have a rotating list of CEI firms available to provide these services for Capital Improvement Projects would enable the City to effectively and efficiently manage these projects. It is the intent of the City of Miami Beach to select several firms under this RFQ, which will be contacted on an as-needed basis. This contract shall remain in effect for two (2) years from the date of contract execution by the Mayor and City Clerk, with two (2), one (1) year renewal options, at the sole discretion of the City Manager.

On July 18, 2012, the Mayor and City Commission approved the issuance of Request for Qualifications (RFQ) No. 52-11/12. The RFQ was issued on August 14, 2012, with an opening date of September 13, 2012. A pre-qualifications conference to provide information to the proposers submitting a response was held on August 22, 2012. BidNet issued bid notices to 272 prospective proposers, of which 10 firms downloaded the RFQ. In addition, 254 vendors were notified via e-mail resulting in the receipt of 17 proposals.

On November 15, 2012, the Interim City Manager via Letter to Commission (LTC) No. 295-2012, appointed an Evaluation Committee which convened on February 8, 2013, to review and discuss the proposals received in accordance with criteria established in the RFQ. In determining the most qualified firms, the Committee discussed each prospective firm's qualifications, experience, and competence. Prior to scoring and ranking the proposals, the Committee unanimously agreed to select the top five (5) ranked firms.

A motion was presented by Jose Perez, seconded by Stacy Kilroy, and approved by all Committee members to recommend entering into negotiations with the top five (5) ranked firms: Atkins North America, Inc., Bermello Ajamil & Partners, Inc., Chen Moore and Associates, Corzo Castella Carballo Thompson Salman, P.A. (C3TS), and Parson Brinckerhoff, Inc.

After considering the review and recommendation of the evaluation committee, the Interim City Manager exercised her due diligence and is recommending that the Mayor and the City Commission authorize negotiations with the five (5) top-ranked firms: Atkins North America, Inc., Bermello Ajamil & Partners, Inc., Chen Moore and Associates, Corzo Castella Carballo Thompson Salman, P.A. (C3TS), and Parson Brinckerhoff, Inc.; and further authorizing the Mayor and City Clerk to execute an agreement upon conclusion of successful negotiations by the administration.

Advisory Board Recommendation:

N/A

Financial Information:

Source of Funds:	Amount	Account
1	N/A	
OBPI	Total	
Financial Impact Summary: N/A		

City Clerk's Office Legislative Tracking:

Fernando Vazquez x6135

Sign-Offs:

Department Director	Assistant City Manager / Chief Financial Officer	Interim City Manager
AD  FV 	JGG  PDW 	KGB 

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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: March 13, 2013

SUBJECT: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ACCEPTING THE RECOMMENDATION OF THE INTERIM CITY MANAGER PERTAINING TO THE RANKING OF FIRMS, PURSUANT TO REQUEST FOR QUALIFICATIONS (RFQ) NO. 52-11/12, FOR PROFESSIONAL CONSTRUCTION ENGINEERING AND INSPECTION (CEI) FIRMS TO PROVIDE VARIOUS CEI SERVICES ON AN "AS NEEDED" BASIS; AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AGREEMENTS UPON COMPLETION OF SUCCESSFUL NEGOTIATIONS WITH THE FIVE TOP-RANKED PROPOSERS: ATKINS NORTH AMERICA, INC., BERMELO AJAMIL & PARTNERS, INC., CHEN MOORE AND ASSOCIATES, CORZO CASTELLA CARBALLO THOMPSON SALMAN, P.A. (C3TS), AND PARSON BRINCKERHOFF, INC.**

ADMINISTRATION RECOMMENDATION

Adopt the Resolution.

KEY INTENDED OUTCOME SUPPORTED

Ensure well-maintained infrastructure.

ANALYSIS

Adequate management of construction projects by the City of Miami Beach Office of Capital Improvement Projects (CIP) requires implementation of CEI services during construction including, but not limited to, general coordination, value engineering, pre-construction, field observations, shop drawing submittals, quality control, and closeouts. The ability to have a rotating list of CEI firms available to provide these services for Capital Improvement Projects would enable the City to effectively and efficiently manage these projects.

This Request for Qualifications is for Professional Construction Engineering and Inspection (CEI) firms to provide various CEI services to the City on an "as needed" basis. "As needed" basis means that each firm awarded a contract pursuant to this RFQ will be placed on a professional CEI list where the City may call upon it to perform professional projects, as assigned by the City Administration. As the need for services arise, firms will be contacted to provide the necessary professional services according to the negotiated scope of work and cost.

It is the intent of the City of Miami Beach to select several firms under this RFQ, which will be contacted on an as-needed basis. This contract shall remain in effect for two (2) years from the date of contract execution by the Mayor and City Clerk, with two (2), one (1) year renewal

options, at the sole discretion of the City Manager.

SCOPE OF SERVICES

The Consultant’s Basic Services that may be provided under the Agreement entered into pursuant to this RFQ shall (at a minimum) consist of, but not be limited to, the following:

1. Administer the Construction Contract and monitor and inspect the work performed by the Contractor such that the project is constructed in reasonable conformity with the plans, specifications, and special provisions of the Construction Contract.
2. Provide Survey Control - Consultant shall check or establish the survey control baseline(s) along with sufficient baseline control points and bench marks at appropriate intervals along the project in order to: (1) make and record measurements necessary to calculate and document quantities for pay items, (2) make and record pre-construction and final cross section surveys of the project site in those areas where earthwork (i.e., embankment, excavation, subsoil excavation, etc.) is part of the construction project, and (3) perform incidental engineering surveys.
3. Resident Engineering Services - Coordinate the Construction Contract administration activities of all parties other than the Contractor involved in completing the construction project. Services shall include maintaining the required level of surveillance of Contractor activities, interpreting plans, specifications, and special provisions for the Construction Contract. Maintain complete, accurate records of all activities and events relating to the project and properly document all project changes. The following services shall be performed.
 - a) **General Coordination:** The Consultant shall communicate daily or periodically with the City, the Design Consultant and Contractor, as needed. They shall report on concerns as it relates to the construction effort and activities. In addition, the Consultant shall also coordinate with the Public Information Officer (PIO) where notifications such as utility outages, road closures, etc. may be required. The Consultant shall monitor and verify that the Contractor has made the required notifications to the utility owners, residents and businesses as may be required.
 - b) **Value Engineering Meetings:** The Consultant shall be expected to attend, participate, and provide cost estimating information at Value Engineering meetings between the City, the Design Consultant, and the Contractor for the Project.
 - c) **Resident's Information Meetings:** The Consultant shall be expected to attend, address residents' concerns, participate, produce meeting minutes, and take a lead role in Resident Information Meetings with the City for the Project.
 - d) **Pre-Construction Meetings:** The Consultant shall be expected to attend, participate, produce meeting minutes and take a lead role in Pre-Construction Meeting with the City, Design Consultant and Contractor for the Project. The Pre-construction Meeting shall be scheduled once the first Notice-to-Proceed is issued to the Contractor.
 - e) **Weekly Construction Progress Meetings:** The Consultant shall attend, participate and take a lead role in weekly construction project meetings with the City, Design Consultant and Contractor on the Project. These meetings shall serve as forums to review the status of construction progress, discuss construction issues, discuss

schedule and/or cost concerns, discuss potential changes or conflicts, review the status of shop drawing submittals and Construction Document clarifications and interpretations, and to resolve problems before they become critical. Consultant shall prepare weekly meeting minutes and distribute to all meeting attendees, review the two week look ahead provided by the Contractor and provide comments or objections to written statements within the specified timeframe. The Consultant shall prepare detailed weekly reports that describe the construction activities, progress, incidents and issues that have occurred on the construction site and distribute to the attendees in advance of the weekly construction progress meetings.

- f) **Field Observations:** The Consultant shall conduct field observations on a daily basis throughout the duration of construction. Field observations shall be provided jointly by the City and the Consultant. If and when necessary, the City shall provide part-time construction inspectors for the duration of the Project. The role of the City's construction inspectors shall be limited. The Consultant shall be present at the construction site daily during the construction phase of the Project and shall be expected to be available, as needed, throughout the Contractor's work day.
- g) **Stormwater Permit** - Verify that the Contractor is conducting inspections, preparing reports and monitoring all storm water pollution prevention measures associated with the project. For each project that requires the use of the NPDES General Permit, provide at least one inspector who has successfully completed the "Florida Stormwater, Erosion, and Sedimentation Control Training and Certification Program for Inspectors and Contractors". The Consultant's inspector shall be familiar with the requirements set forth in the FEDERAL REGISTER, Vol. 57, No. 187, Friday, September 5, 1992, pages 4412 to 4435 "Final NPDES General Permits for Storm Water Discharges from Construction Sites" and the City's guidelines.
- h) **Specialty Design Consultant Site Visits:** The Consultant shall monitor the number of specialty site visits requested by the Contractor or City and conducted by the Design Consultant. When it becomes evident that a specialty site visit from the design Engineer of Record (EOR) shall be required, the Consultant shall notify the EOR to discuss and schedule a mutually acceptable time for meeting at the construction site.
- i) **Daily Reports:** The Consultant shall prepare daily reports, on the same date as construction occurs, to record the daily performance of the Contractor as well as other significant construction related matters. Daily reports shall be uploaded by the Consultant to e-Builder™, the City's document management system. At the end of each week, the Consultant shall forward the original daily reports to the City for review. The Consultant shall maintain and file paper copies of the daily reports onsite for reference. The daily reports shall include records of when the Contractor is on the job-site, general field observations, weather conditions, change orders, changed conditions, list of job site visitors, daily drilling and testing activities, testing results, testing observations, and records of the outcome of tests and inspections. At a minimum the daily reports shall contain the following information:
- Weather and general site conditions
 - Contractor's work force counts by category and hours worked
 - Description of Work performed including location
 - Equipment utilized

- Names of visitors to the jobsite and reason for the visit
 - Tests made and results
 - Construction difficulties encountered and remedial measures taken
 - Significant delays encountered and apparent reasons why
 - Description of (potential) disputes between the Contractor and City
 - Description of (potential) disputes between the Contractor and residents
 - Summary of additional directions that may have been given to the Contractor
 - Detailed record of materials, equipment and labor used in connection with extra work, or where there is reason to suspect that a claim or request for Change Order may be submitted by the Contractor
 - Summary of any substantive discussions held with the Contractor and/or City
 - Summary of nonconforming work referenced to corresponding Non-Compliance Notice
 - A log of photographs taken
- j) **Photographic Record:** Consultant shall provide a photographic record of the overall progress of construction, beginning with preconstruction documentation, following with on-going construction documentation, and ending with post-construction documentation. Photographs shall be digital snapshot type taken to define the progress of the project and shall be filed electronically by month in e-Builder™, the City's document management system, labeled by date, time and location. The Consultant shall upload all photos to the e-Builder™ document management system on a weekly basis.
- k) **Adherence to Construction Documents:** The Consultant shall review materials and workmanship of the projects and report to the City any deviations from the Construction Documents that may come to the Consultant's attention. Consultant shall determine the acceptability of the work and materials and, in concert with the Design Consultant (as necessary), make recommendations to the City to reject items not meeting the requirements of the Construction Documents.
- l) **Delivery of Unaccepted Materials to Jobsite:** As new materials are delivered to the jobsite, the Consultant shall check the material's certifications and samples and verify that an approved shop drawing was submitted for the material in question. If it is determined that a submittal has not been approved, the Consultant shall immediately notify the City and issue a Non-Compliance Notice. In conjunction with the Design Consultant (as necessary), the Consultant shall direct and supervise the sampling and testing of materials to be performed by the City's independent testing laboratory. The Consultant shall maintain test report logs which shall be submitted to the City for review on a monthly basis and uploaded to e-Builder™, the City's document management system on a weekly basis. Consultant shall also review invoices submitted by the independent testing laboratories and recommend payment by the City.
- m) **Shop Drawing Submittals:** The Consultant shall review shop drawing and product approvals throughout the duration of the construction period for familiarity prior to delivery of materials. Consultant shall verify that Contractor is maintaining a submittal log, conducting timely submittals, and uploading approved shop drawings to e-Builder™, the City's document management system.

- n) **Issuance of Non-compliance Notices:** The Consultant shall be responsible for notifying the City when they become aware of a condition that is believed to be in non-compliance with Construction Documents. Anytime the Consultant notices a potential construction problem or a condition that could result in non-complying materials, equipment or workmanship, the Consultant will need to determine whether the condition poses an immediate threat to public health or safety. If a condition does not pose a threat to public health or safety, immediate verbal notification or “Pre-Noncompliance Notice” of the potential non-compliance should be made to the Contractor and the City. This verbal notice shall be documented in the Consultant’s daily report and shall advise the Contractor of potential construction problems, errors, or deficiencies that can be promptly resolved and do not warrant a Non-compliance Notice. If the Contractor fails to respond to the verbal notification within a reasonable timeframe, the Consultant shall notify the City and the City’s Projects Coordinator shall issue a Non-compliance Notice. If a condition poses an immediate threat to public health or safety, the Consultant shall notify the Contractor and City immediately and the City’s Projects Coordinator shall issue a Non-compliance Notice to the Contractor. Non-compliance Notices shall include a description of the Work that does not meet the construction contract requirements, along with a required timetable for corrective work to be implemented by the Contractor. Other items that should be included in the Notice include a reference to the provision of the Construction Documents that has been violated.
- o) **Damage to Existing Facilities:** The Consultant shall identify any existing facilities damaged by the Contractor and verify that the Contractor has notified the respective owner(s). The Consultant shall include record of such occurrences in the daily reports.
- p) **Change Orders:** Consultant shall perform an independent review of any Change Orders submitted by the Contractor and provide a written statement noting recommendation for approval or denial of the Change Order to the City. If recommended for approval, the Consultant shall note if the requested cost and schedule impacts are fair and reasonable. The Consultant shall be responsible for maintaining a Change Order log and uploading approved Change Orders to e-Builder™, the City’s document management system. The Consultant shall also participate in change request review meetings with City and Contractor to resolve and/or negotiate the equitable resolution of request.
- q) **Requests for Information/Construction Document Clarification (RFIs/CDCs):** When RFIs and CDCs involve design issue interpretations, the Consultant shall coordinate with the Design Consultant, as needed, to resolve the Contractor’s Requests for Information, Construction Document Clarifications, Field Orders, and other related correspondence. The Consultant shall be also be responsible for verifying that the Design Consultant is providing a written response to RFIs and CDCs in a timely manner and for processing, logging, and distributing all RFIs/CDCs. Consultant shall upload all RFI and CDC responses to e-Builder™, the City’s document management system.
- r) **Schedule:** Analyze the Contractor’s schedule(s) (i.e. baseline(s), revised baseline(s), updates, as-built, etc.) for compliance with the contract documents. Elements including, but not limited to, completeness, logic, durations, activity, flow, milestone dates, concurrency, resource allotment, and delays shall be reviewed. Verify the schedule conforms with the construction phasing and MOT sequences, including all

contract modifications. Provide a written review of the schedule identifying significant omissions, improbable or unreasonable activity durations, errors in logic, and any other concerns as detailed in the contract documents.

- s) **Pay Requisitions:** Consultant shall verify Contractor’s pay requisition quantities and sign-off on all pay requisition quantities in the field. Consultant shall be responsible for reviewing with the Contractor the monthly payment requisition to confirm the status of completed and uncompleted work and stored materials. The Consultant shall advise the City of quantities being approved for subsequent concurrence for payment purposes. Payment Requisitions shall only be approved by the City.
- t) **Equipment Tests and Systems Start-up:** Consultant shall be responsible for coordinating various tests for quality control on the projects; verifying that equipment tests and systems start-up are conducted in the presence of appropriate personnel; and that the Contractor is maintaining adequate records thereof. Consultant shall observe, record, and report appropriate details relative to the test procedures and start-up.
- u) **Record Drawings:** Consultant shall monitor that record drawing mark-ups are properly maintained by the Contractor. The Consultant shall review the record drawing mark-ups as deemed necessary by the City. Contractor’s failure to maintain the record drawings in up-to-date condition may be deemed grounds for withholding Contractor’s monthly payment requisitions until such time as the record drawings are brought up-to-date. The Consultant shall notify the City if it considers the mark-up documents insufficient. The City shall make final determination of payment withholding.
- v) **Safety:** Consultants shall be expected to recognize a hazard that any reasonable non-safety professional might be expected to recognize. In addition, those safety obligations extend only to recognizable hazards that the Consultant may note while in the normal conduct of onsite business.

If a situation presents itself, the following procedures should be followed:

- Immediately direct personnel to remove themselves from the apparent danger.
- Notify the Contractor’s superintendent of the apparent condition that caused the concern and that the affected personnel were directed to remove themselves accordingly.
- Notify the Contractor of the situation that arises concern, both in writing and verbally.
- Issue a written Notice of Noncompliance stating that the Contractor should take immediate action as it deems necessary to correct the deficiency / condition.
- Write a full report in the Daily Report on the condition found to be unsafe, all actions taken, and correspondence written, including times and names.
- Take photographs, of the concern.
- If the Contractor does not make corrections, the Consultant should notify the City.
- The Consultant shall review the situation with the City for further direction.
- The condition, as well as all conversations and correspondence, shall be recorded in the Consultant’s Daily Report.
- In the case of a construction-related accident, Consultant shall notify the City of

the accident. Consultant shall direct the Contractor to prepare an accident report with a copy forwarded to the City.

- w) **Quality Control:** The Consultant shall review and monitor the Contractor’s adherence to an acceptable quality control program submitted by the Contractor prior to the issuance of the second Notice-to-Proceed by the City. This program shall describe the Contractor’s quality control, organizational procedures, documentation controls and processes for each phase of the work. Quality control during construction shall be the responsibility of the Contractor; however, oversight and ensuring the Contractor complies with applicable jurisdictional construction standards shall be enforced on the City’s behalf by the Consultant.
- x) **Proceeding with Disputed Work:** In the event that an agreement cannot be reached on a Change Order, the Contractor must carry on the work and adhere to the project schedule in accordance with the construction contract general conditions. The Consultant shall log all forced work efforts related to disputed change order on a Forced Work Daily Log Reports which shall be signed and dated by the Consultant and the Contractor’s representative at the completion of each workday. The Consultant shall forward copies of this form to the City for record purposes.
- y) **Maintenance of Traffic (MOT):** The Contractor shall provide the Consultant, City and Design Consultant with approved copies of its MOT at the Pre-Construction Meeting for general information purposes. It shall be the Consultant’s responsibility to verify compliance with the MOT in the field.
- z) **Contractor Request for Services:** When the Contractor requires services from the City for issues such as water main shutdowns, tie-ins to existing water mains, special regulatory inspections, etc., a request shall be made in writing by the Contractor, and forwarded by the Consultant to the City, a minimum of three working days prior to when required.
- aa) **Substantial Completion:** When the Contractor considers that the Work has reached Substantial Completion, the Contractor shall notify the Consultant who shall verify that the work has progressed to the substantial completion point in accordance the Construction Documents. If the Consultant is in agreement, the Consultant shall contact the City to agree on a schedule for conducting a substantial completion “walk-through” inspection of the Work. Consultant shall attend and participate in the substantial completion “walk-through”, perform a substantial completion inspection with the Contractor, Design Consultant and the City, and prepare a master punch list that describes items remaining to be completed. This master punch list shall be attached to the certificate of substantial completion.
- bb) **Final Completion and Project Closeout:** When the Contractor considers that the Work has reached Final Completion, the Contractor shall notify the Consultant who shall verify that the work has progressed to the Final Completion point in accordance the Construction Documents. If the Consultant is in agreement, the Consultant shall contact the City to agree on a schedule for conducting a Final Completion “walk-through” inspection of the Work. Consultant shall attend and participate in the Final Completion “walk-through” and perform a Final Completion inspection with the Contractor, Design Consultant and the City. If the work is determined to be incomplete, Consultant and other attendees shall each develop a punch list of items requiring

completion or correction prior to consideration of final acceptance of each project which shall be forwarded to the Contractor by the Consultant for the Project. Consultant shall complete all necessary close-out and construction completion forms and documentation in coordination with the City for the Project. The Consultant shall work with the Design Consultant and the Contractor, as necessary to ascertain materials required for the closeout binder, as required by the City, and review the Operation and Maintenance manuals for each project for completeness prior to forwarding documentation to the City. Once all parties determine the work is complete and the Contractor has delivered all close-out documentation to the City, the Consultant shall prepare a Final Certificate for Payment. The Consultant shall be responsible for providing final certifications based on the entire scope of work for the Project.

- cc) **Consultant and Design Consultant Relationship:** These services outlined herein are intended to provide support to both the City and the Design Consultant during the construction phase of the Project. The Consultant shall perform the services outlined in this Agreement under the supervision and contractual directives of the Project Coordinator, and shall refer all matters pertaining to this Agreement to the City. In matters relating to the design concept and constructability thereof, the Consultant shall conduct this scope of services under the technical directives issued by the Design Consultant such that the Design Consultant's EOR can provide final certification of the design components at Project Closeout.
4. Provide qualified personnel necessary to efficiently and effectively carry out its responsibilities under this Agreement. The personnel shall be qualified by experience and education. Submit in writing to the City for review and approval, the names of personnel proposed for assignment to the project, including a detailed resume for each. The City reserves the right to have Consultant's personnel removed and substituted from the project, if the employee's conduct or performance is detrimental to the project. The City reserves the right to request periodic rotation of field personnel.
 5. The Consultant shall furnish the City with a Quality Assurance Plan within 15 calendar days after the award of this agreement. The QA Plan shall detail the procedures, evaluation criteria, and instructions of the Consultant's organization for providing services pursuant to this Agreement. Significant changes to the work requirements may require the Consultant to revise the QA Plan. It shall be the responsibility of the Consultant to keep the plan current with the work requirements. The Plan shall include, but not be limited to:
 - Consultant's QA Organization and its functional relationship to the part of the organization performing the work under the Agreement. The authority, responsibilities and autonomy of the QA organization shall be detailed as well as the names and qualifications of personnel in the quality control organization.
 - Methods used to monitor and achieve organization compliance with Agreement requirements for services and products.
 - Outline the types of records which shall be generated and maintained during the execution of the QA program.
 - Methods used to control subconsultant and vendor quality.
 - An officer of the Consultant firm shall certify that the inspection and documentation was done in accordance with specifications, plans, City standards, and City's procedures.
 - Maintain adequate records of the quality assurance actions performed by the

organization (including subcontractors and vendors) in providing services and products under this Agreement. All records shall indicate the nature and number of observations made, the number and type of deficiencies found, and the corrective actions taken.

6. Provides assistance in preparing for arbitration hearings or litigation that occurs during the Agreement time in connection with the construction project covered by this Agreement.
7. Provide qualified engineering witnesses and exhibits for arbitration hearings or litigation in connection with the Agreement.
8. Provide services determined necessary for the successful completion and closure of the Construction Contract.
9. Provide Post construction claims review – The Consultant shall analyze the claim, engage in negotiations leading to settlement of the claim, and prepare and process the required documentation to close out the claim.
10. The Consultant may be asked to provide all or some construction engineering and inspection services including inspectors, construction managers and/or construction administration staff for CIP Right-of-Way construction projects.

RFQ PROCESS

On July 18, 2012, the Mayor and City Commission approved the issuance of Request for Qualifications (RFQ) No. 52-11/12, for Professional Construction Engineering and Inspection (CEI) Firms to provide various CEI services on an “as needed” basis. The RFQ was issued on August 14, 2012, with an opening date of September 13, 2012. A pre-qualifications conference to provide information to the proposers submitting a response was held on August 22, 2012.

Bidnet issued bid notices to 272 prospective bidders, of which 10 downloaded the RFQ document. In addition, 254 vendors were notified via e-mail, which resulted in the receipt of the following seventeen (17) proposals:

- A&P Consulting Transportation Engineers, Corp.
- Atkins North America, Inc.
- Bermello Ajamil & Partners, Inc.
- Network Engineering Services, Inc. d/b/a Bolton Perez & Associates
- Corzo Castella Carballo Thompson Salman, P.A. (C3TS)
- Calvin, Giordano & Associates, Inc.
- C.A.P. Engineering, Inc.
- Chen Moore and Associates
- CIMA Engineering Corp.
- CMTS Construction Management Services, LLC
- Craven Thompson & Associates, Inc.
- CSA Central, Inc.
- Eisman & Russo, Inc.
- New Millenium Engineering, Inc.
- Parson Brinckerhoff, Inc.

- S&D Engineering and Construction, Inc.
- Tamayo Engineering, LLC

Through the Procurement Division’s review of each bid for responsiveness, S&D Engineering and Construction, Inc. was deemed nonresponsive for failing to submit mandatory information pertaining to their experience and qualifications. On October 2, 2012, the Procurement Division notified S&D of the missing information to which the firm never responded.

On November 15, 2012, the Interim City Manager via Letter to Commission (LTC) No. 295-2012, appointed an Evaluation Committee (the “Committee”) consisting of the following individuals:

- Maria Cerna, Senior Capital Projects Coordinator, CIP
- Stacy Kilroy, Capital Improvement Projects Oversight Committee member
- Jose Perez, Capital Projects Coordinator, CIP
- Michael Phang – Resident, Associate Dean at the University of Miami College of Engineering
- Jose Rivas, Civil Engineer III, Public Works

Alternate

- Elizabeth Camargo, Capital Improvement Projects Oversight Committee member

On February 8, 2013, the Committee convened to review and discuss the proposals received. Committee member Michael Phang was unable to attend. In determining the most qualified firms, the Committee discussed each prospective firm’s qualifications, experience, and competence. They also scored and ranked each accordingly to develop its recommendation to the Interim City Manager based on the criteria noted in the RFQ below.

Total Points	Criteria
30	The experience and qualifications of the professional personnel assigned to the Project Team and the Project Manager, as well as their familiarity with this project and a thorough understanding of the methodology and approach to be used in this assignment
25	The experience and qualifications of the Proposer
20	Past performance based on quality of the Performance Evaluation Surveys and the Administration’s due diligence based upon reference checks performed of the Firm(s) clients
5	Willingness to meet time and budget requirements as demonstrated by past performance, methodology and approach
5	Certified minority business enterprise participation. Either the Proposer or a member of the Proposer Team may qualify for proof of certification for minority business enterprise participation. Accepted minority business enterprise certifications include the Small Business Administration (SBA), State of Florida, or Miami-Dade County
5	Location
5	Recent, current and projected workloads of the firms
5	The volume of work previously awarded to each firm by the City, with the object of effecting an equitable distribution of contracts among

	qualified firms, provided such distribution does not violate the principle of selection of the most highly qualified firm
5	Local Preference - The Evaluation Committee will assign an additional five (5) points to Proposers, which are, or include as part of their proposal team, a Miami Beach-based vendor as defined in the City's Local Preference Ordinance.
5	Veterans Preference - The Evaluation Committee will assign an additional five (5) points to Proposers, which are, or include as part of their proposal team, a small business concern owned and controlled by a veteran(s) or a service-disabled veteran business enterprise, as defined in the City's Veterans Preference Ordinance.

Prior to scoring and ranking the proposals, the Committee unanimously agreed to select the top five (5) ranked firms. The following table provides the scoring and ranking results:

RFQ 52-11/12 Evaluation Committee Ranking					
	Cerna	Kilroy	Perez	Rivas	Total
Parson Brinckerhoff, Inc.	6 (93)	1 (94)	1 (94)	2 (89.92)	10 (370.82)
Bermello Ajamil & Partners, Inc.	8 (89)	2 (93)	4 (85)	1 (90.8)	15 (357.8)
Atkins North America, Inc.	9 (88.5)	4 (89)	2 (90)	3 (89.72)	18 (357.22)
Chen Moore and Associates	5 (93.5)	5 (86)	6 (84)	4 (89.27)	20 (352.77)
Corzo Castella Carballo Thompson Salman, P.A. (C3TS)	2 (95)	3 (90)	9 (82)	6 (82.55)	20 (349.55)
CIMA Engineering Corp.	3 (94)	9 (82)	5 (84.8)	8 (82.62)	25 (343.42)
CSA Central, Inc.	1 (96)	8 (83)	8 (83)	9 (79.02)	26 (341.02)
A&P Consulting Transportation Engineers, Corp.	14 (86)	7 (84)	3 (86)	5 (83.35)	29 (339.35)
Craven Thompson & Associates, Inc.	11 (87.5)	6 (85)	10 (81.9)	7 (82.27)	34 (336.67)
Eisman & Russo, Inc.	12 (87)	10 (82)	7 (83.8)	13 (72)	42 (324.8)
Tamayo Engineering, LLC	4 (94)	16 (74)	11 (80)	12 (73)	43 (321)
Bolton Perez & Associates	7 (91)	13 (79)	15 (77)	11 (74.82)	46 (321.82)
Calvin, Giordano & Associates, Inc.	13 (86.5)	12 (80)	12 (78)	10 (78.58)	47 (323.08)
C.A.P. Engineering, Inc.	10 (88)	11 (81)	13 (77.9)	15 (70.8)	49 (317.7)
CMTS Construction Management Services, LLC	16 (80)	15 (76)	14 (77.5)	14 (71.45)	59 (304.95)
New Millenium Engineering, Inc.	15 (82)	14 (78)	16 (72)	16 (65.97)	61 (297.97)

A motion was presented by Jose Perez, seconded by Stacy Kilroy, and approved by all Committee members to recommend entering into negotiations with the top five (5) ranked firms: Atkins North America, Inc., Bermello Ajamil & Partners, Inc., Chen Moore and Associates, Corzo Castella Carballo Thompson Salman, P.A. (C3TS), and Parson Brinckerhoff, Inc.

COMPANY PROFILES

Atkins North America, Inc. is a full-service construction management, engineering, and architectural firm with a proven track record with the City of Miami Beach. Atkins has

supported numerous municipal projects and capital improvement programs, providing services such as CEI, survey, cost estimating and scheduling, general engineering consulting, traffic engineering, coastal engineering, and civil/utilities engineering. Their project manager also has 33 years of experience in the construction industry as a general contractor and building code compliance officer. Notable projects include:

- Bayshore Neighborhoods Right-of-Way (ROW) Improvements Resident Project Representative (Miami Beach, FL)
- NW 116th Way Bridge CEI Services (Medley, FL)
- SR 60 CEI Services (FDOT District Four)

Bermello Ajamil & Partners, Inc. is an international multi-disciplinary A/E firm that provides complete planning, design, and construction services in the disciplines of architecture, engineering, planning, interior design, and landscape architecture specializing in municipal, transportation, commercial, residential, and maritime projects. Their project manager also has 21 years of engineering experience. Notable projects include:

- CEI Services on a Continuing Basis for the Design-Build of Traffic Calming Projects Task Order #1 (Doral, Florida)
- CEI Services for S.R. 874 from Kendall Drive to 117th Street (Miami-Dade Expressway Authority)
- CEI Services for Okeechobee Road Reconstruction Project Grouping (FDOT District Four)

Chen Moore and Associates is a civil/environmental engineering, landscape architecture and construction management consulting firm founded in 1986 and providing related services in Miami-Dade County since 1999. CMA has extensive experience working on neighborhood roadway, water, sewer and drainage projects, including Miami Beach Capital Improvement Projects, Broward County Neighborhood Improvements, and Dania Beach Neighborhood Improvements. Their project manager also has over 28 years of construction experience. Notable projects include:

- City Center Right-of-Way Improvements (Miami Beach, FL)
- South Pointe III/IV/V Right-of-Way Improvements (Miami Beach, FL)
- Lake Patricia Roadway and Drainage Improvements (Miami Lakes, FL)

Corzo Castella Carballo Thompson Salman, P.A. (C3TS) is a local, multi-disciplined engineering and design firm, with in-house staff that provide a broad array of services such as civil, construction administration, transportation, environmental, structural, electrical and mechanical engineering, as well as planning, architecture, and public information services and has been providing fully integrated engineering and architectural design services throughout South Florida for over 24 years. Their project manager also has over 10 years of experience in the design and construction of civil engineering and site development projects. Notable projects include:

- Golden Beach A1A Utility Underground Conversion of Overhead Facilities to Underground (Golden Beach, FL)
- Zones 1 & 4 Water Main and Sanitary Sewer Replacement (Key Biscayne, FL)
- Belle Meade Drainage Improvements and Stormwater Pump Station Design (Miami, FL)

Parson Brinckerhoff, Inc. provides a wide range of CEI, construction management, program management, engineering, planning, architectural and environmental services to serve both the public and private sectors. Founded in 1919 and serving South Florida since 1978,

Parsons has been providing CEI services for Miami-Dade Expressway (MDX), Miami-Dade County and the Florida Department of Transportation together with working on similar CEI task-order contracts for the City of Miami. Their project manager also has over 27 years of experience having worked as an Inspector, Office Engineer, Project Engineer, Project Manager and a Senior Project Engineer. Notable projects include:

- Miami International Airport New Northside Runway (8L-26R) (Miami-Dade County, FL)
- 54" & 20" Government Cut Utility Relocation (Miami-Dade County, FL)
- S.R. 836 Westbound Auxiliary Lanes and New Bridge (Miami-Dade Expressway Authority)

INTERIM CITY MANAGER'S DUE DILIGENCE

After considering the review and recommendation of the Evaluation Committee, the Interim City Manager exercised her due diligence and is recommending that the Mayor and the City Commission authorize negotiations with the five (5) top-ranked firms: Atkins North America, Inc., Bermello Ajamil & Partners, Inc., Chen Moore and Associates, Corzo Castella Carballo Thompson Salman, P.A. (C3TS), and Parson Brinckerhoff, Inc.; and further authorizing the Mayor and City Clerk to execute an agreement upon conclusion of successful negotiations by the administration. See Attachment A for an example of a current CEI agreement.

The following is a list of previous CEI projects performed by the recommended firms for the City (Chen Moore and Associates and Parson Brinckerhoff, Inc. are not contracted under the current CEI contract):

- Atkins North America, Inc.
 - Bayshore Neighborhood ROW Improvements
 - City Center 9A/9C
- Bermello Ajamil & Partners, Inc.
 - Indian Creek ROW Improvements
 - Ice Rink Mechanical Repairs - Scott Rakow
- Corzo Castella Carballo Thompson Salman, P.A. (C3TS)
 - Feasibility Study for South Pointe Water Feature
 - Pine Tree Drive over La Gorce Canal Repair
 - Review of Contractor Claims on South Pointe Phase II

Chen Moore and Associates has performed design and construction administration services on the following projects for the City:

- 35th Street Bathrooms
- City Center
- Implementation of Bike Lanes on Alton Road
- South Pointe Phase III, IV, and V
- Streetscape Improvements at 21st Street between Parks and Collins Avenue
- Sunset Island I & II Redesign

In regards to previous work performed for the City, both the CIP Office and Public Works Department acknowledged that the recommended firms had performed well in recent years. While there were concerns of Bermello Ajamil & Partners, Inc. performance on the Indian Creek project in 2010, on their more recent project (Ice Rink Mechanical Repairs-Scott Rakow), CIP has been satisfied with their performance.

See the past performance surveys received by previous clients of the recommended firms in Attachment B.

CONCLUSION

The Administration recommends that the Mayor and City Commission of the City of Miami Beach, Florida accept the recommendation of the Interim City Manager pertaining to the ranking of proposals pursuant to Request for Qualifications (RFQ) No. 52-11/12, for Professional Construction Engineering and Inspection (CEI) firms to provide various CEI services on an “as needed” basis; authorizing negotiations with the top five ranked firms: Atkins North America, Inc., Bermello Ajamil & Partners, Inc., Chen Moore and Associates, Corzo Castella Carballo Thompson Salman, P.A. (C3TS), and Parson Brinckerhoff, Inc.; and further authorizing the Mayor and City Clerk to execute an agreement upon conclusion of successful negotiations by the administration.

KGB/FV/AD

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ATTACHMENT A – SAMPLE CEI AGREEMENT

PROFESSIONAL SERVICES AGREEMENT

BETWEEN

CITY OF MIAMI BEACH, FLORIDA

AND

FOR

**CONSTRUCTION ENGINEERING AND INSPECTION (CEI) SERVICES
FOR PROJECTS IN WHICH CONSTRUCTION COSTS DO NOT
EXCEED \$1 MILLION OR FOR STUDY ACTIVITY (IES) WHEN THE
FEE FOR SUCH PROFESSIONAL SERVICE(S) DOES NOT EXCEED
\$50,000**

JUNE 2008

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TERMS AND CONDITIONS OF AGREEMENT

BETWEEN THE CITY OF MIAMI BEACH

AND

FOR

PROFESSIONAL CERTIFIED ENGINEERING AND INSPECTION (CEI) SERVICES ON
AN AS-NEEDED BASIS

This Agreement made and entered into this _____ day of _____, 2008, by and between the CITY OF MIAMI BEACH, a municipal corporation existing under the laws of the State of Florida (hereinafter referred to as City), having its principal offices at 1700 Convention Center Drive, Miami Beach, Florida, 33139, _____, a Florida corporation having its principal office at _____ (hereinafter referred to as Consultant).

WITNESSETH:

WHEREAS, the City undertake(s) various capital projects within the City of Miami Beach, and wishes to engage the Consultant to provide professional services for certain projects to be assigned, at the City's discretion and by means of the issuance of a "Consultant Service Order" (similar to the form shown in Schedule "A" to this Agreement); and

WHEREAS, the Consultant desires to contract with the City for performance of professional services relative to those projects assigned by the City, as specifically described in the Consultant Service Order.

NOW THEREFORE, City and Consultant, in consideration of the mutual covenants and agreements herein contained, agree as follows:

ARTICLE 1. DEFINITIONS

- 1.1 **CITY:** The "City" shall mean the City of Miami Beach, a Florida municipal corporation having its principal offices at 1700 Convention Center Drive, Miami Beach, Florida, 33139.
- 1.2 **CITY COMMISSION:** "City Commission" shall mean the governing and legislative body of the City.
- 1.3 **CITY MANAGER:** The "City Manager" shall mean the chief administrative officer of the City. The City Manager shall be construed to include any duly authorized designees, including the Project Coordinator and shall serve as the City's representative to whom administrative requests for approvals shall be

made and who shall issue authorizations (exclusive of those authorizations reserved to the City Commission) to the Consultant.

- 1.4 **PROPOSAL DOCUMENTS:** "Proposal Documents" shall mean the Request for Qualifications (RFQ) No. 01-07/08 FOR THE ESTABLISHMENT OF A PRE-APPROVED LIST OF PROFESSIONAL CONSTRUCTION ENGINEERING AND INSPECTION SERVICES (CEI) FIRMS TO PROVIDE VARIOUS CEI SERVICES, ON AN AS NEEDED BASIS issued by the City in contemplation of this Agreement, together with all amendments thereto, if any, and the Consultant's proposal in response thereto (Proposal), which is incorporated by reference in this Agreement and made a part hereof; provided, however, that in the event of an express conflict between the Proposal Documents and this Agreement, this Agreement shall prevail.
- 1.5 **CONSULTANT:** The "Consultant" is herein defined as _____, a Florida corporation having its principal office at _____. When the term "Consultant" is used in this Agreement it shall be deemed to include any sub-consultants and any other person or entity acting under the direction or control of Consultant. Any subconsultants retained by Consultant pursuant to this Agreement and the Project shall be subject to prior written approval of the City.
- 1.6 **PROJECT COORDINATOR:** The "Project Coordinator" shall mean the individual appointed by the City Manager who shall be the City's authorized representative to coordinate, direct, and review on behalf of the City, all matters related to the Project, except as otherwise provided herein.
- 1.7 Intentionally omitted.
- 1.8 **BASIC SERVICES:** "Basic Services" shall include those services, as described in the "Consultant Service Order", issued by the City to the Consultant hereunder, and attached as Exhibit A, hereto.
- 1.9 **PROJECT:** The "Project" shall mean the City project, described in the "Consultant Service Order."
- 1.9.1 **PROJECT COST:** The "Project Cost", as established by the City, shall mean the total cost of the Project to the City including, without limitation, the Construction Cost, professional compensation, land cost, financing cost, testing services, surveys, and other miscellaneous costs.
- 1.9.2 **PROJECT SCOPE:** The "Project Scope" shall mean the description of the Project contained in the "Consultant Service Order" issued to the Consultant by the City (as may be modified by any approved change orders issued subsequently).
- 1.10 **CONSTRUCTION COST:** The "Construction Cost" for the Project shall mean

the sum which is the total cost or estimated cost to the City of all elements of the Project designed or specified by the Consultant and approved by the City, including, at current market rates (with a reasonable allowance for overhead and profit), the cost of labor and materials and any equipment which has been designed, specified, selected or specifically provided for by the Consultant and approved by the City, and including a contingency allowance for unforeseen conditions, not to exceed ten percent (10%) of the construction cost for new construction, or twenty percent (20%) of construction cost for rehabilitation of historic buildings, and not including the compensation of the Consultant and any subconsultants, the cost of land, rights-of-way, surveys, testing, or other reimbursable expenses. For Work not constructed, the Construction Cost shall be the same as the lowest bona fide bid or competitive bid received and accepted from a responsible bidder or proposer for any and all of such Work.

- 1.10.1 **CONSTRUCTION COST BUDGET:** The “Construction Cost Budget” shall mean an amount budgeted by the City for Construction Cost, as may be specified in the Project Scope.
- 1.10.2 **STATEMENT OF PROBABLE CONSTRUCTION COST:** The “Statement of Probable Construction Cost” shall mean a forecast of Construction Cost prepared by the Consultant, for the guidance of the City. For Work which bids or proposals have not been let, the Construction Cost shall be the same as the latest Statement of Probable Construction Cost. The City shall have the right to verify the Statement of Probable Construction Cost or detailed cost estimate by the Consultant.
- 1.11 **FORCE MAJEURE:** “Force Majeure” shall mean any delay occasioned by superior or irresistible force occasioned by violence in nature without the interference of human agency such as hurricanes, tornadoes, floods, loss caused by fire and other similar unavoidable casualties; or by changes in Federal, State or local laws, ordinances, codes or regulations, enacted after the date of this Agreement and having a substantial impact on the Project; other causes beyond the parties’ control; or by any other such causes which the Consultant and the City decide in writing justify the delay; provided, however, that market conditions, labor conditions, construction industry price trends and similar matters which normally impact on the bidding process shall not be considered a Force Majeure.
- 1.12 **CONTRACTOR / CONTRACTORS:** “Contractor” or “Contractors” shall mean those persons or entities responsible for performing Work or providing materials, supplies and equipment identified in a bid and construction documents for the Project.
- 1.13 **CONTRACT DOCUMENTS:** “Contract Documents” shall mean this Agreement and all exhibits and amendments hereto including, without limitation, the Consultant Service Order. As applicable to the Project and the Services hereto,

Contract Documents may also include the Contract for Construction; Conditions of the Contract (General, Supplementary and other Conditions); Construction Documents; and any addenda issued prior to execution of the Contract for Construction. A Modification is one of the following: (1) written amendment to this Agreement or the Contract for Construction signed by both parties; (2) an approved Change Order; (3) a Construction Change Directive; or (4) a written order for a minor change in the Work issued by the Consultant.

- 1.14 **CONTRACT FOR CONSTRUCTION:** "Contract for Construction" shall mean a legally binding agreement between the City and Contractor(s).
- 1.15 **CONTRACT AMENDMENT:** "Contract Amendment" shall mean the written order to the Contractor approved by the City, as specified in this Agreement, and signed by the City's duly authorized representative, authorizing a change in the Project or the method and manner of performance thereof, or an adjustment in the fees and/or completion dates, as applicable. Contract Amendments shall be approved by the City Commission, if they exceed twenty-five thousand dollars (\$25,000.00) or the City Manager if they are twenty-five thousand dollars (\$25,000.00) or less in amount (or other such amount as may be specified by the City of Miami Beach Procurement Ordinance, as amended). Even for Contract Amendments for less than twenty-five thousand (\$25,000.00), the City Manager shall retain the right to seek and obtain concurrence of the City Commission for the approval of any such Contract Amendment.
- 1.16 **ADDITIONAL SERVICES:** "Additional Services" shall mean those services described in Article 4 herein, which have been duly authorized in writing by the City Manager prior to commencement of same.
- 1.17 **WORK:** "Work" shall mean the work to be performed on the Project by the Contractor, pursuant to the applicable Contract Documents, whether completed or partially completed, and includes labor and materials, equipment, and services provided, or to be provided, by the Contractor to fulfill its obligations.
- 1.18.1 **SERVICES:** "Services" shall mean the services to be performed on the specified Project by the Consultant pursuant to this Agreement (and the Consultant Service Order), whether completed, or partially completed, and includes other labor and materials, equipment and services provided, or to be provided, by Consultant to fulfill its obligations herein.
- 1.19 **SCHEDULES:** "Schedules" shall mean the various schedules attached to this Agreement as follows:

Schedule A – Consultant Service Order (Scope of Service).

Schedule B – Consultant Compensation: The schedule of compensation to the Consultant for Basic Services, and for Reimbursable Expenses, as defined, plus any Additional Services, as submitted by the Consultant and approved by

the City.

Schedule C – Hourly Billing Rate Schedule: The schedule of Hourly Compensation Rates to the Consultant as submitted by the Consultant and approved by the City.

Schedule D – Project Schedule (if determined applicable by City).

Schedule E – Insurance Checklist.

- 1.20 **SCOPE OF SERVICES:** “Scope of Services” shall mean the Project Scope as described in the Consultant Service Order issued by the City hereunder (Schedule “A”), together with any Additional Services approved by the City, as described in Articles 2 and 4, respectively herein.

ARTICLE 2. BASIC SERVICES

- 2.1 The Consultant shall provide Basic Services, on an “as needed basis,” meaning that each firm awarded a contract hereby agrees to be placed on a professional CEI list where the City may call upon them to perform professional services for certain City projects, as assigned by the City, in its sole discretion and judgment. As the need for service arise, firms will be contacted to provide the necessary professional services according to the negotiated scope of work and cost. CEI services will be quoted as a lump sum based on the estimated hours to complete a project. Detailed hourly rates will be negotiated for all personnel classifications for the firms.

The Services will be performed by the Consultant upon receipt of a written Consultant Service Order signed by the City Manager, or his designee. Consultant shall countersign the Consultant Service Order upon receipt, and return the signed copy to the City.

The Consultant shall coordinate with subconsultants and other consultants, and conform to all applicable codes and regulations. Consultant, as it relates to the Services, represents and warrants to the City that it is knowledgeable of codes, rules and regulations applicable in the jurisdictions in which the Project is located, including, local ordinances and codes (City of Miami Beach and Miami-Dade County), Florida Statutes, administrative rules and regulations (including the regulations of the Florida Department of Transportation [FDOT] and Florida Department of Environmental Protection [FDEP], if applicable), and Federal laws, rules and regulations. The Consultant agrees to comply with all such laws, codes, rules, and regulations now in effect, and as may be amended or adopted at any time, and shall further take into account all known pending changes to the foregoing, of which it should reasonably be aware.

The Consultant expressly agrees that all of its duties, services and responsibilities under this Agreement shall be performed in accordance with the standard of care normally exercised in the design of projects of this nature in South Florida. In addition, Consultant represents that it is experienced and fully qualified to perform the Services contemplated by this Agreement, and that it is properly licensed pursuant to the applicable laws, rules and regulations to

perform such Services. Consultant warrants that it shall be responsible for the technical accuracy of its work and the Services.

- 2.2 **RESPONSIBILITY FOR CLAIMS AND LIABILITIES:** Approval by the City shall not constitute nor be deemed a release of the responsibility and liability of the Consultant, its employees, subcontractors, agents and consultants for the accuracy and competency of their designs, working drawings, specifications or other documents and services; nor shall such approval be deemed to be an assumption of such responsibility by the City for a defect, error or omission in designs, working drawings, specifications or other documents prepared by the Consultant, its employees, subcontractors, agents and consultants. However, the Consultant shall be entitled to reasonably rely upon the accuracy and validity of written decisions and approvals furnished by the City and its employees.
- 2.3 **TIME:** It is understood that time is of the essence in the completion of this Project, and in this respect the parties agree as follows:
- 2.3.1 The Consultant shall perform the Services as expeditiously as is consistent with the standard of professional skill and care required by this Agreement and the orderly progress of the Work.
- 2.3.2 The parties agree that the Consultant's Services during all phases of the Project will be performed in a manner that shall conform to the Consultant Service Order (or the approved Project Schedule, if City determines one is required). The Consultant may submit requests for an adjustment to the time provided for completion of the services in the Consultant Service Order (or the approved Project Schedule, if applicable) made necessary, by undue time taken by the City to approve the Consultant's submissions, and/or excessive time taken by the City to approve the Services or parts of the Services. The City shall not unreasonably refuse to approve such adjustment(s) to the time period(s) provided in the Consultant Service Order (or the approved Project Schedule, if applicable) if the request is made in a timely manner and is fully justified.
- 2.3.3 In providing the Services described in this Agreement, the Consultant shall use its best efforts to maintain, on behalf of the City, a constructive, professional, cooperative working relationship with the City's Project Coordinator, Contractor(s), and others that have been contracted to perform services and / or work pertaining to the Project.
- 2.3.4 It is further the intent of this Agreement that the Consultant shall perform its duties under this Agreement in a competent, timely and professional manner and that it shall be responsible to the City for any failure in its performance except to the extent that acts or omissions by the City or others make such performance impossible.

- 2.3.5 Whenever during the term of this Agreement, others are required to verify, review, or consider any work performed by Consultant, including but not limited to the design professionals, Contractors, and other consultants retained by the City, Consultant shall address comments forwarded to it in a timely manner. The term “timely” shall be construed to mean as soon as possible under the circumstances, taking into account the time period(s) and requirements of the Consultant Service Order (or the approved Project Schedule, if applicable).
- 2.3.6 The City shall have the right at any time, and in its sole and absolute discretion, to submit for review to consulting engineers or consulting architects or other consultants, engaged by the City at its own expense for that purpose, any or all parts of the services performed by the Consultant, and the Consultant shall cooperate fully in such review at the City’s request.
- 2.3.7 Consultant agrees that, when the Services to be provided hereunder relate to a professional service which, under Florida Statutes, requires a license, certification of authorization, or other form of legal entitlement to practice such services, it shall employ and/or retain only qualified personnel to provide such services.
- 2.3.8 Consultant agrees to employ and designate in writing, within five (5) calendar days after receiving a signed Consultant Service Order, a qualified professional to serve as the Consultant’s project manager (herein after referred to as “Project Manager”). The Project Manager shall be authorized and responsible to act on behalf of Consultant with respect to directing, coordinating and administering all aspects of Services to be provided and performed under this Agreement.
- 2.3.9 Consultant agrees, within fourteen (14) calendar days of receipt of written notice to do so from City, to promptly remove and replace Project Manager, or any other personnel employed or retained by Consultant, or any subconsultant or subcontractors engaged by Consultant, which request may be made by City with or without stating its cause.
- 2.3.10 Consultant herein represents to City that it has expertise in the type of professional services that will be performed and pursuant to this Agreement. Consultant agrees that all Services to be provided by Consultant pursuant to this Agreement shall be subject to City’s review and approval and shall be in accordance with the generally accepted standards of professional practice in the State of Florida, as well as in accordance with applicable published laws, statutes, ordinances, codes, rules, regulations and requirements of any governmental agencies having jurisdiction over the Project or the Services to be performed by

Consultant hereunder. In the event of any conflicts in these requirements, Consultant shall notify City of such conflict and utilize its best professional judgment to advise City regarding resolution of each such conflict.

2.3.11 Consultant agrees not to divulge, furnish or make available to any third person, firm or organization, without City’s prior written consent, or unless incident to the proper performance of Consultant’s obligations hereunder, or in the course of judicial or legislative proceedings where such information has been properly subpoenaed, any non-public information concerning Services to be rendered by Consultant hereunder, and Consultant shall require its employees, agents, subconsultants and subcontractors to comply with the provisions of this paragraph.

2.3.12 The City and Consultant acknowledge that the Scope of Services under the Consultant Service Order (attached as Schedule “A” hereto) may not delineate every detail and minor work task required to be performed by Consultant to complete the Project. If, during the course of the performance of the Services contemplated in this Agreement, Consultant determines that work should be performed to complete the Project which is, in the Consultant’s opinion, outside the level of effort originally anticipated, whether or not the Scope of Services identifies the work items, Consultant shall notify the Project Coordinator, in writing, in a timely manner, and obtain said Project Coordinator’s written consent, before proceeding with the work. The Project Coordinator must comply with Contract Amendment processing requirements as outlined in Article 1.14, prior to issuance of any written authorization to proceed with Additional Services to Consultant. If Consultant proceeds with additional Services without notifying and obtaining the consent of the Project Coordinator, said work shall be deemed to be within the original level of effort, and deemed included as a Basic Service herein, whether or not specifically addressed in the Scope of Services (Consultant Service Order). Notice to the Project Coordinator does not constitute authorization or approval by the City to perform the work. Performance of work by Consultant outside the originally anticipated level of effort without the prior written consent of the City shall be at Consultant’s sole risk.

2.3.13 Consultant shall establish and maintain files of documents, letters, reports, plans, etc. pertinent to the Project. Consultant shall provide City with a copy of applicable Project correspondence for City to file in its filing system.

2.3.14 It is further the intent of this Agreement that the Consultant shall perform its duties under this Agreement in a competent, timely and

professional manner and that it shall be responsible to the City for any failure in its performance except to the extent that acts or omissions by the City or others make such performance impossible.

2.3.15 In the event Consultant is unable to timely complete the Project because of delays resulting from delays which are caused by factors outside the control of Consultant, Consultant shall provide City with immediate written notice stating the reason for such delay and a revised anticipated schedule of completion. City, upon review of Consultant's submittal and such other documentation as the City may require, may grant a reasonable extension of time for completion of the Project and may provide reasonable compensation, if appropriate.

2.3.16 The Consultant covenants with the City to furnish its Services hereunder properly, in accordance with the standards of its profession and in conformance with applicable construction, building and health codes and other applicable Federal, State and local rules, regulations and laws, of which it should reasonably be aware, throughout the term of this Agreement. City participation in the Project in no way relieves the Consultant of its professional duties and responsibilities under applicable law and under the Contract Documents.

ARTICLE 3. THE CITY'S RESPONSIBILITIES

- 3.1 The City shall designate in writing a Project Coordinator to act as the City's representative with respect to the services to be rendered under this Agreement (herein after referred to as Project Coordinator). The Project Coordinator shall have authority to transmit instructions, receive information, interpret and define City policies and decisions with respect to Consultant's Services on this Project. However, the Project Coordinator is not authorized to issue any verbal or written orders or instructions to Consultant that would have the effect, or be interpreted to have the effect, of modifying or changing in any way whatsoever, unless approved by the City Manager and/or City Commission in compliance with Article 1.14 requirements, including but not limited to the following:
- a) The Consultant Service Order.
 - b) The time the Consultant is obligated to commence and complete all such Services; or
 - c) The amount of compensation the City is obligated or committed to pay Consultant.
- 3.2 The City shall assist Consultant by placing at Consultant's disposal, all information the City has available pertinent to the Project, including previous reports and any other data relative to design or construction of the Project. It

shall be fully understood that City, in making such reports, site information, and documents available to the Consultant is in no way certifying representing and/or warranting as to the accuracy or completeness of such data, including, but not limited to, any information provided in the City's Request for Qualifications and backup documentation thereto. Any conclusions or assumptions drawn through examination there of shall be the sole responsibility of the Consultant and subject to whatever measure it deems necessary to final verification essential to its performance under this Agreement. Services required due to inaccurate, incomplete or incorrect information supplied by the City may be undertaken by the Consultant as an Additional Service to this Agreement. Consultant shall notify the Project Coordinator, in writing, in a timely manner and obtain said Project Coordinator's written consent, before proceeding with the work. If Consultant proceeds with the Additional Services without notifying and obtaining the consent of the Project Coordinator, said work shall be deemed to be within the original level of effort and deemed included as a Basic Service herein.

- 3.3 In the City's sole discretion, the City may furnish legal, accounting and insurance counseling services as may be required at any time for the Project, including such auditing services as the City may require to verify the Consultant's applications for payment or to ascertain that Consultant has properly remitted payment due to subconsultants or vendors working on this Project for which Consultant has received payment from the City.
- 3.4 If the City observes or otherwise becomes aware of any fault or defect in the Project or non-conformance with the Contract Documents, the City shall give prompt written notice thereof to the Consultant.
- 3.5 The City shall furnish required information and services and render approvals and decisions in writing as reasonably expeditious as necessary for the orderly progress of the Consultant's Services. No approvals required by the City during the various phases of the Project shall be unreasonably delayed or withheld; provided that the City shall at all times have the right to approve or reject any proposed submissions of Consultant for any reasonable basis.
- 3.6 The City Commission shall be the final authority to do or to approve the following actions or conduct by passage of an enabling resolution or amendment to this Agreement.
 - 3.6.1 The City Commission shall be the body to consider, comment upon, or approve any amendments or modifications to this Agreement, except when noted otherwise (i.e., where delegated to the City Manager or his designee) in this Agreement.
 - 3.6.2 The City Commission shall be the body to consider, comment upon, or approve any assignment, sale, transfer or subletting of this Agreement or

any interest therein and any subcontracts made pursuant to this Agreement. Assignment and transfer shall be defined to include sale of the majority of the stock of a corporate Consultant.

- 3.6.3 All required City Commission approvals and authorizations shall be expressed by passage of an appropriate enabling resolution and, if an amendment, by the execution of an appropriate amendment to this Agreement.
- 3.6.4 The City Commission shall hear appeals from the administrative decision of the City Manager's appointed designee(s), upon the Consultant's written request, in which case the Commission's decision shall be final.
- 3.6.5 The City Commission shall approve or consider all Contract Amendments that exceed the sum of twenty five thousand dollars (\$25,000.00) (or other such amount as may be specified by the City of Miami Beach Procurement Ordinance, as amended).
- 3.7 The City Manager or his designee(s) shall serve as the City's representative to whom administrative requests for approvals shall be made and who shall issue authorizations (exclusive of those authorizations reserved to the City Commission) to the Consultant. These authorizations shall include, without limitation: reviewing, approving, or otherwise commenting upon the schedules, plans, reports, estimates, contracts and other documents submitted to the City by the Consultant.
 - 3.7.1 The City Manager shall decide, in his professional discretion, matters arising pursuant to this Agreement which are not otherwise expressly provided for in this Agreement, and shall attempt to render administrative decisions promptly to avoid unreasonable delay in the progress of the Consultant's Services. The City Manager, in his administrative discretion, may consult with the City Commission concerning disputes or matters arising under this Agreement regardless of whether such matters or disputes are enumerated herein.
 - 3.7.2 The City Manager shall be authorized, but not required, at the request of the Consultant, to reallocate monies already budgeted toward payment of the Consultant, provided, however, that the Consultant's compensation or other budgets established by this Agreement cannot be increased.
 - 3.7.3 The City Manager, or his designee, shall be the sole representative of the City authorized to issue a Consultant Service Order.
 - 3.7.4 The City Manager may approve Contract Amendments which do not exceed the sum of twenty five thousand dollars (\$25,000.00) (or other

such amount as may be specified by the City of Miami Beach Purchasing Ordinance, as amended) and which do not increase any of the budgets established herein.

- 3.7.5 The City Manager may, in his sole discretion, form a committee or committees, or inquire of or consult with persons for the purpose of receiving advice and recommendations relating to the exercise of his powers, duties and responsibilities under this Agreement.

ARTICLE 4. ADDITIONAL SERVICES

- 4.1 Additional Services for Projects under this Agreement will only be performed by the Consultant following receipt of a written authorization by the City Manager or his designee, prior to commencement of same. Such authorization shall contain a description of the Additional Services required; "Not to Exceed" fee with a "Not to Exceed" amount on additional Reimbursable Expenses (if any) and an amended completion date for the Project (if any). "Not to Exceed" shall mean the maximum cumulative fees allowable, which the Consultant shall not exceed without specific written authorization from the City. The "Not to Exceed" amount is not a guaranteed maximum cost for the services requested by the City.
- 4.2 The term "Additional Services" includes services involving the Consultant or any subconsultants whether previously retained for the Services or not or whether participating as members with Consultant or not, subject to the City's right to previously approve any change in Consultants as set forth in this Agreement.
- 4.3 Additional Services may consist of the following:
- 4.3.1 Serving as an expert witness in connection with any public hearing, arbitration proceeding or legal proceeding unless such preparation has arisen from the failure of the Consultant to meet the Standard of Care set forth in the Agreement.
- 4.3.2 If determined applicable by the City, preparing documents for Change Orders, or supplemental work, initiated at the City's request and outside the Scope of Services and specified in the Construction Documents after commencement construction.
- 4.3.3 Providing such other professional services to the City relative to the Project which arises from subsequent circumstances and causes (excluding circumstances and causes resulting from error, inadvertence or omission of the Consultant) which do not currently exist or which are not contemplated by the parties at the time of execution of this Agreement.

ARTICLE 5. REIMBURSABLE EXPENSES

- 5.1 Reimbursable Expenses are in addition to the compensation for Basic and Additional Services and include actual expenditures made by the Consultant in the interest of the Project. All Reimbursable Expenses pursuant to this Article, in excess of \$1,000, must be authorized in advance in writing by the City’s Project Coordinator. Invoices or vouchers for Reimbursable Expenses shall be submitted by the Consultant to the City, along with supporting receipts, and other back-up material reasonably requested by the City, and Consultant shall certify as to each such invoice that the amounts and items claimed as reimbursable are “true and correct and in accordance with the Agreement”.
- 5.2 Expenses subject to reimbursement in accordance with the above procedures may include the following:
- 5.2.1 Expense of reproduction, postage and handling of drawings, specifications and other documents, excluding reproductions for the office use of the Consultant and sub-consultants. Courier and postage between the Consultant and its sub-consultants are not reimbursable.
- 5.2.2 Fees for all necessary permits required for the performance of the Work.

ARTICLE 6. COMPENSATION FOR SERVICES

- 6.1 In consideration of the Basic Services to be provided herein, the Consultant shall be compensated the not to exceed, cost reimbursable fee listed in Schedule “B” attached hereto (Consultant Compensation).
- 6.2 Additional Services authorized in accordance with Article 4 will be compensated. Request for payment of Additional Services shall be included with the monthly Basic Services payment request noted in Article 6.1 above. All Additional Services must be approved by the Project Coordinator, in writing, prior to commencement of same, as noted in Article 4. Under no circumstances shall the “Not to Exceed” amount noted in Schedule “B” be exceeded without prior written approval from the City Project Coordinator. Request for payment of Additional Services shall be included with the monthly Basic Services payment request noted in Article 6.1 above. All Additional Services must be approved by the Project Coordinator, in writing, prior to commencement of same, as noted in Article 4. Under no circumstances shall the “Not to Exceed” amount noted in Schedule “B” be exceeded without prior written approval from the City Project Coordinator. No markup shall be allowed on subcontracted Additional Services.
- 6.3 Reimbursable Expenses, as defined in Article 5, shall be paid up to the “Not to Exceed” amount noted in Schedule “B”. Request for payment of Reimbursable Expenses shall be included with the monthly Basic Services payment request

noted in Article 6. Proper backup must be submitted with all reimbursable requests. No markup or administrative charges shall be allowed on Reimbursable Expenses.

- 6.4 No retainage shall be made from the Consultant's compensation.
- 6.5 Method of Billing and Payment. With respect to all Services, Consultant shall submit billings on a monthly basis in a timely manner. These billings shall identify the nature of the work performed. In the event sub consultant work is accomplished utilizing the lump sum method, the percentage of completion shall be identified. Billings shall also itemize and summarize Reimbursable Expenses by category. Where written approval of the City is required for Reimbursable Expenses, a copy of said approval shall accompany the billing for such Reimbursable. When requested, Consultant shall provide backup for past and current invoices.
- 6.6 The City shall pay Consultant within forty-five (45) calendar days from receipt and approved by the City of Consultant's proper statement.

ARTICLE 7. CONSULTANT'S ACCOUNTING RECORDS

- 7.1 Consultant shall keep such records and accounts and require any and all Consultant and subconsultants to keep such records and accounts as may be necessary in order to record complete and correct entries for charges to the Project, and any expenses for which Consultant expects to be reimbursed. All books and records relative to the Consultant's Services for the Project will be available at all reasonable times for examination and audit by City and shall be kept for a period of three (3) years after the completion of all work to be performed pursuant to this Agreement. Incomplete or incorrect entries in such books and records will be grounds for City's disallowance of any fees or expenses based upon such entries. All books and records which are considered public records shall, pursuant to Chapter 119, Florida Statutes, be kept by Consultant in accordance with such statutes.

ARTICLE 8. OWNERSHIP AND USE OF DOCUMENTS

- 8.1 Electronic files of all documents, including, but not limited to, tracings, drawings, specifications, investigations and studies completed or partially completed, shall become the property of the City upon completion, termination, or abandonment of the Consultant's Services for the Project. Consultant shall deliver the above documents to the City within thirty (30) days of completion of its services on the Project, or termination of this Agreement, or termination or abandonment of its services on the Project.
- 8.2 Any other re-use of documents by City, other than for the specific purpose intended, will require the written authorization of Consultant, and if such

authorization is not obtained, shall be at the City's sole risk and without liability to Consultant.

ARTICLE 9. TERMINATION OF AGREEMENT

- 9.1 **Termination For Lack Of Funds:** The City is a governmental entity and is subject to the appropriation of funds by its legislative body in an amount sufficient to allow continuation of its performance in accordance with the terms and conditions of this Agreement. In the event there is a lack of adequate funding for the construction of the Project, the Project may be abandoned or terminated, and the City may cancel this Agreement as provided for herein without further liability to the City.
- 9.2 **Termination For Cause:** The City may terminate this Agreement for cause in the event that the Consultant (1) violates any provisions of this Agreement or performs same in bad faith or (2) unreasonably delays the performance of the Services or does not perform the Services in a timely and satisfactory manner, upon written notice to the Consultant. In the case of termination by the City for cause, the Consultant shall be first granted a thirty (30) day cure period after receipt of written notice from the City.
- 9.2.1 In the event this Agreement is terminated by the City for cause, the City, at its sole option and discretion, may take over the Services and complete them by contracting with another consultant or otherwise. In such event, the Consultant shall be liable to the City for any additional cost incurred by the City due to such termination. "Additional Cost" is defined as the difference between the actual cost of completion of such incomplete Services, and the cost of completion of such Services which would have resulted from payments to the Consultant hereunder had the Agreement not been terminated.
- 9.2.2 Payment only for Services satisfactorily performed by the Consultant and accepted by the City prior to receipt of a Notice of Termination, shall be made in accordance with Article 6 herein and the City shall have no further liability for compensation, expenses or fees to the Consultant.
- 9.2.3 Upon receipt of a written Notice of Termination, the Consultant shall promptly assemble and submit to the City, as provided herein or as required in the written notice, all documents, including drawings, calculations, specifications, correspondence, and all other relevant materials affected by such termination.
- 9.2.4 In the event of a termination for cause, no payments to the Consultant shall be made (1) for Services not satisfactorily performed and (2) for assembly of submittal of documents, as provided above.

- 9.3 **Termination For Convenience:** The City, in addition to the rights and options to Terminate for Cause, as set forth herein, or any other provisions set forth in this Agreement, retains the right to terminate this Agreement, at its sole option, at any time, for convenience, without cause and without penalty, when in its sole discretion it deems such termination is in the best interest of the City, upon notice to Consultant, in writing, fourteen (14) days prior to termination. In the event City terminates Consultant’s services for its convenience, as provided herein, Consultant shall be compensated for all Services rendered up to the time of receipt of said written termination notice, and for the assembly and submittal to the City of documents for the Services performed, in accordance with Article 6 herein, and the City shall have no further liability for compensation, expenses or fees to the Consultant, except as set forth in Article 6.
- 9.4 **Termination By Consultant:** The Consultant may only terminate this Agreement for cause in the event that the City willfully violates any provisions of this Agreement or unreasonably delays payment for the Services, upon written notice to the City, thirty (30) days prior to termination. In that event, payment for Services satisfactorily performed by the Consultant and accepted by the City prior to receipt of a Notice of Termination shall be made in accordance with Article 6 herein, and the City shall have no further liability for compensation, fees, or expenses to the Consultant. In the case of termination by Consultant for cause, the City shall be granted a thirty (30) day cure period after receipt of written notice from the Consultant.
- 9.4.1 The Consultant shall have no right to terminate this Agreement for convenience of the Consultant.
- 9.5 **Implementation Of Termination:** In the event of termination, either for cause or for convenience, the Consultant, upon receipt of the Notice of Termination, shall (1) stop the performance of Services under this Agreement on the date and to the extent specified in the Notice of Termination; (2) place no further orders or subcontracts except for any that may be authorized, in writing, by the Project Coordinator, prior to their occurrence; (3) terminate all orders and subcontracts to the extent that they relate to the performance of the Services terminated by the Notice of Termination; (4) promptly assemble and submit, as provided herein, all documents for the Services performed, including drawings, calculations, specifications, correspondence, and all other relevant materials affected by the termination; and (5) complete performance of any Services as shall not have been terminated by the Notice of Termination, and as specifically set forth therein.
- 9.6 **Non Solicitation:** The Consultant warrants that it has not employed or retained any company or person, other than an employee working solely for the Consultant, to solicit or secure this Agreement; and that it has not paid, nor agreed to pay any company or other person any fee, commission, gift or other

consideration contingent upon the execution of this Agreement. For breach or violation of this warranty, the City has the right to terminate this Agreement without liability to the Consultant for any reason whatsoever.

ARTICLE 10. INSURANCE

- 10.1 The Consultant shall comply throughout the term of this Agreement with the insurance requirements stipulated herein. It is agreed by the parties that the Consultant shall not commence with work on this Project until satisfactory proof of the following insurance coverage has been furnished to the City. The Consultant will maintain in effect the following insurance coverage:
- (a) Professional Liability Insurance in the amount of One Million (\$1,000,000.00) Dollars per claim, with a maximum deductible of \$150,000 per claim, \$450,000 aggregate. Consultant shall notify City in writing within thirty (30) days of any claims filed or made against the Professional Liability Insurance Policy.
 - (b) Comprehensive General Liability Insurance in the amount of \$1,000,000.00 Single Limit Bodily Injury and Property Damage coverage for each occurrence, which will include products, completed operations, and contractual liability coverage. The City must be named as an additional insured on this policy.
 - (c) Worker's Compensation and Employer's Liability coverage within the statutory limits of the State of Florida.
- 10.2 The Consultant must give thirty (30) days prior written notice of cancellation or of substantial modifications in the insurance coverage, to the Project Coordinator.
- 10.3 The insurance must be furnished by an insurance company rated B+; VI or better, or its equivalent, according to Bests' Guide Rating Book and must additionally be furnished by insurance companies duly authorized to do business in the State of Florida and countersigned by the company's Florida resident agent.
- 10.4 Consultant shall provide to City a Certificate of Insurance or a copy of all insurance policies required above. City reserves the right to require a certified copy of such policies upon request. All certificates and endorsements required herein shall state that the City shall be given thirty (30) days notice prior to expiration or cancellation of the policy.
- 10.5 Consultant shall also acknowledge compliance with the insurance requirements set forth herein by execution of the Insurance Checklist, attached as Schedule “E” hereto.

ARTICLE 11. INDEMNIFICATION

11.1 Consultant herein agrees to indemnify and hold harmless the City, and its officer and employees, from liabilities, damages, losses and costs, including, but not limited to, reasonable attorneys’ fees, to the extent caused by the negligence, recklessness, or intentionally wrongful conduct of the Consultant and other persons employed or utilized by the Consultant in the performance of the Agreement. This Article 11, and Consultant’s indemnification contained herein, shall survive the termination and expiration of the Agreement.

ARTICLE 12. VENUE

This Agreement shall be governed by, and construed in accordance with the laws of the State of Florida, both substantive and remedial, without regard to principles of conflict of laws. The exclusive venue for any litigation arising out of this Agreement shall be Miami-Dade County, Florida, if in state court, and the U.S. District Court, Southern District of Florida, if in Federal court. BY ENTERING INTO THIS AGREEMENT, CONSULTANT AND CITY EXPRESSLY WAIVE ANY RIGHTS EITHER PARTY MAY HAVE TO A TRIAL BY JURY OF ANY CIVIL LITIGATION RELATED TO, OR ARISING OUT OF, THIS AGREEMENT.

ARTICLE 13. LIMITATION OF LIABILITY

13.1 The City desires to enter into this Agreement only if in so doing the City can place a limit on City’s liability for any cause of action for money damages due to an alleged breach by the City of this Agreement, so that its liability for any such breach never exceeds the amount of the fees for Services agreed upon under the terms of the Agreement, less any amount(s) paid to Consultant thereunder. Consultant hereby expresses its willingness to enter into this Agreement with Consultant’s recovery from the City for any damage action for breach of contract to be limited to a maximum amount of the fee for Services agreed upon under the terms of the Agreement, less the amount of all funds actually paid by the City to the Consultant.

Accordingly, and notwithstanding any other term or condition of this Agreement, Consultant hereby agrees that the City shall not be liable to Consultant for money damages due to an alleged breach by the City of this Agreement in an amount in excess of the amount of fee under this Agreement, which amount shall be reduced by the amount actually paid by the City to Consultant for any action or claim for breach of contract arising out of the performance or non-performance of any obligations imposed upon the City by this Agreement. Nothing contained in this subparagraph or elsewhere in this Agreement is in any way intended to be a waiver of the limitation placed upon City’s liability as set forth in Section 768.28, Florida Statutes.

ARTICLE 14. MISCELLANEOUS PROVISIONS

- 14.1 Intentionally omitted.
- 14.2 Equal Opportunity Employment Goals: Consultant agrees that it will not discriminate against any employee or applicant for employment for work under this Agreement because of race, color, religion, sex, age, national origin, disability or sexual orientation and will take affirmative steps to ensure that applicants are employed and employees are treated during employment without regard to sexual orientation, race, color, religion, sex, age, national origin, or disability. Consultant agrees, if requested, to furnish City with a copy of its Affirmative Action Policy.
- 14.3 Public Entity Crimes Act: In accordance with the Public Entity Crimes Act (Section 287.133, Florida Statutes), a person or affiliate who is a consultant, who has been placed on the convicted vendor list following a conviction for a public entity crime may not submit a bid on a contract to provide any goods or services to the City, may not submit a bid on a contract with the City for the construction or repair of a public building or public work, may not bids or leases of real property to the City, may not be awarded or perform work as a contractor, supplier, subcontractor, or sub consultant under a contract with the City, and may not transact business with the City in excess of the threshold amount provided in Section 287.017, Florida Statutes, for Category Two for a period of 36 months from the date of being placed on the convicted vendor list. Violation of this Section by Consultant shall result in cancellation and may result in Consultant’s debarment.
- 14.4 No Contingent Fee: Consultant warrants that it has not employed or retained any company or person, other than a bona fide employee working solely for Consultant, to solicit or secure this Agreement and that it has not paid or agreed to pay any person, company, corporation, individual or firm other than a bona fide employee working solely for Consultant any fee, commission, percentage, gift, or other consideration contingent upon or resulting from the award or making of this Agreement. For the breach or violation of this provision, City shall have the right to terminate the Agreement without liability at its discretion, to deduct from the contract price, or otherwise recover, the full amount of such fee, commission, percentage, gift, or consideration.
- 14.5 The Consultant represents that it has made and will make reasonable investigation of all subconsultants to be utilized in the performance of work under this Agreement to determine that they possess the skill, knowledge and experience necessary to enable them to perform the services required. Nothing in this Agreement shall relieve the Consultant of its prime and sole responsibility for the performance of the work under this Agreement.

- 14.6 The Consultant, its consultants, agents and employees and sub contractors, shall comply with all applicable Federal, State and County laws, the Charter, related laws and ordinances of the City of Miami Beach, and with all applicable rules and regulations promulgated by local, state and national boards, bureaus and agencies as they relate to the Project and Consultant’s performance of the Services.
- 14.7 This Agreement, or any interest herein, shall not be assigned, transferred or otherwise encumbered by Consultant, under any circumstances, without the prior written consent of City.
- 14.8 This document incorporates and includes all prior negotiations, correspondence, conversations, agreements or understandings applicable to the matters contained herein; and the parties agree that there are no commitments, agreements or understandings concerning the subject matter of this Agreement that are not contained in this document. Accordingly, the parties agree that no deviation from the terms hereof shall be predicated upon any prior representations or agreements whether oral or written. It is further agreed that no modification, amendment or alteration in the terms or conditions contained herein shall be effective unless contained in a written document executed with the same formality and of equal dignity herewith.

ARTICLE 15. NOTICE

- 15.1 All written notices given to City by Consultant shall be addressed to:

City Manager’s Office
c/o Assistant City Manager Timothy Hemstreet
City of Miami Beach
1700 Convention Center Drive
Miami Beach, Florida 33139

With a copy to:

Office of Public Works
c/o City Engineer, Fernando Vazquez
City of Miami Beach
1700 Convention Center Drive
Miami Beach, Florida 33139

All written notices given to the Consultant from the City shall be addressed to:

All notices mailed to either party shall be deemed to be sufficiently transmitted if sent by certified mail, return receipt requested.

IN WITNESS WHEREOF, the parties hereto have hereunto caused these presents to be signed in their names by their duly authorized officers and principals, attested by their respective witnesses and City Clerk on the day and year first hereinabove written.

Attest

CITY OF MIAMI BEACH

CITY CLERK

MAYOR

Attest

CONSULTANT

Signature/Secretary
Signature/President

Print Name

Print Name

SCHEDULE A

CONSULTANT SERVICE ORDER

**PROFESSIONAL CERTIFIED ENGINEERING AND INSPECTION (CEI) SERVICES
ON AN AS-NEEDED BASIS AGREEMENT BETWEEN THE CITY OF MIAMI
BEACH
AND _____**

Service Order No. _____

TO: _____

DATE:

Pursuant to the Agreement between the City of Miami Beach and the above named firm for

**VARIOUS PROFESSIONAL CERTIFIED ENGINEERING INSPECTION SERVICES
ON AN AS-NEEDED BASIS, Dated: _____**

You are directed to provide the following:

SCOPE OF SERVICES:

Project Name and

No.: _____

Estimated Calendar days to complete this work:

_____ days

Start Date:

Fee for this Service Order: _____ \$ _____

The above fee is a lump sum, _____ or Upset limit _____ (check one)

This Work is: Basic Service _____ Additional Service _____

Reimbursable Expense Allowance:

\$ _____

City's Project Coordinator

Consultant

Print Name

Print Name/Title

SCHEDULE B

CONSULTANT COMPENSATION

**PROFESSIONAL CERTIFIED ENGINEERING AND INSPECTION (CEI) SERVICES
ON AN AS-NEEDED BASIS AGREEMENT BETWEEN THE CITY OF MIAMI
BEACH**

Scope of Services:

Project Cost: \$ _____
(This price will be negotiated and approved by the City's authorized representative)

Reimbursable Expenses: \$ _____

Total Lump Sum: \$ _____

SCHEDULE C

HOURLY BILLING RATE SCHEDULE

**PROFESSIONAL CERTIFIED ENGINEERING AND INSPECTION (CEI) SERVICES
ON AN AS-NEEDED BASIS AGREEMENT BETWEEN THE CITY OF MIAMI
BEACH
AND _____**

Senior Project Engineer	\$ _____
Project Manager	\$ _____
Contract Support Specialist	\$ _____
Resident Compliance Specialist	\$ _____
Senior Inspector	\$ _____
Inspector/Engineer Intern	\$ _____
Asphalt Plant Inspector	\$ _____
Inspector's Aide	\$ _____
Survey Party Chief	\$ _____
Environmental Specialist	\$ _____
Casting Yard Engineer/Manager	\$ _____
Geotechnical Engineer	\$ _____
Geotechnical Technician	\$ _____
Public Information Officer	\$ _____
Senior ITS Inspector	\$ _____
ITS Inspector	\$ _____

ATTEST
(Name of Corporation)

(Firm/Company Name)

(Secretary)

(Signature)

(Corporate Seal)

(Print Name and Title)

SCHEDULE D

PROJECT SCHEDULE

**PROFESSIONAL CERTIFIED ENGINEERING AND INSPECTION (CEI) SERVICES
ON AN AS-NEEDED BASIS AGREEMENT BETWEEN THE CITY OF MIAMI
BEACH
AND _____**

Task Description:
Proceed

Calendar Days after Notice to

_____ Days

_____ Days

_____ Days

_____ Days

Note: The above durations are calendar days which include the response time by the City, including Program Manager’s response time (it required for the project).

SCHEDULE E

INSURANCE CHECK LIST

- XXX 1. Workers' Compensation and Employer's Liability per the statutory limits of the state of Florida.
- XXX 2. Comprehensive General Liability (occurrence form), limits of liability \$ 1,000,000.00 per occurrence for bodily injury property damage to include Premises/ Operations; Products, Completed Operations and Contractual Liability. **Contractual Liability** and Contractual Indemnity (Hold harmless endorsement exactly as written in "insurance requirements" of specifications).
- XXX3. Automobile Liability - \$1,000,000 each occurrence - owned/non-owned/hired automobiles included.
- ___ 4. Excess Liability - \$ _____. 00 per occurrence to follow the primary coverages.
- XXX 5. The City must be named as and additional insured on the liability policies; and it **must** be stated on the certificate.
- ___ 6. Other Insurance as indicated:

___ Builders Risk completed value	\$ _____ . 00
___ Liquor Liability	\$ _____ . 00
___ Fire Legal Liability	\$ _____ . 00
___ Protection and Indemnity	\$ _____ . 00
___ Employee Dishonesty Bond	\$ _____ . 00
<u>XXX</u> Professional Liability	<u>\$1,000,000 .00</u>
- XXX 7. Thirty (30) days written cancellation notice required.
- XXX 8. Best's guide rating B+: VI or better, latest edition.
- XXX 9. The certificate must state the Quote number and title

We understand the Insurance Requirements under this contract, and that evidence of this insurance is required before any work is performed for the City of Miami Beach.

Consultant (Print Name of Firm) Name/Title	Consultant's Signature	Print
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(Please attach Insurance Certificate following this page)

ATTACHMENT B – PAST PERFORMANCE SURVEYS

Company Name	Client Providing Survey	Survey Criteria								Avg. Score Per Survey	Total Score
		1	2	3	4	5	6	7	8		
Atkins	AECOM	8	8	9	8	8	9	9	9	8.50	68
	The Green Companies	10	10	10	10	10	10	10	10	10.00	80
	Miami Asset Management Company	10	10	10	10		10	10	10	10.00	70
	South Florida Water Management District	10	8	8	9	7	8	8	8	8.25	66
	University of Miami	10	10	10	10	10	10	10	10	10.00	80
	Miami-Dade County Public Works	10	10	10	10	9	10	10	10	9.88	79
	McCormack Baron Salazar, Inc.	10	10	10	10	10	10	10	10	10.00	80
	A&P Consulting Transportation Engineers	10	10	10	10	10	10	10	10	10.00	80
	Florida Department of Environmental Protection	10	10	10	10	10	10	10	10	10.00	80
	Douglas Management & Realty, Inc.	10	10	10	10	10	10	10	10	10.00	80
	Miami-Dade College	9	10	9	9	10	9		10	9.43	66
	Sarasota County	9	9	9	9	7	9	9	9	8.75	70
	Collier County - Kevin Dugan	10	10	10	10		10	10	10	10.00	70
	Collier County - Michael Ryan	10	10	10	10	10	10	10	10	10.00	80
Total Average		9.71	9.64	9.64	9.64	9.25	9.64	9.69	9.71	9.63	74.93

Company Name	Client Providing Survey	Survey Criteria								Avg. Score Per Survey	Total Score
		1	2	3	4	5	6	7	8		
Bermello, Ajamil & Partners, Inc.	HNTB - Juan Villalba	10	10	10	10	10	10	10	10	10.00	80
	HNTB - Sandra Herdocia	10	10	10	10	10	10	10	10	10.00	80
	HNTB - Gil Portela	9	10	9	10	10	10	10	10	9.75	78
	HNTB - Odalys Delgado	9	9	9	9	9	9	9	9	9.00	72
	Chen Moore and Associates	8	8	10	8	10	9		8	8.71	61
	City of Doral	9	10	9	9	10	9	8	9	9.13	73
	FDOT	10	10	10	10	10	10	10	10	10.00	80
	FDOT - District 6	10	10	10	10	10	10	10	10	10.00	80
	Miami-Dade Aviation Dept.	10	10	10	10	10	10	10	10	10.00	80
	MDX - Juan Toledo	7	7	7	8	10	8	8	8	7.88	63
	MDX - Mayra Diaz	10	10	10	10	10	10	10	10	10.00	80
	Consul-Tech	10	10	10	10	10	10	10	10	10.00	80
	Miami-Dade Transit	9	9	8	10	8	9	9	9	8.88	71
Total Average		9.31	9.46	9.38	9.54	9.77	9.54	9.50	9.46	9.49	75.23

Company Name	Client Providing Survey	Survey Criteria								Avg. Score Per Survey	Total Score
		1	2	3	4	5	6	7	8		
C3TS	Village of Palmetto Bay	10	10	10	9	10	9	9	10	9.63	77
	Town of Cutler Bay	9	8	9	9	9	8	9	9	8.75	70
	Village of Key Biscayne	10	10	10	10	10	10	10	10	10.00	80
	Town of Golden Beach	10	9	9	10	10	9	10	10	9.63	77
	Village of Pinecrest	10	10	8	10	10	10	10	10	9.75	78
Total Average		9.80	9.40	9.20	9.60	9.80	9.20	9.60	9.80	9.55	76.40

Company Name	Client Providing Survey	Survey Criteria								Avg. Score Per Survey	Total Score
		1	2	3	4	5	6	7	8		
Chen Moore and Associates	City of Dania Beach	10	10	10	10	10	10	10	10	10.00	80
	City of Riviera Beach	9	10	10	9	9	10	10	10	9.63	77
	Town of Miami Lakes	8	9	10	9		9	9	9	9.00	63
	Village of Pinecrest	10	10	10	10	10	10	10	10	10.00	80
	Broward County - Alan Garcia	8	8	8	8	8	8	8	8	8.00	64
	Broward County - Gregory Balicki	8	8	8	8	8	8	8	8	8.00	64
	Broward County - Patrick MacGregor	8	8	8	9	8	9	8	8	8.25	66
	Broward County - Naila El-shami-Zerrouki	10	10	9	10	9	10	9	10	9.63	77
	City of Coral Springs	10	10	10	10	10	10	10	10	10.00	80
Total Average		9.00	9.22	9.22	9.22	9.00	9.33	9.11	9.22	9.17	72.33

Company Name	Client Providing Survey	Survey Criteria								Avg. Score Per Survey	Total Score
		1	2	3	4	5	6	7	8		
Parsons Brinckerhoff, Inc.	City of Atlanta - Dept of Watershed Mgmt	9	10	10	9	10	10	9	10	9.63	77
	Orlando-Orange County Expressway Authority	10	10	10	10	10	10	10	10	10.00	80
	FDOT - Isa Nunez	10	10	10	10	10	10	10	10	10.00	80
	FDOT - Richard Frank	9	9	9	8	9	9	9	9	8.88	71
	Florida Turnpike	9	9	9	8	8	8	9	10	8.75	70
	EAC Consulting, Inc.	9	9	9	9	10	9	9	9	9.13	73
	Nassau County Engineering Dept.	9	8	10	10	10	9	10	8	9.25	74
	MD WASAD	9	10	9	10		10	10	10	9.71	68
Total Average		9.25	9.38	9.50	9.25	9.57	9.38	9.50	9.50	9.42	74.13

Survey Criteria	Scale
1. Ability to manage the project cost (minimize change orders)	(1 - 10)
2. Ability to maintain project schedules (complete on-time or early)	(1 - 10)
3. Quality of workmanship	(1 - 10)
4. Professionalism and ability to manage (includes responses and prompt payment to suppliers and subcontractors)	(1 - 10)
5. Close out process (no punch list upon turnover, warranties, as-builts, operating manuals, tax clearance, etc. submitted promptly)	(1 - 10)
6. Communication, explanation of risk, and documentation	(1 - 10)
7. Ability to follow user rules, regulations, and requirements (housekeeping, safety, etc.)	(1 - 10)
8. Overall customer satisfaction and hiring again on performance (comfort level in hiring contractor again)	(1 - 10)

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ACCEPTING THE RECOMMENDATION OF THE INTERIM CITY MANAGER PERTAINING TO THE RANKING OF FIRMS, PURSUANT TO REQUEST FOR QUALIFICATIONS (RFQ) NO. 52-11/12, FOR PROFESSIONAL CONSTRUCTION ENGINEERING AND INSPECTION (CEI) FIRMS TO PROVIDE VARIOUS CEI SERVICES ON AN "AS NEEDED" BASIS; AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AGREEMENTS UPON COMPLETION OF SUCCESSFUL NEGOTIATIONS WITH THE FIVE TOP-RANKED PROPOSERS: ATKINS NORTH AMERICA, INC., BERMELLO AJAMIL & PARTNERS, INC., CHEN MOORE AND ASSOCIATES, CORZO CASTELLA CARBALLO THOMPSON SALMAN, P.A. (C3TS), AND PARSON BRINCKERHOFF, INC.

WHEREAS, on July 18, 2012, the Mayor and City Commission approved the issuance of Request for Qualifications (RFQ) No. 52-11/12, for Professional Construction Engineering and Inspection (CEI) Firms to provide various CEI services on an "as needed" basis; and

WHEREAS, RFQ No. 52-11/12 was issued on August 14, 2012, with an opening date of September 13, 2012; and

WHEREAS, Bidnet issued bid notices to 272 prospective bidders, of which 10 downloaded the RFQ document, in addition to, 254 vendors notified via e-mail, which resulted in the receipt of the following seventeen (17) bids: A&P Consulting Transportation Engineers, Corp., Atkins North America, Inc., Bermello Ajamil & Partners, Inc., Network Engineering Services, Inc. d/b/a Bolton Perez & Associates, Corzo Castella Carballo Thompson Salman, P.A. (C3TS), Calvin, Giordano & Associates, Inc., C.A.P. Engineering, Inc., Chen Moore and Associates, CIMA Engineering Corp., CMTS Construction Management Services, LLC, Craven Thompson & Associates, Inc., CSA Central, Inc., Eisman & Russo, Inc., New Millenium Engineering, Inc., Parson Brinckerhoff, Inc., S&D Engineering and Construction, Inc., Tamayo Engineering, LLC; and

WHEREAS, through the Procurement Division's review of each bid for responsiveness, S&D Engineering and Construction, Inc. was deemed nonresponsive for failing to submit mandatory information pertaining to their experience and qualifications; and

WHEREAS, on November 15, 2012, the Interim City Manager via Letter to Commission (LTC) No. 295-2012, appointed an Evaluation Committee (the "Committee") consisting of the following individuals:

- Maria Cerna, Senior Capital Projects Coordinator, CIP
- Stacy Kilroy, Capital Improvement Projects Oversight Committee member
- Jose Perez, Capital Projects Coordinator, CIP
- Michael Phang – Resident, Associate Dean at the University of Miami College of Engineering
- Jose Rivas, Civil Engineer III, Public Works
- (alternate) Elizabeth Camargo, Capital Improvement Projects Oversight Committee member; and

WHEREAS, on February 8, 2013, the Committee convened to review, discuss each prospective firm's qualifications, experience, and competence, score and rank each accordingly pursuant to the criteria noted in the RFQ below.

- **30 Points** - The experience and qualifications of the professional personnel assigned to the Project Team and the Project Manager, as well as their familiarity with this project and a thorough understanding of the methodology and approach to be used in this assignment
- **25 Points** - The experience and qualifications of the Proposer
- **20 Points** - Past performance based on quality of the Performance Evaluation Surveys and the Administration's due diligence based upon reference checks performed of the Firm(s) clients
- **5 Points** - Willingness to meet time and budget requirements as demonstrated by past performance, methodology and approach
- **5 Points** - Certified minority business enterprise participation. Either the Proposer or a member of the Proposer Team may qualify for proof of certification for minority business enterprise participation. Accepted minority business enterprise certifications include the Small Business Administration (SBA), State of Florida, or Miami-Dade County
- **5 Points** – Location
- **5 Points** - Recent, current and projected workloads of the firms
- **5 Points** - The volume of work previously awarded to each firm by the City, with the object of effecting an equitable distribution of contracts among qualified firms, provided such distribution does not violate the principle of selection of the most highly qualified firm
- **5 Points** – Local Preference for Miami Beach-Based Vendors
- **5 Points** – Preference for Florida Small Businesses Owned and Controlled by Veterans and to State-Certified Service-Disabled Veteran Business Enterprises; and

WHEREAS, prior to scoring and ranking the proposals, the Committee unanimously agreed to select the top five (5) ranked firms; and

WHEREAS, Committee members unanimously recommended that the City enter into negotiations with the top five (5) ranked firms: Atkins North America, Inc., Bermello Ajamil & Partners, Inc., Chen Moore and Associates, Corzo Castella Carballo Thompson Salman, P.A. (C3TS), and Parson Brinckerhoff, Inc.; and

WHEREAS, after considering the review and recommendation of the Evaluation Committee, the Interim City Manager exercised her due diligence and is recommending that the Mayor and the City Commission authorize negotiations with the five (5) top-ranked firms: Atkins North America, Inc., Bermello Ajamil & Partners, Inc., Chen Moore and Associates, Corzo Castella Carballo Thompson Salman, P.A. (C3TS), and Parson Brinckerhoff, Inc.; and further authorizing the Mayor and City Clerk to execute an agreement upon conclusion of successful negotiations by the administration.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Mayor and City Commission hereby accept the recommendation of the Interim City Manager pertaining to the ranking of firms, pursuant to Request for Qualifications (RFQ) No. 52-11/12, for professional construction engineering and inspections (CEI) firms to provide various CEI services on an "as needed"

basis, authorizing the Mayor and City Clerk to execute agreements upon successful negotiations with the five top-ranked proposers: Atkins North America, Inc., Bermello Ajamil & Partners, Inc., Chen Moore and Associates, Corzo Castella Carballo Thompson Salman, P.A. (C3TS), and Parson Brinckerhoff, Inc.

PASSED AND ADOPTED this ____ day of _____, 2013.

ATTEST:

CITY CLERK

MAYOR

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

Paul C. Smith 3-4-13
for City Attorney Date

R5

ORDINANCES

Condensed Title:

An Ordinance Of The Mayor And City Commission Of The City Of Miami Beach, Florida, Amending The Miami Beach City Code By Amending Chapter 2, Entitled "Administration," By Amending Article Iii, Entitled "Agencies, Boards And Committees," By Creating Division 34, To Be Entitled "Bicycle-Pedestrian Facilities Advisory Committee," And By Creating Sections 2-190.149 Through 2-190.153 To Create The Committee And Provisions Establishing The Committee's Purpose, Powers And Duties, Composition, And Supporting Department; Providing For Repealer, Severability, Codification, And An Effective Date.

Key Intended Outcome Supported:

Enhance Mobility Throughout The City

Supporting Data (Surveys, Environmental Scan, etc.) In the 2012 Citywide Survey, 48% of the respondents would be willing to use bicycles as an alternative form of transportation.

Item Summary/Recommendation:

The Mayor's Blue Ribbon Bikeways Committee was established originally by Mayor David Dermer in 2005 and subsequently continued by Mayor Mattie Herrera-Bower to promote the use of bicycles as a viable and sustainable mode of transportation in the City, and to review, coordinate and promote better and safer bicycling and bicycle facilities throughout the City for residents and tourists alike. Initially, the concept of a Bicycle Committee was brought forth by residents and bicycle advocates in the City, who felt that the City of Miami Beach was in dire need of bicycle infrastructure, coupled with the need to foster the well-being and quality-of-life of residents and communities through the development of a progressive bicycle plan.

The Mayor's Blue Ribbon Bikeways Committee is comprised of neighborhood activists, business owners, and City staff. The Committee has typically convened on the third Wednesday of every month. Its objectives are to provide input on the City's bicycle infrastructure plans/projects and to ensure the safety and mobility of bicyclists traveling in the City, both for recreational and commuter purposes. In the last few years, however, there has been diminishing interest from committee members.

It is important that the Mayor's Blue Ribbon Bikeways Committee build upon the City's recent success and national recognition, and continue to advocate for cycling as a sustainable and safe mode of transportation throughout the City. The Committee's goals can best be achieved through the creation of a permanent and reconstituted committee serving in an advisory capacity to the City Commission on all matters pertaining to bicycle and pedestrian mobility in the City.

For your consideration, the attached Ordinance establishes the Bicycle-Pedestrian Facilities Advisory Committee (BPFAC) pursuant to Resolution No. 2013-28110, approved by City Commission on January 16, 2013. The purpose of the BPFAC is to improve the lives of residents and visitors by promoting the development, sound management, and use of public facilities dedicated to bicycles and pedestrians in the City, and to make recommendations, as appropriate, to the City Commission and the City Administration.

Pursuant to the Ordinance, the Committee shall be composed of seven (7) members, each of whom shall be a voting member who has demonstrated a high degree of interest, participation, and/or expertise in matters relating to bicycles and pedestrians in the City. The Mayor and City Commissioners shall each make one (1) direct appointment to the Committee. The Transportation Division of the Public Works Department will continue to serve as Committee liaison and provide administrative and technical support to the new Committee.

The Administration recommends approving the Ordinance on Second Reading.

Advisory Board Recommendation:

This Ordinance was approved by City Commission on First Reading on February 6, 2013. The item was previously referred to the Neighborhoods/Community Affairs Committee (NCAC) for discussion by Mayor Mattie Herrera-Bower at the City Commission meeting on October 24, 2012. On November 19, 2012, the NCAC recommended to change the Blue Ribbon Committee to a permanent Bicycle-Pedestrian Committee.

Financial Information:

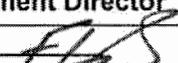
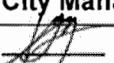
Source of Funds:		Amount	Account
	1		
OBPI	Total		

Financial Impact Summary: N/A

City Clerk's Office Legislative Tracking:

Jose R. Gonzalez, P.E., Transportation Manager, EXT. 6768

Sign-Offs:

Department Director	Assistant City Manager	City Manager
FHB 	JGG 	KGB 

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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

**SECOND READING
PUBLIC HEARING**

Date: March 13, 2013

SUBJECT: AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE MIAMI BEACH CITY CODE BY AMENDING CHAPTER 2, ENTITLED "ADMINISTRATION," BY AMENDING ARTICLE III, ENTITLED "AGENCIES, BOARDS AND COMMITTEES," BY CREATING DIVISION 34, TO BE ENTITLED "BICYCLE-PEDESTRIAN FACILITIES ADVISORY COMMITTEE," AND BY CREATING SECTIONS 2-190.149 THROUGH 2-190.153 TO CREATE THE COMMITTEE AND PROVISIONS ESTABLISHING THE COMMITTEE'S PURPOSE, POWERS AND DUTIES, COMPOSITION, AND SUPPORTING DEPARTMENT; PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

This Ordinance was approved by City Commission on First Reading on February 6, 2013. The item was previously referred to the Neighborhoods/Community Affairs Committee (NCAC) for discussion by Mayor Matti Herrera-Bower at the City Commission meeting on October 24, 2012. On November 19, 2012, the NCAC recommended to change the Blue Ribbon Committee to a permanent Bicycle-Pedestrian Committee.

RECOMMENDATION

The Administration recommends that this Ordinance be approved on Second Reading.

BACKGROUND

The Mayor's Blue Ribbon Bikeways Committee was established originally by Mayor David Dermer in 2005 and subsequently continued by Mayor Matti Herrera-Bower to promote the use of bicycles as a viable and sustainable mode of transportation in the City and to review, coordinate and promote better and safer bicycling and bicycle facilities throughout the City for residents and tourists alike. Initially, the concept of a Bicycle Committee was brought forth by residents and bicycle advocates in the City who felt that the City of Miami Beach was in dire need of bicycle infrastructure, coupled with the need to foster the well-being and quality-of-life of residents and communities through the development of a progressive bicycle plan.

The Mayor's Blue Ribbon Bikeways Committee is comprised of neighborhood activists, business owners and City staff. The Committee has typically convened on the third Wednesday of every

month and its objectives are to provide input on the City's bicycle infrastructure plans/projects and to ensure the safety and mobility of bicyclists traveling in the City, both for recreational and commuter purposes. In the last few years, however, there has been diminishing interest from committee members.

Notwithstanding, the City has recently made great strides in welcoming bicyclists by providing safe accommodations for cycling and encouraging people to bike for transportation and recreation. For example, the DecoBike bicycle rental program has recorded over one million bicycle trips since inception with a majority of those trips being commuter bicycle trips by residents. The statistic is substantiated by new census data which has revealed that the City of Miami Beach is the tenth (10) city in the country in the percentage of people using bicycles to commute to work. The City of Miami Beach registered an estimated 6.3% of total workers using bicycles as their mode of transportation to reach their workplace. These are impressive statistics given the country's average for commuter bicycle trips is 0.56%. The City's mode split percentage is a clear indicator that Miami Beach is well on its way to becoming a more livable, bikeable, sustainable, and healthier City.

ANALYSIS

It is important that the Mayor's Blue Ribbon Bikeways Committee build upon the City's recent success and national recognition and continue to advocate for cycling as a sustainable and safe mode of transportation throughout the City. The Committee's goals can best be achieved through the creation of a permanent committee serving in an advisory capacity to the City Commission on all matters pertaining to bicycle and pedestrian facilities and mobility in the City.

For your consideration, the attached Ordinance establishes the Bicycle-Pedestrian Facilities Advisory Committee (BPFAC) pursuant to Resolution No. 2013-28110, approved by City Commission on January 16, 2013. The purpose of the BPFAC is to improve the lives of residents and visitors by promoting the development, sound management, and use of public facilities dedicated to bicycles and pedestrians in the City and to make recommendations, as appropriate, to the City Commission and the City Administration.

Pursuant to the Ordinance, the Committee shall be composed of seven (7) members, each of whom shall be a voting member who has demonstrated a high degree of interest, participation, and/or expertise in matters relating to bicycles and pedestrians in the City. The Mayor and City Commissioners shall each make one (1) direct appointment to the Committee. The Transportation Division of the Public Works Department will continue to serve as Committee liaison and provide administrative and technical support to the new Committee.

The short-term goals of the BPFAC will include the following:

- Interacting with schools, business entities, communities, and residents to raise bicycle-pedestrian awareness in the City.
- Promoting annual Bicycle Day and coordinating family-friendly bicycle events throughout the year, such as Bike Miami Beach, Bike Rides, and other events.
- Advocating for future bicycle-pedestrian improvements in the City at the regional level through involvement in the Miami-Dade Metropolitan Planning Organization (MPO) transportation planning process via the MPO Bicycle-Pedestrian Advisory Committee.

March 13, 2013

Page 3 of 3

- Becoming more engaged in the ongoing update of the Atlantic Greenway Network (AGN)/Bicycle Master Plan to promote the use of alternative and sustainable forms of transportation throughout the City.

Furthermore, the BPFAC will work closely with the League of American Bicyclists.

The League of American Bicyclists is a non-profit membership organization which promotes cycling for fun, fitness, and transportation through advocacy and education. The League is one of the largest membership organizations of cyclists in the United States and provides incentives, hands-on assistance and award recognition for communities that actively support bicycling. It is important that the City, through the BPFAC, engage and foster a partnership with the League.

By becoming a permanent City Committee serving in an advisory capacity to the City Commission, the BPFAC can accomplish the goals set forth by the City Commission and make a difference at the local level by advocating, at a regional and national level, for a more pedestrian and bike-friendly Miami Beach.

CONCLUSION

The Administration recommends that this Ordinance be approved on Second Reading.

KGB/JGG/FHB/JJF/RWD/JRG

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ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE MIAMI BEACH CITY CODE BY AMENDING CHAPTER 2, ENTITLED "ADMINISTRATION," BY AMENDING ARTICLE III, ENTITLED "AGENCIES, BOARDS AND COMMITTEES," BY CREATING DIVISION 34, TO BE ENTITLED "BICYCLE-PEDESTRIAN FACILITIES ADVISORY COMMITTEE," AND SECTIONS 2-190.149 THROUGH 2-190.153 THEREIN TO PROVIDE PROVISIONS ESTABLISHING THE COMMITTEE AND ITS PURPOSE, POWERS AND DUTIES, COMPOSITION, AND SUPPORTING DEPARTMENT; PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, the Mayor's Blue Ribbon Bikeways Committee ("Committee") was established to promote the use of bicycles as a viable and sustainable mode of transportation in the City and to review, coordinate, and promote better and safer bicycling and bicycle facilities throughout the City for residents and tourists alike; and

WHEREAS, the objectives of the Mayor's Blue Ribbon Bikeways Committee are to provide input on the City's bicycle infrastructure plans and projects, and to ensure the safety and mobility of bicyclists traveling in the City, both for recreational and commuter purposes; and

WHEREAS, the City has recently made great strides in welcoming bicyclists by providing safe accommodations for cycling and encouraging people to bike for transportation and recreation; and

WHEREAS, it is important that the Mayor's Blue Ribbon Bikeways Committee build upon the City's recent success and national recognition with regard to bike transportation, and continue to advocate for cycling as a sustainable and safe mode of transportation throughout the City; and

WHEREAS, the Committee's goals can best be achieved through the creation of a permanent and reconstituted Bicycle-Pedestrian Facilities Advisory Committee serving in an advisory capacity to the City Commission on all matters pertaining to bicycle and pedestrian mobility in the City; and

WHEREAS, at its meeting on November 19, 2012, the Neighborhood/Community Affairs Committee recommended that the Mayor's Blue Ribbon Bikeways Committee be changed to a permanent City Committee to be known as the Bicycle-Pedestrian Facilities Advisory Committee; and

WHEREAS, on January 16, 2013, the Mayor and City Commission adopted Resolution No. 2013-28110 accepting the recommendation of the Neighborhood/Community Affairs Committee to make the Mayor's Blue Ribbon Bikeways Committee a permanent committee to be named the Bicycle-Pedestrian Facilities Advisory Committee.

NOW, THEREFORE, BE IT DULY ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH AS FOLLOWS:

SECTION 1.

That Chapter 2, Article III, of the Miami Beach City Code is hereby amended to create Division 34 thereof, and Sections 2-190.149 through 2-190.153 therein, as follows:

Chapter 2

ADMINISTRATION

* * *

Article III. Agencies, Boards and Committees

* * *

DIVISION 34. BICYCLE-PEDESTRIAN FACILITIES ADVISORY COMMITTEE

Section 2-190.149. Establishment.

There is hereby established the Bicycle-Pedestrian Facilities Advisory Committee whose purpose, powers, duties, and composition are set forth in this division.

Section 2-190.150. Purpose.

The purpose of the Bicycle-Pedestrian Facilities Advisory Committee is to improve the lives of residents and visitors by promoting the development, sound management, and use of public facilities dedicated to bicycles and pedestrians in the City of Miami Beach and to make recommendations, as appropriate, to the City Commission and the City Administration.

Section 2-190.151. Powers and duties.

The powers and duties of the committee shall be to provide advisory recommendations regarding the use, operation, management, and development of public bicycle and pedestrian facilities to the City Commission for such action as the City Commission may deem appropriate.

Section 2-190.152. Composition.

The committee shall be composed of seven (7) members, each of whom shall be a voting member who has demonstrated a high degree of interest, participation, and/or expertise in matters relating to facilities for bicycles and pedestrians in the City. The Mayor and City Commissioners shall each make one direct appointment to the committee.

Section 2-190.153. Supporting department.

The supporting department of the committee is the Public Works Department.

MIAMI BEACH

CITY OF MIAMI BEACH

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY given that second readings and public hearings will be held by the Mayor and City Commission of the City of Miami Beach, Florida, in the Commission Chambers, 3rd Floor, City Hall, 1700 Convention Center Drive, Miami Beach, Florida, on **Wednesday, March 13, 2013** to consider the following:

10:15 a.m.

Ordinance Amending The Miami Beach City Code By Amending Chapter 2, Entitled "Administration," By Amending Article III, Entitled "Agencies, Boards And Committees," By Creating Division 34, To Be Entitled "Bicycle-Pedestrian Facilities Advisory Committee," And Sections 2-190.149 Through 2-190.153 Therein To Provide Provisions Establishing The Committee And Its Purpose, Powers And Duties, Composition, And Supporting Department.

Inquiries may be directed to the Public Works Department at (305) 673-7080.

10:30 a.m.

Ordinance Amending Chapter 10 Of The Miami Beach City Code Entitled "Animals," By Amending Section 10-11, Entitled "Running At Large Prohibited," By Extending The Pilot Program Off-Leash Area For Dogs In South Pointe Park Through And Including June 30, 2013.

Inquiries may be directed to the Parks and Recreation Department at (305) 673-7730.

10:45 a.m.

CD-2 Self Storage:

Ordinance Amending The Code Of The City Of Miami Beach, Florida, Chapter 142, "Zoning Districts And Regulations," Article II, "District Regulations," Division 5, CD-2 "Commercial, Medium Intensity District," By Permitting "Self-Storage Warehouses" As A Conditional Use In This Zoning District.

Inquiries may be directed to the Planning Department at (305) 673-7550.

11:00 a.m.

Ordinance Amending The Miami Beach City Code By Amending Chapter 2, Entitled "Administration," By Amending Article III, Entitled "Agencies, Boards And Committees," By Amending Division 29, Entitled "Debarment Committee," By Amending The Purpose, Powers, And Duties Of The Committee To Include Authority To Consider The Suspension Of Contractors In Addition To Debarments.

Inquiries may be directed to the City Attorney's Office at (305) 673-7470.

5:15 p.m.

Hotel Parking Requirements:

Ordinance Amending The Code Of The City Of Miami Beach, Florida, By Amending Chapter 130 "Off-Street Parking," Article II, "Districts; Requirements," By Amending The Off-Street Parking Requirements For Hotels In All Districts.

Inquiries may be directed to the Planning Department at (305) 673-7550.

INTERESTED PARTIES are invited to appear at this meeting, or be represented by an agent, or to express their views in writing addressed to the City Commission; c/o the City Clerk, 1700 Convention Center Drive, 1st Floor, City Hall, Miami Beach, Florida 33139. Copies of these items are available for public inspection during normal business hours in the City Clerk's Office, 1700 Convention Center Drive, 1st Floor, City Hall, Miami Beach, Florida 33139. This meeting may be continued, and under such circumstances additional legal notice will not be provided.

Rafael E. Granada, City Clerk
City of Miami Beach

Pursuant to Section 286.0105, Fla. Stat., the City hereby advises the public that: if a person decides to appeal any decision made by the City Commission with respect to any matter considered at its meeting or its hearing, such person must ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. This notice does not constitute consent by the City for the introduction or admission of otherwise inadmissible or irrelevant evidence, nor does it authorize challenges or appeals not otherwise allowed by law.

To request this material in accessible format, sign language interpreters, information on access for persons with disabilities, and/or any accommodation to review any document or participate in any City-sponsored proceeding, please contact us five days in advance at (305) 673-7411(voice) or TTY users may also call the Florida Relay Service at 711. Ad #766

Condensed Title:

An Ordinance amending Chapter 10 of the Miami Beach City Code entitled "Animals" by amending Section 10-11, entitled "Running At Large Prohibited" by extending the pilot off leash program for dogs in South Pointe Park through and including June 30, 2013, providing for repealer, severability, codification and an effective date.

Key Intended Outcome Supported:

Increase satisfaction with recreational programs.

Supporting Data (Surveys, Environmental Scan, etc.): Miami Beach Customer Survey indicates 85% of residents rated the City's Recreation programs as either excellent or good.

Item Summary/Recommendation:

There have been several Commission/Commission Committee discussions/actions related to extending the dogs off leash in South Pointe Park pilot program. The most recent include:

November 14, 2012 In response to the recommendation(s) of the NCAC Committee the City Commission took the following actions:

- A) Adopted Resolution R7E which accepted the Committee's recommendations to:
 - Bring the concept of a hedge for the off-leash dog area of South Pointe Park back to the City Commission, with the Commission further directing the Administration to file a new application for a hedge for the off-leash area to the Design Review Board as soon as possible; and
 - Extend the off-leash pilot program through March 31, 2013.
- B) Amended and adopted the attached Ordinance on First Reading which extended the South Pointe Park Dog Off-Leash Pilot Program through and including March 31, 2013.

December 11, 2012 The Administration submitted the application for a hedge for the off-leash area of the South Pointe Park to the Planning Department for presentation to the DRB.

December 12, 2012 The City Commission approved extending the South Pointe Park Dog Off-leash Pilot Program through and including March 31, 2013.

February 5, 2013 The Administration's application for a hedge for the off-leash area in South Pointe Park was scheduled to be heard by the Design Review Board. Following a brief discussion of the item, due to the lack of a full board (4 of 7 members were present) the Administration requested the matter be carried forward to the March 5, 2013 Design Review Board.

February 6, 2013 The Commission amended and adopted the attached Ordinance on 1st reading and also instructed the Administration to amend the City's DRB application to state the height of the proposed hedge should be maintained at 3' – 3 ½' tall.

The Administration recommends adopting the Ordinance Amendment following the 2nd reading and public hearing.

Advisory Board Recommendation:

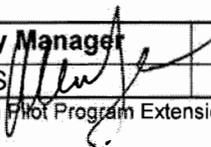
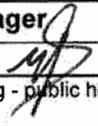
Financial Information:

Source of Funds:		Amount	Account
OBPI	1		
	2		
	3		
	Total		

Financial Impact Summary:

City Clerk's Office Legislative Tracking:

Sign-Offs:

Department Director	Assistant City Manager	City Manager
KS	MAS 	KGB 

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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: March 13, 2013

SECOND READING PUBLIC HEARING

SUBJECT: **AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 10 OF THE MIAMI BEACH CITY CODE ENTITLED "ANIMALS," BY AMENDING SECTION 10-11, ENTITLED "RUNNING AT LARGE PROHIBITED," BY EXTENDING THE PILOT PROGRAM OFF-LEASH AREA FOR DOGS IN SOUTH POINTE PARK THROUGH AND INCLUDING JUNE 30, 2013; PROVIDING FOR REPEALER; SEVERABILITY; CODIFICATION; AND AN EFFECTIVE DATE.**

ADMINISTRATION RECOMMENDATION

The proposed ordinance amendment to extend the off-leash area pilot program in South Pointe Park is presented for second reading and public hearing following a discussion and approval on first reading by the Mayor and City Commission at its February 6, 2013 meeting.

The Administration filed a new application to the Design Review Board to consider the installation of a hedge around the perimeter of the South Pointe Dog Off-leash Area as directed by the City Commission. This application was briefly heard at the February 5, 2013 Design Review Board meeting and then continued to the March 5, 2013 DRB meeting. The discussion that transpired at the 2/5/13 DRB meeting was reported to the City Commission at its February 6, 2013. At that time the City Commission directed the Administration to return to the DRB at its March meeting with an amended plan that revised the height of the proposed hedge material from 22" to a range of 36" – 42". Based on the prior history of this issue there is strong possibility that the DRB decision may trigger a public hearing and additional review by the City Commission. As such, the off-leash pilot program for South Pointe Park would expire if not extended. In an abundance of caution, the Administration recommends approving the Ordinance Amendment on Second Reading following the public hearing to extend the pilot program until June 30, 2013.

KEY INTENDED OUTCOME SUPPORTED

Increase satisfaction with recreational programs.

INTRODUCTION

At the January 28, 2009, Commission meeting, the Administration requested the matter of dogs off-leash in City parks and other public properties in general, be referred to the Neighborhood/Community Affairs Committee for discussion. This initial Neighborhood/Community Affairs discussion was held on February 17, 2009. Since that time there have been ongoing discussions as to how the City can find the proper levels of services that address the needs of our residents and guests who own dogs with those who do not.

These discussions have focused on the development of "bark parks" (fenced in areas in parks specifically designed and designated for dogs to run off leash): access for the dogs to water

from a beach or park edge; the provision of dog bag/ waste stations that are located throughout the city's parks, rights of way, Lincoln Road, the Beach walk and other public areas; and the establishment of off-leash access in the parks to areas which are unfenced/ unsecured where dogs would run off leash and beyond their owner's control.

BACKGROUND

There are presently total of five fenced dog parks and one designated off-leash area within the City's parks. These include Belle Isle, Flamingo, North Shore Open Space Park, Pinetree, South Pointe (un-fenced/off-leash area) and Washington Avenue (two sites).

One of the initial discussion issues focused on the development of a dog park within South Pointe Park, an enclosed area similar to the dog parks in Flamingo, Washington Avenue, Pinetree, or Belle Isle, or one without a fence.

The conclusion of the discussion was to build-out a larger dog park on Washington Avenue, diagonal from the then-existing dog park on Collins Avenue and 2nd street. It was also recommended that the City look at whatever amendments would be needed to permit a pilot, off-leash area in a designated section of South Pointe Park, with limited hours of use. The designation of an off-leash area was not only prohibited by City Code, but it was also prohibited by County Code.

Since the initial discussions in early 2009, there have been several Commission/Commission Committee discussions concerning dogs off leash in South Pointe Park and the existing pilot program resulting in various actions. Select actions are as follows:

- September 9, 2009, the City Commission approved, on second reading, an Ordinance amending Chapter 10 of the Miami Beach Code entitled "Animals" to allow the City Commission to designate specific off-leash areas for dogs in public parks, specifically for South Pointe Park. The action established morning off-leash hours (park opening (sunrise) to 9:00 A.M.) only in a specific, unenclosed area of South Pointe Park located in the triangular area where the public art was scheduled to be sited (south and west of the Washington Avenue entry plaza). The item was amended to clarify that a South Pointe Park Dog Off-leash Pilot Program would be for a trial period of six months, commencing only if/when Miami-Dade County amended Section 5-20 of their Code pertaining to animals. At the time of the City Ordinance approval, County Code prohibited dogs off leash except in authorized park areas.
- May 4, 2010, the Miami-Dade County Commission adopted the ordinance amendment at their Board of County Commissioners meeting amending Section 5-20 of their Code pertaining to animals.
- June 10, 2010, the initial South Pointe Park Dog Off-leash Pilot Program began.
- February 3, 2011, the Neighborhood/Community Affairs Committee held a discussion concerning the South Pointe Park Dog Off-leash Pilot Program and recommended extending the trial period, as well as adding two (2) additional hours in the evening on Monday through Friday only (hours to be determined). They also discussed the concept of adding a hedge to surround the off-leash area once it returns to its permanent area (from where it had to be moved when the Lighthouse art sculpture was being installed).

It was concluded that the item will return to Committee after the installation of

the public art, and if the off-leash program was approved to continue, to discuss whether the off-leash area should move back to the original site, or remain at the current location (portion of west lawn).

- October 19, 2011, the City Commission approved an ordinance on second/final reading that extended the pilot off-leash program until January 1, 2012, and added two (2) hours in the evening from 5:00 P.M. To 7:00 P.M., Monday through Friday.
- January 11, 2012, the City Commission approved an ordinance amendment on second reading to extend the South Pointe Park Dog Off-leash Pilot Program until July 15, 2012, modified the off-leash hours in the designated area in the morning from sunrise to 10:00 A.M. daily and between 4:00 P.M. and 7:00 P.M. Monday through Friday and relocated the off-leash area to the west lawn, south and east of the Washington Avenue entry plaza. The Commission also instructed the Administration to file an application to the Design Review Board (DRB) for the approval of a hedge in the newly established location.
- March 6, 2012, the DRB held a hearing on the Administration's application for the approval of a hedge in the newly established location of the off-leash area in South Pointe Park.
- March 13, 2012, DRB rendered an Order imposing conditions that effectively denied the Administration's request for a hedge by stating "there shall be no hedge to define the area" and the off-leash area "shall not be located in area #3, surrounding the arts in public places 'lighthouse project'."
- April 11, 2012, the City Commission approved a resolution setting a public hearing, pursuant to Section 118-262 of the City Code, requesting a review of the Design Review Board decision rendered on March 13, 2012 (DRB File No. 22894) pertaining to the design review approval for a hedge for a City Commission designated off-leash dog area within the western portion of South Pointe Park.
- May 9, 2012, a City Commission item was introduced calling for a public hearing to consider the appeal of the Design Review Board Order in File No. 22894) pertaining to the design review approval for a hedge for a City Commission designated off-leash dog area within the western portion of South Pointe Park. In addition, a resolution setting forth an order (granting or denying) an appeal request by the City Manager of the City of Miami Beach, pertaining to a decision of the Design Review Board (DRB) for South Pointe Park was presented.

At the conclusion of the discussion a motion was made by Vice-Mayor Libbin to continue the consideration of reversing the DRB Appeal to the June 6, 2012 Commission Meeting; seconded by Commissioner Exposito; Voice vote 6-1; Opposed: Commissioner Wolfson.

- June 6, 2012, the City Commission item, deferred from the May 9, 2012 Commission, calling for a public hearing to consider the appeal of the Design Review Board Order in File No. 22894) pertaining to the design review approval for a hedge for a City Commission designated off-leash dog area within the western portion of South Pointe Park was again introduced.

In addition, a resolution setting forth an order (granting or denying) an appeal request by the City Manager of the City of Miami Beach, pertaining to a decision of the Design Review Board (DRB) for South Pointe Park was presented. Following a discussion the motion to support the appeal failed and the appeal of the DRB order was denied.

- July 18, 2012, the City Commission held the public hearing and approved the ordinance on second reading extending the South Pointe Park Dog Off-leash Pilot Program through and until December 31, 2012.

Additionally, the Commission requested the matter be sent back to the Neighborhood/Community Affairs Committee to discuss in greater detail the number of documented violations that have transpired since the South Pointe Park Dog Off-leash Pilot Program began in June, 2010.

- November 14, 2012, the City Commission:
 - A) Adopted Resolution R7E which accepted the NCAC Committee's recommendations to;
 - Bring the concept of a hedge for the off-leash dog area of South Pointe Park back to the City Commission, with the Commission further directing the Administration to file a new application for a hedge for the off-leash area to the Design Review Board as soon as possible; and
 - Extend the off-leash pilot program through March 31, 2013.
 - B) Amended and adopted the attached Ordinance on First Reading which extended the South Pointe Park Dog Off-Leash Pilot Program through and including March 31, 2013.
- December 11, 2012, the Parks and Recreation Department submitted the application for a hedge for the off-leash area of the South Pointe Park to the Planning Department for presentation to the Design Review Board.
- December 12, 2012, the City Commission held the public hearing and approved the ordinance on second reading extending the South Pointe Park Dog Off-leash Pilot Program through and including March 31, 2013.
- February 5, 2013, the Administration's application for a hedge for the off-leash area in South Pointe Park was scheduled to be heard by the Design Review Board. Following a brief discussion of the item, due to the lack of a full board (4 of 7 members were present) the Administration requested the matter be carried forward to the March 5, 2013 Design Review Board.
- February 6, 2013, the Commission amended and adopted the attached Ordinance on First Reading which extended the South Pointe Park Dog Off-Leash Pilot Program through and including June 30, 2013. The Commission also instructed the Administration to amend the City's DRB application to state the height of the proposed hedge should be maintained at 3' – 3 ½' tall.

ANALYSIS

As directed by the City Commission at their February 6, 2013 meeting the Administration amended the pending application to the Design Review Board to consider the installation of a hedge around the perimeter of the South Pointe Dog Off-leash Area to state the height of the proposed hedge should be maintained at 3' – 3 ½' tall. This application is included in the March 5, 2013 Design Review Board agenda. Depending upon the Board's action and the City Commission subsequent directives it is possible that the time required to address these issues may extend past the current Pilot Program Off-Leash Area for Dogs in South Pointe Park expiration date of March 31, 2013, as was approved on second reading by the City Commission at their December 12, 2012 meeting.

CONCLUSION

On February 6, 2013 the City Commission approved this ordinance as amended, on first reading extending dog off leash pilot program in South Pointe Park through and until June 30, 2013. It is presented for second reading and public hearing.

This amendment is necessary to continue the off-leash program in South Pointe Park, as the current pilot program was scheduled to expire on March 31, 2013. It will permit the continuation of the program should the City Commission decide to take further actions related to the matter.

The Administration recommends the adoption of the proposed ordinance amendment extending the South Pointe Park Dog Off-Leash Pilot Program as presented for second reading and public hearing.

KGB/MAS/KS

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ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 10 OF THE MIAMI BEACH CITY CODE ENTITLED "ANIMALS," BY AMENDING SECTION 10-11, ENTITLED "RUNNING AT LARGE PROHIBITED," BY EXTENDING THE PILOT PROGRAM OFF-LEASH AREA FOR DOGS IN SOUTH POINTE PARK THROUGH AND INCLUDING JUNE 30, 2013; PROVIDING FOR REPEALER; SEVERABILITY; CODIFICATION; AND AN EFFECTIVE DATE.

WHEREAS, pursuant to Section 5-20 of the Miami-Dade County Code, "a dog may be unrestrained and shall not be deemed at large if it is supervised by a competent person and is (i) in a park area in which dogs are specifically authorized by a municipality or by the County to be unrestrained..."; and

WHEREAS, on September 9, 2009, the Mayor and City Commission adopted Ordinance No. 2009-3646 which specifically authorized dogs to be unrestrained and off-leash in South Pointe Park for a pilot program in the triangular area south and west of the Washington Avenue entry plaza from sunrise to 9:00 A.M. daily, or during such hours as may be specifically designated by a resolution of the City Commission after a public hearing; and

WHEREAS, on October 19, 2011, the Mayor and City Commission adopted Ordinance No. 2011-3743 which extended the pilot program in South Pointe Park until January 1, 2012, and extended the off-leash hours in South Park by adding two (2) hours in the evening from 5:00 P.M. to 7:00 P.M. on Monday through Friday; and

WHEREAS, on January 11, 2012, the Mayor and City Commission adopted Ordinance No. 2012-3750 which extended the off-leash hours in the designated area in South Pointe Park from sunrise to 10:00 A.M. daily, and in the evening from 4:00 P.M. until sunset on Monday through Friday, relocated the off-leash dog area to the area south and east of the Washington Avenue entry plaza, and extended the off-leash pilot program to July 15, 2012; and

WHEREAS, on May 22, 2012, the Neighborhoods/Community Affairs Committee (NCAC) recommended that the off-leash pilot program in South Pointe Park be extended through December 31, 2012; and

WHEREAS, following a First Reading on June 6, 2012, and after a Second Reading/Public Hearing on July 18, 2012, the Mayor and City Commission adopted Ordinance No. 2012-3772 which extended the off-leash pilot program in South Pointe Park through and including December 31, 2012; and

WHEREAS, on September 24, 2012, the Neighborhoods/Community Affairs Committee recommended that the off-leash pilot program in South Pointe Park be extended through January 31, 2013; and

WHEREAS, on November 14, 2012 the City Commission: a) adopted Resolution No. 2012-28070 which accepted the NCAC Committee's recommendations to bring the concept of a hedge for the off-leash dog area in South Pointe Park back to the City Commission, with the Commission further directing the Administration to file a new application for a hedge for the off-

leash area to the Design Review Board as soon as possible; and to extend the off-leash pilot program through and including March 31, 2013; and b) approved an Ordinance on First Reading to extend the off-leash pilot program in South Pointe Park through and including March 31, 2013; and

WHEREAS, on December 11, 2012, the Parks and Recreation Department submitted the application for a hedge for the off-leash dog area in South Pointe Park to the Planning Department for presentation to the Design Review Board; and

WHEREAS, on December 12, 2012, the City Commission held a Public Hearing and adopted Ordinance No. 2012-3785 on Second Reading extending the dog off-leash pilot program through and including March 31, 2013; and

WHEREAS, on February 5, 2013, the Administration's application for a hedge for the off-leash area in South Pointe Park was heard by the Design Review Board and, following a brief discussion and testimony, the matter was continued to the March 5, 2013 meeting due to the lack of a full Board (4 of 7 members were present); and

WHEREAS, at the February 6, 2013 City Commission meeting, the City Commission gave direction to the Administration to amend the City's DRB application to request a higher hedge of 3 to 3 1/2 feet; and

WHEREAS, depending upon the Design Review Board's action and the City Commission's subsequent directives, it is possible that the time required to address these issues may extend past the current expiration date of March 31, 2013 for the off-leash pilot program in South Pointe Park, therefore an extension of the off-leash pilot program to June 30, 2013 is proposed herein.

NOW, THEREFORE, BE IT DULY ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AS FOLLOWS:

SECTION 1.

That Chapter 10, Section 10-11 of the Miami Beach City Code is hereby amended as follows:

Chapter 10

ANIMALS

* * *

Sec. 10-11. Running at large prohibited.

It shall be prohibited for the owner or person in control of any animal to permit the animal to run at large. All animals, when not on the premises of their owner or of the person in control, must be on a leash or contained in a carrier device and under the control of a competent person, except that in South Pointe Park, in the designated area south and east of the Washington Avenue entry plaza, dogs may be off-leash from sunrise to 10:00 A.M. daily and from 4:00 P.M. to 7:00 P.M. on Monday through Friday, or during such other hours as may be specifically designated by a resolution of the city commission after a public hearing, through and including ~~March 31, 2013~~ June 30, 2013.

SECTION 2. REPEALER.

All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

SECTION 3. SEVERABILITY.

If any section, sentence, clause or phrase of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this ordinance.

SECTION 4. CODIFICATION.

It is the intention of the Mayor and City Commission of the City of Miami Beach, and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of the City of Miami Beach, Florida. The sections of this ordinance may be renumbered or re-lettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

SECTION 5. EFFECTIVE DATE.

This Ordinance shall take effect the ___ day of March, 2013.

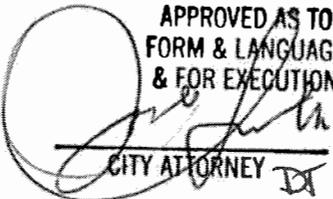
PASSED and ADOPTED this ___ day of March, 2013.

ATTEST:

MATTI HERRERA BOWER
MAYOR

RAFAEL E. GRANADO, CITY CLERK

Underline denotes additions and ~~strike through~~ denotes deletions

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION


CITY ATTORNEY *DT* DATE 2/27/13

MIAMI BEACH

CITY OF MIAMI BEACH

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY given that second readings and public hearings will be held by the Mayor and City Commission of the City of Miami Beach, Florida, in the Commission Chambers, 3rd Floor, City Hall, 1700 Convention Center Drive, Miami Beach, Florida, on **Wednesday, March 13, 2013** to consider the following:

10:15 a.m.

Ordinance Amending The Miami Beach City Code By Amending Chapter 2, Entitled "Administration," By Amending Article III, Entitled "Agencies, Boards And Committees," By Creating Division 34, To Be Entitled "Bicycle-Pedestrian Facilities Advisory Committee," And Sections 2-190.149 Through 2-190.153 Therein To Provide Provisions Establishing The Committee And Its Purpose, Powers And Duties, Composition, And Supporting Department.

Inquiries may be directed to the Public Works Department at (305) 673-7080.



10:30 a.m.

Ordinance Amending Chapter 10 Of The Miami Beach City Code Entitled "Animals," By Amending Section 10-11, Entitled "Running At Large Prohibited," By Extending The Pilot Program Off-Leash Area For Dogs In South Pointe Park Through And Including June 30, 2013.

Inquiries may be directed to the Parks and Recreation Department at (305) 673-7730.

10:45 a.m.

CD-2 Self Storage:

Ordinance Amending The Code Of The City Of Miami Beach, Florida, Chapter 142, "Zoning Districts And Regulations," Article II, "District Regulations," Division 5, CD-2 "Commercial, Medium Intensity District," By Permitting "Self-Storage Warehouses" As A Conditional Use In This Zoning District.

Inquiries may be directed to the Planning Department at (305) 673-7550.

11:00 a.m.

Ordinance Amending The Miami Beach City Code By Amending Chapter 2, Entitled "Administration," By Amending Article III, Entitled "Agencies, Boards And Committees," By Amending Division 29, Entitled "Debarment Committee," By Amending The Purpose, Powers, And Duties Of The Committee To Include Authority To Consider The Suspension Of Contractors In Addition To Debarments.

Inquiries may be directed to the City Attorney's Office at (305) 673-7470.

5:15 p.m.

Hotel Parking Requirements:

Ordinance Amending The Code Of The City Of Miami Beach, Florida, By Amending Chapter 130 "Off-Street Parking," Article II, "Districts; Requirements," By Amending The Off-Street Parking Requirements For Hotels In All Districts.

Inquiries may be directed to the Planning Department at (305) 673-7550.

INTERESTED PARTIES are invited to appear at this meeting, or be represented by an agent, or to express their views in writing addressed to the City Commission, c/o the City Clerk, 1700 Convention Center Drive, 1st Floor, City Hall, Miami Beach, Florida 33139. Copies of these items are available for public inspection during normal business hours in the City Clerk's Office, 1700 Convention Center Drive, 1st Floor, City Hall, Miami Beach, Florida 33139. This meeting may be continued, and under such circumstances additional legal notice will not be provided.

Rafael E. Granada, City Clerk
City of Miami Beach

Pursuant to Section 286.0105, Fla. Stat., the City hereby advises the public that: if a person decides to appeal any decision made by the City Commission with respect to any matter considered at its meeting or its hearing, such person must ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. This notice does not constitute consent by the City for the introduction or admission of otherwise inadmissible or irrelevant evidence, nor does it authorize challenges or appeals not otherwise allowed by law.

To request this material in accessible format, sign language interpreters, information on access for persons with disabilities, and/or any accommodation to review any document or participate in any City-sponsored proceeding, please contact us five days in advance at (305) 673-7411 (voice) or TTY users may also call the Florida Relay Service at 711.

Condensed Title:

An Ordinance Amendment proposing to modify the CD-2 District regulations in order to allow self storage warehouses as a Conditional use in certain areas of the City.

Key Intended Outcome Supported:

Maintain strong growth management policies.

Supporting Data (Surveys, Environmental Scan, etc 48% of residential respondents and 55% of businesses rate the effort put forth by the City to regulate development is "about the right amount."

Item Summary/Recommendation:

OPEN & CONTINUE
 The proposed Ordinance would amend the CD-2 District regulations in order to allow self storage warehouses as a Conditional use in certain areas of the City.

The subject Ordinance was approved at First Reading on February 6, 2013. The Commission set a Second Reading Public Hearing for March 13, 2013. The Commission also referred the matter back to the Land Use and Development Committee to consider minor changes.

Since the Land Use Committee meeting occurs on March 20, 2013, the Administration recommends that the City Commission open and continue the item to a date certain of April 17, 2013.

Advisory Board Recommendation:

On October 30, 2012, the Planning Board (PB File No. 2017) transmitted the subject Ordinance to the City Commission with a favorable recommendation by a vote of 5-2.

Financial Information:

Source of Funds:		Amount	Account
<div style="border: 1px solid black; width: 40px; height: 40px; margin: 0 auto;"></div> OBPI	1		
	2		
	3		
	Total		

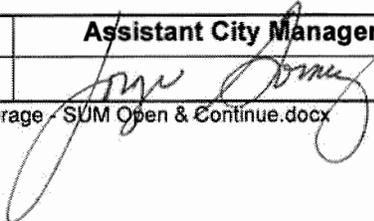
Financial Impact Summary:

The proposed ordinance is not expected to have a significant financial impact.

City Clerk's Office Legislative Tracking:

Richard Lorber or Thomas Mooney

Sign-Offs:

Department Director	Assistant City Manager	City Manager
		

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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: March 13, 2013

SECOND READING

SUBJECT: **CD-2 Self Storage**

A ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE CODE OF THE CITY OF MIAMI BEACH, FLORIDA, BY CHAPTER 142, "ZONING DISTRICTS AND REGULATIONS," ARTICLE II, "DISTRICT REGULATIONS," DIVISION 5, CD-2 "COMMERCIAL, MEDIUM INTENSITY DISTRICT," BY PERMITTING "SELF-STORAGE WAREHOUSES" AS A CONDITIONAL USE IN THIS ZONING DISTRICT; PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

ADMINISTRATION RECOMMENDATION

Open and continue to a date certain of April 17, 2013.

UPDATE

The City Commission approved the subject Ordinance at First Reading on February 6, 2013. As part of the discussion, the Commission determined that the boundaries of the proposed use should be limited to Alton Road between 6th and 11th Streets. The Commission also instructed the Administration to incorporate a distance separation requirement between self storage facilities.

The matter was referred to the Land Use and Development Committee for discussion, prior to 2nd reading. Since the Land Use meeting of March 20, 2013 is after the March 13, 2013 Commission meeting, the administration is recommending that the matter be opened and continued to the April 17, 2013 Commission meeting.

BACKGROUND

The subject Ordinance was initially referred to the Land Use and Development Committee (LUDC) at the April 13, 2011 City Commission meeting (Item C4G) and was first reviewed by the LUDC on May 18, 2011. On May 16, 2012, the proposed project for a mini storage warehouse at 7th Street and Alton Road was presented to the Land Use and Development Committee. Several speakers commented on the proposed project and ordinance amendment, and the Committee discussed the possible impacts on the neighborhood. The LUDC then referred the item to the Planning Board, with direction to address limiting the proliferation of this use, and to address issues of signage.

ANALYSIS

Currently the City Code only permits "warehouse" use in the CD-1, Commercial Low Intensity zoning district as a Conditional Use (see attached map of CD-1 Districts), and

as a main permitted use in the I-1 Urban Light Industrial District; this use is not permitted in any other zoning district in the City. Because the less intense CD-1, Low Intensity, zoning district already allows for "Warehouses" as Conditional Uses, staff believes that it would be appropriate to update the list of Conditional Uses within the CD-2, Commercial, Medium Intensity, zoning district by adding "Self-Storage Warehouses" as Conditional Uses.

However, while there appears to be a need for this type of use throughout the City, staff believes that the use may not be compatible on every property within the CD-2 district. Additionally, very strict operational and design conditions would need to be placed on any Conditional Use approval granted for self storage facilities in a CD-2 district.

It should be noted that the CD-2 districts throughout the City are either adjacent to residential uses or separated only by alleys. One of the concerns that has been raised is the compatibility of self-storage warehouses to the residential areas that are in close proximity, as well as the traffic, parking and the noise that may be generated by this use.

A self-storage warehouse is categorized as an establishment engaged in renting or leasing secure space for self-storage such as rooms, compartments, lockers, containers or outdoor space where clients can store and retrieve their goods.¹

A map showing CD-2 districts throughout the City that would also be affected by this proposed amendment is attached to this report.

Planning Department staff has been working on a conceptual Alton Road Overlay District, and recommended to the Planning Board that the proposed warehouse concept be conditioned upon the inclusion of the type of safeguards and protections that the Overlay District guidelines for development propose. These include increased rear setbacks and reduced height abutting adjacent residential properties. The proposed Ordinance amendment places additional restrictions on the overall height, bulk & massing (FAR) of self storage facilities, and requires that all portions of the structure facing a street or sidewalk be substantially activated.

The proposed Ordinance would require that self-storage facilities in a CD-2 District obtain Conditional Use approval by the Planning Board. In addition to determining whether a self storage facility is an appropriate and compatible use for a particular property, the Board would also be able to fully address traffic, scale, massing, operations and any other relevant aspect of this use. Traffic, vehicular circulation and parking will be addressed through the formal 'Conditional Use' process, so as to avoid or mitigate any adverse impacts to adjacent residential districts.

Staff believes that when combined with a thorough review by the Planning Board, as part of the CUP process, as well as the approval of the Design Review Board (DRB) or Historic Preservation Board (HPB), the compatibility of a proposed self storage facility will be well vetted.

The proponent of the proposed amendment currently proposes to develop the property located at 633 Alton Road, which is located within the expanded Flamingo Park Local Historic District and is adjacent to an RM-1 residential multifamily district, separated only by an alley from three residential buildings. In this particular instance, should the subject Ordinance move forward, any future CUP application for this site would need to address

¹ U.S. Census Bureau, "Industry Statistics Sampler," www.census.gov/econ/industry/def

the complete buffering of the residential area to the east, traffic circulation, lighting and loading access. As this particular property is located adjacent to the Alton Road flyover, there is a rationale for exploring the feasibility of the proposed use, provided all of the aforementioned issues can be successfully addressed.

On December 19, 2012, the Land Use and Development Committee reviewed the Planning Board recommended Ordinance. The Land Use Committee determined that the application of self storage facilities, as a Conditional Use, would be appropriate in certain areas of the City, but not all areas. Specifically, the Committee recommended that only the CD-2 districts located in the following areas should be permitted to have self storage as a Conditional Use:

- Along Alton Road
- Within Sunset Harbour
- Along Harding Avenue in North Beach

The Land Use Committee transmitted the Ordinance to the full City Commission for a final decision, with this specific recommendation.

PLANNING BOARD REVIEW

On October 30, 2012, the Planning Board transmitted the subject Ordinance (by a vote of 5-2, with Jonathon Beloff, Daniel Veitia, Charles Urstadt, Robert Wolfarth & Randy Weisburd in support, and Henry Stolar & Jean Francois Lejeune opposed) to the City Commission with a favorable recommendation.

FISCAL IMPACT

In accordance with Charter Section 5.02, which requires that the "City of Miami Beach shall consider the long term economic impact (at least 5 years) of proposed legislative actions," this shall confirm that the City Administration evaluated the long term economic impact (at least 5 years) of this proposed legislative action.

The subject Ordinance is not expected to have any significant fiscal impact.

CONCLUSION

The Administration recommends that the City Commission Open and continue to a date certain of April 17, 2013.

MIAMI BEACH

CITY OF MIAMI BEACH

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY given that second readings and public hearings will be held by the Mayor and City Commission of the City of Miami Beach, Florida, in the Commission Chambers, 3rd Floor, City Hall, 1700 Convention Center Drive, Miami Beach, Florida, on **Wednesday, March 13, 2013** to consider the following:

10:15 a.m.

Ordinance Amending The Miami Beach City Code By Amending Chapter 2, Entitled "Administration," By Amending Article III, Entitled "Agencies, Boards And Committees," By Creating Division 34, To Be Entitled "Bicycle-Pedestrian Facilities Advisory Committee," And Sections 2-190.149 Through 2-190.153 Therein To Provide Provisions Establishing The Committee And Its Purpose, Powers And Duties, Composition, And Supporting Department.

Inquiries may be directed to the Public Works Department at (305) 673-7080.

10:30 a.m.

Ordinance Amending Chapter 10 Of The Miami Beach City Code Entitled "Animals," By Amending Section 10-11, Entitled "Running At Large Prohibited," By Extending The Pilot Program Off-Leash Area For Dogs In South Pointe Park Through And Including June 30, 2013.

Inquiries may be directed to the Parks and Recreation Department at (305) 673-7730.

10:45 a.m.

CD-2 Self Storage:

Ordinance Amending The Code Of The City Of Miami Beach, Florida, Chapter 142, "Zoning Districts And Regulations," Article II, "District Regulations," Division 5, CD-2 "Commercial, Medium Intensity District," By Permitting "Self-Storage Warehouses" As A Conditional Use In This Zoning District.

Inquiries may be directed to the Planning Department at (305) 673-7550.

11:00 a.m.

Ordinance Amending The Miami Beach City Code By Amending Chapter 2, Entitled "Administration," By Amending Article III, Entitled "Agencies, Boards And Committees," By Amending Division 29, Entitled "Debarment Committee," By Amending The Purpose, Powers, And Duties Of The Committee To Include Authority To Consider The Suspension Of Contractors In Addition To Debarments.

Inquiries may be directed to the City Attorney's Office at (305) 673-7470.

5:15 p.m.

Hotel Parking Requirements:

Ordinance Amending The Code Of The City Of Miami Beach, Florida, By Amending Chapter 130 "Off-Street Parking," Article II, "Districts; Requirements," By Amending The Off-Street Parking Requirements For Hotels In All Districts.

Inquiries may be directed to the Planning Department at (305) 673-7550.

INTERESTED PARTIES are invited to appear at this meeting, or be represented by an agent, or to express their views in writing addressed to the City Commission, c/o the City Clerk, 1700 Convention Center Drive, 1st Floor, City Hall, Miami Beach, Florida 33139. Copies of these items are available for public inspection during normal business hours in the City Clerk's Office, 1700 Convention Center Drive, 1st Floor, City Hall, Miami Beach, Florida 33139. This meeting may be continued, and under such circumstances additional legal notice will not be provided.

Rafael E. Granada, City Clerk
City of Miami Beach

Pursuant to Section 286.0105, Fla. Stat., the City hereby advises the public that: if a person decides to appeal any decision made by the City Commission with respect to any matter considered at its meeting or its hearing, such person must ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. This notice does not constitute consent by the City for the introduction or admission of otherwise inadmissible or irrelevant evidence, nor does it authorize challenges or appeals not otherwise allowed by law.

To request this material in accessible format, sign language interpreters, information on access for persons with disabilities, and/or any accommodation to review any document or participate in any City-sponsored proceeding, please contact us five days in advance at (305) 673-7411 (voice) or TTY users may also call the Florida Relay Service at 711. Ad #766

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MIAMI BEACH

OFFICE OF THE CITY ATTORNEY

JOSE SMITH, CITY ATTORNEY

COMMISSION MEMORANDUM

**TO: MAYOR MATTI HERRERA BOWER
MEMBERS OF THE CITY COMMISSION
INTERIM CITY MANAGER KATHIE BROOKS**

**FROM: JOSE SMITH
CITY ATTORNEY**

DATE: March 13, 2013

SUBJECT: AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE MIAMI BEACH CITY CODE BY AMENDING CHAPTER 2, ENTITLED "ADMINISTRATION," BY AMENDING ARTICLE III, ENTITLED "AGENCIES, BOARDS AND COMMITTEES," BY AMENDING DIVISION 29, ENTITLED "DEBARMENT COMMITTEE," BY AMENDING THE PURPOSE, POWERS, AND DUTIES OF THE COMMITTEE TO INCLUDE AUTHORITY TO CONSIDER THE SUSPENSION OF CONTRACTORS IN ADDITION TO DEBARMENTS; PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

On January 16, 2013, the City Commission adopted Ordinance 2013-3787 which amended the City's Debarment Ordinance. Among other things, the new Ordinance amended the debarment provisions to include suspension procedures in addition to debarment procedures. In order to provide consistency between the new provisions in the Debarment Ordinance and the City Code provisions concerning the Debarment Committee's purpose, powers, and duties, the attached Ordinance sets forth minor amendments to enable the Debarment Committee to conduct suspension hearings and to impose suspension penalties in addition to debarment hearings and penalties. The Ordinance was passed on First Reading by the City Commission on February 6, 2013 and is sponsored by Mayor Matti Herrera Bower.

DT/sc

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE MIAMI BEACH CITY CODE BY AMENDING CHAPTER 2, ENTITLED "ADMINISTRATION," BY AMENDING ARTICLE III, ENTITLED "AGENCIES, BOARDS AND COMMITTEES," BY AMENDING DIVISION 29, ENTITLED "DEBARMENT COMMITTEE," BY AMENDING THE PURPOSE, POWERS, AND DUTIES OF THE COMMITTEE TO INCLUDE AUTHORITY TO CONSIDER THE SUSPENSION OF CONTRACTORS IN ADDITION TO DEBARMENTS; PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, on January 16, 2013, the City Commission adopted Ordinance No. 2013-3787 which amended the City's Debarment Ordinance to include, among other things, suspension procedures in addition to debarment procedures, and the authority of the Mayor and City Commission, by a majority vote, to debar or suspend contractors rather than the Debarment Committee; and

WHEREAS, in order to provide consistency between the new provisions in the Debarment Ordinance and the City Code provisions concerning the Debarment Committee, the amendments proposed herein to the purpose, powers, and duties of the Committee are needed.

NOW, THEREFORE, BE IT DULY ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH AS FOLLOWS:

SECTION 1.

That Chapter 2, Article III, Division 29 of the Miami Beach City Code is hereby amended as follows:

Chapter 2

ADMINISTRATION

* * *

ARTICLE III. AGENCIES, BOARDS AND COMMITTEES

* * *

DIVISION 29. DEBARMENT COMMITTEE

* * *

Sec. 2-190.128. Established.

There is hereby established a debarment committee in the city whose purposes, power and duties, composition, membership qualifications, and general governing regulations are as follows in this division.

Sec. 2-190.129. Purpose.

The committee's purpose is to evaluate and, if warranted, impose debarment or suspension as provided in sections 2-397 through 2-406 to exclude a contractor (and, in limited instances, a bidder or proposer) from city contracting and city approved subcontracting.

Sec. 2-190.130. Powers and duties.

The committee is vested with the power and authority to conduct quasi-judicial hearings, as authorized and provided in sections 2-511 through 2-513, with regard to debarment and suspension procedures and to impose penalties, all as more specifically set forth in sections 2-397 through 2-406.

Sec. 2-190.131. Composition.

The committee shall consist of seven voting members to be individually appointed by the mayor and city commissioners. If any member of the committee abstains from voting at two meetings within a calendar year, said member shall be automatically removed from the committee. The committee shall meet only as convened pursuant to the debarment ordinance set forth in section 2-405.

Sec. 2-190.132. Knowledge and experience.

The committee shall be composed of persons who possess outstanding reputations for civic activity and interest, integrity, responsibility, and business or professional ability.

Sec. 2-190.133. Supporting departments.

The supporting department shall be the office of the city manager/procurement office.

SECTION 2. Repealer.

All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

SECTION 3. Severability.

If any section, sentence, clause or phrase of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this ordinance.

SECTION 4. Codification.

It is the intention of the Mayor and City Commission of the City of Miami Beach, and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of the City of Miami Beach, Florida. The sections of this ordinance may be renumbered or re-lettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

SECTION 5. Effective Date.

This Ordinance shall take effect the _____ day of _____, 2013.

PASSED and **ADOPTED** this _____ day of _____, 2013.

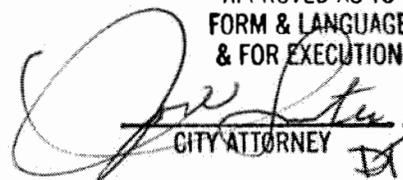
ATTEST:

RAFAEL GRANADO, CITY CLERK

MATTI HERRERA BOWER
MAYOR

(Sponsored by Mayor Matti Herrera Bower)

Underline denotes additions

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

CITY ATTORNEY 2/15/13
DATE

MIAMIBEACH

CITY OF MIAMI BEACH

NOTICE OF PUBLIC HEARING

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Rafael E. Granado, City Clerk
City of Miami Beach

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Condensed Title:

An Ordinance Amendment proposing to modify the off street parking requirements for hotel development in the City.

Key Intended Outcome Supported:

Maintain strong growth management policies.

Supporting Data (Surveys, Environmental Scan, etc 48% of residential respondents and 55% of businesses rate the effort put forth by the City to regulate development is "about the right amount."

Item Summary/Recommendation:

SECOND READING PUBLIC HEARING
 The proposed Ordinance would amend the parking requirements for hotel development within the City by reducing the off street parking requirement from 1 space per hotel unit to .5 spaces per hotel unit, for the first 100 units. There are 2 versions of the Ordinance. The Planning Board has recommended that the .5 ratio be applicable city wide. The Planning Department version had recommended that the .5 ratio be applicable in certain, defined areas of the City, including historic and national register districts, as well as areas of North Beach, and .75 spaces per hotel room outside of local historic Districts. Both versions exclude the West Avenue residential corridor and south of Fifth Street.

 The Administration supports a third version of the ordinance, as revised by the Planning Department based upon the direction from the Commission in February, as this formulation represents the best synthesis of the various proposals put forward to date, as well as the general consensus expressed by the City Commission at first reading in February.

Advisory Board Recommendation:

On October 30, 2012, the Planning Board (PB File No. 2078) recommended that the City Commission approve the Planning Board version of the proposed Ordinance by a vote of 5-2.

Financial Information:

Source of Funds:	Amount	Account
	1	
	2	
	3	
OBPI	Total	

Financial Impact Summary:

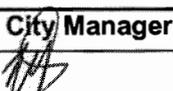
This ordinance, by reducing required parking for hotels in historic districts, will reduce the receipts for fees in lieu of parking, as many hotel projects in these districts must resort to paying these fees when parking on site or nearby cannot be provided. Although the amount of the reduction in impact fees to the City cannot accurately be pinpointed as this involves estimating future development levels, some hotel projects already underway would be affected, and the resulting impact to the City of forgoing these payments would be about \$2.5 million.

Balanced against the potential loss of parking impact fee revenue is the potential for additional revenue from increased hotel development, which might be expected to include an increase in resort tax receipts, and a general improvement in the property tax base and income from permits and fees that may be associated with an increased level of new proposed development. Increased hotel room construction within appropriate areas of the City would be expected to have a positive effect on the overall economic health of the City, as estimates indicate that spending by visitors to hotels in Miami Beach is approximately \$621 per room/night, including room rate, transportation, entertainment, meals and shopping. At an occupancy rate of 75.3%, this would translate into \$170,000 in additional economic activity per year, and approximately \$2,600 in additional resort tax collections per year, for each additional hotel room added. Staff estimates that properties in historic districts have on balance only a relatively small amount of additional development rights (FAR) still remaining. Although the reduction in parking requirements would reduce the potential for future parking impact fee revenue, this cannot be directly estimated, as some portion of future development may only occur because of the reduced parking requirements, and would not be proposed if significant impact fees remained as a requirement.

City Clerk's Office Legislative Tracking:

Richard Lorber or Thomas Mooney

Sign-Offs:

Department Director	Assistant City Manager	City Manager
		

T:\AGENDA\2013\March 13\Hotel Parking SUM 2ND.docx





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: March 13, 2013

SECOND READING PUBLIC HEARING

SUBJECT: **Hotel Parking Requirements**

A ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE CODE OF THE CITY OF MIAMI BEACH, FLORIDA, BY AMENDING CHAPTER 130 "OFF-STREET PARKING," ARTICLE II, "DISTRICTS; REQUIREMENTS," BY AMENDING THE OFF-STREET PARKING REQUIREMENTS FOR HOTELS IN ALL DISTRICTS; PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

ADMINISTRATION RECOMMENDATION

The Administration recommends that the Commission adopt upon Second Reading Public Hearing the ordinance as revised by the Planning Department based upon the direction from the Commission in February.

UPDATE

A revised ordinance has been prepared by the Planning Department based upon the Commission's discussion at first reading in February. This version of the ordinance contains the following features:

- The parking requirement for hotel rooms in Historic Districts would be 0.5 spaces per room, as originally proposed, but caps this reduction at no more than 100 units; only applicable to retention of historic buildings.
- This would also apply in specified areas in North Beach, including the National Register Historic District, but only if existing historic buildings are substantially retained;
- Staff has added a requirement for an employee parking plan, which will be required of any hotel seeking the reduced parking rate of .5 spaces per unit.
- For properties that are commercially zoned and are within 1,000 feet of the boundary of an area that is (1) zoned CD-3 and (2) part of a historic district (i.e. the Finvarb hotel project site at 17th Street and West Avenue), the parking requirement would be reduced to 0.5 spaces per unit, if the hotel agrees to limit its accessory uses by (a) not permitting a restaurant open to the public, (b) not seeking an entertainment or dancehall license, (c) not holding any special events (d) not seeking an outdoor bar counter and (e) not opening any pool(s) to the public.

- This provision is recommended to apply only to hotels of no more than 100 units; (the proponent has proposed that it apply up to a maximum of 100 units and 1 space for all units in excess of 100 units);
- Notwithstanding the foregoing, if a property is located outside of a historic district and within 150 feet of a single-family district or RM-1 district, the parking requirement for hotels shall remain at 1space per unit.

The Administration believes that this formulation represents the best synthesis of the various proposals put forward to date, as well as the general consensus expressed by the City Commission at first reading in February. See the attached chart for a simplified explanation.

BACKGROUND

A discussion regarding parking requirements for hotels and how the City can incentivize good hotel development was referred to the Land Use and Development Committee by the City Commission on February 9, 2011. On May 16, 2012, the LUDC referred the matter to the Planning Board and recommended that the Board review a proposed ordinance amending hotel parking requirements for hotel units only, but not the parking requirements for accessory uses. On October 30, 2012, the Planning Board considered the version of the Ordinance being recommended by the Planning Department, and recommended approval of a slightly different version of the proposed Ordinance.

On December 19, 2012, the Land Use and Development Committee discussed the Planning Board version of the Ordinance, as well as the Planning Department version, but could not reach consensus on either. Both Ordinances were transmitted to the City Commission without a formal recommendation. On January 16, 2013, the City Commission considered both versions of the Ordinance at First Reading, and referred the matter back to the Land Use Committee for additional input and discussion.

On January 23, 2013 the Land Use and Development Committee discussed both versions of the Ordinance again and referred the Ordinances back to the Full City Commission, with a recommendation for the Planning Department version of the Ordinance.

ANALYSIS

As noted in Attachment 1, the current parking requirements for hotels, and for convention hotels are based upon the number of rooms within the hotel. There are also additional parking requirements for accessory uses within hotels, such as retail, restaurants, auditoriums, ballrooms, convention halls, gyms, and meeting rooms, although they are less than those requirements for stand-alone uses, since the assumption is that many of those patrons using the accessory uses will be hotel guests.

The mix of such uses found in various hotel developments means that there could be a wide differential of the amount of parking actually needed, based upon the different combination of uses. Many restaurants and clubs located within hotels actually draw a large percentage of patrons from outside of the hotel, and would rationally need more parking than those that were primarily used by hotel guests.

According to the Greater Miami Convention and Visitor's Bureau, 98 percent of overnight visitors to Miami Beach arrive by airplane. The visitors' decision about whether to rent a car will be influenced by many factors including walking distance to restaurants, shopping, entertainment, and/or convention/meeting space; therefore, location of the

hotel is another important variable in determining hotel parking demand. Other factors that influence the rental car choice are purpose of trip, length of stay, cost of parking and visitor profile. These factors are more difficult to analyze than location, but there are certain hotels that cater to a particular market segment that could arguably predict parking demand based upon its typical guest profile.

The Planning Department contacted the Greater Miami Convention & Visitors Bureau (GMCVB) and the Greater Miami & Beaches Hotel Association (GMBHA) to request their assistance with surveying existing hotels to determine the percentage of hotel guests that drive automobiles. The GMCVB and GMBHA obtained responses to this question from 14 hotels. The responses ranged from 10% to 30% guests with cars in South Beach hotels and 30% to 50% guests with cars in mid-beach hotels (see attachment 2).

A review of parking requirements for hotels in other Florida cities and in other tourist destination cities throughout the country show that most of them have a lower parking requirement for the dense, walkable, urban districts than our current requirement of one parking space per hotel room (1:1). While the ITE Institute of Transportation Engineering parking manual reflects a similar level of required parking as our existing code, this may reflect a more suburban, auto oriented type of hotel and may be less appropriate for Miami Beach. This theory is consistent with the other cities surveyed, which generally have a 1:1 parking requirement for suburban areas and a lower parking requirement for urban districts. The following table lists the minimum parking requirements for hotel guest rooms in the walkable urban districts of each city surveyed.

Urban center	Minimum parking spaces per guest room	Other requirements
Orlando	1:2	1:1 maximum
Miami	1:2	plus visitor parking 1:15
Ft. Lauderdale	None required	
Tampa	1:3	
St. Petersburg	1:4	
Ft. Myers	1:2	
Delray Beach	0.7:1	
Charleston, SC	1:1.5	
Philadelphia, PA	None required	
New Orleans, LA	1:3	
Savannah, GA	None required	

Based upon the research conducted so far, the Planning Department is supportive of reducing the hotel parking requirement to 1 space per 2 rooms as an incentive for good hotel development. Staff does not recommend changing the current parking requirements for ancillary facilities within hotels such as retail, restaurants, bars, nightclubs, meeting rooms and ballrooms. Parking requirements for such uses have already been discounted for a certain percentage of users being guests in the same hotel.

The following is a list of proposed or potential hotel projects that Planning Department staff has been working on or has been made aware of, along with comments describing at what phase of the development process the project is at, and what is staff's understanding of the impact of the passage of the proposed reduction of hotel parking requirements might be on each project.

Please note that the City does not currently require pro forma business calculations as part of the development review process, so the request for this information cannot be provided.

	Project	Description	Ordinance impact
1	Courtyard by Marriott 3925 Collins Ave. <i>Historic district</i>	New construction of 10 story addition to existing hotel, and adding a basement garage, includes 93 hotel units. Providing 68 new parking spaces on-site; still a 26 space deficit. \$910,000 paid in parking impact fees for 26 space deficit currently in escrow account.	Passage of ordinance prior to final C.O. would result in return of the amount above, as the 68 spaces being constructed would then cover all parking requirement for the new construction.
2	Riviera Lofts Hotel 318 21 st Street <i>Historic district</i>	New construction of 4 story hotel bldg addition with 43 rooms. No place for parking. Parking impact fee of \$1,505,000 paid for 43 space deficit; ½ has been paid to the City and ½ is currently in escrow account.	Passage of ordinance prior to final C.O. would result in the return of the amount currently in escrow. \$770,000 already paid City would remain with City.
3	Wyndham Gardens 11 th and Washington <i>Historic district</i>	Proposed one-story rooftop additions to several existing historic buildings. 51 new units proposed. No place for added parking.	Parking impact fee would be reduced by half, from \$1,785,000 to \$ 892,500.
4	Residence Inn 1231 17 th Street (at West Avenue) <i>Not Historic District</i>	Proposed extended stay hotel on irregularly shaped vacant parcel. Going to Planning Board. 116 units and minimal accessory commercial. 66 parking spaces proposed to be on-site (using lifts).	Passage of the Planning Board version of the ordinance (.5) would mean that the proposed 66 on-site spaces with mechanical lifts would satisfy the parking requirement. The Planning Department version of the ordinance (.75) would require a reduction of the number of units proposed or the addition of more parking spaces.

The amounts involved in satisfying parking requirements for new construction with the fee in-lieu of parking can be quite high, with fees of over \$1 million not uncommon. This money goes into a special fund, used to finance parking garage construction by the City. It can also be used for transportation related projects. The construction of new parking garages in the South Beach area has already proceeded somewhat vigorously, with a new garage becoming operational in Sunset Harbour and another garage being proposed in the Collins Park area on 23rd Street. There may be little opportunity for additional parking garage construction in South Beach in the near future; more parking fee funds could, however, be directed towards alternative transportation projects.

Staff believes that incentivizing additional hotel room construction within appropriate areas of the City would have a greater positive effect on the overall economic health of the City than maintaining the status quo simply to retain maximum contributions to the parking impact fee funds. Information from the Greater Miami Convention and Visitor's Bureau (GMCVB) indicates that spending by visitors to hotels in Miami Beach is approximately \$621 per room/night, including room rate, transportation, entertainment, meals and shopping. At an occupancy rate of 75.3%, this would translate into \$170,000 in additional economic activity per year, and approximately \$2,600 in additional resort tax collections per year, for each additional hotel room added.

Quantifying the number of new hotel rooms that would result from passage of the ordinance is difficult. While some of the projects listed above might go forward regardless of the level of impact fees or parking requirements, others are more speculative and might only be expected to proceed through to construction if the reduction was approved. It should be noted that while some of the projects listed are providing as much parking as possible on site, most sites located within historic districts are unable to provide much, if any, on-site parking. In general, the nature of these proposals are additions to existing hotels in historic districts, or development of new hotels on problematic parcels of land that could not accommodate large numbers of parked cars, and staff has been generally supportive of these types of developments, especially when the focus is on hotel rooms rather than accessory commercial restaurants and entertainment establishments.

The purpose of the proposed ordinance is to foster new hotel development. During the course of discussion, it has become clear that this hotel development should occur within areas of the City that are compatible with hotel development. It is not the intention of the ordinance to incentivize hotel development in those areas where hotels are not compatible. As such, the West Avenue Corridor and the South of Fifth Street areas have been removed from the area of applicability. This would address the concerns of residents and stakeholders who do not want to encourage additional tourism and hotel development within established residential areas, while allowing such encouragement in most of the rest of the City.

In response to concerns raised regarding the appropriateness of hotel uses in certain zoning districts, staff has examined the proposed ratio of required spaces for hotels, as well as different areas of the City that would realize the greatest benefit from the proposed revised Ordinance. After removing the South of Fifth Street and West Avenue neighborhoods from the reduced parking areas, staff concluded that the following areas of the City, which are zoned Commercial, or Multi-family Residential (RM-2 or RM-3), were the most compatible for increased hotel development:

- Local Historic Districts
- National Register Historic Districts
- The North Beach resort area, generally bounded by 62nd Street and 73rd Street, from Indian Creek to the Atlantic Ocean

Because these areas are the most compatible for expanded hotel development, staff believes that the proposed ratio of .5 spaces per hotel unit would be appropriate. However, for larger structures in excess of 100 hotel units, the ratio should be adjusted upward, as the likelihood for increased vehicular trips rises with larger hotel developments.

This revised proposal also takes into account the issue of hotel employee parking. Staff has concluded that additions to existing hotel facilities should not result in the same magnitude of new employees requiring parking as would a new hotel project on a vacant lot. Incremental addition of rooms should be more easily absorbed by existing labor corps, without the same reliance on hiring large numbers of new employees that new construction of brand new hotels would.

As it pertains to the remaining multi-family and commercial areas of the City, staff believes that these areas do not have the same compact, walkable attributes that the above noted areas do, nor are they as oriented toward tourists/visitors. As such, staff believes that hotel guests in the remaining multi-family and commercial areas of the City would be more reliant on automobile transportation and that the parking space ratio should be adjusted to .75 spaces per unit, for the first 100 units. Planning Department staff believes that a difference should be made between the compact historic areas closely tied to tourism, and those areas that are more automobile oriented or more oriented towards permanent residents.

The majority of the Planning Board did not reach the same conclusion as staff regarding the different areas of the City, and recommended approval of a version of the proposed that has the .5 ratio used City Wide (excluding the West Avenue and South of Fish Neighborhoods). The Planning Department has proposed an alternate version of the Ordinance transmitted by the Planning Board, which includes the aforementioned .75 ratio.

On December 19, 2012, the Land Use and Development Committee considered the two versions of the ordinance - the Planning Board recommended version and the Planning Department recommended version. After a lengthy discussion, the Land Use Committee could not reach a consensus on either version, and transmitted both versions to the full City Commission for a final decision, without recommending either version.

On January 23, 2013, the Land Use Committee endorsed the planning Department version of the Ordinance, and also requested that and request more information on employee parking be provided. Information received from the hotel industry suggests that there is an average ratio of 0.6 employees per hotel room. Taking this figure into account, and estimating that the percentage of employees who arrive to work in their own private car, rather than by public transit or other means is not extremely high, it suggests that the suggested figures of 0.5 or 0.75 spaces per hotel room would be valid.

PLANNING BOARD REVIEW

The subject Ordinance came before the Planning Board on July 24, 2012 and was continued to a date certain of August 28, 2012 in order for more data to be submitted. On August 28, 2012, the Ordinance was discussed and continued to the September 24, 2012 meeting. On September 24, 2012, the item was discussed and continued to a date certain of October 30, 2012, in order for staff to propose specific districts that would benefit from lower parking requirements.

On October 30, 2012, the majority of the Planning Board did not reach the same conclusion as staff regarding the different areas of the City, and recommended approval of a version of the proposed that has the .5 ratio used City Wide (excluding the West Avenue and South of Fifth Neighborhoods). The Planning Department has proposed an alternate version of the Ordinance transmitted by the Planning Board, which includes the aforementioned .75 ratio. The Planning Board (by a 5-2 vote) transmitted the Planning Board version of the Ordinance Amendment to the City Commission with a favorable recommendation.

FISCAL IMPACT

In accordance with Charter Section 5.02, which requires that the "City of Miami Beach shall consider the long term economic impact (at least 5 years) of proposed legislative actions," this shall confirm that the City Administration evaluated the long term economic impact (at least 5 years) of this proposed legislative action.

The proposed ordinance, by reducing required parking for hotels in historic districts, will reduce the receipts for fees in-lieu of parking, as many hotel projects in these districts must resort to paying these fees when parking on site or nearby cannot be provided. Although the amount of the reduction in impact fees to the City cannot accurately be pinpointed as this involves estimating future development levels, as the chart above indicates, some hotel projects already underway would be affected, and the resulting impact to the City of forgoing these payments would be approximately \$2,5 million. For future projects, the impact cannot be accurately assessed, as developers may or may not move forward projects depending on all costs involved.

Balanced against the potential loss of parking impact fee revenue is the potential for additional revenue from increased hotel development, which might be expected to include an increase in resort tax receipts, and a general improvement in the property tax base and income from permits and fees that may be associated with an increased level of new proposed development.

As discussed above, increased hotel room construction within appropriate areas of the City would be expected to have a positive effect on the overall economic health of the City, as estimates indicate that spending by visitors to hotels in Miami Beach is approximately \$621 per room/night, including room rate, transportation, entertainment, meals and shopping. At an occupancy rate of 75.3%, this would translate into \$170,000 in additional economic activity per year, and approximately \$2,600 in additional resort tax collections per year, for each additional hotel room added.

Staff estimates that properties in historic districts have on balance only a relatively small amount of additional development rights (FAR) still remaining. Although the reduction in parking requirements reduces the potential for future parking impact fee revenue, this cannot

be directly estimated, as some future development may only occur because of the reduced parking requirements, and would not be proposed if impact fees remained as a requirement.

EMPLOYEE PARKING PLANS

Staff is proposing an additional requirement to address employee parking issues. In order for any hotel to receive the reduced rate of .5 spaces per unit, a hotel employee parking plan is required, which shall be subject to the review and approval of the Planning Department.

Such hotel employee parking plan shall include mandatory measures to address employee parking, including but not limited to provision of transit passes, carpool or vanpool programs, off-site parking when available, monthly City parking passes, and/or other measures intended to limit the impact of employee parking on surrounding neighborhoods.

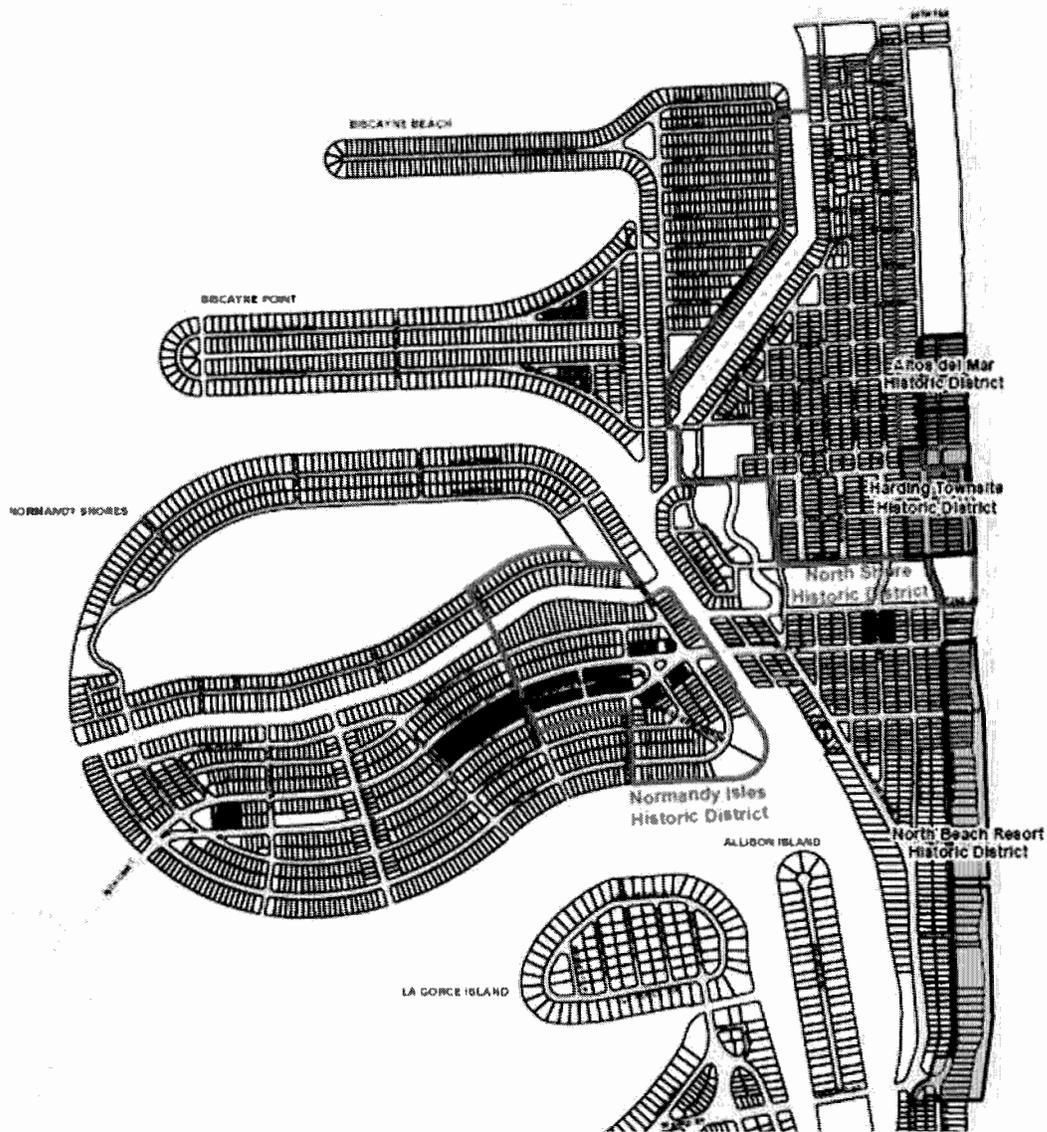
SUMMARY

Attached are three versions of the ordinance – two which were presented last month: the Planning Board's recommendation, which reduces parking to .5 spaces per hotel room citywide, and the Planning Department staff's recommendation, which applies the reduction to .5 spaces only to historic districts and to North Beach areas targeted for encouraging hotel development, and .75 spaces per hotel room outside of local historic Districts; a third version which combines these concepts with some ability for projects outside the historic district to be reduced to 0.5 spaces per room if certain conditions are met and proffers are made limiting accessory commercial uses, and includes newly developed requirements for employee parking plans. All versions exclude the West Avenue residential corridor and the area south of Fifth Street.

CONCLUSION

The Administration recommends that the Commission adopt upon Second Reading Public Hearing the ordinance as revised by the Planning Department based upon the direction from the Commission in February, as this formulation represents the best synthesis of the various proposals put forward to date, as well as the general consensus expressed by the City Commission at first reading in February.

KGB/JGG/RGL:trm
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Administration Recommendation

Properties located within a local historic district or National Register Historic District		
	Retaining , preserving and restoring a building or structure that is classified as 'Contributing' as of <i>[date of ordinance]</i> , as defined below.	.5 spaces per unit, up to a maximum of 100 units and 1 space per unit for all units in excess of 100 units.
	<u>Other (e.g. new construction or substantial demolition of contributing building)</u>	1 space per hotel unit.
Properties bounded by 62nd Street on the south, 73rd Street on the north, Indian Creek on the west and the Atlantic Ocean on the east		.5 spaces per unit, up to a maximum of 100 units and 1 space per unit for all units in excess of 100 units.
Properties located south of Fifth Street and properties zoned residential and located south of 17 th Street, west of Alton Court, east of Biscayne Bay and north of 6 th Street		1 space per unit
Properties not listed above		
	Hotels of 100 units or less, limited by covenant to no restaurants or pools open to the public, no outdoor bar counters, entertainment or special events , and located in a commercial zoning district within 1,000 feet of the boundary of an area that is (1) zoned CD-3 and (2) part of a historic district	.5 spaces per unit
	Within 150 feet of a single-family district or RM-1 district, notwithstanding the above	1 space per unit
	Other	1 space per unit

For purposes of this section, “retaining , preserving and restoring a building or structure that is classified as ‘Contributing’” means that the following portions of such building or structure must remain substantially intact:

- i. At least 75 percent of the front and street side facades;
- ii. At least 75 percent of the original first floor slab;
- iii. For structures that are set back two or more feet from interior side property lines, at least 66 percent of the remaining interior side walls; and
- iv. All architecturally significant public interiors.

In addition to the above, in order for any hotel to receive the reduced rate of .5 spaces per unit, a hotel employee parking plan is required, which shall be subject to the review and approval of the Planning Department . Such hotel employee parking plan shall include mandatory measures to address employee parking, including but not limited to provision of transit passes, carpool or vanpool programs, off-site parking when available, monthly City parking passes, and/or other measures intended to limit the impact of employee parking on surrounding neighborhoods.

Michael Larkin preferred language for Finvarb project:

Properties located within a local historic district or National Register Historic District		
	Retaining , preserving and restoring a building or structure that is classified as 'Contributing' as of [date of ordinance], as defined below.	.5 spaces per unit, up to a maximum of 100 units and 1 space per unit for all units in excess of 100 units.
	<u>Other (e.g. new construction or substantial demolition of contributing building)</u>	1 space per hotel unit.
Properties bounded by 62nd Street on the south, 73rd Street on the north, Indian Creek on the west and the Atlantic Ocean on the east		.5 spaces per unit, up to a maximum of 100 units and 1 space per unit for all units in excess of 100 units.
Properties located south of Fifth Street and properties zoned residential and located south of 17 th Street, west of Alton Court, east of Biscayne Bay and north of 6 th Street		1 space per unit
Properties not listed above		
	Hotels of 100 units or less , limited by covenant to no restaurants or pools open to the public, no outdoor bar counters, entertainment or special events , and located in a commercial zoning district within 1,000 feet of the boundary of an area that is (1) zoned CD-3 and (2) part of a historic district	<u>.5 spaces per unit, up to a maximum of 100 units and 1 space per unit for all units in excess of 100 units.</u>
	Within 150 feet of a single-family district or RM-1 district, notwithstanding the above	1 space per unit
	Other	1 space per unit

For purposes of this section, "retaining , preserving and restoring a building or structure that is classified as 'Contributing'" means that the following portions of such building or structure must remain substantially intact:

- i. At least 75 percent of the front and street side facades;
- ii. At least 75 percent of the original first floor slab;
- iii. For structures that are set back two or more feet from interior side property lines, at least 66 percent of the remaining interior side walls; and
- iv. All architecturally significant public interiors.

HOTEL PARKING REQUIREMENTS

**REVISED VERSION BASED UPON DISCUSSION AT
FIRST READING**

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE CODE OF THE CITY OF MIAMI BEACH, FLORIDA, BY AMENDING CHAPTER 130 "OFF-STREET PARKING," ARTICLE II, "DISTRICTS; REQUIREMENTS," BY AMENDING THE OFF-STREET PARKING REQUIREMENTS FOR HOTELS IN ALL DISTRICTS; PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

WHEREAS, current parking requirements for hotels, and for convention hotels contain a requirement for parking spaces based upon the number of rooms within the hotel and additional parking requirements for accessory uses within hotels; and

WHEREAS, a review of parking requirements for hotels in other Florida cities and in other tourist destination cities throughout the country show that most of them have a lower parking requirement for the dense, walkable, urban districts than our current requirement of one parking space per hotel room (1:1); and

WHEREAS, parking requirements for accessory uses within hotels, such as retail, restaurants, clubs, etc., actually draw a large percentage of patrons from outside of the hotel, and would rationally need more parking than those that were primarily used by hotel guests and, therefore, such parking is necessary for the operation of a hotels, such requirements are not being amended; and

WHEREAS, the proposed changes are necessary in order to promote good hotel development.

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA.

Section 1. That Section 130-32, "Off Street parking requirements for Parking District No. 1," is hereby amended as follows:

Section 130-32 - Off-street parking requirements for parking district no. 1

Except as otherwise provided in these land development regulations, when any building or structure is erected or altered in parking district no. 1, accessory off-street parking spaces shall be provided for the building, structure or additional floor area as follows:

* * *

(26) Hotel, suites hotel, motel or motor lodge:

<u>Properties located within a local historic district or National Register Historic District</u>		
	<u>Retaining , preserving and restoring a building or structure that is classified as 'Contributing' as of [date of ordinance], as defined below.</u>	<u>.5 spaces per unit, up to a maximum of 100 units and 1 space per unit for all units in excess of 100 units.</u>
	<u>Other (e.g. new construction or substantial demolition of contributing building)</u>	<u>1 space per hotel unit.</u>
<u>Properties bounded by 62nd Street on the south, 73rd Street on the north, Indian Creek on the west and the Atlantic Ocean on the east</u>		<u>.5 spaces per unit, up to a maximum of 100 units and 1 space per unit for all units in excess of 100 units.</u>
<u>Properties located south of Fifth Street and properties zoned residential and located south of 17th Street, west of Alton Court, east of Biscayne Bay and north of 6th Street</u>		<u>1 space per unit</u>
<u>Properties not listed above</u>		
	<u>Hotels of 100 units or less, limited by covenant to no restaurants or pools open to the public, no outdoor bar counters, entertainment or special events , and located in a commercial zoning district within 1,000 feet of the boundary of an area that is (1) zoned CD-3 and (2) part of a historic district</u>	<u>.5 spaces per unit</u>
	<u>Within 150 feet of a single-family district or RM-1 district, notwithstanding the above</u>	<u>1 space per unit</u>
	<u>Other</u>	<u>1 space per unit</u>

For purposes of this section, "retaining , preserving and restoring a building or structure that is classified as 'Contributing'" means that the following portions of such building or structure must remain substantially intact:

- i. At least 75 percent of the front and street side facades;
- ii. At least 75 percent of the original first floor slab;
- iii. For structures that are set back two or more feet from interior side property lines, at least 66 percent of the remaining interior side walls; and
- iv. All architecturally significant public interiors.

In addition to the above, in order for any hotel to receive the reduced rate of .5 spaces per unit, a hotel employee parking plan is required, which shall be subject to the review and approval of the Planning Department . Such hotel employee parking plan shall include mandatory measures to address employee parking, including but not limited to provision of transit passes, carpool or vanpool programs, off-site parking when available, monthly City parking passes, and/or other measures intended to limit the impact of employee parking on surrounding neighborhoods.

* * *

Section 130-33 - Off-street parking requirements for parking districts nos. 2, 3 and 4

Except as otherwise provided in these land development regulations, when any building or structure is erected or altered in parking districts nos. 2, 3 and 4 accessory off-street parking spaces shall be provided for the building, structure or additional floor area as follows. There shall be no off-street parking requirement for uses in this parking district except for those listed below:

* * *

- (3) *Hotel, convention:* ~~For structures with less than 250 units, one space per two (2) units; for structures with 250 to 499 units, 0.75 space per unit; for structures with 500 units or more, 0.50 space per unit.~~ Required parking for convention hotel accessory uses shall be as follows:

* * *

- (4) *Hotel, suites hotel, motel or motor lodge:*

<u>Properties located within a local historic district or National Register Historic District north of 63rd Street</u>		
	<u>Retaining, preserving and restoring a building or structure that is classified as 'Contributing' as of [date of ordinance], as defined below.</u>	<u>.5 spaces per unit, up to a maximum of 100 units and 1 space per unit for all units in excess of 100 units.</u>
	<u>Other (e.g. new construction or substantial demolition of contributing building)</u>	<u>1 space per hotel unit.</u>
<u>Properties bounded by 62nd Street on the south, 73rd Street on the north, Indian Creek on the west and the Atlantic Ocean on the east</u>		<u>.5 spaces per unit, up to a maximum of 100 units and 1 space per unit for all units in excess of 100 units.</u>
<u>Properties located south of Fifth Street and properties zoned residential and located south of 17th Street, west of Alton Court, east of Biscayne Bay and north of 6th Street</u>		<u>1 space per unit</u>
<u>Properties not listed above</u>		
	<u>Hotels of 100 units or less, limited by covenant to no restaurants or pools open to the public, no outdoor bar counters, entertainment or special events, and located in a commercial zoning district within 1,000 feet of the boundary of an area that is (1) zoned CD-3 and (2) part of a</u>	<u>.5 spaces per unit</u>

<u>historic district</u>	
<u>Within 150 feet of a single-family district or RM-1 district, notwithstanding the above</u>	<u>1 space per unit</u>
<u>Other</u>	<u>1 space per unit</u>

For purposes of this section, "retaining , preserving and restoring a building or structure that is classified as 'Contributing'" means that the following portions of such building or structure must remain substantially intact:

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In addition to the above, in order for any hotel to receive the reduced rate of .5 spaces per unit, a hotel employee parking plan is required, which shall be subject to the review and approval of the Planning Department . Such hotel employee parking plan shall include mandatory measures to address employee parking, including but not limited to provision of transit passes, carpool or vanpool programs, off-site parking when available, monthly City parking passes, and/or other measures intended to limit the impact of employee parking on surrounding neighborhoods.

* * *

SECTION 2. Repealer.

All ordinances or parts of ordinances and all section and parts of sections in conflict herewith be and the same are hereby repealed.

SECTION 3. Codification.

It is the intention of the City Commission, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Code of the City of Miami Beach as amended; that the sections of this ordinance may be renumbered or relettered to accomplish such intention; and that the word "ordinance" may be changed to "section" or other appropriate word.

SECTION 4. Severability.

If any section, subsection, clause or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

SECTION 5. Effective Date.

This Ordinance shall take effect ten days following adoption.

PASSED and **ADOPTED** this ____ day of _____, 2013.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO
FORM AND LANGUAGE
& FOR EXECUTION

City Attorney _____
Date

First Reading: February 6, 2013
Second Reading: March 13, 2013

Verified by: _____
Richard G Lorber, AICP, LEED AP
Acting Planning Director

Underscore denotes new language

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HOTEL PARKING REQUIREMENTS

PLANNING BOARD RECOMMENDED VERSION

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE CODE OF THE CITY OF MIAMI BEACH, FLORIDA, BY AMENDING CHAPTER 130 "OFF-STREET PARKING," ARTICLE II, "DISTRICTS; REQUIREMENTS," BY AMENDING THE OFF-STREET PARKING REQUIREMENTS FOR HOTELS IN ALL DISTRICTS; PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

WHEREAS, current parking requirements for hotels, and for convention hotels contain a requirement for parking spaces based upon the number of rooms within the hotel and additional parking requirements for accessory uses within hotels; and

WHEREAS, a review of parking requirements for hotels in other Florida cities and in other tourist destination cities throughout the country show that most of them have a lower parking requirement for the dense, walkable, urban districts than our current requirement of one parking space per hotel room (1:1); and

WHEREAS, parking requirements for accessory uses within hotels, such as retail, restaurants, clubs, etc., actually draw a large percentage of patrons from outside of the hotel, and would rationally need more parking than those that were primarily used by hotel guests and, therefore, such parking is necessary for the operation of a hotels, such requirements are not being amended; and

WHEREAS, the proposed changes are necessary in order to promote good hotel development.

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA.

Section 1. That Section 130-32, "Off Street parking requirements for Parking District No. 1," is hereby amended as follows:

Section 130-32 - Off-street parking requirements for parking district no. 1

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- * * *
- (26) Hotel, suites hotel, motel or motor lodge: For properties located south of Fifth Street and properties zoned residential and located south of 17th Street, west of Alton Court, east of Biscayne Bay and north of 6th Street: 1 space per unit. For properties located within a local historic district or a national register historic district, and properties bounded by 62nd Street on the south, 73rd Street on the north, Indian Creek on the west and the Atlantic Ocean on the east: .5 spaces per unit, up to a maximum of 100 units and 1 space per unit for all units in excess of 100 units. However, for a building or structure that is classified as 'Contributing', and is located within a National Register Historic District north of

63rd Street, the following portions of such building or structure must remain substantially intact, and are retained, preserved and restored in order to qualify for this reduced parking space requirement:

- i. At least 75 percent of the front and street side facades;
- ii. At least 75 percent of the original first floor slab;
- iii. For structures that are set back two or more feet from interior side property lines, at least 66 percent of the remaining interior side walls; and
- iv. All architecturally significant public interiors.

In the event such building or structure does not satisfy all of the above requirements, the parking requirement shall be 1 space per hotel unit. For properties not located within a local historic district or a national register historic district: .5 spaces per unit, up to a maximum of 100 units and 1 space per unit for all units in excess of 100 units. However, suites hotel units as defined in Section 142-1104 that are greater than 550 square feet and that contain full cooking facilities on lots that are greater than 50 feet in width, shall have the same parking requirement as apartment buildings in (6) b. and c. above. Required parking for hotel accessory uses shall be as follows:

* * *

Section 130-33 - Off-street parking requirements for parking districts nos. 2, 3 and 4

Except as otherwise provided in these land development regulations, when any building or structure is erected or altered in parking districts nos. 2, 3 and 4 accessory off-street parking spaces shall be provided for the building, structure or additional floor area as follows. There shall be no off-street parking requirement for uses in this parking district except for those listed below:

* * *

- (3) ~~*Hotel, convention: For structures with less than 250 units, one space per two (2) units; for structures with 250 to 499 units, 0.75 space per unit; for structures with 500 units or more, 0.50 space per unit. Required parking for convention hotel accessory uses shall be as follows:*~~

* * *

- (4) *Hotel, suites hotel, motel or motor lodge: For properties located south of Fifth Street and properties zoned residential and located south of 17th Street, west of Alton Court, east of Biscayne Bay and north of 6th Street: 1 space per unit. For properties located within a local historic district or a national register historic district, and properties bounded by 62nd Street on the south, 73rd Street on the north, Indian Creek on the west and the Atlantic Ocean on the east: .5 spaces per unit, up to a maximum of 100 units and 1 space per unit for all units in excess of 100 units. However, in the event a building or structure, which is classified as 'Contributing' and is located within a National Register Historic District north of 63rd Street, the following portions of such building or structure must remain substantially intact, and are retained, preserved and restored in order to qualify for this reduced parking space requirement:*

- i. At least 75 percent of the front and street side facades;
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In the event such building or structure does not satisfy all of the above requirements, the parking requirement shall be 1 space per hotel unit. For properties not located within a local historic district or a national register historic district: .5 spaces per unit, up to a maximum of 100 units and 1 space per unit for all units in excess of 100 units. However, suites hotel units as defined in Section 142-1105 that are greater than 550 square feet and that contain full cooking facilities in buildings on lots that are greater than 50 feet in width shall have the same parking requirement as apartment buildings in (1)b. and c. above. Required parking for hotel accessory uses shall be as follows:

SECTION 2. Repealer.

All ordinances or parts of ordinances and all section and parts of sections in conflict herewith be and the same are hereby repealed.

SECTION 3. Codification.

It is the intention of the City Commission, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Code of the City of Miami Beach as amended; that the sections of this ordinance may be renumbered or relettered to accomplish such intention; and that the word "ordinance" may be changed to "section" or other appropriate word.

SECTION 4. Severability.

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SECTION 5. Effective Date.

This Ordinance shall take effect ten days following adoption.

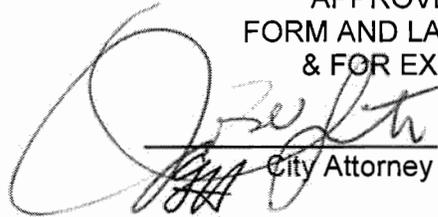
PASSED and ADOPTED this _____ day of _____, 2013.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO
FORM AND LANGUAGE
& FOR EXECUTION



City Attorney 1/24/13 Date

First Reading: February 6, 2013
Second Reading: March 13, 2013

Verified by: _____
Richard G Lorber, AICP, LEED AP
Acting Planning Director

Underscore denotes new language

HOTEL PARKING REQUIREMENTS

PLANNING DEPARTMENT STAFF RECOMMENDED VERSION

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE CODE OF THE CITY OF MIAMI BEACH, FLORIDA, BY AMENDING CHAPTER 130 "OFF-STREET PARKING," ARTICLE II, "DISTRICTS; REQUIREMENTS," BY AMENDING THE OFF-STREET PARKING REQUIREMENTS FOR HOTELS IN ALL DISTRICTS; PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

WHEREAS, current parking requirements for hotels, and for convention hotels contain a requirement for parking spaces based upon the number of rooms within the hotel and additional parking requirements for accessory uses within hotels; and

WHEREAS, a review of parking requirements for hotels in other Florida cities and in other tourist destination cities throughout the country show that most of them have a lower parking requirement for the dense, walkable, urban districts than our current requirement of one parking space per hotel room (1:1); and

WHEREAS, parking requirements for accessory uses within hotels, such as retail, restaurants, clubs, etc., actually draw a large percentage of patrons from outside of the hotel, and would rationally need more parking than those that were primarily used by hotel guests and, therefore, such parking is necessary for the operation of a hotels, such requirements are not being amended; and

WHEREAS, the proposed changes are necessary in order to promote good hotel development.

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA.

Section 1. That Section 130-32, "Off Street parking requirements for Parking District No. 1," is hereby amended as follows:

Section 130-32 - Off-street parking requirements for parking district no. 1

Except as otherwise provided in these land development regulations, when any building or structure is erected or altered in parking district no. 1, accessory off-street parking spaces shall be provided for the building, structure or additional floor area as follows:

* * *

- (26) Hotel, suites hotel, motel or motor lodge: For properties located south of Fifth Street and properties zoned residential and located south of 17th Street, west of Alton Court, east of Biscayne Bay and north of 6th Street: 1 space per unit. For properties located within a local historic district or a national register historic district, and properties bounded by 62nd Street on the south, 73rd Street on the north, Indian Creek on the west and the Atlantic Ocean on the east: .5 spaces per unit, up to a maximum of 100 units and 1 space per unit for all units in excess of 100 units. However, for a building or structure that is classified as 'Contributing', and is located within a National Register Historic District north of

63rd Street, the following portions of such building or structure must remain substantially intact, and are retained, preserved and restored in order to qualify for this reduced parking space requirement:

- i. At least 75 percent of the front and street side facades;
- ii. At least 75 percent of the original first floor slab;
- iii. For structures that are set back two or more feet from interior side property lines, at least 66 percent of the remaining interior side walls; and
- iv. All architecturally significant public interiors.

In the event such building or structure does not satisfy all of the above requirements, the parking requirement shall be 1 space per hotel unit. For properties not located within a local historic district or a national register historic district: .75 spaces per unit, up to a maximum of 100 units and 1 space per unit for all units in excess of 100 units. However, suites hotel units as defined in Section 142-1104 that are greater than 550 square feet and that contain full cooking facilities on lots that are greater than 50 feet in width, shall have the same parking requirement as apartment buildings in (6) b. and c. above. Required parking for hotel accessory uses shall be as follows:

* * *

Section 130-33 - Off-street parking requirements for parking districts nos. 2, 3 and 4

Except as otherwise provided in these land development regulations, when any building or structure is erected or altered in parking districts nos. 2, 3 and 4 accessory off-street parking spaces shall be provided for the building, structure or additional floor area as follows. There shall be no off-street parking requirement for uses in this parking district except for those listed below:

* * *

- (3) ~~*Hotel, convention: For structures with less than 250 units, one space per two (2) units; for structures with 250 to 499 units, 0.75 space per unit; for structures with 500 units or more, 0.50 space per unit. Required parking for convention hotel accessory uses shall be as follows:*~~

* * *

- (4) *Hotel, suites hotel, motel or motor lodge: For properties located south of Fifth Street and properties zoned residential and located south of 17th Street, west of Alton Court, east of Biscayne Bay and north of 6th Street: 1 space per unit. For properties located within a local historic district or a national register historic district, and properties bounded by 62nd Street on the south, 73rd Street on the north, Indian Creek on the west and the Atlantic Ocean on the east: .5 spaces per unit, up to a maximum of 100 units and 1 space per unit for all units in excess of 100 units. However, for a building or structure that is classified as 'Contributing', and is located within a National Register Historic District north of 63rd Street, the following portions of such building or structure must remain substantially intact, and are retained, preserved and restored in order to qualify for this reduced parking space requirement:*

- v. At least 75 percent of the front and street side facades;
- vi. At least 75 percent of the original first floor slab;
- vii. For structures that are set back two or more feet from interior side property lines, at least 66 percent of the remaining interior side walls; and
- viii. All architecturally significant public interiors.

In the event such building or structure does not satisfy all of the above requirements, the parking requirement shall be 1 space per hotel unit. For properties not located within a local historic district or a national register historic district: .5 spaces per unit, up to a maximum of 100 units and 1 space per unit for all units in excess of 100 units. However, suites hotel units as defined in Section 142-1105 that are greater than 550 square feet and that contain full cooking facilities in buildings on lots that are greater than 50 feet in width shall have the same parking requirement as apartment buildings in (1)b. and c. above. Required parking for hotel accessory uses shall be as follows:

SECTION 2. Repealer.

All ordinances or parts of ordinances and all section and parts of sections in conflict herewith be and the same are hereby repealed.

SECTION 3. Codification.

It is the intention of the City Commission, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Code of the City of Miami Beach as amended; that the sections of this ordinance may be renumbered or relettered to accomplish such intention; and that the word "ordinance" may be changed to "section" or other appropriate word.

SECTION 4. Severability.

If any section, subsection, clause or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

SECTION 5. Effective Date.

This Ordinance shall take effect ten days following adoption.

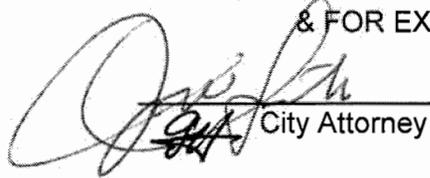
PASSED and ADOPTED this ____ day of _____, 2013.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO
FORM AND LANGUAGE
& FOR EXECUTION



City Attorney 1/24/13 Date

First Reading: February 6, 2013
Second Reading: March 13, 2013

Verified by: _____
Richard G Lorber, AICP, LEED AP
Acting Planning Director

Underscore denotes new language

MIAMI BEACH

CITY OF MIAMI BEACH

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY given that second readings and public hearings will be held by the Mayor and City Commission of the City of Miami Beach, Florida, in the Commission Chambers, 3rd Floor, City Hall, 1700 Convention Center Drive, Miami Beach, Florida, on **Wednesday, March 13, 2013** to consider the following:

10:15 a.m.

Ordinance Amending The Miami Beach City Code By Amending Chapter 2, Entitled "Administration," By Amending Article III, Entitled "Agencies, Boards And Committees," By Creating Division 34, To Be Entitled "Bicycle-Pedestrian Facilities Advisory Committee," And Sections 2-190.149 Through 2-190.153 Therein To Provide Provisions Establishing The Committee And Its Purpose, Powers And Duties, Composition, And Supporting Department.

Inquiries may be directed to the Public Works Department at (305) 673-7080.

10:30 a.m.

Ordinance Amending Chapter 10 Of The Miami Beach City Code Entitled "Animals," By Amending Section 10-11, Entitled "Running At Large Prohibited," By Extending The Pilot Program Off-Leash Area For Dogs In South Pointe Park Through And Including June 30, 2013.

Inquiries may be directed to the Parks and Recreation Department at (305) 673-7730.

10:45 a.m.

CD-2 Self Storage:

Ordinance Amending The Code Of The City Of Miami Beach, Florida, Chapter 142, "Zoning Districts And Regulations," Article II, "District Regulations," Division 5, CD-2 "Commercial, Medium Intensity District," By Permitting "Self-Storage Warehouses" As A Conditional Use In This Zoning District.

Inquiries may be directed to the Planning Department at (305) 673-7550.

11:00 a.m.

Ordinance Amending The Miami Beach City Code By Amending Chapter 2, Entitled "Administration," By Amending Article III, Entitled "Agencies, Boards And Committees," By Amending Division 29, Entitled "Debarment Committee," By Amending The Purpose, Powers, And Duties Of The Committee To Include Authority To Consider The Suspension Of Contractors In Addition To Debarments.

Inquiries may be directed to the City Attorney's Office at (305) 673-7470.

5:15 p.m.

Hotel Parking Requirements:

Ordinance Amending The Code Of The City Of Miami Beach, Florida, By Amending Chapter 130 "Off-Street Parking," Article II, "Districts; Requirements," By Amending The Off-Street Parking Requirements For Hotels In All Districts.

Inquiries may be directed to the Planning Department at (305) 673-7550.

INTERESTED PARTIES are invited to appear at this meeting, or be represented by an agent, or to express their views in writing addressed to the City Commission, c/o the City Clerk, 1700 Convention Center Drive, 1st Floor, City Hall, Miami Beach, Florida 33139. Copies of these items are available for public inspection during normal business hours in the City Clerk's Office, 1700 Convention Center Drive, 1st Floor, City Hall, Miami Beach, Florida 33139. This meeting may be continued, and under such circumstances additional legal notice will not be provided.

Rafael E. Granada, City Clerk
City of Miami Beach

Pursuant to Section 286.0105, Fla. Stat., the City hereby advises the public that: if a person decides to appeal any decision made by the City Commission with respect to any matter considered at its meeting or its hearing, such person must ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. This notice does not constitute consent by the City for the introduction or admission of otherwise inadmissible or irrelevant evidence, nor does it authorize challenges or appeals not otherwise allowed by law.

To request this material in accessible format, sign language interpreters, information on access for persons with disabilities, and/or any accommodation to review any document or participate in any City-sponsored proceeding, please contact us five days in advance at (305) 673-7411 (voice) or TTY users may also call the Florida Relay Service at 711.

Ad #766

353

Condensed Title:

An Ordinance Amending The Code Of The City Of Miami Beach, By Amending Chapter 66, Entitled "Marine Structures, Facilities And Vehicles," By Amending Article Ii, To Be Entitled "Restricted Wake Zones," To Create Regulations For Restricted Wake Zones; Providing For A Purpose; Providing For Definitions; Providing For Restricted Areas; Providing For Posting Of Regulatory Markers; Providing For Exemptions; Providing For Enforcement And Penalties; Providing For Repealer, Severability, Codification, And An Effective Date.

Key Intended Outcome Supported:

Increase community satisfaction with City government
 Enhance the environmental sustainability of the community.

Supporting Data (Surveys, Environmental Scan, etc.): N/A

Item Summary/Recommendation:

The proposed ordinance would provide regulations for the safe operation of motorboats and other vessels in or upon waters within the jurisdiction of the City of Miami Beach. The City has the authority to create such an ordinance based on Section 327.46, Florida Statutes (F.S.) which went into effect October 1, 2009. Section 327.46, F.S. encourages local governments to establish boating restricted areas where needed.

This item was presented to the City Commission at their regularly scheduled December 12, 2012 meeting. During discussion of the proposed Ordinance, Commissioner Wolfson expressed a concern with larger "No Wake Zones" and the item was subsequently referred to the Land Use and Development Committee. The Land Use and Development Committee met on February 13, 2013 and discussed this item. The Committee recommended the Ordinance, with the minor modifications presented to the Committee at its meeting.

In summary, the northern bound of the proposed slow speed and idle speed no wake zones west of the Sunset Harbor Marina have been reduced. Previously, the proposed zones extended 300 feet north of the northern bound of the Sunset Harbor Marina. The northern bound of the currently proposed slow speed minimum wake zone is a westward extension of the northern bound of the Sunset Harbor Marina. The northern bound of the idle speed no wake zone has been reduced by 150 feet- so that the 300 foot radius of the idle speed zone has been cropped at 150 feet north of the Sunset Harbor Marina. Please see the attached map.

The proposed Ordinance still protects the waters surrounding the public access boat ramp within the Maurice Gibb Memorial Park and the blind corner created by the Sunset Harbor Marina with idle speed no wake zones. The remaining proposed idle no wake speed zones are necessary to protect waterway users from large wakes thrown by passing vessels. This is especially true given the types of waterway uses in this area, which include stand-up paddle boards, kayaks, and other small watercraft.

Advisory Board Recommendation:

On September 24, 2012, the Neighborhoods Committee held a discussion relative to this ordinance and unanimously voted to transmit the proposed ordinance to the City Commission with a favorable recommendation. On October 9, 2012, the Marine Authority held a discussion relative to this ordinance and unanimously voted to transmit the proposed ordinance to the City Commission with a favorable recommendation.

Financial Information:

Source of Funds:	Amount	Account	Approved
1			
2			
Total			

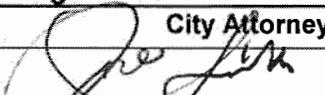
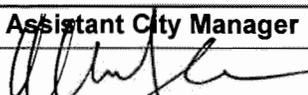
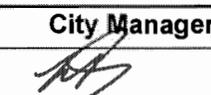
OBPI

Financial Impact Summary: The proposed Ordinance should not have a significant fiscal impact upon the City, as this Ordinance would only require installation of "idle speed no wake" (no wake) and "slow speed minimum wake" (slow speed) signs. Considering that the Marine Patrol station is adjacent to the area there is no increase enforcement costs.

City Clerk's Office Legislative Tracking:

Debbie Turner

Sign-Offs:

 City Attorney	 Assistant City Manager	 City Manager
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MIAMI BEACH

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

COMMISSION MEMORANDUM

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

FROM: Kathie G. Brooks, Interim City Manager

DATE: March 13, 2013

SUBJECT: **AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE CODE OF THE CITY OF MIAMI BEACH, BY AMENDING CHAPTER 66, ENTITLED "MARINE STRUCTURES, FACILITIES AND VEHICLES," BY AMENDING ARTICLE II, TO BE ENTITLED "RESTRICTED WAKE ZONES," TO CREATE REGULATIONS FOR RESTRICTED WAKE ZONES; PROVIDING FOR A PURPOSE; PROVIDING FOR DEFINITIONS; PROVIDING FOR RESTRICTED AREAS; PROVIDING FOR POSTING OF REGULATORY MARKERS; PROVIDING FOR EXEMPTIONS; PROVIDING FOR ENFORCEMENT AND PENALTIES; PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.**

ADMINISTRATION RECOMMENDATION

Adopt the Resolution.

KEY INTENDED OUTCOME

Increase community satisfaction with City government

Enhance the environmental sustainability of the community.

BACKGROUND

The proposed Ordinance would provide regulations for the safe operation of motorboats and other vessels in or upon waters within the jurisdiction of the City of Miami Beach. The City has the authority to create such an ordinance based on Section 327.46, Florida Statutes (F.S.) which went into effect October 1, 2009. Section 327.46, F.S. authorizes local governments to establish boating restricted areas where needed. The statute does, however, place specific limitations on where and for what purposes boating restricted areas can be established. The statute identifies zones that be established with state review, zones that can be established without state review, as well as areas which can be designated for the purpose of public safety. The Florida Fish and Wildlife Conservation Commission (FWC) is the agency responsible for conducting the aforementioned state review.

CITY COMMISSION MEETING – DECEMBER 12, 2012

This item was presented to the City Commission at their regularly scheduled December 12, 2012 meeting. During discussion of the proposed Ordinance, Commissioner Wolfson expressed a concern with larger "No Wake Zones" and the item was subsequently referred to the Land Use and Development Committee.

COMMITTEE REVIEW

On September 24, 2012, the Neighborhoods Committee held a discussion relative to this Ordinance and unanimously voted to transmit the proposed Ordinance to the City Commission with a favorable recommendation.

On October 9, 2012, the Marine Authority held a discussion relative to this Ordinance and unanimously voted to transmit the proposed Ordinance to the City Commission with a favorable recommendation.

The Land Use and Development Committee met on February 13, 2013 and discussed this item. The Committee recommended the Ordinance, with the minor modifications presented to the Committee at its meeting.

PROPOSED ORDINANCE

In summary, the northern bound of the proposed slow speed and idle speed no wake zones west of the Sunset Harbor Marina have been reduced. Previously, the proposed zones extended 300 feet north of the northern bound of the Sunset Harbor Marina. The northern bound of the currently proposed slow speed minimum wake zone is a westward extension of the northern bound of the Sunset Harbor Marina. The northern bound of the idle speed no wake zone has been reduced by 150 feet- so that the 300 foot radius of the idle speed zone has been cropped at 150 feet north of the Sunset Harbor Marina. Please see the attached map.

The proposed Ordinance still protects the waters surrounding the public access boat ramp within the Maurice Gibb Memorial Park and the blind corner created by the Sunset Harbor Marina with idle speed no wake zones. The remaining proposed idle no wake speed zones are necessary to protect waterway users from large wakes thrown by passing vessels. This is especially true given the types of waterway uses in this area, which include stand-up paddle boards, kayaks, and other small watercraft.

FISCAL IMPACT

In accordance with Charter Section 5.02, which requires that the "City of Miami Beach shall consider the long term economic impact (at least 5 years) of proposed legislative actions," this shall confirm that the City Administration evaluated the long term economic impact (at least 5 years) of this proposed legislative action. The proposed Ordinance should not have a significant fiscal impact upon the City, as this Ordinance would only require installation of "idle speed no wake" (no wake) and "slow speed minimum wake" (slow speed) signs. Considering that the Marine Patrol station is adjacent to the area, there is no increase enforcement costs.

CONCLUSION

The waters surrounding the City of Miami Beach are one of the City's greatest sources of enjoyment. The proposed restricted wake zone ordinance presents a proactive tool for increasing the safe enjoyment of this City resource. The City should certainly make use of every avenue possible for increasing quality of life for residents and minimizing risks to safety. Further, this type of ordinance is specifically authorized by Section 327.46, F.S. for boating safety reasons.

As per the recommendation of the Land Use and Development Committee, the Administration recommends approval of the Ordinance on first reading.

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE CODE OF THE CITY OF MIAMI BEACH, BY AMENDING CHAPTER 66, ENTITLED "MARINE STRUCTURES, FACILITIES AND VEHICLES," BY AMENDING ARTICLE II, TO BE ENTITLED "RESTRICTED WAKE ZONES," TO CREATE REGULATIONS FOR RESTRICTED WAKE ZONES; PROVIDING FOR A PURPOSE; PROVIDING FOR DEFINITIONS; PROVIDING FOR RESTRICTED AREAS; PROVIDING FOR POSTING OF REGULATORY MARKERS; PROVIDING FOR EXEMPTIONS; PROVIDING FOR ENFORCEMENT AND PENALTIES; PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, the City of Miami Beach, Florida is authorized to regulate vessel operations, including the speed and wake of vessels, under Sections 327.46 and 327.60 of the Florida Statutes; and

WHEREAS, the City Commission has determined that the unregulated operation of vessels on the waterways in the City of Miami Beach constitutes a potential hazard to the safety and welfare of the citizens of City of Miami Beach; and

WHEREAS, vessels used as a means of transportation on water have been declared to be dangerous instrumentalities in the State of Florida pursuant to Section 327.32, Florida Statutes; and

WHEREAS, boating restricted areas are necessary to avoid safety hazards to persons, property, and marine life resulting from vessels traveling at excessive speeds; and

WHEREAS, the amendments set forth below are necessary to accomplish the above objectives.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA as follows:

SECTION 1. That Article II of Chapter 66 of the Miami Beach City Code is hereby amended to provide for restricted wake zones as follows:

CHAPTER 66

MARINE STRUCTURES, FACILITIES AND VEHICLES

* * *

Article II. Reserved Restricted Wake Zones.

Sec. 66-41. Reserved Purpose.

The purpose of this ordinance is to provide regulations for the safe operation of motorboats and other vessels in or upon the waters within the jurisdiction of the City of Miami Beach consistent with Chapters 125 and 327, Florida Statutes, and Chapters 68D-21 and/or 68D-23, Florida Administrative Code, and as such Chapters and Codes shall be amended from time to time.

Sec. 66-42. Definitions. The following words, terms and phrases, when used in this Article, shall have the meanings ascribed to them in this Article, except where the context clearly indicates a different meaning.

“Boating-restricted Area” means an area of the waters of the state within which the operation of vessels is subject to specified restrictions or from which vessels are excluded.

“Idle Speed” and “Idle Speed, No Wake” indicates a boating restricted area which has been established to protect the safety of the public. The terms may be used interchangeably and mean that a vessel must proceed at a speed no greater than that which will maintain steerageway and headway. At no time is any vessel required to proceed so slowly that the operator is unable to maintain control over the vessel or any other vessel or object that it has under tow.

“Idle Speed, No Wake Zone” means an area of a waterway in which a vessel cannot proceed at a speed greater than that specified by the Idle Speed No Wake definition.

“No wake” means that vessel speed which is the minimum required to maintain headway and does not produce a wake.

“Regulatory marker” means a device used to alert the mariner to various regulatory matters such as horsepower, speed, wake, or entry restrictions in conformity with the Uniform State Waterway Marking System and the United States Aids to Navigation System, Part 62 of Title 33 of the Code of Federal Regulations.

“Slow Speed” and “Slow Speed, Minimum Wake” indicates a boating restricted area which has been established to protect the safety of the public. The terms may be used interchangeably and mean that a vessel must be fully off plane and completely settled into the water. The vessel must then proceed at a speed which is reasonable and prudent under the prevailing circumstances so as to avoid the creation of an excessive wake or other hazardous conditions which endanger or are likely to endanger other vessels or other persons using the waterway. At no time is any vessel required to proceed so slowly that the operator is unable to maintain control over the vessel or any other vessel or object that it has under tow.

“Slow Speed, Minimum Wake Zone” means an area of a waterway in which a vessel cannot proceed at a speed greater than that specified by the Slow Speed Minimum Wake definition.

“Speed Zone” means any area lawfully posted as a slow speed minimum wake area or idle speed no wake area.

"Vessel" is synonymous with boat as referenced in s. 1(b), Art. VII of the State Constitution and includes every description of watercraft, barge, and airboat, other than a seaplane on the water, used or capable of being used as a means of transportation on water.

"Vessel wake" means the movement of waves created by the motion of the vessel. It is the track or path that the vessel leaves behind. Vessel operators shall be responsible for their own wake and liable for any damage it may cause.

"Wake" means when used in conjunction with a numerical size limit all changes in the vertical height of the water's surface caused by the passage of a vessel including, but not limited to, a vessel's bow wave, stern wake, and propeller wash, measured from the ambient tide level to the crest of the vessel's wake at a distance of not less than 25 feet from the vessel.

Section 66-43. Restricted Areas.

A. The areas of enforcement of the provisions of this Ordinance shall be all public navigable waters, creeks, lakes, canals and channels, as provided herein, whether natural or manmade, located within the boundaries described below for the purpose necessary to protect the safety of the public as such restrictions are necessary based on boating accidents, visibility, hazardous currents or water levels, vessel traffic congestion, or other navigational hazards in compliance with Section 327.46, Florida Statutes.

B. Idle Speed, No Wake Zzones shall be established at the following locations:

- 1) Within a 500 foot radius around the fuel pump within the Miami Beach Marina located at 300 Alton Road, Miami Beach, FL.
- 2)1) Within a 500 foot radius of the public access boat ramp within the Maurice Gibb Memorial Park. See Area A on Appendix.
- 23) Within a 300 foot radius of the blind corner presented by the northwest corner of the Sunset Harbor Yacht Club Marina which obstructs the view between the Biscayne Bay and the channel between the Miami Beach Island and Sunset Island IV, excluding however the area of the 300 foot radius circle which is greater than 150 feet north of the northern bound of the Sunset Harbor Yacht Club Marina. See Area B on Appendix.

C. A Slow Speed, Minimum Wake Zzones shall be established:

- 1) Within a 300 foot radius of the south side of the bridge connecting Belle Isle with Rivo Alto Island.
- 2) That portion of Biscayne Bay which lies west of the Sunset Harbor area of Miami Beach, north of the eastern portion of the Venetian Causeway and east of the mid-point of Belle Isle, and extending south from the approximate center of Sunset Island IV, and east of Rivo Alto Island, excluding the shoal area north of bounded by Markers 3, 4, and 5, and bounded to the north by a the imaginary line which is

a westward extension of the northern boundary of the Sunset Harbor Marina Yacht Club; additionally excluding areas otherwise designated herein as Idle Speed, No Wake Zones. See Area C on Appendix.

Section 66-44. Posting of Regulatory Markers.

Implementation of the boating restricted areas is contingent upon receiving all applicable state and/or federal authorizations to insure compliance with Chapter 68D-23, Florida Administrative Code and to assist in navigation consistent with the United States Aids to Navigation System.

Regulatory markers shall be installed and maintained to alert boaters to the existence and boundaries of the boating restricted areas established herein. All regulatory markers shall comply with the standards and regulations provided by state law, specified in Chapters 68D-23.108 and 68D-23.109, Florida Administrative Code. No person shall be charged with a violation of this ordinance prior to the posting of regulatory markers as required by this Section.

All areas designated as "boating restricted areas" shall be so posted with regulatory markers that are in accordance with the provisions of the Florida Fish & Wildlife Conservation Commission's Uniform Waterway Marking System.

Section 66-45. Exemptions.

The restrictions created by this Ordinance shall not apply to vessels of any federal, state, county or municipal agency while operated by an officer, employee or agent thereof who is engaged in law enforcement or other necessary municipal or governmental activity.

Section 66-46. Enforcement and penalties.

The provisions of this section may be enforced by the Miami Beach Police Department, the Division of Law Enforcement of the Florida Fish and Wildlife Conservation Commission and its officers, and any other authorized law enforcement officer as defined in Section 943.10, Florida Statutes and in accordance with Section 327.70, Florida Statutes.

Pursuant to Section 327.73, Florida Statutes, any person cited for a violation of any provision of this Ordinance shall be deemed to be charged with a noncriminal infraction, shall be cited for such an infraction, and shall be cited to appear before the county court. The civil penalty for any such infraction is \$50, except as otherwise provided by statute.

SECTION 2. SEVERABILITY.

If any section, sentence, clause, or word of this section is for any reason declared to be unenforceable or unconstitutional by a court of competent jurisdiction, the remaining portions shall not be affected.

SECTION 3. REPEALER.

Any ordinance, or part thereof, and/or any resolution, or part thereof, which is in conflict with this Ordinance, is hereby repealed to the extent of such conflict.

SECTION 4. CODIFICATION.

It is the intention of the Mayor and City Commission of the City of Miami Beach, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Code of the City of Miami Beach, Florida, as amended. The sections of this ordinance may be renumbered or re-lettered to accomplish such intention, and the word "ordinance" may be changed to "section" or other appropriate word.

SECTION 5. EFFECTIVE DATE.

This Ordinance shall take effect the _____ day of _____, 2013, and upon posting of the regulatory markers permitted in accordance with Sections 327.40 and 327.41, Florida Statutes and the provisions in Chapter 68D-23, Florida Administrative Code.

PASSED and **ADOPTED** this _____ day of _____, 2013.

ATTEST:

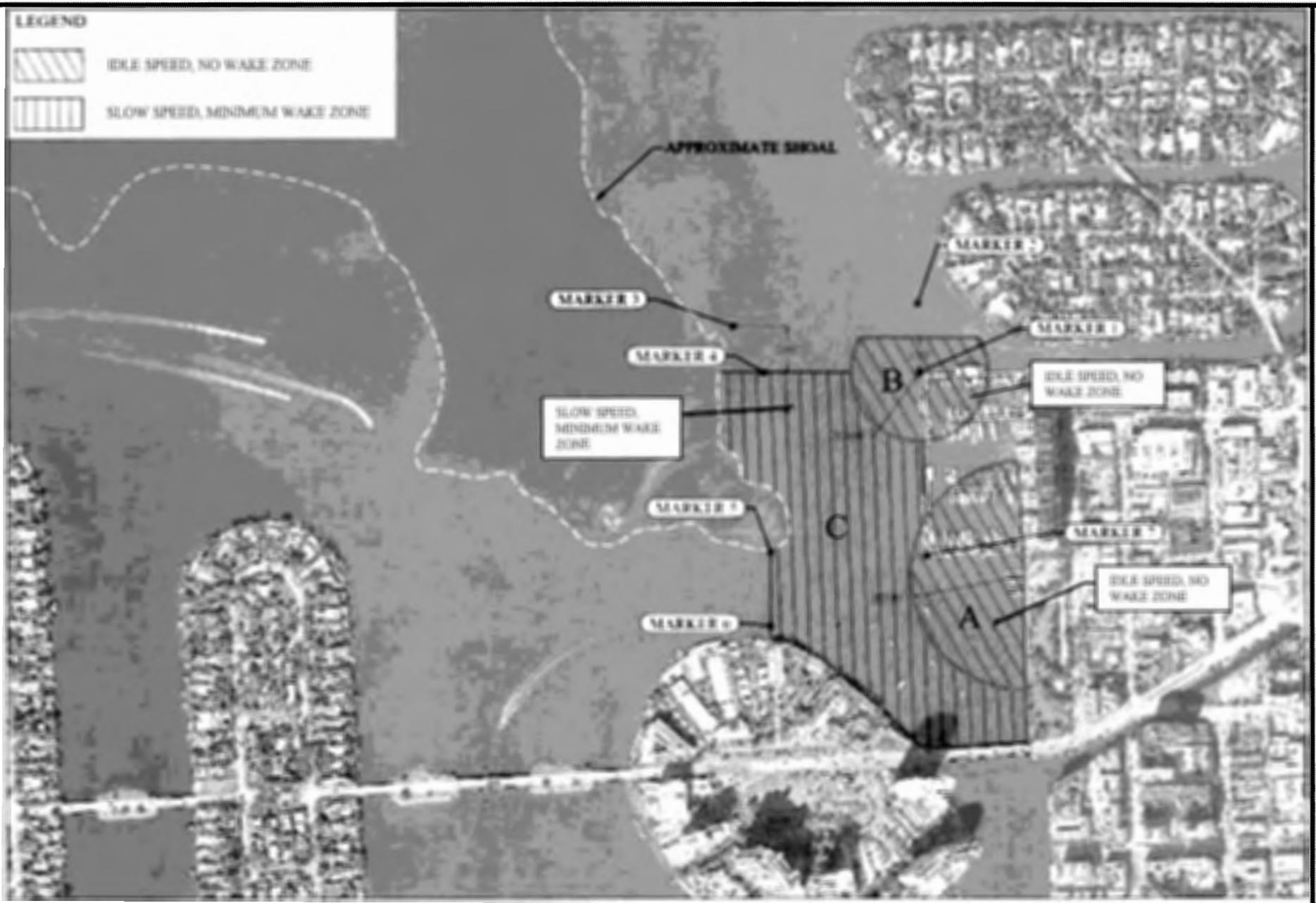
MATTI HERRERA BOWER
MAYOR

RAFAEL E. GRANADO, CITY CLERK

(Sponsored by Commissioner Jorge Exposito)

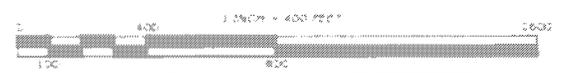
Underline denotes additions
~~Strike through~~ denotes deletions

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION
Rafael
CITY ATTORNEY *3/4/13*
DATE



NOTES
 1. AERIAL IMAGE SOURCE: LABINS 2009
 2. THIS MAP IS NOT INTENDED FOR NAVIGATIONAL USE.

Appendix to Sec. 66-43



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R7

RESOLUTIONS

R7

R7 - Resolutions

R7A A Resolution [Granting Or Denying] An Appeal Request Filed By W. Tucker Gibbs, P.A., On Behalf Of Sunset Islands 3 And 4 Property Owners, Inc. And Olga Lens, Of The Design Review Board's Order Relative To DRB File No. 22889 For 1201-1237 20th Street, Palau At Sunset Harbor. **5:01 p.m. Public Hearing**

(Planning Department)

(Memorandum & Resolution to be Submitted in Supplemental)

Agenda Item R7A
Date 3-13-13

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Condensed Title:

A Resolution Of The Mayor And City Commission Of The City Of Miami Beach, Florida, Approving And Authorizing The Mayor And City Clerk To Execute A Guaranteed Maximum Price (GMP) Amendment No.1, To The Pre-Construction Services Agreement With Thornton Construction Company, Inc., For The Construction Of The 6th Street Restrooms In The Amount Of \$614,322; 53rd Street Restrooms And Ocean Rescue Building In The Amount Of \$586,171; And The Provision Of A Temporary Office Trailer For Ocean Rescue In The Amount Of \$24,704, For A Subtotal Of \$1,225,197, Plus An Owner's Contingency In The Amount Of \$110,268, For A Grand Total Of \$1,335,465; With Previously Appropriated Funding In The Amount Of \$568,439 From SP Post RDA CDT and Municipal Resort Tax Fund 388, \$101,172 from SB Quality of Life Resort Tax Fund 305, And \$665,854 From Capital Projects Not Financed By Bonds Fund 301.

Key Intended Outcome Supported:

Ensure well maintained facilities; ensure safety and appearance of building structures and sites; ensure quality and timely delivery of capital projects.

Supporting Data (Surveys, Environmental Scan, etc.): The 2012 Customer Satisfaction Survey indicated that over 87% and 83% of City residents and businesses respectively, rated the appearance and maintenance of public buildings as excellent or good; and over 81% of residents rated recently completed capital improvement projects as excellent or good.

Issue:

Shall the Mayor and City Commission adopt the Resolution?

Item Summary/Recommendation:

The scope of work for this project consists of the demolition of the existing restroom facility located at Lummus Park at 599 Ocean Drive (6th Street Restrooms), and construction of a new 1,758 SF facility; and the demolition of the existing restroom facility and Ocean Rescue office located at 53rd Street and Collins Avenue, and construction of a new 864 SF restroom facility and 546 SF office building for the Ocean Rescue Department.

On October 19, 2011, the Mayor and City Commission adopted Resolution No. 2011-27762 accepting the recommendation of the City Manager, pursuant to Request For Qualifications (RFQ) No. 40-10/11, for a Construction Manager at Risk firm to provide pre-construction services and construction phase services via a Guaranteed Maximum Price (GMP) amendment for the 6th and 53rd Street Restrooms Project; and authorizing the administration to enter into negotiations with the top-ranked firm, Thornton Construction Company, Inc. (Thornton); and further authorizing the Mayor and City Clerk to execute an Agreement for Pre-Construction Services. Upon completion of pre-construction services and following negotiations, Thornton submitted the final negotiated GMP in the amount of \$1,200,493 (\$614,322 for 6th Street Restrooms and \$586,171 for 53rd Street Restrooms & Ocean Rescue Office), plus \$24,704 for the cost associated with the trailer totaling \$1,225,197, plus a 9% owner's contingency in the amount of \$110,268, for a total project cost of \$1,335,465. It is important to note that Thornton obtained over 90 competitive bids from sub-contractors in order to reach the best possible GMP.

In order to obtain further assurance that the best value for this project had been negotiated, the City contracted Atkins of North America (Atkins) to perform an independent estimate of probable construction costs. Atkins' estimated construction cost for the 6th Street Restrooms was \$663,500, and \$605,600 for 53rd Street Restrooms & Ocean Rescue Office, for a total of \$1,231,200 for both projects (excluding the cost associated with the Ocean Rescue trailer and the owner's contingency), which is \$30,707 higher than the contractor's proposed contract value.

The Administration is of the opinion that the final GMP is competitive, fair and a reasonable price for the construction of the 6th Street Restrooms and 53rd Street Restrooms & Ocean Rescue Facility Projects, and falls well within competitive prices of today's markets given the lack of economies of scale, site logistics and amenities added for better maintenance and durability.

THE ADMINISTRATION RECOMMENDS APPROVAL OF THIS RESOLUTION.

Advisory Board Recommendation:

N/A

Financial Information:

Source of Funds:	Amount	Account
1	\$513,867	388-2680-069357 SP Post RDA CDT & Mun. Resort Tax
2	\$ 54,572	388-2680-000356 SP Post RDA CDT & Mun. Resort Tax
3	\$101,172	305-2680-069357 SB Quality of Life Resort Tax Fund
4	\$610,875	301-2679-069357 Cap. Projects Not Financed by Bonds
5	\$ 54,979	301-2679-000356 Cap. Projects Not Financed by Bonds
OBPI	Total	\$1,335,465

Financial Impact Summary:

City Clerk's Office Legislative Tracking:

Fernando Vazquez ext. 6135

Sign-Offs:

Department Director	Assistant City Manager / Chief Financial Officer	City Manager
FV AD	JGG PDW	KGB

T:\AGENDA\2013\March 13\6th St Rest & 53rd Rest and OR office\6th and 53rd St Restrooms - Thornton - GMP Amendment 1 - SUMMARY.docx





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: March 13, 2013

SUBJECT: A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING AND AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A GUARANTEED MAXIMUM PRICE (GMP) AMENDMENT NO. 1, TO THE PRE-CONSTRUCTION SERVICES AGREEMENT WITH THORNTON CONSTRUCTION COMPANY, INC., FOR THE CONSTRUCTION OF THE 6TH STREET RESTROOMS IN THE AMOUNT OF \$614,322; 53RD STREET RESTROOMS AND OCEAN RESCUE BUILDING IN THE AMOUNT OF \$586,171; AND THE PROVISION OF A TEMPORARY OFFICE TRAILER FOR OCEAN RESCUE IN THE AMOUNT OF \$24,704, FOR A SUBTOTAL PROJECT COST IN THE AMOUNT OF \$1,225,197, PLUS AN OWNER'S PROJECT CONTINGENCY OF \$110,268, FOR A GRAND TOTAL OF \$1,335,465; WITH PREVIOUSLY APPROPRIATED FUNDING IN THE AMOUNT OF \$568,439 FROM SP POST RDA CDT AND MUNICIPAL RESORT TAX FUND 388, \$101,172 FROM SB QUALITY OF LIFE RESORT TAX FUND 305, \$665,854 FROM CAPITAL PROJECTS NOT FINANCED BY BONDS FUND 301.

ADMINISTRATIVE RECOMMENDATION

Adopt the Resolution.

KEY INTENDED OUTCOME

Ensure a quality, well constructed capital project; ensure well maintained facilities; ensure safety and appearance of building structures and sites; ensure quality and timely delivery of capital projects.

FUNDING

Funding in the total amount of \$1,335,465, has been previously appropriated as follows:

6th Street Restrooms (with owner's contingency)	
SP Post RDA CDT and Mun. Resort Tax Fund 388	\$568,439
SB Quality of Life Resort Tax Fund 305	\$101,172
	\$669,611
53rd Street Restrooms & Ocean Rescue Building (with owner's contingency)	
Capital Projects not Financed by Bonds Fund 301	\$665,854

BACKGROUND

In November 2000, the Administration initiated an effort to replace the deteriorated facilities at various beachfront locations with new standardized facilities. Over the last few years, new restroom facilities have been constructed at 14th, 21st, 35th, 46th and 64th Streets. New restroom facilities are also currently being finalized at 72nd Street as part of the Oceanfront Community Center Project. The restroom facilities located at 6th and 53rd Streets, the last two remaining of this effort, are outdated, have extended their useful life, and not adequate to serve the large number of users.

The scope of work for both facilities is as follows:

6th Street Restrooms:

The scope of work for this project consists of the demolition of the existing restrooms located at Lummus Park at 599 Ocean Drive, and the construction of a new 1,758 SF facility with a total of twenty-five (25) plumbing fixtures, concrete walkways, and landscape. The total sitework area is approximately 14,000SF.

53rd Street Restrooms & Ocean Rescue Building:

The scope of work for this project consists of the demolition of the existing restroom facility and Ocean Rescue office, located at 53rd Street and Collins Avenue, and construction of a new 864 SF restroom facility with a total of twenty (20) plumbing fixtures, and a separate 546 SF building facility for Ocean Rescue Dept., which includes two bathrooms with a total of six (6) plumbing fixtures. The scope of work also includes concrete walkways connecting the parking lot to the entrances of the buildings, as well as to the beach, existing playground and outdoor fitness circuit, as well as landscape. The total sitework area is approximately 8,700SF. Furthermore, since Ocean Rescue Dept. currently occupies a room inside the existing facility, included in the scope of work is the provision of a temporary office trailer that will house the department during the construction period.

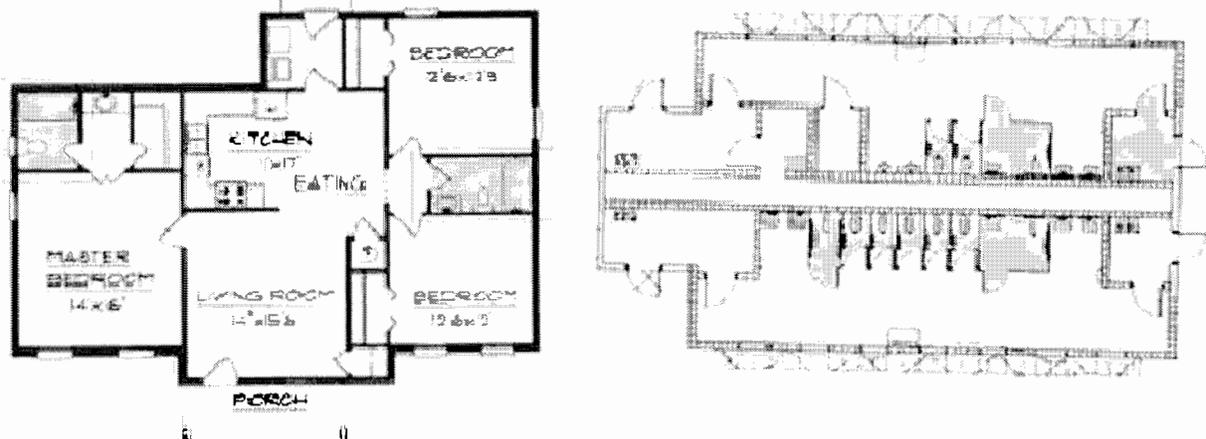
COST ANALYSIS

The construction cost for each facility, as submitted by Thornton, is broken down by individual buildings and sitework, and on a cost per SF basis as follows:

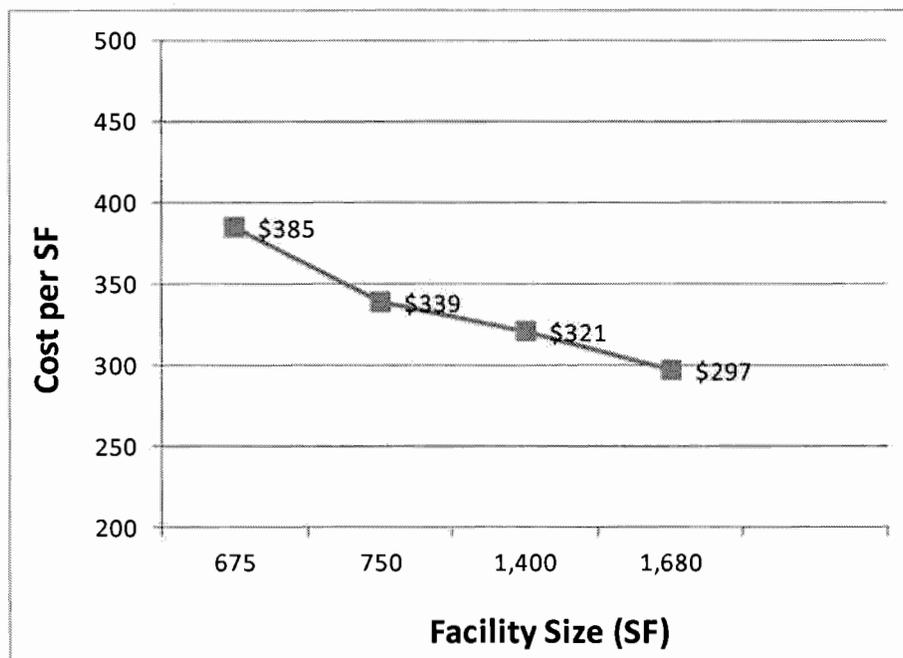
LOCATION	SF	Total Cost	Cost/SF
6th Street			
Restrooms Facility	1,758	\$ 471,661	\$268.29
Sitework	13,986	\$ 142,661	\$ 10.20
Total Cost for 6th Street Location		\$ 614,322	
53rd Street			
Restrooms Facility	864	\$ 259,016	\$299.79
Ocean Rescue Facility	546	\$ 174,421	\$319.45
Sitework	8,630	\$ 152,733	\$ 17.70
Subtotal		\$ 586,170	
Temporary Trailer for Ocean Rescue		\$ 24,704	
Total Cost for 53rd Street Location		\$ 610,874	
Total GMP		\$ 1,225,196	
Owner's Contingency		\$ 110,268	
Total Project Cost		\$ 1,335,464	

According RS Means Construction Data, the national construction cost/SF range for a standard commercial building is \$125-\$163/SF. The average cost/SF for Miami Beach is approximately \$133/SF (refer to Attachment A). However, the bathroom component within a building is

typically the most expensive component, due to the high concentration of building systems (mechanical/electrical/plumbing) in a small space. In the case of a restroom building, the higher cost per square foot of the restroom component is not offset by lower cost spaces (living/bedroom/office) as it would otherwise be in a residential/commercial space, therefore the average square footage is respectively higher. See below for a diagram showing the high concentration of plumbing fixtures at 6th Street Restrooms (25 total) versus a typical 3bed/2bath home (7 total):



Furthermore, due to the lack of mass-production (economy of scale), the cost per SF for a restroom facility varies greatly depending on building square footage. As demonstrated in the graph below, the average cost/sf of various restroom facilities built since 2006 range between \$268 and \$385. The trend below illustrates that the higher the total square footage the lower the cost per square foot:



Graph Data			
SF	Cost/ SF	Year	Location/Facility
675	\$385	2006	64th Street Restroom Facility (Miami Beach)
750	\$339	2011	Restroom Facility (Virginia Beach)
1,400	\$321	2007	Temple Betham Restroom (Kendall FL)
1,680	\$297	2008	Harris Field Restroom Facility (Homestead, Fl.)

The following table provides a breakdown of the incremental cost/sf for 53rd Street Restrooms, as an example, starting from an initial benchmark cost/sf of \$134 for a standard commercial (refer to Attachment B for cost/sf comparison between a sample standard project in Doral, FL, provided by Atkins, and 53rd Street Restrooms).

SCOPE OF WORK	COST / SF
1. Construction cost of a standard structure ⁽¹⁾	\$134
2. Added cost for project specific items:	
a) Demolition / Asbestos Abatement / Lead Removal ⁽¹⁾	\$17
b) Concrete & Masonry / Roofing / Doors & Windows/Woods & Plastics ⁽¹⁾	\$68
c) Finishes/ Specialties / Mechanical / Plumbing / Electrical ⁽¹⁾	\$88
Sub Total for item 2:	\$173
Total	\$307
<i>Footnotes:</i>	
<i>(1) Includes General Conditions, Overhead & Profit, Bond & Insurance</i>	

As clearly indicated above, the cost/sf associated with better finishes and the v-shaped & curved roofs are negligible when compared to the added cost/sf for the fact that these are mainly restroom facilities which have a high concentration of building systems.

SITEWORK ANALYSIS				
SCOPE OF WORK	6TH ST	53RD ST - Rest.	53RD ST - OR	53RD ST - TOTAL
Import/grading of new soil	\$8,198	\$2,450	\$2,450	\$4,900
New water & sewer to building ¹	\$12,951	\$9,669	\$9,669	\$19,338
New electrical service ²	\$2,522	\$5,515	\$5,515	\$11,030
Site lighting	n/a	\$1,083	\$1,083	\$2,166
New phone/data service ³	n/a	\$ -	\$8,670	\$8,670
Landscape				
Tree relocation	\$1,441	\$220	\$220	\$440
New trees	\$7,915	\$2,151	\$2,151	\$4,302
Shrubs/ground cover	\$10,341	\$2,392	\$2,392	\$4,784
Mulch	\$2,016	\$945	\$945	\$1,890

SITWORK ANALYSIS CONTINUED				
Sod/seeding (including topsoil)	\$3,163	\$342	\$342	\$684
Irrigation system (including controller/lines/vaccum breaker)	\$10,711	\$1,719	\$1,719	\$3,438
Concrete walkways / plaza ⁴	\$21,115	\$12,762	\$12,762	\$25,524
Miscellaneous sitework ⁵	\$8,759	\$6,077	\$6,076	\$12,153
Site furnishings (bicycle racks)	\$841	\$841	\$0	\$841
Gen. Conditions ⁶	\$24,979	\$14,688	\$9,282	\$23,970
Gen. Requirements ⁷	\$15,035	\$9,213	\$5,822	\$15,035
Overhead & Profit / Bond & Insurance	\$12,674	\$8,314	\$5,254	\$13,569
Total sitework cost	\$142,661	\$78,381	\$74,352	\$152,733
Total project site area	13,986			8,630
Cost/SF	\$10.20			\$17.70
<i>Footnotes for table above:</i>				
1. Requested by PWD during plan reviews; existing lines not adequate				
2. Existing service is not adequate to support the new electrical loads of new facilities				
3. For Ocean Rescue Building only				
4. This number represents the total cost for the hardscape component of the project. The ADA code requires a solid surface & accessible path to the entrances of the facilities, as well as to the adjacent sidewalks & walkways (per Chapter 11, Section 206 of the 2010 Florida Building Code).				
5. Includes erosion control, surveyor layout and asbuilt, permit fees, sidewalk /curb & gutter demolition				
6. Includes Project staff (contractors superintendent , project manager and project coordinator) , equipment & supplies, and direct costs for transportation/parking expenses (no on-site parking available)				

In order to obtain further assurance that the best value for this project had been negotiated, the City contracted Atkins of North America (Atkins) to perform an independent estimate of probable construction costs (included as Attachment C). Atkins' estimated construction cost for the 6th Street Restrooms was \$625,523, and \$605,569 for 53rd Street Restrooms & Ocean Rescue Office, for a total of \$1,231,092 for both projects, which is approximately \$30,600 higher than the Thornton's GMP (excluding the cost associated with the Ocean Rescue trailer and the owner's contingency).

GUARANTEED MAXIMUM PRICE

On July 13, 2011, the City Commission approved the issuance of an RFQ for a Construction Manager at Risk Firm to Provide Pre-Construction Services and Construction Phase Services via a Guaranteed Maximum Price (GMP) Amendment for the 6th Street and 53rd Street Restroom/Ocean Rescue Building Projects. RFQ No. 40-10/11 was issued on July 18th, 2011.

On October 19th, 2011, the Mayor and City Commission adopted Resolution No. 2011-27762 accepting the recommendation of the City Manager, pursuant to Request For Qualifications (RFQ) No. 40-10/11, for a Construction Manager at Risk firm to provide pre-construction services and construction phase services via a Guaranteed Maximum Price (GMP) amendment for the 6th and 53rd Street Restrooms Project; and authorizing the administration to enter into negotiations with the top-ranked firm, Thornton Construction Company, Inc. (Thornton); and further authorizing the Mayor and City Clerk to execute an Agreement for Pre-Construction Services.

The Agreement for Pre-Construction Services was executed on January 13th, 2012, in the amount of \$23,000. As part of the Pre-Construction Services, Thornton evaluated the project documents for inconsistencies, errors & omissions between the various design disciplines, and constructability of the project, and revisions to the documents were made accordingly.

On April 9, 2012, Thornton held a bid opening which was attended by representatives of the City and the Architect of Record - Corzo Castello Carballo Thompson Salman (C3TS).

On April 28, 2012, Thornton submitted the first draft of the GMP proposal for review by the City and C3TS. Following negotiations, a total reduction of approximately \$50,000 was negotiated in order to reach the final GMP in the amount of \$1,225,196.

It is important to note that Thornton obtained over ninety (90) competitive bids from local sub-contractors in order to reach the best possible GMP. The project cost breakdown per discipline for each of the projects are included as Attachments D & E.

RECOMMENDATION:

On January 16, 2013, the City Commission expressed concerns regarding the project cost and referred the item for further discussion to the Land Use and Development Committee. The Project was presented in great detail by the Project Team to the Committee on January 23, 2013, and although a formal recommendation was not made, the Committee expressed a comfort level with the methodology applied for the derivation of the numbers following the detailed presentations provided by the Architect (C3TS), Contractor (Thornton) and Cost Estimate Consultant (Atkins). The motion was made to refer the item to the full Commission without recommendation. The information presented to the Committee is included as Attachment F.

The Administration is of the opinion that the final GMP is competitive, fair and a reasonable price for the construction of the 6th Street Restrooms and 53rd Street Restrooms & Ocean Rescue Facility Projects, and falls well within competitive prices of today's markets given the lack of economies of scale, site logistics and amenities added for better maintenance and durability.

If desired, while not recommended due to maintenance requirements, the Commission may consider the following options in order to reduce the total cost of the project:

Items that may be removed for cost reduction but are not recommended due to maintenance requirements	6th St	53rd St	53rd St OR	TOTAL COST	NOTES
Sealed concrete in lieu of epoxy flooring	\$10,694	\$5,578	N/A	\$16,272	Requires more maintenance, less durable
Eliminate wall tile	17,978	\$5,621	\$3,745	\$27,344	
Lower quality toilet partitions	\$3,294	\$2,328	N/A	\$5,622	Not scratch or graffiti resistant
Subtotal 1	\$31,966	\$13,527	\$3,745	\$49,238	

In addition to the above, the Commission may consider the items listed below, which will require a new HPB approval, and presentation to the Board, as well as permit revisions:

ITEMS THAT WILL REQUIRE NEW HPB APPROVAL	6th St	53rd St	53rd St OR	TOTAL COST
Painted stucco in lieu of limestone cladding	\$20,526	N/A	N/A	\$20,526
Elimination of landscape/ irrigation	\$35,587	\$7,768	\$7,768	\$51,123
Elimination of Concrete Plaza ⁽¹⁾⁽²⁾	\$0	\$1,914	\$1,914	\$3,828
Subtotal 2	\$56,113	\$9,682	\$9,682	\$75,477

Footnotes:

- In order to maintain the minimum level of accessible paths to the entrances of the facilities as well as to the adjacent existing walkways, as required by the Florida Accessibility Code, only approximately 15% of the total hardscape area can be eliminated at 53rd Street. At 6th Street, there are only walkways leading up to, and around the building.*
- Even though the elimination of the concrete plaza is a viable option, when taking into consideration the additional costs incurred for redesign, and additional time for due diligence to resubmit to HPB, the elimination of the plaza represents an insignificant impact to the overall project cost.*

It is important to note that these facilities serve prominent public beaches and recreation areas that are an integral part of the City’s tourism attractions. Both are also located in highly prominent oceanfront historic districts. The 6th Street restroom is located in Lummus Park, in the City’s pre-eminent Ocean Drive/Collins Avenue Historic District, and the 53rd Street facility is located in the most recently designated Morris Lapidus / Mid 20th Century Historic District. Consequently, the Historic Preservation Board requires a higher standard of design and finishes that are appropriate for these prominent oceanfront historic locations. The architect worked closely with the Planning Department staff and the Historic Preservation Board in order to reach an appropriate and acceptable tourism design standard that is also compatible with the character of the historic districts, while maintaining the functional standards of previously approved prototype designs for other beachfront restroom locations. The HPB Final Orders are included as Attachment G.

Upon City Commission’s approval of the GMP, and as contemplated in any GMP Amendment(s), Thornton will deliver all of the Construction Services required to complete the

work in strict accordance with the Contract Documents, and has committed to deliver the Project to the City at or below the GMP and within the Contract time.

The anticipated Project Schedule for the construction of the 6th and 53rd Street Restrooms Project is as follows:

- Commission GMP Awarded: March 13, 2013
- Notice to Proceed Number One: May 2013
- Notice to Proceed Number Two: June 2013
- Construction Start: June 2013
- Construction Completion: December 2013

CONCLUSION

The Administration recommends approval of the attached Resolution, authorizing the Mayor and City Clerk to execute a Guaranteed Maximum Price (GMP) Amendment No.1 to the Pre-Construction Services Agreement with Thornton Construction Company, Inc., for the construction of the 6th Street Restrooms in the amount of \$614,322; 53rd Street Restrooms and Ocean Rescue Building in the amount of \$586,171, plus an allowance for the provision of a temporary office trailer for Ocean Rescue in the amount of \$24,704, for a sub-total of \$1,225,197, plus an owner's contingency in the amount of \$110,268, for a grand total of \$1,335,465; with previously appropriated funding in the amount of \$568,439 from SP Post RDA CDT and Municipal Resort Tax Fund 388, \$101,172 from SB Quality of Life Resort Tax Fund 305, and \$665,854 from Capital Projects not Financed by Bonds Fund 301.

KGB\JGG\F\DM

Attachments:

- A- Average construction costs per square foot (source: RS Means) adjusted for local factor
- B- Cost/sf comparison of standard commercial building versus 53rd Street Restrooms / Standard commercial building example provided by Atkins of North America.
- C- Atkins' Independent Cost Estimate Summary & Independent Cost Estimate Methodology
- D- 6th Street Restrooms –Thornton's Project Breakdown
- E- 53rd Street Restrooms and Ocean Rescue Office - Thornton's Project Breakdown
- F- Land Use and Development Committee presentation material
- G- HPB Final Orders
- H- 6th Street Restrooms – Site Plan & Elevations
- I- 53rd Street Restrooms & Ocean Rescue Office – Site Plan & Elevations

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Atkins North America, Inc.
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 www.atkinsglobal.com/northamerica

MEMORANDUM

To: **Ms. Thais Vieira, RA**
 From: Juan Alfonso, Associate Vice President 
 Date: February 27, 2013

Reference: *Square foot cost analysis for a standard facility (Low Rise Office/Primary School Facility) in Miami Beach, Florida.*

Dear Thais:

A reasonable range of square foot costs for a standard facility, categorized as an office space or primary educational space, could be between \$125 - \$163/SF. Atkins' assessment is documented as follows:

- Range of square foot costs based on RS Means Facilities Construction, national data (Publication year: 2012 – 27th Edition):
 - o **\$125 - \$163/SF (Refer to Attachment).**
 - o National Average Square Foot Cost of referenced facilities: **\$144/SF**
- Local factor analysis – City cost index based on RS Means Facilities Construction (Publication year: 2012 – 27th Edition) – Miami, Florida index:
 - o Material Index: 99.6%
 - o Installation Index: 76.7%
 - o Miami Fl. - Total city cost index: **89.6%**
 - o Miami Beach Index (Coastal Construction factor – 2–3%): **92.6%**
- Square foot cost adjustment based on national average and adjusted index:

Formula: $\frac{\text{Index for City}}{100} \times \text{National Average Cost} = \text{Local Cost}$

therefore,

$$\frac{92.6\%}{100.00} \times \$144/\text{SF} = \$133.34/\text{SF} \text{ (stand. facility in Miami Beach Fl.)}$$

Thank you for the opportunity to provide the City of Miami Beach with our services Please do not hesitate to contact me with any questions or comments at (305) 514-3211.

**** END OF MEMORANDUM ****

50 17 | Square Foot Costs

50 17 00 S.F. Costs			UNIT COSTS			% OF TOTAL				
		UNIT	1/4	MEDIAN	3/4	1/4	MEDIAN	3/4		
52	3100	Total: Mechanical & Electrical	S.F.	56	103	122	27.50%	30%	34%	52
53	0010	LIBRARIES	S.F.	132	168	218				53
	0020	Total project costs	C.F.	8.95	11.20	14.30				
	0500	Masonry	S.F.	10.45	18.05	30.50	5.80%	7.60%	11.60%	
	1800	Equipment		1.78	4.80	7.25	34%	1.50%	4.07%	
	2720	Plumbing		4.82	6.85	9.50	3.38%	4.60%	5.70%	
	2770	Heating, ventilating, air conditioning		10.65	18.05	22	7.80%	10.95%	12.80%	
	2900	Electrical		13.40	17.35	22.50	8.35%	10.30%	11.95%	
	3100	Total: Mechanical & Electrical		39.50	51.50	62	20.50%	23%	26.50%	
54	0010	LIVING, ASSISTED	S.F.	121	142	168				54
	0020	Total project costs	C.F.	10.15	11.85	13.50				
	0500	Masonry	S.F.	3.50	4.23	5.20	2.36%	3.16%	3.90%	
	1800	Equipment		2.68	3.13	4.09	2.06%	2.45%	2.87%	
	2720	Plumbing		10.10	13.55	14.05	6.05%	8.15%	10.60%	
	2770	Heating, ventilating, air conditioning		12	12.55	13.75	7.95%	9.35%	9.70%	
	2900	Electrical		11.80	13.05	15	8.95%	9.95%	10.65%	
	3100	Total: Mechanical & Electrical		33	38.50	44.50	25%	28.50%	31.50%	
55	0010	MEDICAL CLINICS	S.F.	123	151	192				55
	0020	Total project costs	C.F.	9	11.65	15.50				
	1800	Equipment	S.F.	3.32	7	10.85	1.05%	2.94%	6.35%	
	2720	Plumbing		8.15	11.50	15.40	6.15%	8.40%	10.10%	
	2770	Heating, ventilating, air conditioning		9.75	12.75	18.75	6.65%	8.85%	11.35%	
	2900	Electrical		10.55	15	19.60	8.10%	10%	12.25%	
	3100	Total: Mechanical & Electrical		33.50	46	63	22.50%	27%	33.50%	
	3500	See also division 11700 (MF2004 11 71 00)								
57	0010	MEDICAL OFFICES	S.F.	115	143	175				57
	0020	Total project costs	C.F.	8.60	11.70	15.80				
	1800	Equipment	S.F.	3.81	7.55	10.70	68%	4.97%	7.05%	
	2720	Plumbing		6.40	9.85	13.25	5.60%	6.80%	8.50%	
	2770	Heating, ventilating, air conditioning		7.70	11.15	14.70	6.10%	8%	9.70%	
	2900	Electrical		9.25	13.45	18.80	7.60%	9.80%	11.40%	
	3100	Total: Mechanical & Electrical		25	36	52	19.35%	23%	28.50%	
59	0010	MOTELS	S.F.	73	106	138				59
	0020	Total project costs	C.F.	6.50	8.70	14.20				
	2720	Plumbing	S.F.	7.40	9.40	11.25	9.45%	10.60%	12.55%	
	2770	Heating, ventilating, air conditioning		4.50	6.70	12.05	5.60%	5.60%	10%	
	2900	Electrical		6.90	8.70	10.85	7.45%	9.05%	10.45%	
	3100	Total: Mechanical & Electrical		22	29.50	50.50	18.50%	24%	25.50%	
	5000									
	9000	Per rental unit, total cost	Unit	37,100	70,500	76,500				
	9500	Total: Mechanical & Electrical		7.225	10,900	12,700				
60	0010	NURSING HOMES	S.F.	114	147	181				60
	0020	Total project costs	C.F.	9	11.25	15.35				
	1800	Equipment	S.F.	3.60	4.77	7.95	2.02%	3.62%	4.99%	
	2720	Plumbing		9.80	14.85	17.90	8.75%	10.10%	12.70%	
	2770	Heating, ventilating, air conditioning		10.30	15.65	21	9.70%	11.45%	11.80%	
	2900	Electrical		11.35	14.15	19.25	9.40%	10.55%	12.45%	
	3100	Total: Mechanical & Electrical		27	38	63.50	26%	29.50%	30.50%	
	9000	Per bed or person, total cost	Bed	50,500	63,500	82,000				
61	0010	OFFICES Low Rise (1 to 4 story)	S.F.	96.50	125	163				61
	0020	Total project costs	C.F.	6.85	9.50	12.50				
	0100	Site work	S.F.	7.75	13.70	20	6.20%	9.70%	13.55%	
	0500	Masonry		3.84	7.65	13.80	2.62%	5.45%	8.50%	
	1800	Equipment		1.02	2.01	5.45	60%	1.50%	3.50%	
	2720	Plumbing		3.44	5.30	7.80	3.66%	4.50%	6.10%	
	2770	Heating, ventilating, air conditioning		7.60	10.60	15.55	7.20%	10.30%	11.70%	
	2900	Electrical		7.90	11.25	16.05	7.45%	9.65%	11.40%	

50 17 | Square Foot Costs

50 17 00 S.F. Costs		UNIT	UNIT COSTS			% OF TOTAL						
			1/4	MEDIAN	3/4	1/4	MEDIAN	3/4				
74	0010	SCHOOLS Elementary	S.F.	106	132	161				74		
	0020	Total project costs	C.F.	6.90	8.85	11.45						
	0500	Masonry	S.F.	9.20	16.15	24	5.25%	10.65%	14.05%			
	1800	Equipment		2.89	4.88	9	1.83%	3.13%	4.61%			
	2720	Plumbing		6.10	8.60	11.50	5.70%	7.15%	9.35%			
	2730	Heating, ventilating, air conditioning		9.10	14.50	20.50	8.15%	10.80%	14.90%			
	2900	Electrical		10	13.25	16.90	8.45%	10.05%	11.80%			
	3100	Total: Mechanical & Electrical	↓	36.50	44.50	55	25%	27.50%	30%			
	9000	Per pupil, total cost	Ea.	12,100	18,000	40,400						
	9500	Total: Mechanical & Electrical	*	3,425	4,325	10,900						
76	0010	SCHOOLS Junior High & Middle	S.F.	109	134	163				76		
	0020	Total project costs	C.F.	6.90	8.95	10.05						
	0500	Masonry	S.F.	13.60	17.80	21.50	8%	11.60%	14.35%			
	1800	Equipment		3.48	5.60	8.25	1.80%	3.09%	4.86%			
	2720	Plumbing		6.35	7.80	9.70	5.30%	6.80%	7.25%			
	2770	Heating, ventilating, air conditioning		12.70	15.45	27	8.90%	11.55%	14.20%			
	2900	Electrical		10.70	12.90	16.60	7.90%	9.35%	10.60%			
	3100	Total: Mechanical & Electrical	↓	35	44.50	55.50	23.50%	26.50%	29.50%			
	9000	Per pupil, total cost	Ea.	13,800	18,100	24,400						
	78	0010	SCHOOLS Senior High	S.F.	113	139	174					78
0020		Total project costs	C.F.	6.85	9.85	16.25						
1800		Equipment	S.F.	2.98	7	9.75	1.88%	2.91%	4.56%			
2720		Plumbing		6.35	9.55	17.45	5.60%	6.90%	8.30%			
2770		Heating, ventilating, air conditioning		13	14.85	22.50	8.95%	11.60%	15%			
2900		Electrical		11.45	14.85	22.50	8.65%	10.20%	12.25%			
3100		Total: Mechanical & Electrical	↓	37.50	44	74	23.50%	26.50%	28.50%			
9000		Per pupil, total cost	Ea.	10,700	21,700	27,200						
80		0010	SCHOOLS Vocational	S.F.	92	133	165				80	
		0020	Total project costs	C.F.	5.70	8.20	11.35					
	0500	Masonry	S.F.	5.40	13.30	20.50	3.20%	4.61%	10.95%			
	1800	Equipment		2.87	7.15	9.85	1.24%	3.10%	4.26%			
	2720	Plumbing		5.85	8.75	12.85	5.40%	6.90%	8.55%			
	2770	Heating, ventilating, air conditioning		8.20	15.30	25.50	8.60%	11.90%	14.65%			
	2900	Electrical		9.55	13.05	17.85	8.45%	11%	13.20%			
	3100	Total: Mechanical & Electrical	↓	36	36.50	63	27.50%	29.50%	31%			
	9000	Per pupil, total cost	Ea.	12,800	34,200	51,000						
	83	0010	SPORTS ARENAS	S.F.	80	107	165					83
0020		Total project costs	C.F.	4.35	7.80	10.05						
2720		Plumbing	S.F.	4.65	7.05	14.90	4.35%	6.35%	9.40%			
2770		Heating, ventilating, air conditioning		10	11.85	16.45	8.80%	10.20%	13.55%			
2900		Electrical		8.35	11.35	14.65	8.60%	9.90%	12.25%			
3100		Total: Mechanical & Electrical	↓	21	37	49.50	21.50%	25%	27.50%			
85	0010	SUPERMARKETS	S.F.	74	85.50	101				85		
	0020	Total project costs	C.F.	4.13	4.99	7.55						
	2720	Plumbing	S.F.	4.14	5.20	6.05	5.40%	6%	7.45%			
	2770	Heating, ventilating, air conditioning		6.10	8.10	9.85	8.60%	8.65%	9.60%			
	2900	Electrical		9.30	10.60	12.60	10.40%	12.45%	13.60%			
	3100	Total: Mechanical & Electrical	↓	23.50	25.50	34	23.50%	27.50%	28.50%			
86	0010	SWIMMING POOLS	S.F.	120	201	430				86		
	0020	Total project costs	C.F.	9.60	12	13.10						
	2720	Plumbing	S.F.	11.10	12.70	17	4.80%	9.70%	20.50%			
	2900	Electrical		9	14.60	21.50	5.75%	6.95%	7.60%			
	3100	Total: Mechanical & Electrical	↓	22	56	76.50	11.15%	14.10%	23.50%			
87	0010	TELEPHONE EXCHANGES	S.F.	159	227	296				87		
	0020	Total project costs	C.F.	9.90	15.90	22						
	2720	Plumbing	S.F.	6.70	10.40	15.20	4.52%	5.80%	6.90%			
	2770	Heating, ventilating, air conditioning		15.60	31.50	39	11.80%	16.05%	18.40%			

**STANDARD COMMERCIAL BUILDING VERSUS
53RD STREET RESTROOMS & OCEAN RESCUE FACILITIES**

Note: The "standard commercial building" used in this example is a 67,000 Charter School, built in Doral, FL. Information provided by cost estimator consultant - Atkins of North America.

Category	67K SF Standard Facility (\$/SF)	53rd Restroom & Ocean Rescue (\$/SF)	\$/SF Difference	Cost variation explanation
Demolition / Asbestos Abatement / Lead removal	N/A	13	13	See 1 below
Concrete & Masonry (incl. sitework within building limits)	26	58	34	See 2 below
Metals	4	0	-4	
Wood & Plastics	4	7	3	
Thermal & Moisture Protection	5	12	7	
Doors & Windows	9	17	9	See 3 below
Finishes	21	41	28	See 4 below
Specialties	1	10	11	See 5 below
Furnishings	1	0	-1	
Conveying Systems	1	0	-1	
Mechanical /Plumbing	23	34	11	See 6 below
Electrical	19	36	18	See 7 below
Subtotal	112	239	127	
Mark-ups (General Conditions, overhead & profit, bond & insurance)	22	68	46	See 8 below
Total	134	307	173	

1. Demolition / Asbestos Abatement / Lead Removal: costs associated with these items are typically outside of the basic cost of construction included in the \$125-\$163 range for a house or simple commercial building.
2. Concrete / Masonry: These buildings have a high cost of concrete and concrete masonry unit (CMU) to area ratio. Due to the relative small size of these buildings, and the fact that the interior partitions are made of CMU as opposed to light gauge metal framing/drywall, the cost of CMU on a per square foot basis is much higher than it would otherwise be on a house or a commercial building, where the interior walls would be made of light gauge metal framing/drywall.

Furthermore, both structures have a concrete roof, which is recommended for this type of facility in a coastal environment. The example provided above has a wood-framed roof.

3. Doors & Windows: High concentration of fenestrations per square foot area: 53rd Street has a total of 4 impact resistant exterior doors, 7 interior doors, 12 round ventilation louvers and 8 round windows (31 units total). The house depicted in the diagram on page 4 for example, has 2 exterior doors, 8 windows, and 11 interior doors (21 units total).

4. Finishes:
 - High concentration of tile, which is not offset by living spaces (since it includes walls, whereas a house would include wall tiles only in the bathroom component).
 - Higher durability / lifecycle factor of specified finishes. The high traffic, coastal environment, and the goal to reduce maintenance & replacement costs were taken into consideration when selecting the finishes for these projects.
5. Specialties: This section includes all restroom accessories such as hand dryers, toilet paper dispensers, soap dispensers, mirrors, grab bars, ADA shower seats, waste receptacles, changing tables, toilet partitions, fire extinguishers and signage. A house does not require all of these items, and a simple commercial building, due to the smaller size of the restroom component would require a much lower number of these items. Furthermore, the items currently specified are corrosion and vandal-resistant; the toilet partitions are scratch and graffiti resistant.
6. Mechanical/Plumbing: high plumbing fixture count to area ratio (high number of plumbing fixtures relative to the size of the building): plumbing is one of the major cost drivers of the project due to the high concentration of fixtures in a relatively small area. A 1,500SF house for example, might have 7 plumbing fixtures (1 per 214 SF) whereas 53rd Street Restrooms & Ocean Rescue facilities have a total of 26 plumbing fixtures in a total 1,410SF (1 per 88SF). The higher cost per square foot of the restroom component is not offset by standard, lower cost spaces (living/bedroom/office) as it would be when compared to a residential/standard commercial space.
7. Electrical: High concentration of fixtures and associated conduits/wiring per square foot of area. 53rd St has a total of 9 exterior wall sconces and 33 interior light fixtures (15 for Ocean Rescue building and 18 for restrooms building). Furthermore, the cost includes individual electrical panels for each of the buildings (3 total), exit signs, emergency ballasts, convenience outlets, and wiring for hand dryers.

8. Mark-ups:

General Conditions: This includes costs associated with project personnel, office supplies, parking expenses, drawing reproductions, courier, construction trailer, etc. Since the majority of the cost is in project personnel (project manager / superintendent) the larger the project, the smaller the percentage of overall project cost. The standard commercial facility example provided is at 10% of overall project cost, however it is a much larger project – 67,000SF. The total square footage of the facilities at 53rd Street is 1,410, and the percentage of overall project cost for General Conditions is 13%.

Overhead & Profit / Bond & Insurance: Typically a percentage of overall project cost. In the standard facility example provided above the percentage is 8.5%, while for 53rd Street is at 9.1%.



City of Miami Beach
53rd St. & Collins and 6th St. & Ocean Drive
New Restroom Facilities

100% Construction Documents Estimate

Summary - 6th St & Ocean Drive

December 11, 2012

DIVISION SUMMARY		(000)
01	General Conditions	\$ 66,896
02	General Requirements	\$ 3,000
03	Demolition/Asbestos Abatement	\$ 11,060
03a	Maintenance Of Traffic (MOT)	\$ 8,951
04	Sitework	\$ 56,549
05	Site Furnishings	\$ 1,000
06	Landscaping & Irrigation	\$ 22,148
07	Concrete (Incl. Masonry & Metals)	\$ 120,389
08	Lightweight Insulated Concrete	N/A
09	Misc. Carpentry	\$ 1,500
10	Cabinetry	N/A
11	Roofing	\$ 33,189
12	W.P. & Caulking	\$ 4,639
13	Doors, Frames, Hardware	\$ 16,038
14	Storefront/Glazing	\$ 21,939
15	Stucco/Skim Coat Plaster	\$ 17,738
16	Drywall	N/A
16a	Wall Finishes (Tile, Limestone Cladding, Misc.)	N/A
17	Acoustical Ceiling	N/A
18	Flooring (Stone/Tile)	\$ 31,406
19	Epoxy Flooring	\$ 13,230
20	Painting/VWC	\$ 13,644
21	Louvers	\$ 5,010
22	Specialties	\$ 22,390
23	Plumbing	\$ 55,497
24	HVAC	\$ 8,300
25	Electrical	\$ 36,743
Subtotal Construction Costs		\$ 571,253
	Overhead & Profit	6.5% \$ 37,131
	Bonds & Insurance	3% \$ 17,138
TOTAL Construction Costs		\$ 625,523
ESTIMATED TOTAL COST OF CONSTRUCTION (EXCLUDING)		\$ 625,523

See Deductive Alternates next page

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City of Miami Beach
53rd St. & Collins and 6th St. & Ocean Drive
New Restroom Facilities

100% Construction Documents Estimate
Summary - 53rd St & Collins Ave.

December 11, 2012

DIVISION SUMMARY		(\$)	
01	General Conditions	\$	59,254
02	General Requirements	\$	3,500
03	Demolition/Asbestos Abatement	\$	24,200
03a	Maintenance Of Traffic (MOT)	\$	12,449
04	Sitework	\$	85,739
05	Site Furnishings		N/A
06	Landscaping & Irrigation	\$	16,300
07	Concrete (Incl. Masonry & Metals)	\$	99,185
08	Lightweight Insulated Concrete	\$	3,428
09	Misc. Carpentry	\$	7,140
10	Cabinetry	\$	3,200
11	Roofing	\$	14,265
12	W.P. & Caulking	\$	3,695
13	Doors, Frames, Hardware	\$	18,560
14	Storefront/Glazing	\$	4,328
15	Stucco/Skim Coat Plaster	\$	17,531
16	Drywall	\$	7,068
16a	Wall Finishes (Tile, Misc.)		N/A
17	Acoustical Ceiling	\$	699
18	Flooring (Stone/Tile)	\$	19,282
19	Epoxy Flooring	\$	5,490
20	Painting/VWC	\$	2,619
21	Louvers	\$	8,818
22	Specialties	\$	26,775
23	Plumbing	\$	52,586
24	HVAC	\$	11,375
25	Electrical	\$	45,546
Subtotal Construction Costs		\$	553,031
	Overhead & Profit	6.5%	\$ 35,947
	Bonds & Insurance	3%	\$ 16,591
TOTAL Construction Costs		\$	605,569

See Deductive Alternates next page



6th Street and 53rd Street Restrooms – Independent Cost Estimate Methodology



PROJECT

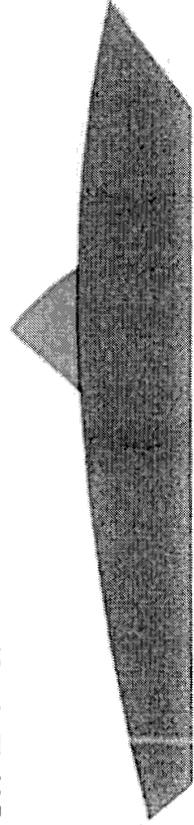
ATKINS



1. Meet with CoMB PM to discuss Project Scope
2. Review Plans and Specs
3. Perform Site visits
4. Issue RFI's to PM (based on plan reviews)
5. Perform detailed take-offs using On-Screen
6. Price Quantities using:
 - a. Cost Database (South Florida)
 - b. Call Suppliers/Subs for pricing
7. Incorporate Mark-ups (CM at Risk)
8. QA/QC
9. Issue Estimate/discuss with CoMB PM
10. Estimate Reconciliation



ATKINS





Project Name:
City of Miami Beach - 6th St Restroom
Date: March 13, 2013

PROJECT BREAKDOWN

BUILDING TRADES		6TH ST
GENERAL CONDITIONS		\$ 58,284
DEMOLITION / ASBESTOS ABATEMENT		\$ 11,515
CONCRETE		\$ 108,388
LIGHT WEIGHT INSULATED CONCRETE		N/A
MISC. CARPENTRY		\$ 6,237
CABINETRY		N/A
ROOFING		\$ 16,533
W.P. & CAULKING		\$ 1,200
DOORS, FRAMES, HDW.		\$ 10,575
STOREFRONT/GLAZING		\$ 13,280
STUCCO / SKIM COAT PLASTER		\$ 18,780
DRYWALL		N/A
ACOUSTICAL CEILING		N/A
FLOORING (STONE/TILE)		\$ 53,302
EPOXY FLOORING		\$ 15,066
PAINTING/VWC		\$ 7,086
LOUVERS		\$ 4,681
SPECIALTIES		\$ 19,131
PLUMBING		\$ 41,000
HVAC		\$ 6,300
ELECTRICAL		\$ 38,402
BUILDING TRADES SUBTOTAL		\$ 429,760
G.C. FEE @	7.0%	\$ 30,083
PAYMENT & PERFORMANCE BOND @	1.5%	\$ 6,446
GENERAL LIABILITY INSURANCE	1.3%	\$ 5,372
GUARANTEE MAXIMUM PRICE BUILDINGS		\$ 471,661
SITWORK TRADES		6TH ST
GENERAL CONDITIONS		\$ 24,979
GENERAL REQUIREMENTS		\$ 15,035
SITWORK		\$ 51,023
SITE FURNISHINGS		\$ 841
LANDSCAPING & IRRIGATION		\$ 35,587
ELECTRICAL		\$ 2,522
SITE WORK TRADES SUBTOTAL		\$ 129,987
G.C. FEE @	7.0%	\$ 9,099
PAYMENT & PERFORMANCE BOND @	1.5%	\$ 1,950
GENERAL LIABILITY INSURANCE	1.3%	\$ 1,625
GUARANTEE MAXIMUM PRICE SITE WORK		\$ 142,661
GUARANTEE MAXIMUM PRICE TOTAL		\$ 614,322
OWNER ALLOWANCES		6TH ST
OWNER'S CONTINGENCY OF APPROX. 9%		\$ 55,289

Project Name:
 City of Miami Beach - 53rd Street Restrooms
 Date: March 13, 2013

PROJECT BREAKDOWN

BUILDING TRADES	53RD ST RR	53RD ST OR	53RD ST
GENERAL CONDITIONS	\$ 34,272	\$ 21,658	\$ 55,930
DEMOLITION / ASBESTOS ABATEMENT	\$ 11,480	\$ -	\$ 11,480
CONCRETE	\$ 48,203	\$ 30,462	\$ 78,665
LIGHT WEIGHT INSULATED CONCRETE	\$ -	\$ 4,900	\$ 4,900
MISC. CARPENTRY	\$ 3,657	\$ 4,793	\$ 8,450
CABINETS	\$ 1,235	\$ -	\$ 1,235
ROOFING	\$ 7,951	\$ 7,051	\$ 15,002
W.P. & CAULKING	\$ 858	\$ 542	\$ 1,400
DOORS, FRAMES, HDW.	\$ 4,500	\$ 9,000	\$ 13,500
STOREFRONT/GLAZING	\$ -	\$ 3,800	\$ 3,800
STUCCO / SKIM COAT PLASTER	\$ 10,698	\$ 8,753	\$ 19,450
DRYWALL	\$ -	\$ 9,060	\$ 9,060
ACOUSTICAL CEILING	\$ -	\$ 620	\$ 620
FLOORING (STONE/TILE)	\$ 14,933	\$ 16,772	\$ 31,705
EPOXY FLOORING	\$ 7,418	\$ -	\$ 7,418
PAINTING/VWC	\$ 3,203	\$ 2,768	\$ 5,971
LOUVERS	\$ 7,917	\$ 188	\$ 8,105
SPECIALTIES	\$ 16,016	\$ 2,400	\$ 18,416
PLUMBING	\$ 23,633	\$ 11,817	\$ 35,450
HVAC	\$ 7,843	\$ 4,957	\$ 12,800
ELECTRICAL	\$ 31,603	\$ 19,972	\$ 51,575
BUILDING TRADES SUBTOTAL	\$ 235,421	\$ 159,511	\$ 394,932
	\$272.48/SF	\$292.14/SF	\$280.09/SF
G.C. FEE @	\$ 16,940	\$ 10,705	\$ 27,645
PAYMENT & PERFORMANCE BOND @	\$ 3,630	\$ 2,294	\$ 5,924
GENERAL LIABILITY INSURANCE	\$ 3,025	\$ 1,912	\$ 4,937

GUARANTEE MAXIMUM PRICE BUILDINGS	\$ 259,016	\$ 174,421	\$ 433,437
	\$299.79/SF	\$319.45/SF	\$307.40/SF

SITWORK TRADES	53RD ST RR	53RD OR	53RD ST
GENERAL CONDITIONS	\$ 14,688	\$ 9,282	\$ 23,970
GENERAL REQUIREMENTS	\$ 9,213	\$ 5,822	\$ 15,035
SITWORK	\$ 30,957	\$ 30,957	\$ 61,914
SITE FURNISHINGS	\$ 841	\$ -	\$ 841
LANDSCAPING & IRRIGATION	\$ 7,769	\$ 7,769	\$ 15,538
ELECTRICAL	\$ 6,598	\$ 15,268	\$ 21,867
SITE WORK TRADES SUBTOTAL	\$ 70,066	\$ 69,098	\$ 139,164
G.C. FEE @	\$ 5,969	\$ 3,772	\$ 9,742
PAYMENT & PERFORMANCE BOND @	\$ 1,279	\$ 808	\$ 2,087
GENERAL LIABILITY INSURANCE	\$ 1,066	\$ 674	\$ 1,740

GUARANTEE MAXIMUM PRICE SITE WORK	\$ 78,381	\$ 74,352	\$ 152,733
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GUARANTEE MAXIMUM PRICE TOTAL	\$ 337,397	\$ 248,774	\$ 586,170
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ALLOWANCES	53RD ST RR	53RD ST OR	53RD ST
ALLOWANCE FOR OCEAN RESCUE TRAILER	\$ -	\$ 24,704	\$ 24,704
OWNER'S CONTINGENCY OF APPROX. 9%	\$ 33,689	\$ 21,290	\$ 54,979

6th Street and 53rd Street Restrooms –

Estimating factors considered:

1. CM at Risk Bidding Environment (*Typically higher initial cost to minimize risk*)
2. Significant Sitework Costs/Logistics
3. Historic Preservation Board Design Elements
4. Coastal Construction Control Line
5. High Durability / Life Cycle Factor of public space vs. private space
6. High CMU to area ratio
7. High Fixture count to area ratio
8. Restroom space Cost/SF ratio is higher when compared to a residential/commercial space because it is not offset by standard spaces (Living/Bedroom/Office).
9. Lack of mass-production (economy of scales) present in multi-unit/commercial development



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ATTACHMENT F

6th Street and Ocean Dr.
Independent Cost Estimate Analysis



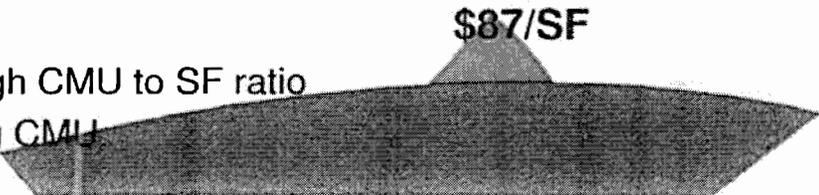
ATKINS

Atkins' Independent Cost Estimate:

• Cost Estimate Direct Costs (Building):	\$401,649
(Sitework/GC's):	\$169,604
Mark-ups (OH&P, B&I):	\$ 54,270
• TOTAL Cost Estimate (Rounded):	\$625,523

Square Foot Analysis (Restroom Bldg.)

- General Analysis (*Building Direct Costs/GSF- 1,759 S.F.*): **\$228/SF**
- CSI Analysis (*Cost Driving Factors*):
 - **Electrical** **\$21/SF**
 - *Significant amount fixtures and associated conduit and wiring for fixtures, elect. serv, panels and FA*
 - **Mechanical/Plumbing** **\$36/SF**
 - *High fixture to SF ratio which is typical for public restroom projects/Associated Piping*
 - **Structural** **\$87/SF**
 - *Angled Concrete Roof Slab, high CMU to SF ratio
Due to RR interior partitions being CMU*



53rd Street and Collins
Independent Cost Estimate Analysis



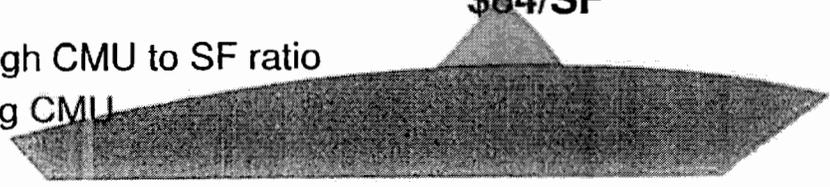
ATKINS

Atkins' Independent Cost Estimate:

• Cost Estimate Direct Costs (Buildings):	\$351,589
(Sitework/GC's):	\$201,442
Mark-ups (O&P, B&I):	\$ 52,538
• TOTAL Cost Estimate:	\$605,569

Square Foot Analysis (*Restroom + Ocean Rescue Bldg's*)

- General Analysis (*Building Direct Costs/GSF- 1,389 S.F.*): **\$253/SF**
- CSI Analysis (*Cost Driving Factors*):
 - **Electrical** **\$33/SF**
 - Significant amount fixtures and associated conduit and wiring for fixtures, elect. serv, panels and FA
 - **Mechanical/Plumbing** **\$46/SF**
 - High fixture to SF ratio which is typical for public restroom projects/Associated Piping, AC System
 - **Structural** **\$84/SF**
 - Undulated Conc. Roof Slab, high CMU to SF ratio
Due to RR interior partitions being CMU



388

HISTORIC PRESERVATION BOARD
City of Miami Beach, Florida

CERTIFICATION

THIS IS TO CERTIFY THAT THE ATTACHED DOCUMENT
IS A TRUE AND ACCURATE COPY OF THE ORIGINAL ON
FILE IN THE OFFICE OF THE PLANNING DEPARTMENT.

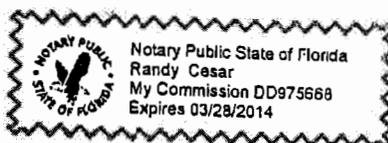
CITY OF MIAMI BEACH
5-17-11
(Signature of Planning Director or Designee) (Date)
Personally known to me or Produced ID: _____

Randy Cesar
Notary Public, State of Florida at Large
Printed Name: Randy Cesar
My Commission Expires: (Seal) _____

This document contains 5 pages.

MEETING DATE: April 12, 2011

FILE NO: 7243



PROPERTY: 599 Ocean Drive – Public Restrooms

LEGAL: 34-53-42 3-54-42 20.AC STRIP OF LAND LYING BETWEEN OCEAN DRIVE & ATLANTIC OCEAN AKA LUMMUS PARK

IN RE: The Application for a Certificate of Appropriateness for the demolition of the existing restroom facilities and the construction of a new single story restroom facility.

ORDER

The applicant, the City of Miami Beach, filed an application with the City of Miami Beach Planning Department for a Certificate of Appropriateness.

The City of Miami Beach Historic Preservation Board makes the following FINDINGS OF FACT, based upon the evidence, information, testimony and materials presented at the public hearing and which are part of the record for this matter:

- A. The existing structure is not classified in the Miami Beach Historic Properties Database and the subject site is located within the Ocean Drive / Collins Avenue Local Historic District and National Register Architectural District.
- B. Based on the plans and documents submitted with the application, testimony and information provided by the applicant, and the reasons set forth in the Planning Department Staff Report, the project as submitted is consistent with the Certificate of Appropriateness Criteria in Section 118-564(a)(1) of the Miami Beach Code, is consistent with Certificate of Appropriateness Criteria in Section 118-564(a)(2) of the Miami Beach Code, is consistent with Certificate of Appropriateness Criteria in Section 118-564(a)(3) of the Miami Beach Code, and is not consistent with Certificate of Appropriateness for Demolition Criteria 'b-e' & 'h' in Section 118-564(f)(4) of the Miami Beach Code.
- C. The project would be consistent with the criteria and requirements of section 118-564 if the following conditions are met:
 1. Revised elevation, site plan and floor plan drawings shall be submitted to and approved by staff; at a minimum, such drawings shall incorporate the following:
 - a. A high quality, smooth textured surface shall be required, subject to the review and approval of staff.

- b. The proposed mesh screening on the center portion of the east and west elevations shall be replaced with an alternate, high quality durable material, in a manner to be reviewed and approved by staff.
 - c. The splayed roof overhang shall be increased by a minimum of 2'-0" along the north and south elevations in order to provide increased shelter/shade for the benches below, subject to the review and approval of staff.
 - d. The roof overhang of the east elevation shall be extended an additional five feet for increased coverage of the restroom entrances, subject to the review and approval of staff.
 - e. The chevron patterning proposed for the windows shall be eliminated; a simple frosted glazing shall be utilized, as indicated in the north and south elevations of the architectural drawings, in a manner to be reviewed and approved by staff.
 - f. The final design and details of the proposed signage shall be provided, in a manner to be reviewed and approved by staff.
 - g. The final design and details of the proposed interior and exterior finishes shall be provided, subject to the review and approval of staff.
 - h. Any proposed roll down security housing and tracks shall be completely visually concealed from the building's exterior, in a manner to be reviewed and approved by staff, or shall otherwise not be permitted.
 - i. Bicycle parking shall be provided on a revised site and floor plan, subject to the review and approval of staff.
 - j. Manufacturers drawings and Dade County product approval numbers for all new windows, doors and glass shall be required.
 - k. All roof-top fixtures, air-conditioning units and mechanical devices, shall be clearly noted on a revised roof plan and shall be screened from view, in a manner to be approved by staff.
 - l. Prior to the issuance of a Certificate of Occupancy, the project Architect shall verify, in writing, that the subject project has been constructed in accordance with the plans approved by the Planning Department for Building Permit.
2. A revised landscape plan, prepared by a Professional Landscape Architect, registered in the State of Florida, and corresponding site plan, shall be submitted. The species type, quantity, dimensions, spacing, location and overall height of all plant material shall be clearly delineated and subject to the review and approval of staff. At a minimum, such plan shall incorporate the following:

- a. A fully automatic irrigation system with 100% coverage and an automatic rain sensor in order to render the system inoperative in the event of rain. Right-of-way areas shall also be incorporated as part of the irrigation system.
 - b. The utilization of root barriers and/or structural soil, as applicable, shall be clearly delineated on the revised landscape plan.
 - c. The applicant shall verify, prior to the issuance of a Building Permit, the exact location of all backflow preventors and all other related devices and fixtures; such fixtures and devices shall not be permitted within any required yard or any area fronting a street or sidewalk. The location of backflow preventors, siamese pipes or other related devices and fixtures, if any, and how they are screened with landscape material from the right-of-way, shall be clearly indicated on the site and landscape plans and shall be subject to the review and approval of staff.
 - d. The applicant shall verify, prior to the issuance of a Building Permit, the exact location of all applicable FPL transformers or vault rooms; such transformers and vault rooms, and all other related devices and fixtures, shall not be permitted within any required yard or any area fronting a street or sidewalk. The location of any exterior transformers, and how they are screened with landscape material from the right-of-way, shall be clearly indicated on the site and landscape plans and shall be subject to the review and approval of staff.
 - e. Prior to the issuance of a Certificate of Occupancy, the Landscape Architect for the project architect shall verify, in writing, that the project is consistent with the site and landscape plans approved by the Planning Department for Building Permit.
3. The final exterior surface color scheme, including color samples, shall be subject to the review and approval of staff and shall require a separate permit.
 4. All new and altered elements, spaces and areas shall meet the requirements of the Florida Accessibility Code (FAC).
 5. The Final Order is not severable, and if any provision or condition hereof is held void or unconstitutional in a final decision by a court of competent jurisdiction, the order shall be returned to the Board for reconsideration as to whether the order meets the criteria for approval absent the stricken provision or condition, and/or it is appropriate to modify the remaining conditions or impose new conditions.
 6. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
 7. Nothing in this order authorizes a violation of the City Code or other applicable law, nor allows a relaxation of any requirement or standard set forth in the City Code.

IT IS HEREBY ORDERED, based upon the foregoing findings of fact, the evidence, information, testimony and materials presented at the public hearing, which are part of the record for this matter, and the staff report and analysis, which are adopted herein, including the staff

recommendations, which were amended by the Board, that the Certificate of Appropriateness is GRANTED for the above-referenced project subject to those certain conditions specified in paragraph C of the Findings of Fact (Condition Nos. 1-7, inclusive) hereof, to which the applicant has agreed.

PROVIDED, the applicant shall build substantially in accordance with the plans approved by the Historic Preservation Board, as determined by staff, entitled "6th Street and Ocean Drive New Restroom Facilities", as prepared by C3TS Architects, Engineers, Planners, dated 2-25-11.

When requesting a building permit, the plans submitted to the Building Department for permit shall be consistent with the plans approved by the Board, modified in accordance with the conditions set forth in this Order. No building permit may be issued unless and until all conditions of approval that must be satisfied prior to permit issuance, as set forth in this Order, have been met.

The issuance of a Certificate of Appropriateness does not relieve the applicant from obtaining all other required Municipal, County and/or State reviews and permits, including final zoning approval. If adequate handicapped access is not provided on the Board-approved plans, this approval does not mean that such handicapped access is not required. When requesting a building permit, the plans submitted to the Building Department for permit shall be consistent with the plans approved by the Board, modified in accordance with the conditions set forth in this Order.

If the Full Building Permit for the project is not issued within eighteen (18) months of the meeting date at which the original Certificate of Appropriateness was granted, the Certificate of Appropriateness will expire and become null and void. If the Full Building Permit for the project should expire for any reason (including but not limited to construction not commencing and continuing, with required inspections, in accordance with the applicable Building Code), the Certificate of Appropriateness will expire and become null and void.

In accordance with Section 118-561 of the City Code, the violation of any conditions and safeguards that are a part of this Order shall be deemed a violation of the land development regulations of the City Code. Failure to comply with this Order shall subject the Certificate of Appropriateness to Section 118-564, City Code, for revocation or modification of the Certificate of Appropriateness.

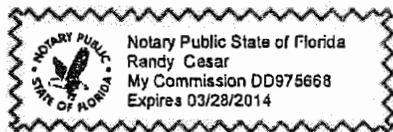
Dated this 19th day of APRIL, 2011.

HISTORIC PRESERVATION BOARD
THE CITY OF MIAMI BEACH, FLORIDA

BY: Thomas R. Mooney
THOMAS R. MOONEY, AICP
DESIGN AND PRESERVATION MANAGER
FOR THE CHAIR

STATE OF FLORIDA)
)SS
COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this 19 day of April 2011 by Thomas R. Mooney, Design and Preservation Manager, Planning Department, City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the corporation. He is personally known to me.



Randy Cesar
NOTARY PUBLIC
Miami-Dade County, Florida
My commission expires: 3/28/2014

Approved As To Form: _____
Legal Department: J. Hill (4-18-2011)

Filed with the Clerk of the Historic Preservation Board on 4/19/2011 (RC)

[Handwritten initials]

**HISTORIC PRESERVATION BOARD
City of Miami Beach, Florida**

MEETING DATE: January 11, 2011

FILE NO: 7225

PROPERTY: 5301 Collins Avenue – 53rd Street Restrooms

LEGAL: Lots 23 thru 25, "Amended Plat of First Ocean Front Subdivision of the Miami Beach Bay Shore Company", According to the Plat Thereof, as recorded in Plat Book 9 at Page 178, of the Public Records of Miami-Dade County, Florida.

IN RE: The Application for a Certificate of Appropriateness for the demolition of the existing restroom facilities and the construction of two (2) new single story structures at the east end of the parking lot which will contain restroom and lifeguard facilities.

ORDER

The applicant, the City of Miami Beach, filed an application with the City of Miami Beach Planning Department for a Certificate of Appropriateness.

The City of Miami Beach Historic Preservation Board makes the following FINDINGS OF FACT, based upon the evidence, information, testimony and materials presented at the public hearing and which are part of the record for this matter:

- A. The subject structure is not classified in the Miami Beach Historic Properties Database. The subject property is located within the Morris Lapidus Mid-Century Modern Local Historic District.
- B. Based on the plans and documents submitted with the application, testimony and information provided by the applicant, and the reasons set forth in the Planning Department Staff Report, the project as submitted is consistent with the Certificate of Appropriateness Criteria in Section 118-564(a)(1) of the Miami Beach Code, is not consistent with Certificate of Appropriateness Criteria 'b' & 'd-f' in Section 118-564(a)(2) of the Miami Beach Code, is not consistent with Certificate of Appropriateness Criteria 'b' in Section 118-564(a)(3) of the Miami Beach Code, and is not consistent with Certificate of Appropriateness for Demolition Criteria 'b-e' & 'h' in Section 118-564(f)(4) of the Miami Beach Code.
- C. The project would be consistent with the criteria and requirements of section 118-564 if the following conditions are met:

CERTIFICATION

THIS IS TO CERTIFY THAT THE ATTACHED DOCUMENT IS A TRUE AND ACCURATE COPY OF THE ORIGINAL ON FILE IN THE OFFICE OF THE PLANNING DEPARTMENT.

On 12-21-12
(Signature of Planning Director or Designee) (Date)
Personnel involved in the Production of (ID)

Teresa Maria

Notary Public, State of Florida at Large
Printed Name: TERESA MARIA
My Commission Expires: (Seal) 4-12-13

This document contains 7 pages.

TERESA MARIA
MY COMMISSION # DD 928148
EXPIRES: December 2, 2013
Bonded Thru Budget Notary Services



TAM

1. Revised elevation, site plan and floor plan drawings shall be submitted to and approved by staff; at a minimum, such drawings shall incorporate the following:
 - a. The design of the proposed Ocean Rescue building shall be modified to include larger circular windows in the office areas, elimination of the louvers, elimination of the exterior tapered column, and reduction in the projection of the proposed eyebrow, in a manner to be reviewed and approved by staff.
 - b. A high quality, smooth textured surface shall be required, in place of the proposed textured stucco finish, subject to the review and approval of staff.
 - c. The final design and details of the proposed exterior tile, doors, and louvers shall be required, subject to the review and approval of staff.
 - d. Any proposed roll down security housing and tracks shall be completely visually concealed from the building's exterior, in a manner to be reviewed and approved by staff, or shall otherwise not be permitted.
 - e. Bicycle parking shall be provided on a revised site and floor plan, subject to the review and approval of staff.
 - f. Manufacturers drawings and Dade County product approval numbers for all new windows, doors and glass shall be required.
 - g. All roof-top fixtures, air-conditioning units and mechanical devices, shall be clearly noted on a revised roof plan and shall be screened from view, in a manner to be approved by staff.
 - h. Prior to the issuance of a Certificate of Occupancy, the project Architect shall verify, in writing, that the subject project has been constructed in accordance with the plans approved by the Planning Department for Building Permit.

2. A revised landscape plan, prepared by a Professional Landscape Architect, registered in the State of Florida, and corresponding site plan, shall be submitted. The species type, quantity, dimensions, spacing, location and overall height of all plant material shall be clearly delineated and subject to the review and approval of staff. At a minimum, such plan shall incorporate the following:
 - a. A fully automatic irrigation system with 100% coverage and an automatic rain sensor in order to render the system inoperative in the event of rain. Right-of-way areas shall also be incorporated as part of the irrigation system.
 - b. The utilization of root barriers and/or structural soil, as applicable, shall be clearly delineated on the revised landscape plan.
 - c. The applicant shall verify, prior to the issuance of a Building Permit, the exact location of all backflow preventors and all other related devices and fixtures; such fixtures and devices shall not be permitted within any required yard or any area fronting a street or sidewalk. The location of backflow preventors, siamese pipes or other related devices and fixtures, if any, and how they are screened with landscape material from the right-of-way, shall be clearly

indicated on the site and landscape plans and shall be subject to the review and approval of staff.

- d. The applicant shall verify, prior to the issuance of a Building Permit, the exact location of all applicable FPL transformers or vault rooms; such transformers and vault rooms, and all other related devices and fixtures, shall not be permitted within any required yard or any area fronting a street or sidewalk. The location of any exterior transformers, and how they are screened with landscape material from the right-of-way, shall be clearly indicated on the site and landscape plans and shall be subject to the review and approval of staff.
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3. The final exterior surface color scheme, including color samples, shall be subject to the review and approval of staff and shall require a separate permit.
 4. All new and altered elements, spaces and areas shall meet the requirements of the Florida Accessibility Code (FAC).
 5. The Final Order is not severable, and if any provision or condition hereof is held void or unconstitutional in a final decision by a court of competent jurisdiction, the order shall be returned to the Board for reconsideration as to whether the order meets the criteria for approval absent the stricken provision or condition, and/or it is appropriate to modify the remaining conditions or impose new conditions.
 6. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
 7. Nothing in this order authorizes a violation of the City Code or other applicable law, nor allows a relaxation of any requirement or standard set forth in the City Code.

IT IS HEREBY ORDERED, based upon the foregoing findings of fact, the evidence, information, testimony and materials presented at the public hearing, which are part of the record for this matter, and the staff report and analysis, which are adopted herein, including the staff recommendations, which were amended by the Board, that the Certificate of Appropriateness is GRANTED for the above-referenced project subject to those certain conditions specified in paragraph C of the Findings of Fact (Condition Nos. 1-7, inclusive) hereof, to which the applicant has agreed.

PROVIDED, the applicant shall build substantially in accordance with the plans approved by the Historic Preservation Board, as determined by staff, entitled "53rd Street Restroom Facility", as prepared by C3TS Architects, Engineers, Planners, dated 10-28-2010.

When requesting a building permit, the plans submitted to the Building Department for permit shall be consistent with the plans approved by the Board, modified in accordance with the conditions set forth in this Order. No building permit may be issued unless and until all conditions of approval that must be satisfied prior to permit issuance, as set forth in this Order, have been met.

The issuance of a Certificate of Appropriateness does not relieve the applicant from obtaining all other required Municipal, County and/or State reviews and permits, including final zoning approval. If adequate handicapped access is not provided on the Board-approved plans, this approval does not mean that such handicapped access is not required. When requesting a building permit, the plans submitted to the Building Department for permit shall be consistent with the plans approved by the Board, modified in accordance with the conditions set forth in this Order.

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In accordance with Section 118-561 of the City Code, the violation of any conditions and safeguards that are a part of this Order shall be deemed a violation of the land development regulations of the City Code. Failure to comply with this Order shall subject the Certificate of Appropriateness to Section 118-564, City Code, for revocation or modification of the Certificate of Appropriateness.

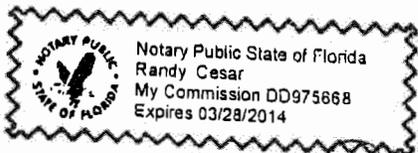
Dated this 14th day of JANUARY, 2011.

HISTORIC PRESERVATION BOARD
THE CITY OF MIAMI BEACH, FLORIDA

BY: [Signature]
THOMAS R. MOONEY, AICP
DESIGN AND PRESERVATION MANAGER
FOR THE CHAIR

STATE OF FLORIDA)
)SS
COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this 14 day of January, 2011 by Thomas R. Mooney, Design and Preservation Manager, Planning Department, City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the corporation. He is personally known to me.

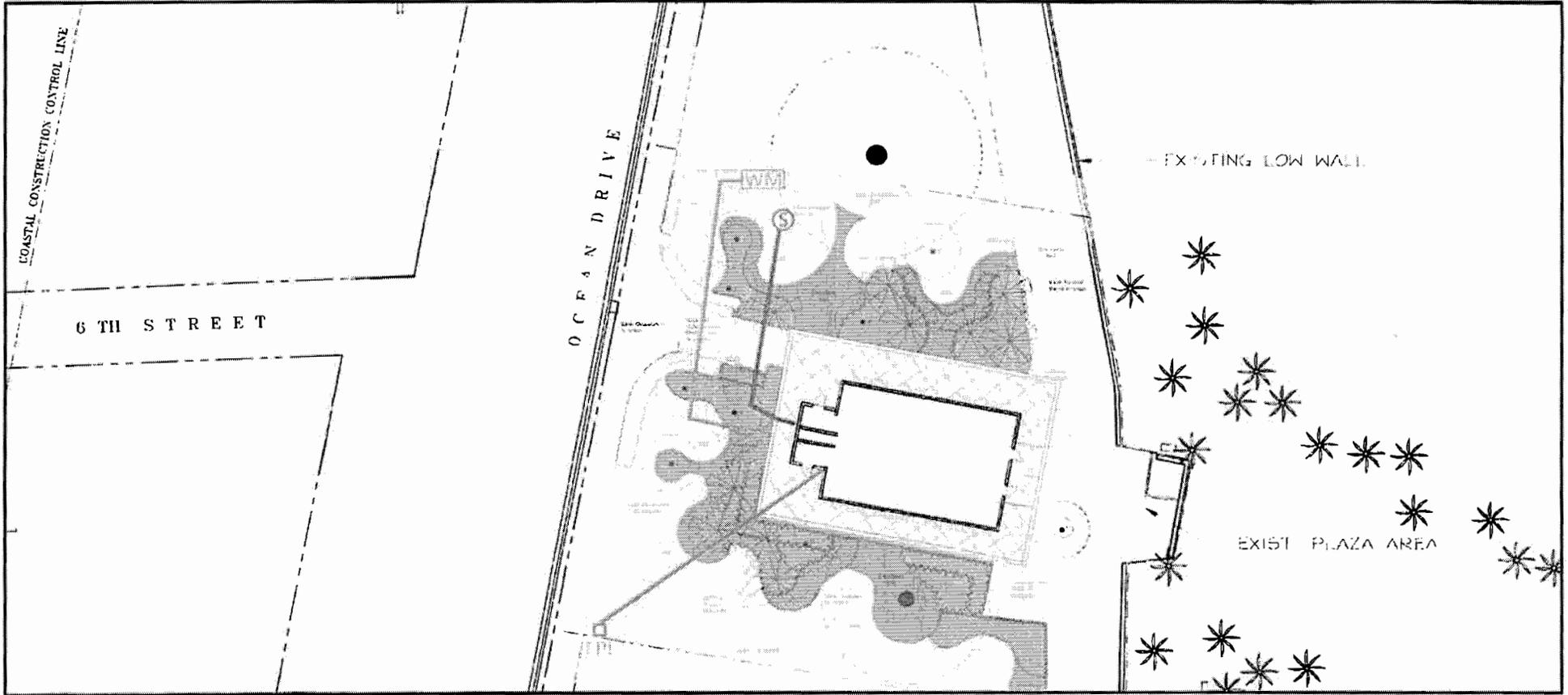


[Signature]
NOTARY PUBLIC
Miami-Dade County, Florida
My commission expires: 3-28-2014

Approved As To Form:
Legal Department: [Signature] (1-14-2011)

Filed with the Clerk of the Historic Preservation Board on 1-14-2011 (RC)

[Handwritten mark]



**Project Area:
Site Cost:**

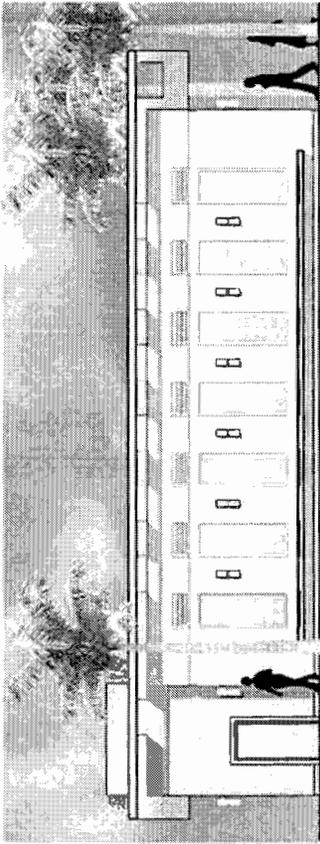
**13,986 SF
\$142,661**

Bldg Features/Cost: \$471,661 (\$268/SF)

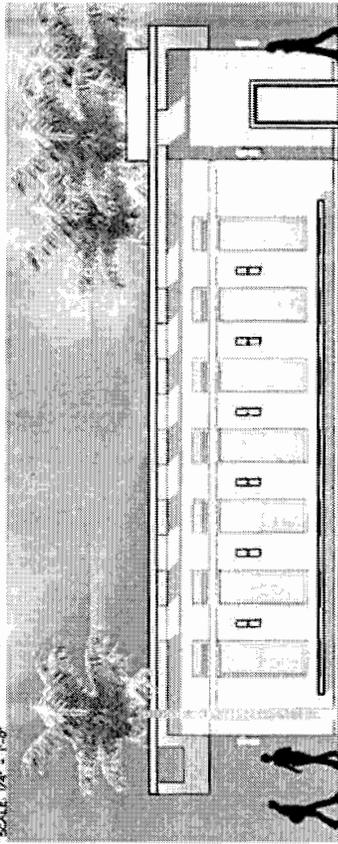
- Demolition of Existing Building 
- Importing/Grading of New Soil 
- New Water/Sewer Connection 
- New Concrete Plaza 

- Pollution Prevention Plan
- New Electrical Service
- Landscaping/Irrigation 

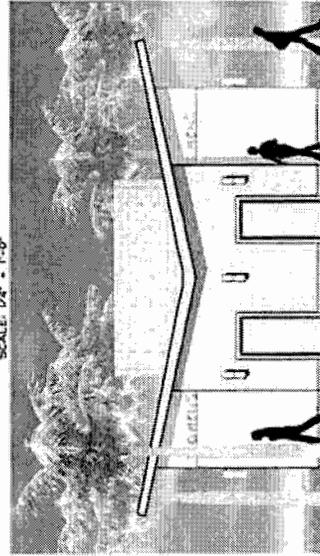
- New Restroom Building: 1,758 SF
- 25 Plumbing Fixtures
- 2,950 SF of Surface Tile/Stone
- Concrete Roof
- Limestone cladding (HPB requirement)
- New Switch Gear
- 32 Light Fixtures



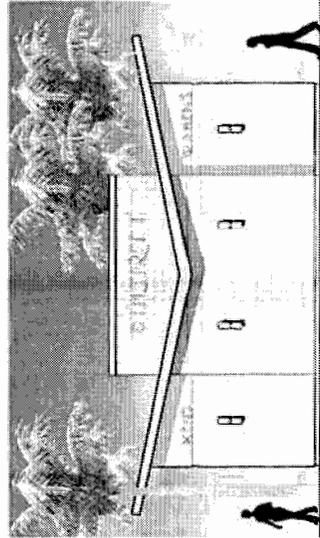
SOUTH ELEVATION
SCALE: 1/4" = 1'-0"



NORTH ELEVATION
SCALE: 1/4" = 1'-0"

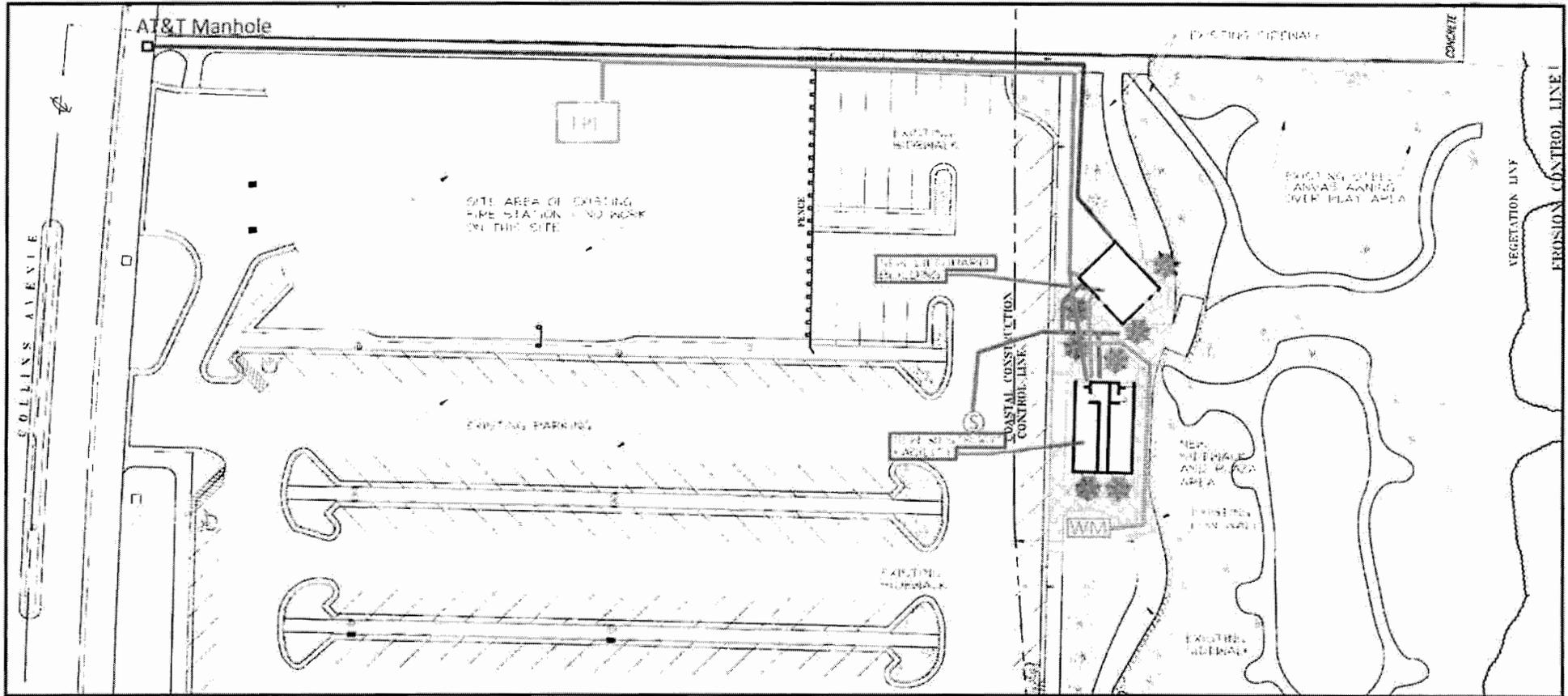


WEST ELEVATION
SCALE: 1/4" = 1'-0"

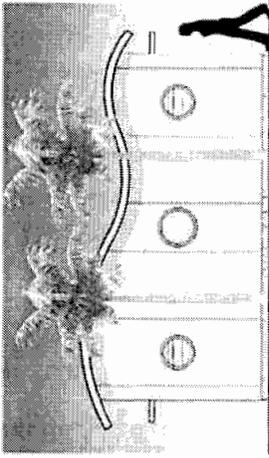


EAST ELEVATION
SCALE: 1/4" = 1'-0"

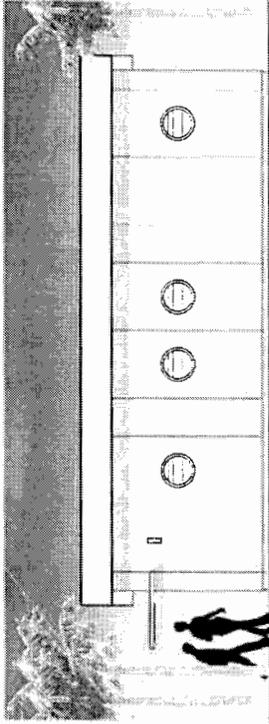




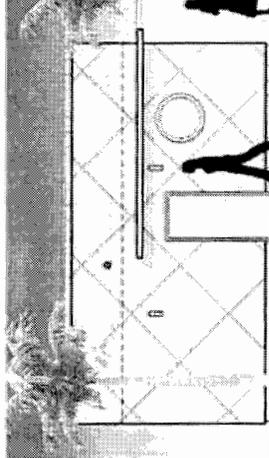
<p>Project Area: Site Cost:</p> <ul style="list-style-type: none"> - Demolition of Existing Building - Asbestos Abatement - Lead Removal - New Water/Sewer Connection - New Concrete Plaza 	<p>8,630 SF \$152,733</p> <ul style="list-style-type: none"> - Pollution Prevention Plan - New Electrical Service - New Phone/Data - Landscaping/Irrigation 	<p>Bldg Features/Cost: \$433,437 (\$307/SF)</p> <ul style="list-style-type: none"> - New Restroom Building: 864 SF - New Lifeguard Station: 546 SF - Toilet Partitions - 25 Plumbing Fixtures - 2,100 SF of Surface Tile - Concrete Roof - A/C Unit for Lifeguard Station - Exhaust Fans - Switch Gear - 33 Light Fixtures - Fire Alarm
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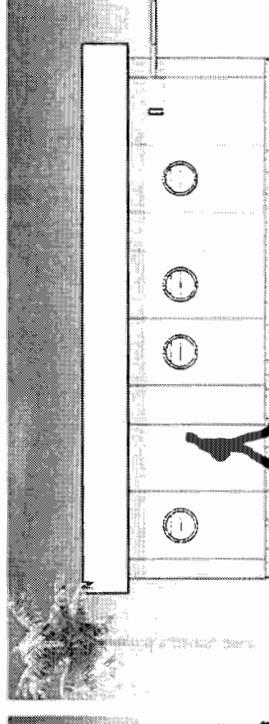
RESTROOM BLDG.
SCALE: 1/4" = 1'-0" SOUTH EAST ELEVATION



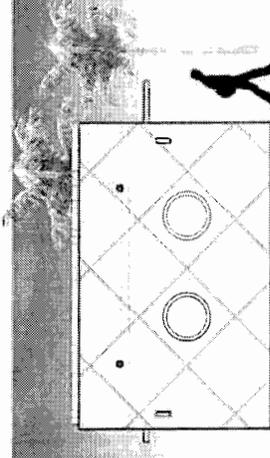
RESTROOM BLDG.
SCALE: 1/4" = 1'-0" SOUTH WEST ELEVATION



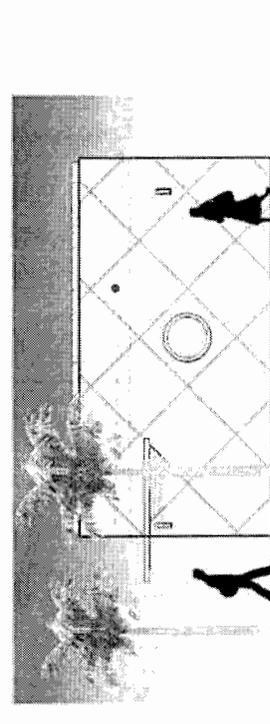
OCEAN RESCUE OFFICE
SCALE: 1/4" = 1'-0" SOUTHWEST ELEVATION



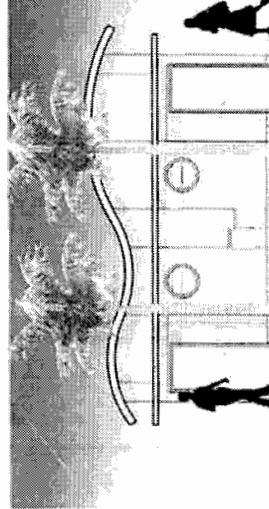
RESTROOM BLDG.
SCALE: 1/4" = 1'-0" NORTH EAST ELEVATION



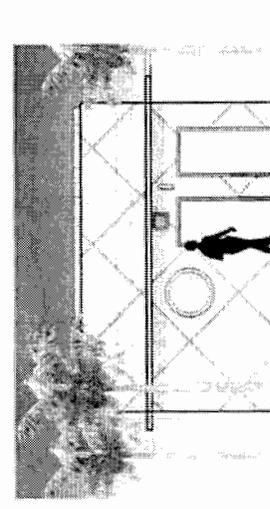
OCEAN RESCUE OFFICE
SCALE: 1/4" = 1'-0" NORTHWEST ELEVATION



OCEAN RESCUE OFFICE
SCALE: 1/4" = 1'-0" NORTHEAST ELEVATION



RESTROOM BLDG.
SCALE: 1/4" = 1'-0" NORTH WEST ELEVATION



OCEAN RESCUE OFFICE
SCALE: 1/4" = 1'-0" SOUTHEAST ELEVATION



RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING AND AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A GUARANTEED MAXIMUM PRICE (GMP) AMENDMENT NO. 1, TO THE PRE-CONSTRUCTION SERVICES AGREEMENT WITH THORNTON CONSTRUCTION COMPANY, INC., FOR THE CONSTRUCTION OF THE 6TH STREET RESTROOMS IN THE AMOUNT OF \$614,322; 53RD STREET RESTROOMS AND OCEAN RESCUE BUILDING IN THE AMOUNT OF \$586,171, AND THE PROVISION OF A TEMPORARY OFFICE TRAILER FOR OCEAN RESCUE IN THE AMOUNT OF \$24,704, FOR A SUBTOTAL PROJECT COST IN THE AMOUNT OF \$1,225,197, PLUS AN OWNER'S PROJECT CONTINGENCY OF \$110,268, FOR A GRAND TOTAL OF \$1,335,465; WITH PREVIOUSLY APPROPRIATED FUNDING IN THE AMOUNT OF \$568,439 FROM SP POST RDA CDT AND MUNICIPAL RESORT TAX FUND 388, \$101,172 FROM SB QUALITY OF LIFE RESORT TAX FUND 305, \$665,854 FROM CAPITAL PROJECTS NOT FINANCED BY BONDS FUND 301.

WHEREAS, on July 13, 2011, the City Commission approved the issuance of a Request for Qualifications (RFQ) No. 2011-27762 for a Construction Manager at Risk Firm to Provide Pre-Construction Services and Construction Phase Services via a Guaranteed Maximum Price (GMP) Amendment for the 6th Street and 53rd Street Restrooms Project (the Project); and

WHEREAS, the scope of work for this project consists of the demolition of the existing restroom facility located at Lummus Park at 599 Ocean Drive (6th Street Restrooms), and construction of a new 1,758 SF facility; and demolition of the existing restroom facility and Ocean Rescue office, located at 53rd Street and Collins Avenue, and construction of a new 864 SF restroom facility and 546 SF office for the Ocean Rescue Department; and

WHEREAS, on October 19, 2011, the Mayor and City Commission adopted Resolution No. 2011-27762, accepting the recommendation of the City Manager, pursuant to RFQ No. 40-10/11, and authorizing the Administration to enter into negotiations with the top-ranked firm, Thornton Construction Company, Inc. (Thornton); and further authorizing the Mayor and City Clerk to execute a Pre-Construction Services Agreement; and

WHEREAS, the Pre-Construction Services Agreement was executed on January 13, 2012, in the amount of \$23,000; and

WHEREAS, the City Administration and Thornton have negotiated a GMP, in the amount of \$1,225,197 and, accordingly, the City Manager requests that the Mayor and City Commission accept and approve the GMP, plus an owner's contingency in the amount of \$110,268, and authorize the Manager and City Clerk to execute the GMP Amendment No. 1 to the Pre Construction Services Agreement, in the aforesated amount.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Mayor and City Commission hereby approve the Guaranteed Maximum Price (GMP) Amendment no. 1, to the Pre-Construction Services Agreement with Thornton Construction Company, Inc., for the construction of the 6th Street Restrooms in the amount of \$614,322; 53rd Street Restrooms in the amount of \$586,171; and the provision of a temporary office trailer for Ocean Rescue in the amount of \$24,704, for a subtotal of \$1,225,197, plus an owner's contingency in the amount of \$110,268, for a grand total of \$1,335,465; with previously appropriated funding in the amount of \$568,439 from SP Post RDA CDT and Municipal Resort Tax Fund 388, \$101,172 from SB Quality of Life Resort Tax Fund 305, and \$665,854 from Capital Projects not Financed by Bonds Fund 301.

PASSED AND ADOPTED THIS _____ DAY OF _____ 2013.

ATTEST:

Rafael Granado, CITY CLERK

Matti Herrera Bower, MAYOR

T:\AGENDA\2013\March 13\6th St Rest & 53rd Rest and OR office\6th and 53rd St Restrooms - Thornton - GMP Amendment 1- RESO.doc

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

Julie G...

City Attorney

3-4-13

Date

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Condensed Title:

A Resolution of the Mayor and the City Commission of the City of Miami Beach, Florida, approving and authorizing the Mayor and the City Clerk to execute Amendment No. 13, to the existing Professional Services Agreement between the City of Miami Beach and Chen Moore & Associates, Inc. (CMA), dated September 8, 2004 for the City Center Right of Way Neighborhood Improvement Project Bid Packages 9A and 9B in the negotiated, not to exceed amount of \$147,044, to provide extended Construction Administration and Resident Project Representative Services to project completion for the City Center Neighborhood Improvement Right-of-Way Project Bid Packages 9A; with previously appropriated funding from the City Center RDA Fund 365.

Key Intended Outcome Supported:

Ensure Value and Timely Delivery of Quality Capital Projects, Improve Storm Drainage Citywide, and Maintain City's Infrastructure.

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

The 2012 Customer Satisfaction Survey indicated that over 81% of residents rated recently completed capital improvement projects as "excellent" or "good". Recently completed capital improvement projects (81%), storm drainage (37%), and condition of roads (44%).

Issue:

Shall the City Commission adopt the resolution?

Item Summary/Recommendation:

On September 8, 2004, the Mayor and City Commission adopted Resolution No. 2004-25678, approving and authorizing the Mayor and City Clerk to execute an Agreement with the firm of Chen Moore & Associates, Inc. (formally Chen & Associates), (CMA), to provide professional services for the planning, design, bid and award, and construction administration phases of the City Center Right-of-Way Neighborhood Improvement Project (the Project). The original contract provided only limited Project Closeout Services and no Resident Project Representative Services.

On October 24, 2011, after the City performed its due diligence, M. Vila was terminated from the City Center 9A project due to failure to comply with notices of default associated with repeated non-compliance issues, delays, and other contract violations. The City is currently in litigation with M. Vila, who has claimed wrongful termination. The City intends to file a counterclaim against M. Vila to recover its associated damages caused by M. Vila's failure to properly and timely perform its work.

Due to the termination of M. Vila, the City elected to contract with Metro Express, Inc. (MEI) and Envirowaste Services Group, Inc. (ENV) each under separate job order contracts (JOC) to complete the project.

Due to extensions of time required beyond the last Amendment provided to CMA, the Consultant has had to perform additional extended construction administration and RPR services. The Project has experienced delays caused by the former contractor's failure to properly and timely perform its work, necessitating repairs and additional work to be performed on the Project.

In order to move the Project forward, City staff was compelled to incur additional fees and expenses to investigate, inspect and repair work previously installed by M. Vila and complete the project. The funds required to bring the Consultant services to a current status and extend them to the projected substantial completion date of April 30, 2013, is \$145,044.

Staff finds both the scope and negotiated fee to be reasonable and appropriate, and the hourly billing rates are within the current approved amount negotiated for all City consultants.

The Administration recommends approval of the resolution.

Advisory Board Recommendation:

N/A

Financial Information:

Source of Funds	Amount	Account
OBPI	\$147,044	365-2616-061357 City Center Bid Pack A
Total	\$147,044	

City Clerk's Office Legislative Tracking:

Maria Hernandez, ext. 2584

Sign-Offs:

Department Director	Asst City Manager	Acting City Manager
FV	JGG	KGB

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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: March 13, 2013

SUBJECT: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING AND AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AMENDMENT NO. 13, TO THE EXISTING PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF MIAMI BEACH AND CHEN MOORE & ASSOCIATES, INC. (CMA), DATED SEPTEMBER 8, 2004, FOR THE CITY CENTER RIGHT-OF-WAY NEIGHBORHOOD IMPROVEMENT PROJECT BID PACKAGES 9A AND 9B; IN THE NEGOTIATED NOT-TO-EXCEED AMOUNT OF \$145,044, PLUS AN ADDITIONAL AMOUNT OF \$2,000 FOR APPROVED REIMBURSABLE EXPENSES, FOR A GRAND TOTAL OF \$147,044; TO PROVIDE EXTENDED CONSTRUCTION ADMINISTRATION AND RESIDENT PROJECT REPRESENTATIVE SERVICES TO PROJECT COMPLETION; WITH PREVIOUSLY APPROPRIATED FUNDING FROM THE CITY CENTER RDA FUND 365.**

ADMINISTRATION RECOMMENDATION

Adopt the Resolution.

KEY INTENDED OUTCOME SUPPORTED

Ensure Value and Timely Delivery of Quality Capital Projects.

FUNDING

Funding for this Amendment has been previously appropriated in the City Center Bid Package A from the City Center RDA fund 365 in the amount of \$147,044 in account 365-2616-061357.

BACKGROUND – DESIGN

On September 8, 2004, the Mayor and City Commission adopted Resolution No. 2004-25678, approving and authorizing the Mayor and City Clerk to execute an Agreement with the firm of Chen Moore & Associates, Inc. (CMA), formerly Chen & Associates, (Consultant), to provide professional services for the planning, design, bid and award, and construction administration phases of the City Center Right-of-Way Neighborhood Improvement Project (the Project). The original contract provided only limited Project Closeout Services and no Resident Project Representative (RPR) Services.

Although the Project originally consisted of Construction of Bid Packages 9A and 9B, the project was subsequently divided into three (3) separate Bid Packages. Bid Package 9A: the residential area bounded by Lincoln Road to the south, Washington Avenue to the west, 21st Street to the north, and Collins Avenue to the east. Bid Package 9B, the commercial area bounded by 16th Street to the south, 17th Street to the north, Alton Road to the west, Washington Avenue to the east, including Meridian Avenue to 19th Street west to Convention Center Drive, and Convention Center Drive to Dade Boulevard. Bid Package 9C: within the commercial area on Lincoln Road from Washington Avenue to Collins Avenue.

For the history of all past approved Amendments for CMA for the City Center projects, refer to Amendment No. 13, Exhibit A.

BACKGROUND - CONSTRUCTION

On April 22, 2009, the City Commission approved the award of a construction contract to M. Vila & Associates, Inc. (M. Vila) in the amount of \$7,589,825 for the construction of the Infrastructure Improvement Project / City Center Historic District Bid Package 9A.

CONTRACTOR TERMINATION – M. VILA & ASSOCIATES, INC.

On October 24, 2011, after the City performed its due diligence, M. Vila was terminated from the City Center 9A project due to failure to comply with notices of default associated with repeated non-compliance issues, delays, and other contract violations. Refer to Letter to Commission (LTC #290-2011) dated November 14, 2011, Exhibit B. The City is currently in litigation with M. Vila, who has claimed wrongful termination. The City intends to file a counterclaim against M. Vila to recover its associated damages caused by M. Vila's failure to properly and timely perform its work.

METRO EXPRESS AND ENVIROWASTE

Due to the termination of M. Vila, the City elected to contract with Metro Express, Inc. (MEI) and Envirowaste Services Group, Inc. (ENV) each under separate job order contracts (JOC) to complete the project.

MEI and ENV were willing to assume the responsibility of completing the job which had been left with a significant amount of problems requiring correction such as incomplete and defective watermain and fire line connections, incomplete sidewalk and crosswalks and significant roadway repair. In addition, landscaping, irrigation and lighting had not been completed and the condition of the majority of the completed underground drainage was not fully known.

JOC Summary:

In order to expedite the construction, maintain accounting accuracy, and separate the tasks required to complete the project, the remaining scope of work was divided into separate JOC contracts. The original three contracts, approved on October 27, 2011, released MEI to immediately clean and stabilize the area and perform hardscape repairs and completion, add 17 missing fire hydrants to the project required by code, and complete the drainage and watermain work on 20th Street.

Three additional contracts, two which MEI has performed and one which ENV is performing, required additional research and negotiation and were later approved on June 27, 2012.

SUMMARY

Due to extensions of time required beyond the last Amendment provided to CMA, the Consultant has had to perform additional extended construction administration and RPR services. The Project has experienced delays caused by the former contractor's failure to properly and timely perform its work, necessitating repairs and additional work to be performed on the Project.

In addition, delays in completion of the project due to special events within the area, such as Art Basel, the Boat Show, the Food and Wine Festival, as well as construction of private developments, which are on-going throughout the City Center neighborhood, have contributed

to the project time being extended beyond the previously anticipated completion date of November, 2012.

In order to move the Project forward, City staff was compelled to incur additional fees and expenses to investigate, inspect and repair work previously installed by M. Vila and complete the project. The funds required to bring the Consultant services to a current status and extend them to the projected substantial completion date of April 30, 2013, is as follows:

Summary of Additional Cost:

RPR Services performed from November 2012 to April 2013	\$ 130,100
Construction Administration Services for delayed Close-Out (Allowance if needed)	<u>14,944</u>
Subtotal Cost	\$ 145,044
Reimbursables	<u>2,000</u>
Total	\$ 147,044

City staff has reviewed the consultant's proposal and found the fees to be fair & reasonable. An allowance of \$14,944 has been added to provide Construction Administrative Services in the event the closeout of the project is extended beyond its current anticipated final completion date of May 30, 2013.

These services are critical to properly document the deficiencies and corrections required to complete the project.

The project is currently at 85% completion.

CONCLUSION

The Administration recommends the execution of Amendment No. 13, in the negotiated, not to exceed amount of \$147,044, to an existing Agreement between the City of Miami Beach and Chen Moore & Associates, Inc., dated September 8, 2004, to provide extended Construction Administration and Resident Project Representative Services to project completion for the City Center Neighborhood Improvement Right-of-Way Project Bid Packages 9A; with previously appropriated funding from the City Center RDA Fund 365.

- Exhibit A – Amendment No. 13
- Exhibit B – LTC dated November 14, 2011.

KGB/JG/FV/DM/MH

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Exhibit A

AMENDMENT No. 13 TO THE PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF MIAMI BEACH, FLORIDA AND

CHEN MOORE & ASSOCIATES, INC. (FORMERLY CHEN AND ASSOCIATES, INC), DATED SEPTEMBER 8, 2004, FOR THE CITY CENTER RIGHT OF WAY IMPROVEMENT PROJECT, IN AN AMOUNT NOT-TO-EXCEED OF \$145,044 PLUS \$2,000 FOR REIMBURSABLE EXPENSES; FOR EXTENDED CONSTRUCTION ADMINISTRATION AND RESIDENT PROJECT REPRESENTATIVE SERVICES, NEIGHBORHOOD NO. 9A, CITY CENTER RIGHT OF WAY NEIGHBORHOOD IMPROVEMENT PROJECT.

This Amendment No. 13 to the Agreement, made and entered this ____ day of _____ 2013, by and between the CITY OF MIAMI BEACH, a Municipal Corporation existing under the laws of the State of Florida (hereinafter referred to as City), having its principal offices at 1700 Convention Center Drive, Miami Beach, Florida 33139, and CHEN MOORE AND ASSOCIATES, INC, a Florida Corporation, having its offices at 500 W. Cypress Creek Road, Suite 410, Fort Lauderdale, Florida 33309 (hereinafter referred to as the Consultant).

RECITALS

WHEREAS, pursuant to Request for Qualifications (RFQ) No. 68-02/03, the Mayor and City Commission adopted Resolution No. 2004-25678, on September 8, 2004, approving and authorizing the Mayor and City Clerk to execute an Agreement with Chen and Associates, Inc. (Consultant), in a not-to-exceed amount of \$2,144,773, for the planning, design, bid and award, and construction administration phases of the City Center Right-of-Way (ROW) Neighborhood Improvement Project (the Project); and

WHEREAS, the Project includes improvements to the stormwater system, water system, roadways, streetscape, landscaping, traffic calming, pedestrian lighting, and linkages within the public right-of-ways; and

WHEREAS, the Project limits are bounded by 16th Street to the South; Dade Boulevard to the North; and from Alton Road on the West, to Collins Avenue on the East; and

WHEREAS, on February 8, 2006, the City Commission adopted Resolution No. 2006-26126, approving Amendment No. 1 to the Agreement, in an amount not-to-exceed \$347,925, to include the design of streetscape improvements on Meridian Avenue, from 17th to 18th Street, and miscellaneous water and wastewater main improvements; and

WHEREAS, on December 6, 2006, the City Commission adopted Resolution No. 2006-26388, approving Amendment No. 2 to the Agreement, in an amount not-to-exceed \$88,081, to include the design of streetscape improvements on 21st Street, between Park and Collins Avenues; and Construction Administration and Resident Project Representative (RPR) services for Lincoln Road, between Collins and Washington Avenues; and

WHEREAS, on April 24, 2007, the Capital Improvement Projects (CIP) Office executed Amendment No. 3 to the Agreement, for a not-to-exceed amount of \$16,973, for the design of bike lanes/routes within the Project; and

WHEREAS, on September 5, 2007, the Capital Improvement Projects (CIP) Office executed Amendment No. 4, in an amount not-to-exceed \$24,923, for the additional planning services for the proposed improvements along the Lincoln Road corridor, between Washington and Collins Avenues (Bid Package 9C); and

WHEREAS, on May 5, 2008, the Capital Improvement Projects (CIP) Office executed Amendment No. 5 to the Agreement, for a not-to exceed amount of \$23,935, for design revisions to the Bid Package 9B, City Center Commercial District Right-of-Way Neighborhood Improvement Project, necessitated by the Miami-Dade County Public Works Department Traffic Division; and

WHEREAS, on November 14, 2008, the Capital Improvement Projects (CIP) Office executed Amendment No. 6 to the Agreement, for a not-to exceed amount of \$23,766, for design revisions to Lincoln Lane North, between Pennsylvania and Washington Avenue, adjacent to the New World Symphony project; and

WHEREAS, on September 9, 2009, the City Commission adopted Resolution No. 2009-27159, approving Amendment No. 7 to the Agreement, in the amount of \$580,424, for Resident Project Representative (RPR) services for Bid Packages 9A and 9B, during construction of the Project; and

WHEREAS, on May 19, 2010, the Capital Improvement Projects (CIP) Office executed Amendment No. 8 to the Agreement, for a not-to-exceed amount of 21,078, for design revisions necessary for the re-design of 17th Street, Pennsylvania Avenue, and Lincoln Lane North, adjacent to the New World Symphony project, and

WHEREAS, on February 14, 2011, the Capital Improvement Projects (CIP) Office executed Amendment No. 9 to the Agreement, for a not-to-exceed amount of \$11,235, to provide revisions to electrical drawings indicating service access points from Sound Space Park, and additional services for preparation of a stormwater model to be used to establish existing conditions and determine future stormwater design and collection on Lincoln Road; and

WHEREAS, on August 8, 2011, the Capital Improvement Projects (CIP) Office executed Amendment No. 10 to the Agreement, for a not-to-exceed amount of \$25,000, for additional professional services necessary for Resident Project Representative (RPR) and supplemental construction administration services for Lincoln Road, between Washington Avenue and Collins Avenue, Neighborhood No. 9C, City Center Right of Way Neighborhood Improvement Project; and

WHEREAS, on September 28, 2011, the Capital Improvement Projects (CIP) Office executed Amendment No. 11 to the Agreement, for the not-to-exceed amount of \$6,181, for additional professional services required to revise the design plans to reflect a wider pedestrian crossing at 17th Street and Drexel Avenue and roadway geometry changes at the intersections of 17th Street and Pennsylvania Avenue; and 17th Street and Convention Center Drive, resulting from the proposed pedestrian signalization additions on 17th Street between Convention Center Drive and Washington Avenue; and

WHEREAS, on February 8, 2012, the City Commission adopted Resolution No. 2012-27834, approving Amendment No. 12 to the Agreement, in an amount not-to-exceed \$152,155, for extended Construction Administration and Resident Project Representative Services (RPR) during construction of the project; and

WHEREAS, the Consultant has submitted a proposal for additional professional services required due to extensions of time required as a result of unforeseen delays to the project; and

WHEREAS, the total additional fee requested by the Consultant for the additional work including reimbursables is \$147,044; and

WHEREAS, the Capital Improvement Project Office has evaluated the Consultant's cost proposal and are in agreement that the proposal is reasonable; and

WHEREAS, this Amendment No. 13 to the Agreement, will revise the total contract sum to a not-to-exceed total of \$3,613,493.

NOW, THEREFORE, the parties hereto, and in consideration of the mutual promises, covenants, agreements, terms, and conditions herein contained, and other good and valuable consideration, the respect and adequacy are hereby acknowledged, do agree as follows:

1. **ABOVE RECITALS**
The above recitals are true and correct and are incorporated as a part of this Amendment No. 13.
2. **MODIFICATIONS**
The Agreement is amended to include and incorporate the additional work, as set forth in Attachment 1 and Schedule B, attached hereto.
3. **OTHER PROVISIONS.**
All other provisions of the Agreement, as amended, are unchanged.
4. **RATIFICATION.**
The City and Consultant ratify the terms of the Agreement, as amended by this Amendment No. 13.

IN WITNESS WHEREOF, the parties hereto have caused this Amendment No. 13 to be executed in their names by their duly authorized officials as of the date first set forth above.

ATTEST: CITY OF MIAMI BEACH, FLORIDA

Rafael Granado, City Clerk

Matti Herrera Bower, Mayor

ATTEST:

CONSULTANT:
CHEN MOORE AND ASSOCIATES, INC.

Secretary

President

Print Name

Print Name

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

City Attorney _____
Date

ATTACHMENT 1

SCOPE OF SERVICES

Task 5.8.1.3 – Resident Project Representative Services BP9A: CONSULTANT shall provide qualified, resident project representative to provide a quantity and quality of observation as required to reasonably verify that critical elements of the construction project are being complied with, and that the general intent of the contract documents is being met. In this effort, CONSULTANT's level of effort shall be based upon **880 hours** of field representation. Should this level of effort be exceeded or decreased, an equitable adjustment shall be made accordingly.

The CONSULTANT's field staff shall be on-site at all times when the Contractor is on the job, as practicable. In addition, the CONSULTANT's level of effort is based upon the assumption that the resident project representative shall monitor all Contractor work crews as specified by the CONSULTANT in the contract document construction sequencing requirements.

CONSULTANT shall attend weekly construction meetings with the Contractor(s), and applicable CITY representatives for the duration of the construction. The purpose of these meetings shall be to review the status of construction progress, shop drawing submittals, and contract document clarifications and interpretations. These meetings shall also serve as a forum for discussion of construction issues, potential changes / conflicts and any other applicable matters.

In general, the CONSULTANT's resident project representative shall observe the construction of the work and;

- (a) CONSULTANT shall conduct on-site observations of the work in progress to determine if the contract documents and permit requirements are being complied with and to protect the CITY, through the CIP PROJECT COORDINATOR, against Contractor work defects and deficiencies. CONSULTANT shall advise the CITY, through the CIP PROJECT COORDINATOR, in writing, whenever work is determined to not conform to the contract documents. The CONSULTANT's observer shall attend all scheduled meetings with the Contractor.
- (b) Maintain a daily log of work performed. The daily notes shall include records of when the Contractor is on the job-site, weather conditions, change orders, or changed conditions, list of job site visitors, daily drilling and testing activities, observations in general, and specific observations in more detail as in the case of observing test procedures. Record, in writing, the outcome of these inspections. CONSULTANT shall identify any utilities damaged and verify that the Contractor (s) has notified the respective utility owner.
- (c) Verify that tests, equipment and systems start-up are conducted in the presence of appropriate personnel and that the Contractor maintains adequate records thereof; and observe, record, and report appropriate details relative to the test procedures and start-up.
- (d) Provide a photographic record of the construction, beginning with pre-construction documentation and completing with post-construction photographs. Photographs shall be digital snapshot type taken to define the progress of the project and shall be labeled as to date, location, view, electronically filed by month, and signed by the CONSULTANT.
- (e) Review materials and workmanship of the project and report to CITY, through the CIP PROJECT COORDINATOR, any deviations from the Contract Documents that may come to the CONSULTANT's attention. Determine the acceptability of the work and materials and make recommendations to CITY, through the CIP PROJECT COORDINATOR, to reject items not meeting the requirements of the contract documents.
- (f) Check Contractor(s) material certifications and samples, verifying that delivered materials match approved shop drawings.

- (g) Field observe critical points in the construction process.
- (h) Direct and supervise the sampling and testing of materials to be performed by independent testing laboratories under subcontract to the CITY. This task includes the receipt, review and processing of invoices from the independent testing laboratories for payment by the CITY.
- (i) Monitor that record drawing mark-ups are properly maintained by the Contractor, including progressive record drawings and as-builts.
- (j) The CONSULTANT's resident project representative shall coordinate with its office staff as necessary to resolve / address all Requests for Information / Contract Document Clarifications / Field Orders, Change Orders and other such project related correspondence as may be forwarded by the Contractor, through the CIP PROJECT COORDINATOR
- (k) Attend weekly construction meetings
- (l) Attend additional meetings with contractor(s) completing work on the project as necessary.
- (m) CONSULTANT shall review, verify and sign off on all pay requisitions. CONSULANTS level of effort includes reviewing **Six (6) JOC pay requisitions**. In this effort the CONSULTANT shall advise the CIP PROJECT COORDINATOR of percentage complete being recommended for concurrence.

If Contractor's work schedule requires RPR to visit the site outside of normal work schedule, CONSULTANT will be entitled to an equitable adjustment accordingly, based on the hourly rates set in Schedule B.

Deliverables:

- Provide resident project representation on the project.
- Prepare Daily Construction Observation Forms.
- Review invoices for independent testing laboratories.
- Provide photographic records.
- Prepare responses for RFI's and prepare Field Orders.
- Conduct reviews and responses to Change Orders.
- Prepare response for dispute resolutions.
- Conduct reviews and recommendation for claims.
- Attend weekly construction meetings.
- Attend additional meetings with Contractor(s) completing work on the project as necessary
- Review and recommend payment for monthly contractor pay requests.

Schedule - Ongoing throughout Project.

Task 4.7.1 – Optional Project Closeout Services: Upon receiving notice from the Contractor(s) advising the CONSULTANT that the project is substantially complete, CONSULTANT, in conjunction with appropriate CITY staff, shall schedule and conduct an overview of the project for Bid Package 9A. The overview shall include CONSULTANT'S development of a "punch list" of items needing completion or correction prior to consideration of final acceptance. The list shall be forwarded to the Contractor(s). For the purposes of this provision, substantial completion shall be deemed to be the stage in construction of the project where the project can be utilized for the purposes for which it was intended, and where minor items may not be fully completed, but all items that affect the operational integrity and function of the project are capable of continuous use. Substantial Completion criteria shall be as specified by the CONSULTANT in its contract documents, and shall also address the startup of warranties accordingly.

Upon notification from Contractor(s) that all remaining "punch list" items have been resolved, the CONSULTANT, in conjunction with appropriate CITY staff, shall perform a final review of the finished project. Based on successful completion of all outstanding work items by the Contractor(s), the

CONSULTANT shall assist CITY in closing out the construction contract. This shall include, but not be limited to, providing recommendations concerning acceptance of the project and preparing/collecting necessary documentation, including but not limited to, lien waivers, Contractor's final affidavit, close-out change orders, consent of surety to final payment, and processing of the final payment application.

Deliverables: - Receive Contractor(s) substantial completion notification.
- Coordinate and attend field meetings to review Substantial Completion.
- Prepare and verify that punch lists are completed.
- Certify project completion to appropriate agencies.

Schedule - Ongoing throughout Project.

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SCHEDULE B - AMENDMENT 13
CITY OF MIAMI BEACH
RIGHT OF WAY INFRASTRUCTURE PROGRAM A-E CONSULTANT
CONSULTANT'S COMPENSATION FEE SCHEDULE
CITY CENTER 9A

TASK NO.	TASK DESCRIPTION	PROJECT DIRECTOR	PROJECT MANAGER	SENIOR ENGINEER	ENGINEER	RESIDENT PROJECT REPRESENTATIVE	STAFF ENGINEER	DESIGNER	DRAFTER	CLERICAL	TOTAL HOURS	TOTAL COST
4	CONSTRUCTION ADM. SERVICES											
4.7.1	OPTIONAL PROJECT CLOSEOUT SERVICES	0	24	0	64	80	0	0	0	0	168	\$14,944
												\$14,944
5	ADDITIONAL SERVICES											
5.8.1.3	RPR SERVICES BP9A	0	150	0	500	880	0	0	0	0	1,530	\$130,100
												\$130,100
	TOTAL HOURS	0	174	0	564	960	0	0	0	0	1,698	
	TOTAL FEE ESTIMATE											\$145,044
	Hourly Rates	\$150.00	\$120.00	\$115.00	\$101.00	\$70.00	\$82.00	\$65.50	\$55.00	\$35.00		

415

Exhibit B



MIAMI BEACH

OFFICE OF THE CITY MANAGER

LTC # **290-2011**

RECEIVED
LETTER TO COMMISSION
2011 NOV 16 AM 11:01
CITY CLERK'S OFFICE

TO: Mayor Matti Herrera Bower and Members of the City Commission
FROM: Jorge M. Gonzalez, City Manager 
DATE: November 14, 2011
SUBJECT: City Center 9A – New Contractor Commences Construction Activities

The purpose of this Letter to Commission (LTC) is to inform you that the Office of Capital Improvement Projects recently terminated M. Vila and Associates, Inc., for cause and hired Metro Express, Inc. to complete the scope of work originally intended the City Center 9A Neighborhood.

The sequence of events as it pertains to contractor termination and replacement occurred as follows:

- October 24, 2011 – M. Vila and Associates was terminated for cause and asked to demobilize from the project limits.
- October 26, 2011 – M. Vila and Associates demobilized and removed all equipment from the site.
- October 27, 2011 – Metro Express began a clean-up effort throughout the project limits.
- October 31, 2011 – Metro Express officially mobilized to complete the City Center 9A Improvements.

The scope of work to be finished includes:

- Water Main Improvements
- Drainage Improvements
- Lighting Improvements
- Landscaping Improvements
- Roadway Improvements
- Hardscape Improvements

The immediate effort is to assist Metro Express in expediting all work concerning the area most used by Art Basel - James Avenue, 18 Street and 21 Street. This work consists of pouring flags of concrete to replace flags of asphalt on sidewalks currently unfinished, completing bump outs to ensure the safe transit of pedestrians and correct lighting issues. The overall intent or push of the project is rectification – Metro Express will focus on specific tasks and work zones in order to logistically "complete" areas, critical to the advancement of the project.

All work is expected to be completed by Spring 2012.

The public involvement process of the project was maintained while the contractor was being terminated. The Public Information Officer (PIO) that was hired by M. Vila and Associates was retained by Metro Express, Inc. so that impacted stakeholders continue to receive project updates and alerts from the same source. Additionally, the City is coordinating a Construction

Letter to Commission – New Contractor Commences Construction Activities
November 14, 2011
Page 2 of 2

Update Meeting in order to present Metro Express, Inc. as the new contractor, explain what scope of work has to be finalized, and provide a schedule update.

If you have any additional questions, please feel free to contact me.


JMG/DB/PV/DW/MH

We are committed to providing excellent public service and safety to all who live, work, and play in our vibrant, tropical, historic community.

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING AND AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AMENDMENT NO. 13 TO THE PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY AND CHEN MOORE & ASSOCIATES, INC., DATED SEPTEMBER 8, 2004, FOR THE CITY CENTER RIGHT-OF-WAY NEIGHBORHOOD IMPROVEMENT PROJECT BID PACKAGES 9A AND 9B; SAID AMENDMENT IN THE NEGOTIATED NOT-TO-EXCEED AMOUNT OF \$145,044, PLUS AN ADDITIONAL AMOUNT OF \$2,000 FOR APPROVED REIMBURSABLE EXPENSES, FOR A GRAND TOTAL OF \$147,044, TO PROVIDE EXTENDED CONSTRUCTION ADMINISTRATION AND RESIDENT PROJECT REPRESENTATIVE SERVICES UNTIL PROJECT COMPLETION; WITH PREVIOUSLY APPROPRIATED FUNDING FROM THE CITY CENTER RDA FUND 365.

WHEREAS, pursuant to Request for Qualifications (RFQ) No. 68-02/03, the Mayor and City Commission adopted Resolution No. 2004-25678 on September 8, 2004, approving and authorizing the Mayor and City Clerk to execute an Agreement with Chen Moore and Associates, Inc. (Consultant), in a not-to-exceed amount of \$2,144,773, for the planning, design, bid and award, and construction administration phases of the City Center Right-of-Way (ROW) Neighborhood Improvement Project (the Project); and

WHEREAS, the Project includes improvements to the stormwater system, water system, roadways, streetscape, landscaping, traffic calming, pedestrian lighting, and linkages within the public right-of-ways; and

WHEREAS, the Project limits are bounded by 16th Street to the South; Dade Boulevard to the North; and from Alton Road on the West, to Collins Avenue on the East; and

WHEREAS, on April 22, 2009, the City Commission approved the award of a construction contract to M. Vila & Associates, Inc. (M. Vila), in the amount of \$7,589,825, for the construction of the Project; and

WHEREAS, on October 24, 2011, M. Vila's contract was terminated; and

WHEREAS, the City elected to contract with Metro Express, Inc. (MEI) and Envirowaste Services Group, Inc. (ENV), each under separate job order contracts (JOC), to complete the Project; and

WHEREAS, the Project has experienced delays caused by M. Vila's failure to properly and timely perform its work, necessitating repairs and additional work to be performed on the Project, and contributing to the Project completion date being extended beyond the previously anticipated completion date of November, 2012; and

WHEREAS, in order to continue to move the Project forward, City staff was compelled to incur additional fees and expenses to investigate, inspect and repair work previously installed by M. Vila; and

WHEREAS, the Consultant has submitted a proposal for additional professional services required due to extensions of time required as a result of delays to the Project; and

WHEREAS, the total additional fee requested by the Consultant for the additional work including reimbursables is \$147,044; and

WHEREAS, the Capital Improvement Project Office has evaluated the Consultant's cost proposal and is in agreement that the proposal is reasonable; and

WHEREAS, this Amendment No. 13 to the Agreement, in the total amount of \$174,044, will revise the total contract sum to a not-to-exceed total of \$3,613,493.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Mayor and City Commission hereby authorize the Mayor and City Clerk to execute Amendment No. 13 to the Professional Services Agreement between the City and Chen Moore & Associates, Inc., dated September 8, 2004 for the City Center Right of Way Neighborhood Improvement Project Bid Packages 9A and 9B; said Amendment in the negotiated not-to-exceed amount of \$145,044, plus an additional amount of \$2,000 for approved reimbursable expenses, for a grand total of \$147, 044, to provide extended construction administration and resident project representation during construction of the project; with previously appropriated funding from the City Center RDA Fund 365.

PASSED AND ADOPTED THIS _____ DAY OF _____ 2013.

ATTEST:

CITY CLERK

MAYOR

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

J. L. Smith 3-5-13

City Attorney Date

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Condensed Title:

A Resolution Authorizing The Mayor And City Clerk To Execute Amendment No. 2 To The Construction Contract Between The City Of Miami Beach, Florida, And Lanzo Construction Co., Florida, For The Construction Of The City Of Miami Beach Right Of Way Infrastructure Improvement Program, Neighborhood No. 8 Central Bayshore And Lake Pancoast; Dated April 8, 2011 (The Contract), To Provide Homeowner Association Requested Roadway Width And Landscape Items, Provide Additional Stormwater Upgrades, And Provide Complete Milling And Resurfacing Of The Roadway In Lieu Of Asphalt Overlay For The Remaining Areas Within Package A.

Key Intended Outcome Supported:

Ensure Value and Timely Delivery of Quality Capital Projects, Improve Storm Drainage Citywide, and Maintain City's Infrastructure.

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

The 2012 Customer Satisfaction Survey indicated that over 81% of residents rated recently completed capital improvement projects as "excellent" or "good". Recently completed capital improvement projects (81%), storm drainage (37%), and condition of roads (44%).

Issue:

Shall the City Commission adopt the resolution?

Item Summary/Recommendation:

On January 19, 2011, the City adopted a Resolution, approving and authorizing the execution of a contract, pursuant, for the right-of-way infrastructure improvement program – Neighborhood No. 8 – Central Bayshore and Lake Pancoast.

On July 9, 2012, the Administration presented the aforementioned revisions to the Finance and Citywide Projects Committee (FCWPC) regarding additional capital budget requests to include warranted infrastructure needs for stormwater, roadway milling and resurfacing, and valley gutter improvements. On September 27, 2012 the City Commission approved the additional funding to the Capital Budget 2013 for the construction of the implementation of the 11 points requested by the HOA, additional stormwater upgrades and complete milling and resurfacing of the roadway. The total budget approved was \$4,936,607. On December 12, 2012 the City Commission approved Amendment No. 1 in the amount of \$306,194 which provides complete milling and resurfacing of the roadway in lieu of asphalt overlay for certain areas within Package A and Package C.

Amendment No. 2 to the Central Bayshore Neighborhood encompasses the construction of all the remaining upgrades and revisions following an amendment to the BODR at the City Commission at the July 18, 2012 meeting via Resolution 2012-27972. The scope of services include additional HOA Requests, additional warranted drainage improvements, as well as additional warranted milling and resurfacing. The engineer of record (EOR), CH2M Hill, was further authorized in the amount of \$207,841 to proceed with the design modification which would include all amendments to the BODR pursuant to Resolution 2012-27972.

On February 13, 2013, CH2M Hill finalized their 100% plans for the project, including profiles for the drainage between 34 Street and 28th Street. By February 15, 2013 Lanzo submitted their final price to CIP and Atkins for final review in the amount of \$5,638,161. Atkins's review of Lanzo's cost proposal was submitted to the City on February 19, 2013 and on February 21, 2013 the final negotiation meeting between the City (including Public Works), Lanzo, CH2M Hill and Atkins took place and an agreement was reached by all parties in the amount of \$3,385,441.

The additional Scope of Work will add one hundred eighty (168) calendar days to the overall project. The completion date for this project will be extended from October 2013 to March 2014.

The Administration recommends that the Mayor and City Commission approve the resolution.

Advisory Board Recommendation:

N/A

Financial Information:

Source of Funds:	Amount	Account
1	\$2,287,013	429-2205-069357
2	\$170,216	429-2205-000356
3	\$257,997	424-2205-069357
4	\$1,872	302-2205-069357
5	\$523,598	431-2205-069357
6	\$483,290	431-2205-000356
Total	\$3,723,986	

City Clerk's Office Legislative Tracking:

Darlene Fernandez, ext. 6401

Sign-Offs:

Department Director	Asst City Manager	Acting City Manager
FV	JGG	KGB

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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 *Kathie G. Brooks*

DATE: March 13, 2013

SUBJECT: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AMENDMENT NO. 2 TO THE CONSTRUCTION CONTRACT BETWEEN THE CITY OF MIAMI BEACH, FLORIDA, AND LANZO CONSTRUCTION CO., FLORIDA, FOR THE CONSTRUCTION OF THE CITY OF MIAMI BEACH RIGHT OF WAY INFRASTRUCTURE IMPROVEMENT PROGRAM, NEIGHBORHOOD NO. 8 CENTRAL BAYSHORE (PACKAGE A) AND LAKE PANCOAST (PACKAGE C); DATED APRIL 8, 2011 (THE CONTRACT), IN THE NOT-TO-EXCEED AMOUNT OF \$3,385,441 FOR THE CONSTRUCTION OF THE ADDITIONAL SCOPE OF WORK APPROVED UNDER RESOLUTION NO. 2012-27972, WHICH INCLUDES THE HOMEOWNER ASSOCIATION (HOA) REQUESTED ROADWAY WIDTH AND LANDSCAPE ITEMS, PROVIDE ADDITIONAL STORMWATER UPGRADES TO THE AREA KNOWN AS ZONE 4 IN THE BASIS OF DESIGN REPORT (BODR), AND PROVIDE MILLING AND RESURFACING OF THE ROADWAY IN LIEU OF ASPHALT OVERLAY FOR THE REMAINING AREAS WITHIN PACKAGE A; WITH PREVIOUSLY APPROPRIATED FUNDING IN THE FY2012/13 CAPITAL BUDGET, IN THE AMOUNT OF \$3,385,441 FOR CONSTRUCTION, AND \$338,545 FOR CONTINGENCY, FOR A GRAND TOTAL OF \$3,723,986.**

ADMINISTRATION RECOMMENDATION

Adopt the Resolution.

KEY INTENDED OUTCOME

Ensure value and the timely delivery of quality capital projects.
Improve storm drainage citywide.
Maintain City's infrastructure.

FUNDING

\$ 2,457,229	Fund 429 – Storm Water LOC
\$ 1,006,888	Fund 431 – Storm Water Bond 2011 Series
\$ 257,997	Fund 424 – Water & Sewer bonds 2000 Series
\$ 1,872	Fund 302 – Pay As You Go
\$ 3,723,986	

INTRODUCTION

Amendment No. 2 to the Central Bayshore Neighborhood encompasses the construction of all the remaining upgrades and revisions following an amendment to the BODR at the City Commission at the July 18, 2012 meeting via Resolution 2012-27972. The scope of services include additional HOA Requests, additional warranted drainage improvements, as well as additional warranted milling and resurfacing (See Exhibit A, Resolution 2012-27972). Additional funding for this second phase in the amount of \$4,936,607, was requested and amended as part of the FY 2012/2013 Capital Budget Process (see Exhibit B – Memo to the FCWCP date July 9th, 2012). The engineer of record (EOR), CH2M Hill, was further authorized to proceed with the design modification which would include all amendments to the BODR pursuant to Resolution 2012-27972. On February 13, 2013, CH2MHill finalized the design, following an extensive collaboration process between the HOA, the Public Works Department, the Parks Department and the Capital Improvements Projects Office.

Negotiations with Lanzo Construction Co. of Florida (Lanzo) begun in January 2013 and progressed in parallel with the current construction activities and established contractual timelines. This was done in an effort to provide a seamless transition into this next phase, while at the same considering all possible concerns and additional requests from residents and requirements from the Public Works Department as possible alternatives into the following phase. Requests were evaluated on their technical and regulatory merit as well as their impacts to the current established project timelines. Once all additional requests were properly evaluated, the Contractor submitted a cost proposal for the second phase of the project in the amount of \$5,638,161 (See Exhibit C).

The City, on the other hand, with its respective consultants conducted an exhaustive due diligence process which extensively and thoroughly reviewed all proposed costs and savings and was subsequently able to derive a much lower estimate for the next phase which proposed a \$2,252,720 in savings to the project. The mutually agreed number between the City and the Contractor to proceed to this next phase of construction, including all amendments to the BODR as well as all merited inclusions resulted in a total proposed amount of \$3,385,441. The final negotiated schedule of values is attached as Exhibit D, and the final negotiated credit schedule of values to the project is attached as Exhibit E. The summary of the final negotiation is tabulated below:

SUMMARY

DESCRIPTIONS	BID SUMMARY		
	LANZO	FINAL NEGOTIATED	SAVINGS
TOTAL CONSTRUCTION COST	\$ 5,638,161	\$ 5,335,560	\$ 302,601
LESS NEGOTIATED CREDITS	\$ -	\$ (1,950,119)	\$ 1,950,119
TOTAL CONSTRUCTION REQUIRED FUNDING	\$ 5,638,161	\$ 3,385,441	\$ 2,252,720

BACKGROUND

The Bayshore Neighborhood No. 8 Right-of-Way Improvements Project was one of thirteen neighborhood improvement projects included in a program developed by the City of Miami Beach to improve the quality of life of its residents. The program included citywide water and stormwater improvements; as well as a variety of streetscape enhancement projects. This Commission Memorandum addresses two (2) of the Bayshore sub-neighborhoods; Central Bayshore Neighborhood No. 8A (Package 8A) and Lake Pancoast Neighborhood (Package 8C). Other neighborhoods such as Biscayne Point, Sunset Islands 1 & 2 and Venetian Islands

received additional improvements, originally not included as part of the bid documents, particularly for water and stormwater improvements and for milling and resurfacing. These needs originally surfaced following requests made by the owner agencies and residents once the project broke ground, thus generating a challenge to the management of overall timelines and the construction control budget.

On January 19, 2011, the City of Miami Beach (City) adopted Resolution No. 2011-27587, approving and authorizing the Mayor and City Clerk to execute a contract with Lanzo Construction Company of Florida (LCC), pursuant to Invitation to Bid 18-09/10, for the Right-of-Way Infrastructure Improvement Program – Neighborhood No. 8 – Central Bayshore (Package A) and Lake Pancoast (Package C). The original project scope of work included new water mains to upgrade the existing 6-inch water mains, drainage installation, road paving and restoration, concrete sidewalk repairs, minor valley gutter installation and landscape.

The first Notice to Proceed (NTP-1) was issued to LCC on August 19, 2011. The Pre-Construction conference took place on October 26, 2011 and the second Notice to Proceed (NTP-2) was issued on October 31, 2011. Construction mobilization took place on November 7, 2011. The project has a 24 month schedule and is currently at 50% completion.

2012 BODR Design Changes for HOA Additional Requests:

In early 2010, following completion of design and permitting services for the Central Bayshore project area, the neighborhood association (HOA) requested that the City consider modifying the width of some streets in the project area as well as enhancing the landscaping presented as part of the original design.

On August 25, 2011, members of the Bayshore HOA met with CIP to request that eleven (11) items be considered for incorporation into the project. CIP approached the Public Works Department (PWD) in several instances to discuss possible options on behalf of the residents. Subsequent meetings and correspondence took place between CIP, PWD, Planning and the Parks Department, and a compromise was reached for the majority of the items. The final, agreed to modifications Points were presented to the residents during the publicly advertised Community Meeting of August 31, 2011.

The requested changes required are amendments to the previous BODR, upon which the project design was developed, or were modifications to the BODR. Some of the requested changes also required modifications to the City's current Atlantic Greenway Network (AGN - Bicycle Route Master Plan).

On July 18, 2012, the Mayor and City Commission adopted Resolution No. 2012-27972, approving the amendment to the BODR for the Bayshore Right of Way improvement project to include the implementation of the items agreed to by the City for the HOA requests, provide additional storm water upgrades to the area known as Zone 4 in the BODR, as well as complete milling and resurfacing of the roadway in lieu of overlay, refer to Exhibit D. A summary of the eleven requested HOA points and Commission Action / BODR Revision is referred to in the Memorandum which is attached as Exhibit F.

Stormwater Improvements:

Following a major storm event that occurred on October 30, 2011, which flooded a substantial area of the Central Bayshore neighborhood, the PWD and CIP were approached by concerned residents. The residents requested for the City to investigate if an upgrade to the existing storm water facilities would provide additional relief from potential flooding conditions within the timeline of the current construction contract. The City requested CH2M Hill to do an analysis of the area and recommend possible solutions to upgrade the storm water facilities within the area.

The results of the analysis, as well as input from the City's Public Works Department and their respective stormwater master plan consultant, CDM Smith, resulted in a revised design which includes the addition of valley gutters, catch basins, the addition of a new pump station near the Par 3 golf course.

Milling & Resurfacing of Roadways:

On December 12, 2012 the City Commission approved Amendment No. 1, which provides complete milling and resurfacing of the roadway in lieu of asphalt overlay for certain areas within Package A, North of 34th Street to 41st Street between Alton Road and Meridian Avenue; and Package C, 25th Street, 26th Street and Flamingo Drive North of 25th Street. The additional milling and resurfacing in these areas were requested to allow an early delivery of the portion of Central Bayshore while the design of the HOA revisions and the additional stormwater improvements were completed. Amendment No. 2 covers the milling and resurfacing for the remaining areas in Central Bayshore A pursuant to the recommendations issued by the Engineer of Record (CH2MHill) as well as the Resident Project Representative (Atkins). This includes all roads in between 28th Street to 40th Street between Dade Boulevard, Pine Tree Drive and Chase Avenue. The milling and resurfacing evaluation memorandum performed by Atkins (RPR) and Pavement Condition and Recommendations prepared by CH2M Hill (EOR) are attached as Exhibits G-1 and G-2.

Project Additional Funding / Amendment to BODR:

On July 9, 2012, the Administration presented the aforementioned revisions to the Finance and Citywide Projects Committee (FCWPC) regarding additional capital budget requests to include warranted infrastructure needs for stormwater, roadway milling, resurfacing, and valley gutter improvements.

On September 27, 2012 the City Commission approved the additional funding to the 2013 Capital Budget for the construction of the implementation of the 11 points requested by the HOA, additional stormwater upgrades and complete milling and resurfacing of the roadway. The total budget approved was \$4,936,607.

HOA Request – Prairie Avenue / Royal Palm Avenue

Discussions at the July 9, 2012 FCWPC and at the July 18, 2012 Commission meeting did not result in the incorporation of the HOA request to remove the bike lanes on Prairie Avenue and change Royal Palm to a bike boulevard. Nonetheless, in October 2012 members of the Central Bayshore HOA continued to request that City staff consider the removal of bicycle lanes on Prairie Avenue and the implementation of a "Bicycle Boulevard" on Royal Palm Avenue. A meeting took place on December 13, 2013 between staff and members of the Central Bayshore HOA to discuss the possibility of re-introducing the narrowing of Prairie Avenue by removal of the bicycle lanes.

Following a thorough review of these requests, staff concluded that additional costs would need to be incurred for potential street grade modifications and allowances for potential added drainage at intersections, primarily as a result of the warranted expansion of Royal Palm Avenue to accommodate for an additional eight (8) foot Bicycle Boulevard. The scope of work for the removal of the bicycle lanes and reduction in the width of Prairie Avenue would include removal of 8 feet of asphalt and replacing it with sod, re-grade all the swales, driveway reconstruction, and lifted grates.

The scope of work for the addition of the bicycle boulevard on Royal Palm Avenue would include widening Royal Palm by 8 feet by removing driveways, swale areas, tree removal and replacing with roadway, stabilizing the sub grade, adding lime rock, re-grading the swale, adding

2 inches of asphalt, mill and resurface, adjust inlets, modify the drainage system, and add striping and signage.

The total cost for the work for the removal of the bike lanes on Prairie and the addition of the bike boulevard, including professional fees, permitting and contingency would be approximately \$1 million.

In addition, City staff also reached out to Miami Dade County Public Works (MDCPW), Traffic Division, to request their position for these proposed revisions as any modifications of the existing bicycle lanes along Prairie Avenue, as well as introduction of a bicycle boulevard, would require MDCPW approval.

MDCPW indicated that approval for the removal of bicycle lanes would not be considered. Their position is that the displacement of an established bicycle facility along a collector road would be in violation of the Federal Highway Administration Bicycle Policy which states “under 23 USC Section 109(n), the U.S. Secretary of Transportation shall not approve any project under this title that will result in the severance or destruction of an existing major route for non-motorized transportation traffic and light motorcycles, unless such project provides a reasonable alternate route or such a route exist”. Moreover, the Florida Statute 335.065 states that “bicycle and pedestrian ways shall be given full consideration in the planning and development of transportation facilities, including the incorporation of such ways into state, regional and local transportation plan and programs”. The City of Miami Beach currently has a local bicycle transportation plan identified as the City of Miami Beach Atlantic Greenway Network under which Prairie Avenue is an established facility. It is important to note that in the past, the HOA expressed concerns about Prairie Avenue being a collector road and questioned such designation. The Federal Roadway Functional Classification map shows Prairie as a collector road and the HOA has been made aware of such; nevertheless, there remains a concern that Prairie Avenue is the busiest collector in Bayshore, and that this should be the reason for removing the current bike lanes.

The design and construction of an in-road bicycle boulevard, on Royal Palm, could create traffic flow modifications, which under the Miami-Dade Criteria would warrant a traffic flow analysis. Further, Miami Dade County has stated that bicycle boulevards are not part of their currently adopted bicycle facility standards as well as not part of the currently adopted Manual of Uniform Traffic Control Devices (MUTCD). Such non standard facilities would warrant an individual traffic flow analysis for which the County would have to further evaluate on its feasibility and technical functionality as well as require a traffic flow modification application which would warrant two thirds approval by residents and/or majority approval by the Miami Beach City Commission.

Given the current advanced stage of construction, City staff anticipates that the pursuit of these alternatives at this time, as well as any implementation of these two proposals, could not be recommended as part of the current construction project without significantly affecting the progress and cost of this project.

ANALYSIS

On February 21, 2013 the City finalized negotiations with Lanzo Construction Co. of Florida (LCC) which resulted in the agreement for the construction of the aforementioned additional scope to the Central Bayshore neighborhood. The final negotiation was the culmination of a 7 month effort between the HOA Residents and several City owner departments including Public Works, Parks & Recreation, and Capital Improvement Projects (CIP) to enhance and rectify insufficiencies in the original project scope which did not include much needed improvements to

the neighborhood. The process began in 2012, and the steps taken to reach the successful conclusion are indicated below.

On July 9, 2012, the City Commission approved Amendment No. 23 to CH2M Hill for design of the additional scope of work at the Central Bayshore neighborhood. By August 1, 2013, the engineer began the design process and several Design workshops and meetings took place between Public Works, the EOR, the Parks Department and CIP to coordinate the definitions of the required scope of work.

On January 2013, the Engineer of Record and contractor began discussions and reviews of necessary unit price increases from the prices established in the original bid of 2009.

On February 13, 2013, CH2M Hill finalized their 100% plans for the project, including profiles for the drainage between 34 Street and 28th Street. By February 15, 2013 Lanzo submitted their final price to CIP and Atkins for final review. Atkins's review of Lanzo's cost proposal was submitted to the City on February 19, 2013 and on February 21, 2013 the final negotiation meeting between the City (including Public Works), Lanzo, CH2M Hill and Atkins took place and an agreement was reached by all parties. Atkins's summary of the final negotiated is attached as Exhibit H.

PROJECT SCHEDULE

The additional Scope of Work will add one hundred eighty (168) calendar days to the overall project. The completion date for this project will be extended from October 2013 to March 2014.

SUMMARY

Negotiation of the value of changes in the work, whether in the quantity or character of the work, is normally an arduous task in any contract, and specially while in the midst of construction. The task becomes exceptionally challenging when the value of the added scope of work translates into a significant modification to the plans. In order to properly place a value to the added scope that is equitable to all stakeholders, it is necessary that certain elements be in place. These elements include the establishment of a functional team made up of the contract administrator, the engineer of record (EOR), the resident project representative (RPR), the contractor, the owner departments, and the community; precise scope definition and quantities; quality control measures; adequate due diligence by the EOR and third party consultants; and, a clear understanding of the timelines and potential risks, to name a few.

The elements necessary to make this negotiation a success for all parties were clearly in place during this particular process. The contractor feels that the final value is equitable and provides for fair and equitable compensation for the added work, whereas the City was able to achieve a satisfactory adjustment value that not only was agreeable by both the EOR and the RPR, but keeps the contract moving forward, and avoids stalling of the project, all in the best interest of the residents of the City.

This process has evolved over time and has taken into consideration lessons learned in other high profile projects that also experienced the addition of substantial scope during the construction phase. Some of these projects include South Pointe phases III, IV and V, Biscayne Point, and Sunset Islands I & II neighborhood improvements.

CONCLUSION:

The Administration recommends that a Resolution of the Mayor and City Commission of the City of Miami Beach, Florida, authorizes the Mayor and City Clerk to execute Amendment No. 2 to the construction contract between the City of Miami Beach, Florida, and Lanzo Construction

Co., Florida, for the construction of the City of Miami Beach Right of Way Infrastructure Improvement Program, Neighborhood No. 8 Central Bayshore (Package A) and Lake Pancoast (Package C); Dated April 8, 2011 (The Contract), in the not-to-exceed amount of \$3,385,441 for the construction of the additional scope of work approved under Resolution No. 2012-27972, which includes the Homeowner Association (HOA) requested roadway width and landscape items (11 points), provide additional stormwater upgrades to the area known as Zone 4 in the basis of design report (BODR), and provide complete milling and resurfacing of the roadway in lieu of asphalt overlay for the remaining areas within Package A; with previously appropriated funding in the FY2012/13 Capital budget, in the amount of \$3,385,441 for construction, and \$338,545, for contingency, for a grand total of \$3,723,986.

Attachments:

- Exhibit A: Commission Resolution 2012-27972
- Exhibit B: FCWPC ROW Memorandum of July 9, 2012
- Exhibit C: Lanzo Construction Original Estimate
- Exhibit D: Final Negotiated Schedule of Values
- Exhibit E: Final Negotiated Credits Schedule of Values
- Exhibit F: Summary of Commission Action / BODR Revision
- Exhibit G-1 Atkins Report – Milling & Resurfacing 5-31-12
- Exhibit G-2 CH2M Hill Report Pavement Conditions & Recommendations 10-29-12
- Exhibit H: Atkins Final Negotiation Summary

KGB/JGG/FV

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Exhibit A

RESOLUTION NO. 2012-27972

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AMENDMENT NO. 23 TO THE PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF MIAMI BEACH, FLORIDA, AND CH2M HILL FOR THE PROFESSIONAL LANDSCAPE, ARCHITECTURAL AND ENGINEERING SERVICES FOR THE RIGHT-OF-WAY INFRASTRUCTURE IMPROVEMENTS PROGRAM FOR NEIGHBORHOOD NO. 8 BAYSHORE AND SUNSET ISLANDS, DATED MAY 16, 2001 (THE AGREEMENT), IN THE NEGOTIATED NOT-TO-EXCEED AMOUNTS OF \$200,401, FOR ADDITIONAL DESIGN SERVICES FOR PROPOSED CHANGES TO THE BASIS OF DESIGN REPORT FOR NEIGHBORHOOD NO. 8 BAYSHORE/SUNSET ISLANDS (BODR), AS REQUESTED BY THE CENTRAL BAYSHORE HOMEOWNER ASSOCIATION, AS WELL AS FOR ADDITIONAL STORMWATER UPGRADES TO THE AREA KNOWN AS ZONE 4, FOR THE BAYSHORE NEIGHBORHOOD NO. 8A PACKAGE; ALSO PROVIDING FOR \$7,440, FOR REIMBURSABLES, FOR A GRAND NOT-TO-EXCEED TOTAL AMOUNT OF \$207,841, WITH PREVIOUSLY APPROPRIATED STORMWATER BOND FUNDING.

WHEREAS, on May 16, 2001, the Mayor and City Commission adopted Resolution No. 2001-24387, approving and authorizing the Mayor and City Clerk to execute a professional services agreement with CH2M Hill for the Right-of-Way Infrastructure Improvements Program Neighborhood No. 8 Bayshore and Sunset Island project (the Project), pursuant to Request for Qualifications No. 134-99/00; and

WHEREAS, the Agreement provides for the detailed planning services for various streetscape, landscape, and utility improvements within the Bayshore and Sunset Island neighborhoods; and

WHEREAS, the planning effort for the Bayshore and Sunset Island neighborhoods has been completed and detail design activities are underway; and

WHEREAS, the Agreement was executed in the not-to-exceed amount of \$133,174; and

WHEREAS, on December 10, 2003, the Mayor and City Commission adopted Resolution No. 2003-25432, approving additional design services as Amendment No. 1 to the Agreement, for planning, design, permitting, bidding / award, and construction administrative services for the Bayshore and Sunset Island neighborhoods in the not-to-exceed amount of \$1,913,302; and resulting in a revised contract fee of \$2,046,476; and

WHEREAS, on February 24, 2005, Amendment No. 2 to the Agreement was administratively executed, to re-package Sunset Islands 1 and 2 from Bid Package 8D to Bid Package 8B at no additional cost, resulting in no change to contract; and

WHEREAS, on November 8, 2005, Amendment No. 3 to the Agreement was administratively executed to include the completion of a topographic survey along Pine Tree Drive, from West 28th to West 40th Streets, along the east side of the road, in the not-to-

exceed amount of \$12,850; resulting in a revised contract fee of \$2,059,326; and

WHEREAS, on February 17, 2006, Amendment No. 4 to the Agreement was administratively executed to include the evaluation, permitting and preparation of construction cost alternatives for the installation of curb/valley gutters to Sunset Islands 1 and 2, in the not-to-exceed amount of \$2,500; resulting in a revised contract fee of \$2,061,826; and

WHEREAS, on February 16, 2006, Amendment No. 5 to the Agreement was executed to include the installation of four (4) drainage test wells to provide additional information for the preparation of a Letter of Reasonable Assurance to be submitted to the Florida Department of Environmental Protection (FDEP), as required in the permit application for the Project, in the not-to-exceed amount of \$55,863; resulting in a revised contract fee of \$2,117,689; and

WHEREAS, on September 6, 2006, the Mayor and City Commission adopted Resolution No. 2006-26283, approving Amendment No. 6 to the Agreement for the design of "P3.2" classified water main replacements required by the City's Public Works Department, in the not-to-exceed amount of \$372,230; resulting in a revised contract fee of \$2,489,919; and

WHEREAS, on September 6, 2006, the Mayor and City Commission adopted Resolution No. 2006-26283, approving Amendment No. 7 to the Agreement for the design of bike lanes/routes required by the City's Public Works Department, in the not to exceed amount of \$58,128; resulting in a revised contract fee of \$2,548,047; and

WHEREAS, on September 9, 2006, Amendment No. 8 to the Agreement was administratively executed to include the design of alternative parking in the Lake Pancoast area, in the not-to-exceed amount of \$24,900; resulting in a revised contract fee of \$2,572,947; and

WHEREAS, on September 9, 2006, Amendment No. 9 to the Agreement was administratively executed to include the design of road edge treatment to Sunset Islands 1 and 2, in the not-to-exceed amount of \$3,200; resulting in a revised contract fee of \$2,576,147; and

WHEREAS, on September 9, 2006, Amendment No. 10 to the Agreement was administratively executed to include the design of resident requested modifications in the Lake Pancoast area; in the not-to-exceed amount of \$8,680; resulting in a revised contract fee of \$2,584,827; and

WHEREAS, on August 6, 2007, Amendment No. 11 to the Agreement was administratively executed for an additional thirty seven (37) soil borings in Sunset Island No. 1 to verify underground utility services and potential conflicts, in the not to exceed amount of \$10,400; resulting in a revised contract fee of \$2,595,227; and

WHEREAS, on April 11, 2007, the Mayor and City Commission adopted Resolution No. 2007-26504, approving Amendment No. 12 to the Agreement for additional services regarding verification of additional underground utilities to avoid conflicts in 103 boring sites along North Bay Road between Sunset Drive and Alton Road, in the not to exceed amount of \$27,500; and 334 boring sites for Bid Package 8A – Central Bayshore, in the not to exceed amount of \$94,675; and to perform a traffic study at the intersection of West 28th Street and Prairie Avenue, in the not to exceed amount of \$20,780; all resulting in a revised contract fee of \$2,738,182; and

WHEREAS, on December 7, 2007, Amendment No. 15 to the Agreement was administratively executed for additional services to prepare a re-application package for the Historic Preservation Board for the Lake Pancoast Bid Package, in the not to exceed amount of \$2,145; resulting in a revised contract fee of \$2,777,886; and

WHEREAS, on December 7, 2007, Amendment No. 16 to the Agreement was administratively executed for additional services for design services, preparation of materials, and attendance at a meeting with residents discussing options for the intersection of 28th Street and Prairie Avenue, in the not to exceed amount of \$2,947; resulting in a revised contract fee of \$2,780,833; and

WHEREAS, on December 20, 2007, Amendment No. 13 to the Agreement was administratively executed for additional services to expand the traffic study of alternative design concepts for the 28th Street and Prairie Avenue intersection (previously authorized under Amendment No. 12), in the not to exceed amount of \$22,156; resulting in a revised contract fee of \$2,760,338; and

WHEREAS, on December 20, 2007, Amendment No. 14 to the Agreement was administratively executed for additional services to implement miscellaneous design revisions to bike lanes, traffic tables, crosswalks, the 28th Street and Prairie Avenue intersection, and water mains, in the not to exceed amount of \$15,403; resulting in a revised contract fee of \$2,775,741; and

WHEREAS, on January 6, 2009, Amendment No. 17 to the Agreement was administratively executed for additional services for design services, preparation of materials, and attendance at various Board and civic meetings discussing options on Sunset Islands No. I and II, in the not to exceed amount of \$15,344; resulting in a revised contract fee of \$2,796,177; and

WHEREAS, on January 6, 2009, Amendment No. 18 to the Agreement was administratively executed for additional services for design services necessary for the preparation of a technical memorandum evaluating the use of exfiltration trenches in lieu of a stormwater pump station in Lake Pancoast, in the not to exceed amount of \$15,196; resulting in a revised contract fee of \$2,811,373; and

WHEREAS, on October 14, 2009, the Mayor and City Commission adopted Resolution No. 2009-27223, approving Amendment No. 19 to the Agreement which provided for additional design scope on Sunset Islands No. 3 and 4; in the not-to-exceed amount of \$108,000; and

WHEREAS, on April 13, 2011, the Mayor and City Commission adopted Resolution 2011-27643, approving Amendment No. 20 to the Agreement to reallocate funds from construction administration to bidding and award services for the Neighborhood No. 8 Bayshore and Sunset Island, in the amount of \$340,069.99, and decreasing the total construction administration budget from \$371,441 to \$31,371.01; resulting in no change to the overall contract fee, and

WHEREAS, on April 13, 2011, the Mayor and City Commission adopted Resolution 2011-27644, approving Amendment No. 21 to the Agreement which provided additional services for design documents and permitting services to procure the DERM Tree Removal Permits for the Bayshore Neighborhood No. 8 and Sunset Island Projects, to participate in value engineering, for design modifications and associated re-permitting services to

incorporate the level of service review comments, for a total not-to-exceed amount of \$198,717.97; resulting in a revised contract fee of \$3,118,090.97; and

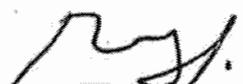
WHEREAS, on July 13, 2011, the Mayor and City commission adopted Resolution 2011-27683, approving Amendment No. 22 to the agreement which provided for additional Construction Administration services, for a period of twenty-six (26) months for the Bayshore Neighborhoods No. 8A, and 8C, Packages in the amount of \$640,586, and \$59,414, for reimbursables, for a grand total not-to-exceed amount of \$700,000, resulting in a revised contract sum of \$3,818,090.97; and

WHEREAS, the following Amendment No. 23, approves additional design services for proposed changes to the Basis of Design Report for Neighborhood No. 8 Bayshore/Sunset Islands (BODR), as requested by the Central Bayshore Homeowner Association, as well as additional stormwater upgrades to the area known as Zone 4 for the Neighborhood No. 8A Packages, in the amount of \$200,401, and \$7,440, for Reimbursables, for a grand total not-to-exceed amount of \$207,841; resulting in a revised contract sum of \$4,025,932.

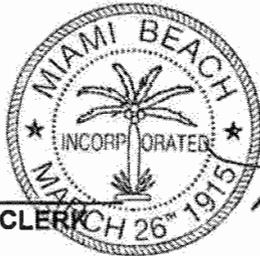
NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND THE CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA that the Mayor and City Commission hereby approve and authorize the Mayor and City Clerk to execute Amendment No. 23 to the professional services agreement between the City of Miami Beach, Florida, and CH2M Hill for the Professional Landscape Architectural and Engineering Services for the Right-of-Way Infrastructure Improvements Program for Neighborhood No. 8 Bayshore and Sunset Islands, dated May 16, 2001, (the Agreement), in the negotiated not-to-exceed amounts of 200,401, for additional Design services for proposed changes to the Basis of Design Report for Neighborhood No. 8 Bayshore/Sunset Islands (BODR), as requested by the Central Bayshore Homeowner Association, as well as for additional stormwater upgrades to the area known as Zone 4, for the Bayshore Neighborhood No. 8A package; also providing for \$7,440, for Reimbursables, for a grand not-to-exceed total amount of \$207,841, with previously appropriated stormwater bond funding.

PASSED AND ADOPTED this 18th day of July, 2012.

ATTEST:



RAFAEL GRANADO, CITY CLERK

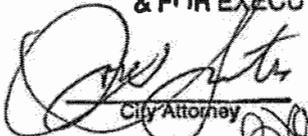




MATTI HERRERA BOWER, MAYOR

T:\AGENDA\2012\6-6-12\Bayshores\Bayshore - CH2MHill Amendment No. 23 - RESO.docx

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION



City Attorney 7/19/12
Date

Exhibit B



MIAMI BEACH

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

COMMITTEE MEMORANDUM

TO: Finance and Citywide Projects Committee

FROM: Kathie G. Brooks, Interim City Manager

DATE: July 9, 2012

SUBJECT: **DISCUSSION ON AMENDING THE BASIS OF DESIGN REPORT FOR CENTRAL BAYSHORE NEIGHBORHOOD NO. 8A AND LAKE PANCOAST NEIGHBORHOOD NO. 8C TO INCLUDE HOA REQUESTS, ADDITIONAL STORMWATER IMPROVEMENTS, AND ADDITIONAL MILLING AND RESURFACING.**

The purpose of this informational memorandum is to provide general background for a discussion on amending the current Basis of Design Review Report (BODR) and associated funding impacts for the Central Bayshore neighborhood in order to incorporate the implementation of several Homeowner Association (HOA) requests; provide additional stormwater upgrades; and to provide milling and resurfacing of the roadway in lieu of asphalt overlay.

BACKGROUND – ENGINEERING

On May 16, 2001, the City of Miami Beach (City) adopted Resolution No. 2001-24387, approving and authorizing the execution of an agreement with CH2M Hill, Inc. (CH2M Hill) for professional services for the Right-of-Way (ROW) Infrastructure Improvements Program for Neighborhood No. 8 – Bayshore and Sunset Islands project pursuant to Request for Qualifications (RFQ) No. 134-99/00. The agreement was for planning, design, and construction administration services for the collective Bayshore Neighborhoods which was originally one (1) project and was subsequently separated into five (5) individual projects via amendments to the original agreement. These five projects included Central Bayshore Neighborhood 8A (Package 8A), Lower North Bay Road Neighborhood 8B (Package 8B), Lake Pancoast Neighborhood 8C (Package 8C), and the Sunset Islands (Packages 8D and 8E).

BACKGROUND - BODR

On April 9, 2003, the City Commission approved the Basis of Design Report (BODR), completed and submitted by CH2M Hill for the Neighborhood No. 8 Bayshore / Sunset Islands Project. This BODR was the culmination of a comprehensive planning effort that included input from and reviews by residents, various City Departments, and the Design Review Board (DRB). The first workshops occurred in 2001. A complete chronological summary of the history of the planning and design effort is attached as Exhibit A.

ANALYSIS

The Bayshore Neighborhood No. 8 Right-of-Way Improvements Project was one of thirteen neighborhood improvement projects included in a program developed by the City of Miami Beach to improve the quality of life of its residents. The program included citywide water, wastewater and stormwater improvements; as well as a variety of streetscape enhancement projects. This Finance Committee Memorandum addresses two (2) of the Bayshore sub-neighborhoods; Central Bayshore Neighborhood No. 8 (Bid Package A) and the Lake Pancoast Neighborhood No. 8 (Bid Package C). Other neighborhoods such as Biscayne Point, Sunset Islands 1 & 2 & Venetian Islands have received additional unplanned improvements particularly for water and stormwater improvements and milling and resurfacing based on technical needs.

After the planning and design phases, Invitation to Bid (ITB) No. 18-09/10 was issued for Packages 8A/8C on December 31, 2009. Bids were received by the Technical Review Panel (TRP), as part of the City's standard Best Value Procurement process for the recommendation to award the construction contract. Pursuant to the Technical Review Panel's and City Manager's recommendation, the Mayor and City Commission adopted Resolution No. 2010-27587 on December 8, 2010 authorizing the award of Packages 8A and 8C to Lanzo Construction Co. of Florida (LCC) in the amount of \$18,414,814.55 including contingency.

The first Notice to Proceed (NTP-1) was issued to LCC on August 19, 2011. The Pre-Construction conference took place on October 26, 2011 and the second Notice to Proceed (NTP-2) was issued on October 31, 2011. Construction mobilization took place on November 7, 2011. The project has a 24 month schedule and is currently at 25% completion (refer to Exhibit E, LTC291-2011, dated 11-14-11).

HOA REQUESTS / REVISIONS – 11 POINTS

In early 2010, following completion of design and permitting services for the Central Bayshore project area, the neighborhood association (HOA) requested that the City consider changing the width of some streets in the project area as well as some aspects of the completed design. Several meetings highlighting this request took place as follows:

- February 5, 2010 – LTC advising commission of the design activity that has taken place for the project.
- February 16, 2010 - The Neighborhoods and Community Affairs Committee Meeting.
- March 8, 2010 - Capital Improvement Projects Oversight Committee Meeting. Report is sent via Commission Memorandum on May 12, 2010.
- April, 2010 - The Bayshore HOA forwarded a letter to the CIP Department highlighting eleven (11) key issues/concerns (Refer to Exhibit B attached). A presentation board graphically depicting the 11 items was also submitted to the City by the HOA for consideration. These eleven issues/concerns were referenced and discussed at other publicly-noticed meetings, including:
 - May 25, 2010 - The Neighborhoods and Community Affairs Committee Meeting.
 - June 28, 2010 – LTC advising Commission of the current project activity. Package includes the CIPOC, March 8, 2010 Meeting Minutes, April 12, 2010 HOA list of "11 Points", and May 25, 2010 Neighborhoods Committee Memorandum.
 - September 22, 2010 - The Mayor's Blue Ribbon Bikeways Advisory Committee Meeting.

On August 25, 2011, and prior to commencement of construction, members of the Bayshore HOA met with CIP to, again, request that the eleven (11) items be considered for incorporation into the project design. CIP approached the Public Works Department (PWD) in several

instances to discuss possible options on behalf of the residents. Subsequent meetings and correspondence took place between CIP, PWD, Planning and the Parks Department, and a compromise was reached for the majority of the items. The final, agreed to, eleven (11) Points were presented to the residents during the publicly advertised Community Pre-Construction Meeting of August 31, 2011.

The requested changes were either not part of the BODR, upon which the project design was developed, or were modifications to the BODR. Some of the requested changes require modifications to the City's current Atlantic Greenway Network (AGN - Bike Route Master Plan), which will need to be updated should these recommendations be approved by the City Commission. Some of the currently designed roadways were increased in width to accommodate bike lanes. It is important to underline that the Commission, in the past, has requested to not impact the landscaping by increasing the pavement width to accommodate for bike lanes. The plans will require this revision should the Commission decide to accept the modification to the BODR and the AGN. The plans will require a revision by the Engineer of Record to the currently permitted plans. Permits obtained to date are also based on the current design and will also need to be updated.

The approved HOA requested items are listed below. For a complete summary and location plan of the eleven (11) points refer to Exhibits C-1, C-2, and C-3:

1. Narrow Sheridan Avenue from 30th Street to 40th Street from +/-32 feet to 24 feet and provide for a bike route (sharrow) and bus bays. The plans currently call for the street to remain the same width at +/- 32 feet. There will be a credit for asphalt paving from the current budget and an increase for additional swales which should balance out.
2. Narrow North Meridian Avenue from Dade Boulevard to 28th Street and eliminate the proposed bike lanes and replace with a bike path within the right-of-way adjacent to the golf course. Reduce the road width to 22 feet. Twenty two feet is the minimum width allowed on collector streets. The plans currently indicate an increased road width of 28 feet from existing 23 feet. There will be a credit for five feet of new roadway and elimination of the Bike Lanes from the current budget and an increase for additional swales.
3. Remove Prairie Avenue from 28th Street to Dade Boulevard from the Central Bayshore scope of work since this project was already completed by Public Works in 2011. This is a full credit to the project.
4. The HOA has also requested the removal of the Bike Lanes along Prairie Avenue from 28th to 40th Streets and a reduction in the roadway from 28 feet to 20 feet. PWD strongly recommended against this since the bike lanes already exist and are part of the adopted AGN and Prairie Avenue is a collector street. No change is recommended to be made to the plans and there would be no change to the current budget.
 - 4a. Alternative Request – In addition to the removal of the Bike Lanes on Prairie Avenue, the residents have subsequently requested that Prairie Avenue be reduced to a minimum allowable roadway width for local roads and that an alternate bike facility be placed on Royal Palm Avenue. The residents have requested a Bike Boulevard, however unless Royal Palm is widened, which has not been the desire of the community, the only feasible bicycle facility which could be incorporated in this roadway would be sharrows. In addition, added costs would have to be incurred for the reduction of Prairie Avenue. This alternative would require a change to the current

plans and the currently adopted AGN, as well as generate an increase in the currently projected construction cost estimate being presented herein. The added cost is due to a reduction of the roadway width from 28 feet to 22 feet which is not currently budgeted.

5. Maintain 28th Street from Sheridan to Prairie Avenues at 24 feet in width with the addition of sharrows in lieu of bike lanes. The plans currently indicate roadway widening to 28 feet with bike lanes. Redefine the current 10 foot wide multi-use sidewalk from the south side of 28th Street to maintain pedestrian connectivity with Sheridan Avenue. Establish connectivity to Prairie and North Meridian Road for safety. There will be a credit for four feet of new roadway and the concrete sidewalk from the current budget and an increase for additional swales which should balance out.
6. Narrow 34th Street from Chase Avenue to Pine Tree Drive to 22 feet in width with sharrows. The plans currently indicate a road width of 28 feet with bike lanes. There will be a credit for the asphalt and road widening since the existing roadway width is approximately 23 feet.
7. Fairgreen Drive to remain within its existing width of 16 feet. This can be accomplished by removing the scope of work from the ROW project and resurfacing the street as a separate maintenance project. The plans currently indicate a road widening to 20 feet. There would be a credit for the asphalt and road widening if the roadway remains at the current width.
8. The current plans increase 31st Street from Sheridan Avenue to Pine Tree Drive from an existing width of 15 feet to 20 feet in order to remain continuous with the remaining street width. The HOA is willing to accept this as a compromise, therefore no change in the current plans is expected and no additional cost is anticipated.
9. Eliminate all proposed mid-block stamped asphalt decorative treatments and replace with concrete paver treatments. It is anticipated that the County will not approve mid block pedestrian crossings due to traffic safety concerns. Moreover, the BODR would need to be modified to eliminate the previously requested "traffic tables" and instead allow the Public Works department to conduct a traffic calming analysis along this corridor to determine if traffic calming is indeed warranted and what type of traffic calming facility would need to be incorporated to mitigate traffic concerns. Under this scenario the City would be in a better position to a) determine the type of traffic calming facility and b) allocate the adequate proper funding source for implementation
10. Eliminate all proposed stamped asphalt decorative crosswalks at intersections and replace with concrete paver treatments. With the exception of 40th Street, current plans call for stamped asphalt. No changes to the current design plans will be made since a different type of treatment outside of the adopted stamped asphalt could result in other neighborhoods generating similar requests throughout the City and funding requests to be evaluated in concert with all neighborhoods. Additional funds would be required for this change which is not currently programmed.
11. Eliminate the proposed Royal Palm species on the south side of 40th Street as they are sporadically spaced and replace with Mahogany species. Add more canopy trees wherever possible as per the recently completed plan submitted by the HOA. (Refer to Exhibit C-3). Current permitted plans include up-lighting and shrubs which could be removed from the scope. Landscape plans will need to be modified to reflect these changes at minimal or no cost.

Pursuant to the aforementioned requests by the HOA, the City is bringing forth these changes as part of the current project construction work. The engineer of record would need to revise the existing plans and submit applications for revised permits to the applicable governmental agencies. The HOA requested items are not expected to require a significant increase in construction cost, based upon preliminary estimates. A detailed estimate of probable cost will be submitted by the consultant once revised construction documents are completed.

ADDITIONAL STORMWATER UPGRADES

The Bayshore neighborhood is bounded by the environmentally sensitive Biscayne Bay Aquatic Preserve, which is also an Outstanding Florida Water (OFW) and intracoastal waterway. The area has relatively low-lying and flat topography that experiences high intensity rainfall, significant tidal influence, limited soil storage for infiltration, and very limited swale storage capacity due to a high distribution of impervious area.

The Central Bayshore Neighborhood's current stormwater management system consists primarily of outfalls served by swales, inlets, storm drains, and culverts. The existing design is based upon the recommendations of the City's 1997 Stormwater Master Plan and the subsequent Bayshore neighborhood BODR.

The City's stormwater master plan consultant, CDM Smith, undertook an extensive stormwater analysis of the Bayshore Neighborhood. The current analysis makes use of modeling from the Draft Stormwater Master Plan, which is more sophisticated than the previous 1997 Stormwater Master Plan.

The stormwater master plan determined that Pump Station No. 2 located between Pine Tree Dr. and Flamingo Dr., can be replaced with a system based on gravity wells and upsized outfalls.

Pump Station No. 2 could then be relocated in a more needed location to the area of 28th St. and Fairgreen Drive and be used to provide additional stormwater infrastructure within Zone 4 and the North Meridian collection system indicated in Exhibit D-2.

After a major storm event that occurred on October 30, 2011, which flooded a substantial area of the Central Bayshore neighborhood, the PWD and CIP were approached by concerned residents. The residents requested for the City to expedite revisions to the design of the stormwater facilities to provide additional relief from potential flooding conditions within the timeline of the current construction contract. (refer to Exhibit D-1).

The Central Bayshore neighborhood's current stormwater management system consists primarily of outfalls served by swales, inlets, storm drains, and culverts which currently do not meet the 5 year level of service. The Engineer of Record is proposing changes outlined below. For a complete summary of the changes and location plan of the area refer to Exhibits D-1 and D-2:

1. Provide design for a stormwater collection system to serve the southwest portion of the Central Bayshore area with boundaries roughly defined by W. 28th Street to the south, Prairie Avenue to the west, Sheridan Avenue to the east and W. 34th Street to the north. The estimated construction cost for this item is \$1,142,134 and is detailed in Exhibit F-1 attached.
2. Provide a design for the replacement of the existing collection system on North Meridian Avenue, between W. 28th Street and Dade Boulevard and tie into the recently constructed 36-inch diameter outfall on Dade Boulevard. The estimated construction cost for this item is \$341,400 and is detailed in Exhibit F-1 attached.

3. In conjunction with the roadway revisions, valley gutters shall also be provided as appropriate to direct flow to the collection system throughout the project area, as the limited capacity of the swales within the right of way does not allow for adequate conveyance and storage. The estimated construction cost for this item is \$1,250,665 and is detailed in Exhibit F-2 attached.
4. To reduce costs and allow for the addition of Item 1 above, relocate the pump station and pressure injection wells in the basin currently known as Pump Station No. 2 between Pine Tree and Flamingo Drives in the northeast portion of the Central Bayshore area. The collection and disposal system along Flamingo Drive will be redesigned to incorporate gravity disposal wells and an upgrade to the existing outfall. The estimated construction cost for this item is \$197,712 and is detailed in Exhibit F-3 attached.
5. In associated with construction of stormwater improvements, roadway restoration finishing is estimated to cost \$493,395.

For the Lake Pancoast Neighborhood, stormwater funding in the amount of \$235,800 is being requested for the potential installation of additional valley gutters, swale reclamation and storage. Included in all funding requests are hard costs, contingency, soft costs and CIP Fees.

ADDITIONAL WATER AND SEWER FUNDING

For the Central Bayshore Neighborhood, water & sewer funding in the amount of \$296,037 is needed for construction more appropriately allocating the proper distribution of above ground funding between water, stormwater and above ground efforts.

For the Lake Pancoast Neighborhood, water & sewer funding in the amount of \$21,480 is needed for construction more appropriately allocating the proper distribution of above ground funding between water, stormwater and above ground efforts.

MILLING AND RESURFACING OF ROADWAYS

The existing project plans call for a pavement overlay on all the neighborhood streets. Field investigations during construction have identified the existing pavement to be in worse condition than what may have been originally anticipated, as a result of pavement deterioration and distress through the years.. The Engineer of Record (EOR) has stated that the condition of the roadway is not sustainable for the long term. Both the resident project representative (RPR) and the EOR have recommended milling and resurfacing where required to provide a more durable pavement.

The original BODR recommended that all roads within the Central Bayshore neighborhood be resurfaced with a one (1) inch overlay of asphalt and that milling of the roadway be limited to areas where there is excessive scarring or where the grade (slope) of the road needs to be modified to support stormwater drainage. Milling is a process that grinds the existing asphalt surface to change the slope of the surface and to assist bonding between the existing and new asphalt courses. Only 20% of the existing road surface was projected to require milling prior to resurfacing to address scarring and grading issues. The estimated construction cost for the milling and resurfacing of the roadways within the Central Bayshore project is \$986,789 and is detailed in Exhibit F-4 attached. However, the amount of above ground funding net of the portions funded by stormwater and water and sewer is \$197,357. A credit for the deletion of Prairie Avenue in the amount of \$93,211 is also included.

Additional Water & Sewer Funding Request: \$ 346,807

The additional scope includes hard cost, contingency and CIP fees to offset the additional cost for milling and resurfacing (pavement restoration) required by the installation of water mains, appurtenances and fire hydrants. Additional funding request is as follows:

Construction Cost	\$296,037
Contingency	\$ 29,604
CIP Fees (new scope and adjust to 6.5%)	<u>\$ 21,166</u>
Total	\$346,807

Additional Stormwater Funding Request: \$3,954,069

The additional scope includes hard cost, contingency and CIP fees for the installation of 24" valley gutters; relocating pump station #4 and replacing with gravity wells; additional Stormwater collection (phase II); and Meridian Ave. Stormwater collection, and the portion of milling and resurfacing (pavement restoration) required for the installation of drainage structures. Additional funding request is as follows:

Construction Cost	\$3,425,306
Contingency	\$ 342,531
CIP Fees	<u>\$ 186,232</u>
Total	\$3,954,069

Bayshore C (Lake Pancoast) Funding:

Additional Above Ground Funding Request: \$ 14,000

The additional scope includes hard cost (construction) for additional milling and resurfacing (pavement restoration).

Additional Water & Sewer Funding Request: \$ 28,216

The additional scope includes hard cost, contingency and CIP fees to offset the additional cost for milling and resurfacing (pavement restoration) required by the installation of water mains, appurtenances and fire hydrants. Additional funding request is as follows:

Construction Cost	\$21,480
Contingency	\$ 2,148
CIP Fees (new scope and adjust to 6.5%)	<u>\$ 4,588</u>
Total	\$28,216

Additional Stormwater Funding Request: \$347,509

The additional scope includes hard cost, contingency and CIP fees for the installation of 24" valley gutters, and the portion of milling and resurfacing (pavement restoration) required for the installation of drainage structures. Additional funding request is as follows:

Construction Cost	\$235,800
Contingency	\$ 23,580
CIP Fees (new scope and adjust to 6.5%)	<u>\$ 63,129</u>
Total	\$347,509

CONCLUSION:

The above information is provided to facilitate the discussion of whether or not to proceed with the revision to the plans for the requested improvements which are outside of the current BODR for the Central Bayshore neighborhood.

Attachments:

- Exhibit A: Chronological History and Process Summary**
- Exhibit B: HOA Original Request**
- Exhibit C-1: HOA Compromise - Summary**
- Exhibit C-2: HOA Compromise - Map**
- Exhibit C-3: HOA Requested Landscaping**
- Exhibit D-1: Additional Stormwater Upgrades - Summary**
- Exhibit D-2: Additional Stormwater Upgrades - Map**
- Exhibit E: LTC 291-2011 dated 11-14-11**
- Exhibits F-1 thru F-4: Budget Level Cost Estimates**

KGB/JMG/FB/FV

FCWPC Meeting - July 9, 2012 - Central Bayshore Neighborhood - BODR - July 9, 2012

Exhibit C

ITB 18-09/10 UNIT PRICE BID BREAKDOWN - PHASE II STORMWATER COLLECTION-LANZO SCHEDULE OF VALUES	
PROJECT:	ITB 18-09/10 - RIGHT-OF-WAY IMPROVEMENTS - NEIGHBORHOOD NO. 8 CENTRAL BAYSHORE (PACKAGE A) AND LAKE PANCOAST (PACKAGE C)
COMPANY NAME:	Lanzo Construction Co., Florida
Change Order (additional quantities) Summary	
Package A	
1A - General Conditions (Package A)	\$464,200.00
Gravity Wells	\$519,168.00
1A - Material Escalation (Package A)	\$112,338.92
3A - Stormwater (Package A)	\$1,949,268.00
4A - Pavement and Streetscape (Package A)	\$2,593,186.10
Total	\$5,638,161.02

CENTRAL BAYSHORE (PACKAGE A - Phase II)							
DIV.	ITEM NO.	DESCRIPTION	Extended Costs				ATKINS COMMENTS
			QUANTITY	UNIT	UNIT PRICE	TOTAL	
1A - General Conditions (PHASE II)							
	1.01.a	Bonds and Insurance	1	LS	\$ 138,500.00	\$138,500.00	
	1.02.a	Mobilization / Demobilization	1	LS	\$ 138,500.00	\$138,500.00	
	1.03.a	Survey Layout and As-builts	1	LS	\$ 38,900.00	\$38,900.00	
	1.04.a	Maintenance of Traffic	1	LS	\$ 22,700.00	\$22,700.00	
	1.05.a	Engineer's Field Office	1	LS	\$ 24,100.00	\$24,100.00	
	1.06.a	Public Information / Liaison Services	1	LS	\$ 85,500.00	\$85,500.00	
	1.07.a	Trench safety act	1	LS	\$ 16,000.00	\$16,000.00	
1A - General Conditions (Package A) Subtotal:						\$464,200.00	
1A - Material Escalation (PHASE II)							
		A2000 PVC Pipe Material	1	LS	\$ 43,163.42	\$43,163.42	
		Fuel Escalation	1	LS	\$ 49,896.00	\$49,896.00	
		Limerock, Roadbase	1	LS	\$ 13,273.75	\$13,273.75	
		Washes Rock, Subbase	1	LS	\$ 6,005.75	\$6,005.75	
1A - General Conditions (Package A) Subtotal:						\$112,338.92	
3A - Stormwater (Package A-Phase II: 34th to 28th)							
	3.01.a	Type C inlet w/slot and inlet flume	4	EA	\$ 3,500.00	\$14,000.00	
	3.01.b	Type D inlet, 4' dia. w/storm manhole top		EA	\$ 2,200.00	\$0.00	
	3.01.c	Type D inlet, 4' dia. w/valley gutter top	14	EA	\$ 2,200.00	\$30,800.00	
	3.01.e	Type E inlet w/concrete apron		EA	\$ 2,900.00	\$0.00	
	3.01.f	Type D inlet, 5' dia. w/valley gutter top	36	EA	\$ 2,900.00	\$104,400.00	
	3.01.g	NO DUMPING stencils	107	EA	\$ 12.00	\$1,284.00	
	3.01.h	Type D inlet, 4' dia. w/curb & gutter top	3	EA	\$ 2,200.00	\$6,600.00	
	3.01.i	Type D inlet, 5' dia. w/curb & gutter top	1	EA	\$ 2,900.00	\$2,900.00	
	3.01.j	Type D inlet, 4' dia. w/type "D" frame & grate		EA	\$ 2,000.00	\$0.00	
	3.01.k	Type D inlet, 4' dia. w/type "D" frame & grate, w/concrete apron	3	EA	\$ 2,300.00	\$6,900.00	
	3.01.l	Type D inlet, 5' dia. w/type "D" frame & grate, w/concrete apron		EA	\$ 2,900.00	\$0.00	
	3.01.m	Type D inlet, 6' dia. w/type "D" frame & grate, w/concrete apron	5	EA	\$ 3,200.00	\$16,000.00	
	3.01.n	Type D inlet, 7' dia. w/type "D" frame & grate, w/concrete apron	2	EA	\$ 4,600.00	\$9,200.00	
	3.01.o	Type C inlet w/concrete apron		EA	\$ 2,200.00	\$0.00	
	3.01.p	Type D inlet, 5' dia. w/storm manhole top	16	EA	\$ 2,800.00	\$44,800.00	
	3.01.q	Type D inlet, 6' dia. w/storm manhole top	13	EA	\$ 3,200.00	\$41,600.00	
	3.01.r	Type D inlet, 7' dia. w/storm manhole top	1	EA	\$ 3,700.00	\$3,700.00	
	3.01.s	Type D inlet, 8' dia. w/storm manhole top		EA	\$ 5,300.00	\$0.00	
	3.01.t	Offset drainage inlet with valley gutter and storm manhole top	8	EA	\$ 4,200.00	\$33,600.00	
		Type D inlet, 10' dia. w/storm manhole top	1	EA	\$ 8,500.00	\$8,500.00	
	3.02.a	18" dia. drainage pipe	2,110	LF	\$ 54.00	\$113,940.00	
	3.02.b	24" dia. drainage pipe	400	LF	\$ 58.00	\$23,200.00	
	3.02.c	15" dia. drainage pipe	390	LF	\$ 45.00	\$17,550.00	
	3.02.d	30" dia. drainage pipe	2,020	LF	\$ 65.00	\$131,300.00	
	3.02.e	36" dia. drainage pipe	2,750	LF	\$ 79.00	\$217,250.00	
	3.02.f	48" dia. drainage pipe	25	LF	\$ 130.00	\$3,250.00	
		42" dia. drainage pipe	1,050	LF	\$ 120.00	\$126,000.00	
		14"x30" elliptical drainage pipe	45	LF	\$ 100.00	\$4,500.00	
	3.03.a	Connect new drainage pipe to existing drainage structure		EA	\$ 900.00	\$0.00	
	3.14.a	Remove existing storm drainage manhole or catch basin		EA	\$ 425.00	\$0.00	
	3.14.b	Remove existing storm sewer pipe		LF	\$ 15.00	\$0.00	
	3.14.c	Seal hole in existing drainage structure		EA	\$ 400.00	\$0.00	
	3.19.a	CCTV inspection of existing gravity sewer		LF	\$ 4.00	\$0.00	
	allowance	Conflict delays (28th St-5-crew days each)	4	EA	\$ 65,000.00	\$260,000.00	
3A - Stormwater (Package A-Phase II: 34th to 28th) Subtotal						\$1,221,274.00	
3A - Stormwater (Package A-Phase II: Meridian)							
	3.01.a	Type C inlet w/slot and inlet flume		EA	\$ 3,500.00	\$0.00	
	3.01.b	Type D inlet, 4' dia. w/storm manhole top		EA	\$ 2,200.00	\$0.00	
	3.01.c	Type D inlet, 4' dia. w/valley gutter top	17	EA	\$ 2,200.00	\$37,400.00	
	3.01.e	Type E inlet w/concrete apron		EA	\$ 2,900.00	\$0.00	
	3.01.f	Type D inlet, 5' dia. w/valley gutter top	6	EA	\$ 2,900.00	\$17,400.00	
	3.01.g	NO DUMPING stencils	23	EA	\$ 12.00	\$276.00	
	3.01.h	Type D inlet, 4' dia. w/curb & gutter top		EA	\$ 2,200.00	\$0.00	
	3.01.i	Type D inlet, 5' dia. w/curb & gutter top		EA	\$ 2,900.00	\$0.00	
	3.01.j	Type D inlet, 4' dia. w/type "D" frame & grate	1	EA	\$ 2,000.00	\$2,000.00	
	3.01.k	Type D inlet, 4' dia. w/type "D" frame & grate, w/concrete apron		EA	\$ 2,300.00	\$0.00	
	3.01.l	Type D inlet, 5' dia. w/type "D" frame & grate, w/concrete apron		EA	\$ 2,900.00	\$0.00	
	3.01.m	Type D inlet, 6' dia. w/type "D" frame & grate, w/concrete apron		EA	\$ 3,200.00	\$0.00	
	3.01.n	Type D inlet, 7' dia. w/type "D" frame & grate, w/concrete apron		EA	\$ 4,600.00	\$0.00	

Exhibit C

DIV.	ITEM NO.	DESCRIPTION	Extended Costs				ATKINS COMMENTS
			QUANTITY	UNIT	UNIT PRICE	TOTAL	
	3.01.o	Type C inlet w/concrete apron		EA	\$ 2,200.00	\$0.00	
	3.01.p	Type D inlet, 5' dia. w/storm manhole top	4	EA	\$ 2,800.00	\$11,200.00	
	3.01.q	Type D inlet, 6' dia. w/storm manhole top		EA	\$ 3,200.00	\$0.00	
	3.01.r	Type D inlet, 7' dia. w/storm manhole top		EA	\$ 3,700.00	\$0.00	
	3.01.s	Type D inlet, 8' dia. w/storm manhole top		EA	\$ 5,300.00	\$0.00	
	3.01.t	Offset drainage inlet with valley gutter and storm manhole top		EA	\$ 4,200.00	\$0.00	
	3.01.u	Inlet Top Adjustment for Flumes		EA	\$ 1,076.00	\$0.00	
	3.02.a	18" dia. drainage pipe	1,300	LF	\$ 54.00	\$70,200.00	
	3.02.b	24" dia. drainage pipe	690	LF	\$ 58.00	\$40,020.00	
	3.02.c	15" dia. drainage pipe	180	LF	\$ 45.00	\$8,100.00	
	3.02.d	30" dia. drainage pipe	250	LF	\$ 65.00	\$16,250.00	
	3.02.e	36" dia. drainage pipe	1,690	LF	\$ 79.00	\$133,510.00	
	3.02.f	48" dia. drainage pipe		LF	\$ 130.00	\$0.00	
		14"x23" elliptical drainage pipe	60	LF	\$ 80.00	\$4,800.00	
	3.03.a	Connect new drainage pipe to existing drainage structure	1	EA	\$ 900.00	\$900.00	
	3.14.a	Remove existing storm drainage manhole or catch basin	8	EA	\$ 425.00	\$3,400.00	
	3.14.b	Remove existing storm sewer pipe	2,200	LF	\$ 15.00	\$33,000.00	
	3.14.c	Seal hole in existing drainage structure	4	EA	\$ 400.00	\$1,600.00	
	3.19.a	CCTV inspection of existing gravity sewer		LF	\$ 4.00	\$0.00	
		Conflict delays (Dade Boulevard - 5 crew days)	1	EA	\$ 65,000.00	\$65,000.00	
	Allowance	Pipe in close proximity to existing utilities (less than 5' from parallel utilities) (East Side @ Meridian)	1	LS	\$ 67,408.00	\$67,408.00	
	Allowance	Deep pipe (Less than 4' Invert Elevation) (South Side @ 28th St.)	1	LS	\$ 215,530.00	\$215,530.00	
		3A - Stormwater (Package A-Phase II-Meridian) Subtotal				\$727,994.00	
	4A - Pavement and Streetscape (Package A-Phase II: 40th to 28th)						
	4.01.a	Roadway pavement removal - full depth		SY	\$ 4.00	\$0.00	
	4.06.a	24" Concrete valley gutter	36,800	LF	\$ 17.34	\$638,112.00	
	4.06.b	Type "F" concrete curb and gutter		LF	\$ 17.00	\$0.00	
	4.06.c	Type "D" concrete curb (8")		LF	\$ 12.00	\$0.00	
	4.06.d	Concrete flume w/grate	58	EA	\$ 395.00	\$22,910.00	
	4.07.a	Stabilized subgrade, 12" thick	9,600	SY	\$ 2.00	\$19,200.00	
	4.08.a	Limerock base course, 8" thick	9,600	SY	\$ 8.50	\$81,600.00	
	4.11.d	Driveway restoration/transition- asphalt	600	SF	\$ 4.50	\$2,700.00	
	4.11.e	Driveway restoration/transition - concrete	650	SF	\$ 9.75	\$6,337.50	
	4.11.f	Driveway restoration/transition - remove & stack/store existing brick pavers	500	SF	\$ 6.00	\$3,000.00	
	4.16.b	Asphalt concrete, type S-III, 1" thick		SY	\$ 5.00	\$0.00	
	4.16.c	Temporary asphalt concrete, type S-III, 1" thick		SY	\$ 15.30	\$0.00	
	4.16.d	Asphalt concrete, type S-III, leveling course		TN	\$ 95.00	\$0.00	
	4.16.e	Asphalt Resurfacing - 2"	70,000	SY	\$ 11.50	\$805,000.00	
		Regrade Existing Limerock Base	70,000	SY	\$ 6.00	\$420,000.00	
	4.17.a	Asphalt milling, variable depth, up to 2"	70,000	SY	\$ 2.00	\$140,000.00	
		Pavement and Streetscape (Package A-Phase II: 40th to 28th) Subtotal				\$2,138,859.50	
	4A - Pavement and Streetscape (Package A-Phase II: Meridian)						
	4.01.a	Roadway pavement removal - full depth		SY	\$ 4.00	\$0.00	
	4.06.a	24" Concrete valley gutter	6,240	LF	\$ 17.34	\$108,201.60	
	4.06.b	Type "F" concrete curb and gutter		LF	\$ 17.00	\$0.00	
	4.06.c	Type "D" concrete curb (8")		LF	\$ 12.00	\$0.00	
	4.06.d	Concrete flume w/grate		EA	\$ 395.00	\$0.00	
	4.07.a	Stabilized subgrade, 12" thick	4,650	SY	\$ 2.00	\$9,300.00	
	4.08.a	Limerock base course, 8" thick	4,650	SY	\$ 8.50	\$39,525.00	
	4.16.b	Asphalt concrete, type S-III, 1" thick		SY	\$ 5.00	\$0.00	
	4.16.c	Temporary asphalt concrete, type S-III, 1" thick		SY	\$ 15.30	\$0.00	
	4.16.d	Asphalt concrete, type S-III, leveling course		TN	\$ 95.00	\$0.00	
	4.16.e	Asphalt Resurfacing - 2"	13,000	SY	\$ 11.50	\$149,500.00	
		Regrade Existing Limerock Base	8,350	SY	\$ 6.00	\$50,100.00	
	4.17.a	Asphalt milling, variable depth, up to 2"	8,350	SY	\$ 2.00	\$16,700.00	
		Bikepath (6" Milling Base & 2" Asphalt 8' Wide)	2,700	SY	\$ 30.00	\$81,000.00	
		Pavement and Streetscape (Package A-Phase II: Meridian) Subtotal				\$454,326.60	
		Total (Package A-Phase II)				\$5,118,993.02	

Exhibit D

ITB 18-09/10 UNIT PRICE BID BREAKDOWN - PHASE II STORMWATER COLLECTION-FINAL NEGOTIATED SCHEDULE OF VALUES	
PROJECT:	ITB 18-09/10 - RIGHT-OF-WAY IMPROVEMENTS - NEIGHBORHOOD NO. 8 CENTRAL BAYSHORE (PACKAGE A) AND LAKE PANCOAST (PACKAGE C)
COMPANY NAME:	Lanxo Construction Co., Florida
Change Order (additional quantities) Summary	
Package A	
1A - General Conditions (Package A)	\$375,000.00
Gravity Wells	\$392,074.62
1A - Material Escalation (Package A)	\$112,338.92
3A - Stormwater (Package A)	\$1,881,860.00
4A - Pavement and Streetscape (Package A)	\$2,574,286.10
Total	\$5,335,559.64

CENTRAL BAYSHORE (PACKAGE A - Phase II)						
DIV.	ITEM NO.	DESCRIPTION	Extended Costs			ATKINS COMMENTS
			QUANTITY	UNIT	UNIT PRICE	
1A - General Conditions (PHASE II)						
	1.01.a	Bonds and Insurance	1	LS	\$ 120,003.73	\$120,003.73
	1.02.a	Mobilization / Demobilization	1	LS	\$ 120,003.73	\$120,003.73
	1.03.a	Survey Layout and As-builts	1	LS	\$ 36,342.53	\$36,342.53
	1.04.a	Maintenance of Traffic	1	LS	\$ 10,250.00	\$10,250.00
	1.05.a	Engineer's Field Office	1	LS	\$ 11,400.00	\$11,400.00
	1.06.a	Public Information / Liaison Services	1	LS	\$ 66,000.00	\$66,000.00
	1.07.a	Trench safety act	1	LS	\$ 11,000.00	\$11,000.00
1A - General Conditions (Package A) Subtotal:						\$375,000.00
1A - Material Escalation (PHASE II)						
		A2000 PVC Pipe Material	1	LS	\$ 43,163.42	\$43,163.42
		Fuel Escalation	1	LS	\$ 49,896.00	\$49,896.00
		Limerock, Roadbase	1	LS	\$ 13,273.75	\$13,273.75
		Washes Rock, Subbase	1	LS	\$ 6,005.75	\$6,005.75
1A - General Conditions (Package A) Subtotal:						\$112,338.92
3A - Stormwater (Package A-Phase II: 34th to 28th)						
	3.01.a	Type C inlet w/slot and inlet flume	4	EA	\$ 3,500.00	\$14,000.00
	3.01.b	Type D inlet, 4' dia. w/storm manhole top		EA	\$ 2,200.00	\$0.00
	3.01.c	Type D inlet, 4' dia. w/valley gutter top	14	EA	\$ 2,200.00	\$30,800.00
	3.01.e	Type E inlet w/concrete apron		EA	\$ 2,900.00	\$0.00
	3.01.f	Type D inlet, 5' dia. w/valley gutter top	36	EA	\$ 2,900.00	\$104,400.00
	3.01.g	NO DUMPING stencils	107	EA	\$ 12.00	\$1,284.00
	3.01.h	Type D inlet, 4' dia. w/curb & gutter top	3	EA	\$ 2,200.00	\$6,600.00
	3.01.i	Type D inlet, 5' dia. w/curb & gutter top	1	EA	\$ 2,900.00	\$2,900.00
	3.01.j	Type D inlet, 4' dia. w/type "D" frame & grate		EA	\$ 2,000.00	\$0.00
	3.01.k	Type D inlet, 4' dia. w/type "D" frame & grate, w/concrete apron	3	EA	\$ 2,300.00	\$6,900.00
	3.01.l	Type D inlet, 5' dia. w/type "D" frame & grate, w/concrete apron		EA	\$ 2,900.00	\$0.00
	3.01.m	Type D inlet, 6' dia. w/type "D" frame & grate, w/concrete apron	5	EA	\$ 3,200.00	\$16,000.00
	3.01.n	Type D inlet, 7' dia. w/type "D" frame & grate, w/concrete apron	2	EA	\$ 4,600.00	\$9,200.00
	3.01.o	Type C inlet w/concrete apron		EA	\$ 2,200.00	\$0.00
	3.01.p	Type D inlet, 5' dia. w/storm manhole top	16	EA	\$ 2,800.00	\$44,800.00
	3.01.q	Type D inlet, 6' dia. w/storm manhole top	13	EA	\$ 3,200.00	\$41,600.00
	3.01.r	Type D inlet, 7' dia. w/storm manhole top	1	EA	\$ 3,700.00	\$3,700.00
	3.01.s	Type D inlet, 8' dia. w/storm manhole top		EA	\$ 5,300.00	\$0.00
	3.01.t	Offset drainage inlet with valley gutter and storm manhole top	8	EA	\$ 4,200.00	\$33,600.00
		Type D inlet, 10' dia. w/storm manhole top	1	EA	\$ 8,500.00	\$8,500.00
	3.02.a	18" dia. drainage pipe	2,110	LF	\$ 54.00	\$113,940.00
	3.02.b	24" dia. drainage pipe	400	LF	\$ 58.00	\$23,200.00
	3.02.c	15" dia. drainage pipe	390	LF	\$ 45.00	\$17,550.00
	3.02.d	30" dia. drainage pipe	2,020	LF	\$ 65.00	\$131,300.00
	3.02.e	36" dia. drainage pipe	2,750	LF	\$ 79.00	\$217,250.00
	3.02.f	48" dia. drainage pipe	25	LF	\$ 130.00	\$3,250.00
		42" dia. drainage pipe	1,050	LF	\$ 120.00	\$126,000.00
		14"x30" elliptical drainage pipe	45	LF	\$ 100.00	\$4,500.00
	3.03.a	Connect new drainage pipe to existing drainage structure		EA	\$ 900.00	\$0.00
	3.14.a	Remove existing storm drainage manhole or catch basin		EA	\$ 425.00	\$0.00
	3.14.b	Remove existing storm sewer pipe		LF	\$ 15.00	\$0.00
	3.14.c	Seal hole in existing drainage structure		EA	\$ 400.00	\$0.00
	3.19.a	CCTV inspection of existing gravity sewer		LF	\$ 4.00	\$0.00
	allowance	Conflict delays (28th St.-5-crew days each)	4	EA	\$ 65,000.00	\$260,000.00
3A - Stormwater (Package A-Phase II: 34th to 28th) Subtotal						\$1,221,274.00
3A - Stormwater (Package A-Phase II: Meridian)						
	3.01.a	Type C inlet w/slot and inlet flume		EA	\$ 3,500.00	\$0.00
	3.01.b	Type D inlet, 4' dia. w/storm manhole top		EA	\$ 2,200.00	\$0.00
	3.01.c	Type D inlet, 4' dia. w/valley gutter top	17	EA	\$ 2,200.00	\$37,400.00
	3.01.e	Type E inlet w/concrete apron		EA	\$ 2,900.00	\$0.00
	3.01.f	Type D inlet, 5' dia. w/valley gutter top	6	EA	\$ 2,900.00	\$17,400.00
	3.01.g	NO DUMPING stencils	23	EA	\$ 12.00	\$276.00
	3.01.h	Type D inlet, 4' dia. w/curb & gutter top		EA	\$ 2,200.00	\$0.00
	3.01.i	Type D inlet, 5' dia. w/curb & gutter top		EA	\$ 2,900.00	\$0.00
	3.01.j	Type D inlet, 4' dia. w/type "D" frame & grate	1	EA	\$ 2,000.00	\$2,000.00
	3.01.k	Type D inlet, 4' dia. w/type "D" frame & grate, w/concrete apron		EA	\$ 2,300.00	\$0.00
	3.01.l	Type D inlet, 5' dia. w/type "D" frame & grate, w/concrete apron		EA	\$ 2,900.00	\$0.00
	3.01.m	Type D inlet, 6' dia. w/type "D" frame & grate, w/concrete apron		EA	\$ 3,200.00	\$0.00
	3.01.n	Type D inlet, 7' dia. w/type "D" frame & grate, w/concrete apron		EA	\$ 4,600.00	\$0.00

Exhibit D

DIV.	ITEM NO.	DESCRIPTION	Extended Costs				ATKINS COMMENTS
			QUANTITY	UNIT	UNIT PRICE	TOTAL	
	3.01.o	Type C inlet w/concrete apron		EA	\$ 2,200.00	\$0.00	
	3.01.p	Type D inlet, 5' dia. w/storm manhole top	4	EA	\$ 2,800.00	\$11,200.00	
	3.01.q	Type D inlet, 6' dia. w/storm manhole top		EA	\$ 3,200.00	\$0.00	
	3.01.r	Type D inlet, 7' dia. w/storm manhole top		EA	\$ 3,700.00	\$0.00	
	3.01.s	Type D inlet, 8' dia. w/storm manhole top		EA	\$ 5,300.00	\$0.00	
	3.01.t	Offset drainage inlet with valley gutter and storm manhole top		EA	\$ 4,200.00	\$0.00	
	3.01.u	Inlet Top Adjustment for Flumes		EA	\$ 1,076.00	\$0.00	
	3.02.a	18" dia. drainage pipe	1,300	LF	\$ 54.00	\$70,200.00	
	3.02.b	24" dia. drainage pipe	690	LF	\$ 58.00	\$40,020.00	
	3.02.c	15" dia. drainage pipe	180	LF	\$ 45.00	\$8,100.00	
	3.02.d	30" dia. drainage pipe	250	LF	\$ 65.00	\$16,250.00	
	3.02.e	36" dia. drainage pipe	1,690	LF	\$ 79.00	\$133,510.00	
	3.02.f	48" dia. drainage pipe		LF	\$ 130.00	\$0.00	
		14"X23" elliptical drainage pipe	60	LF	\$ 80.00	\$4,800.00	
	3.03.a	Connect new drainage pipe to existing drainage structure	1	EA	\$ 900.00	\$900.00	
	3.14.a	Remove existing storm drainage manhole or catch basin	8	EA	\$ 425.00	\$3,400.00	
	3.14.b	Remove existing storm sewer pipe	2,200	LF	\$ 15.00	\$33,000.00	
	3.14.c	Seal hole in existing drainage structure	4	EA	\$ 400.00	\$1,600.00	
	3.19.a	CCTV inspection of existing gravity sewer		LF	\$ 4.00	\$0.00	
		Conflict delays (Dade Boulevard - 5 crew days)	1	EA	\$ 65,000.00	\$65,000.00	
	Allowance	Pipe in close proximity to existing utilities (less than 5' from parallel utilities) (East Side @ Meridian)	0	LS	\$ 67,408.00	\$0.00	
	Allowance	Deep pipe (Less than 4' Invert Elevation) (South Side @ 28th St.)	1	LS	\$ 215,530.00	\$215,530.00	
3A - Stormwater (Package A-Phase II-Meridian) Subtotal						\$660,586.00	
4A - Pavement and Streetscape (Package A-Phase II: 40th to 28th)							
	4.01.a	Roadway pavement removal - full depth		SY	\$ 4.00	\$0.00	
	4.06.a	24" Concrete valley gutter	36,800	LF	\$ 17.34	\$638,112.00	
	4.06.b	Type "F" concrete curb and gutter		LF	\$ 17.00	\$0.00	
	4.06.c	Type "D" concrete curb (8")		LF	\$ 12.00	\$0.00	
	4.06.d	Concrete flume w/grate	58	EA	\$ 395.00	\$22,910.00	
	4.07.a	Stabilized subgrade, 12" thick	9,600	SY	\$ 2.00	\$19,200.00	
	4.08.a	Limerock base course, 8" thick	9,600	SY	\$ 8.50	\$81,600.00	
	4.11.d	Driveway restoration/transition- asphalt	600	SF	\$ 4.50	\$2,700.00	
	4.11.e	Driveway restoration/transition - concrete	650	SF	\$ 9.75	\$6,337.50	
	4.11.f	Driveway restoration/transition - remove & stack/store existing brick pavers	500	SF	\$ 6.00	\$3,000.00	
	4.16.b	Asphalt concrete, type S-III, 1" thick		SY	\$ 5.00	\$0.00	
	4.16.c	Temporary asphalt concrete, type S-III, 1" thick		SY	\$ 15.30	\$0.00	
	4.16.d	Asphalt concrete, type S-III, leveling course		TN	\$ 95.00	\$0.00	
	4.16.e	Asphalt Resurfacing - 2"	70,000	SY	\$ 11.50	\$805,000.00	
		Regrade Existing Limerock Base	70,000	SY	\$ 6.00	\$420,000.00	
	4.17.a	Asphalt milling, variable depth, up to 2"	70,000	SY	\$ 2.00	\$140,000.00	
Pavement and Streetscape (Package A-Phase II: 40th to 28th) Subtotal						\$2,138,859.50	
4A - Pavement and Streetscape (Package A-Phase II: Meridian)							
	4.01.a	Roadway pavement removal - full depth		SY	\$ 4.00	\$0.00	
	4.06.a	24" Concrete valley gutter	6,240	LF	\$ 17.34	\$108,201.60	
	4.06.b	Type "F" concrete curb and gutter		LF	\$ 17.00	\$0.00	
	4.06.c	Type "D" concrete curb (8")		LF	\$ 12.00	\$0.00	
	4.06.d	Concrete flume w/grate		EA	\$ 395.00	\$0.00	
	4.07.a	Stabilized subgrade, 12" thick	4,650	SY	\$ 2.00	\$9,300.00	
	4.08.a	Limerock base course, 8" thick	4,650	SY	\$ 8.50	\$39,525.00	
	4.16.b	Asphalt concrete, type S-III, 1" thick		SY	\$ 5.00	\$0.00	
	4.16.c	Temporary asphalt concrete, type S-III, 1" thick		SY	\$ 15.30	\$0.00	
	4.16.d	Asphalt concrete, type S-III, leveling course		TN	\$ 95.00	\$0.00	
	4.16.e	Asphalt Resurfacing - 2"	13,000	SY	\$ 11.50	\$149,500.00	
		Regrade Existing Limerock Base	8,350	SY	\$ 6.00	\$50,100.00	
	4.17.a	Asphalt milling, variable depth, up to 2"	8,350	SY	\$ 2.00	\$16,700.00	
		Bikepath (6" Milling Base & 2" Asphalt 8' Wide)	2,700	SY	\$ 23.00	\$62,100.00	
Pavement and Streetscape (Package A-Phase II: Meridian) Subtotal						\$435,426.60	
Total (Package A-Phase II)						\$4,943,485.02	

Exhibit E

ITB 18-09/10 - PHASE II CREDITS	
PROJECT:	ITB 18-09/10 - RIGHT-OF-WAY IMPROVEMENTS - NEIGHBORHOOD NO. 8 CENTRAL BAYSHORE (PACKAGE A) AND LAKE PANCOAST (PACKAGE C)
COMPANY NAME:	Lanzo Construction Co., Florida
Summary	
Package A	
3A - Stormwater (Package A)	-\$144,770.00
4A - Pavement and Streetscape (Package A)	-\$1,805,348.50
Total Credits	-\$1,950,118.50

CENTRAL BAYSHORE (PACKAGE A) - CREDITS						
DIV.	ITEM NO.	DESCRIPTION	BIDDERS			COMMENTS
			QUANTITY	UNIT	UNIT PRICE	
3A - Stormwater (Package A)						
	3.01.a	Type C inlet w/slot and inlet flume		EA	\$ 3,500.00	\$0.00
	3.01.b	Type D inlet, 4' dia. w/storm manhole top		EA	\$ 2,200.00	\$0.00
	3.01.c	Type D inlet, 4' dia. w/valley gutter top		EA	\$ 2,200.00	\$0.00
	3.01.e	Type E inlet w/concrete apron		EA	\$ 2,900.00	\$0.00
	3.01.f	Type D Inlet, 5' dia. w/valley gutter top		EA	\$ 2,900.00	\$0.00
	3.01.g	NO DUMPING stencils		EA	\$ 12.00	\$0.00
	3.01.h	Type D inlet, 4' dia. w/curb & gutter top		EA	\$ 2,200.00	\$0.00
	3.01.i	Type D inlet, 5' dia. w/curb & gutter top		EA	\$ 2,900.00	\$0.00
	3.01.j	Type D inlet, 4' dia. w/type "D" frame & grate		EA	\$ 2,000.00	\$0.00
	3.01.k	Type D inlet, 4' dia. w/type "D" frame & grate, w/concrete apron		EA	\$ 2,300.00	\$0.00
	3.01.l	Type D inlet, 5' dia. w/type "D" frame & grate, w/concrete apron		EA	\$ 2,900.00	\$0.00
	3.01.m	Type D inlet, 6' dia. w/type "D" frame & grate, w/concrete apron		EA	\$ 3,200.00	\$0.00
	3.01.n	Type D inlet, 7' dia. w/type "D" frame & grate, w/concrete apron		EA	\$ 4,600.00	\$0.00
	3.01.o	Type C inlet w/concrete apron		EA	\$ 2,200.00	\$0.00
	3.01.p	Type D inlet, 5' dia. w/storm manhole top		EA	\$ 2,800.00	\$0.00
	3.01.q	Type D inlet, 6' dia. w/storm manhole top		EA	\$ 3,200.00	\$0.00
	3.01.r	Type D inlet, 7' dia. w/storm manhole top		EA	\$ 3,700.00	\$0.00
	3.01.s	Type D inlet, 8' dia. w/storm manhole top		EA	\$ 5,300.00	\$0.00
	3.01.t	Offset drainage inlet with valley gutter and storm manhole top		EA	\$ 4,200.00	\$0.00
	3.02.a	18" dia. RCP drainage pipe		LF	\$ 54.00	\$0.00
	3.02.b	24" dia. RCP drainage pipe		LF	\$ 58.00	\$0.00
	3.02.c	15" dia. RCP drainage pipe		LF	\$ 45.00	\$0.00
	3.02.d	30" dia. RCP drainage pipe		LF	\$ 65.00	\$0.00
	3.02.e	36" dia. RCP drainage pipe		LF	\$ 79.00	\$0.00
	3.02.f	48" dia. RCP drainage pipe		LF	\$ 130.00	\$0.00
	3.03.a	Connect new drainage pipe to existing drainage structure		EA	\$ 900.00	\$0.00
	3.04.a	Outfall manhole, 5' dia. w/tideflex valve		EA	\$ 14,500.00	\$0.00
	3.05.a	Manatee grate, aluminum, for outlet up to 36"		EA	\$ 1,700.00	\$0.00
	3.06.a	Passive relief manhole, 4' dia.		EA	\$ 10,000.00	\$0.00
	3.07.a	Outfall pipe cleaning, 8" thru 24" dia.		LF	\$ 8.00	\$0.00
	3.08.a	Storm water detention box		EA	\$ 90,000.00	\$0.00
	3.09.a	Storm water pumping station		EA	\$ 375,000.00	\$0.00
	3.10.a	16" Restrained joint, DIP storm water force main		LF	\$ 142.00	\$0.00
	3.10.b	24" Restrained joint, DIP storm water force main		LF	\$ 175.00	\$0.00
	3.10.c	30" Restrained joint, DIP storm water force main		LF	\$ 285.00	\$0.00
	3.11.a	Ductile iron fittings for storm water force mains		LB	\$ 4.00	\$0.00
	3.12.a	16" Resilient wedge gate valve		EA	\$ 4,400.00	\$0.00
	3.13.a.1	Drainage well		EA	\$ 60,000.00	\$0.00
	3.13.a.2	Reaming for casing setting		LF	\$ 160.00	\$0.00
	3.13.a.3	Casing installation and cementing, complete		LF	\$ 300.00	\$0.00
	3.13.a.4	Reaming open hole from bottom of casing to total depth		LF	\$ 40.00	\$0.00
	3.13.a.5	Well development time		HR	\$ 180.00	\$0.00
	3.14.a	Remove existing storm drainage manhole or catch basin		EA	\$ 425.00	\$0.00
	3.14.b	Remove existing storm sewer pipe		LF	\$ 15.00	\$0.00
	3.14.c	Seal hole in existing drainage structure		EA	\$ 400.00	\$0.00
	3.15.a	Exfiltration trench w/15" HDPE pipe	-934	LF	\$ 155.00	-\$144,770.00 Full Credit
	3.17.a	In-The-Wet storm sewer pipe installation		LF	\$ 56.00	\$0.00
	3.18.a	In-The-Wet storm sewer structure installation		EA	\$ 900.00	\$0.00
	3.19.a	CCTV inspection of existing gravity sewer		LF	\$ 4.00	\$0.00
	3.20.a	Soil/Groundwater sampling and testing-Field Arsenic		EA	\$ 250.00	\$0.00
	3.20.b	Soil/Groundwater sampling and testing-Lab Arsenic		EA	\$ 250.00	\$0.00
	3.20.c	Soil/Groundwater sampling and testing-Field VOC's		EA	\$ 50.00	\$0.00
	3.20.d	Soil/Groundwater sampling and testing-Lab VOC's		EA	\$ 50.00	\$0.00
	3.21.a	Removal and disposal of contaminated soil		CY	\$ 10.00	\$0.00
3A - Stormwater (Package A) Total						-\$144,770.00
4A - Pavement and Streetscape (Package A)						
	4.01.a	Roadway pavement removal - full depth		SY	\$ 4.00	\$0.00
	4.02.a	Encroachment removal - palm tree up to 10'	-50	EA	\$ 36.00	-\$1,800.00 Partial Credit
	4.02.b	Encroachment removal - palm tree - 11' to 20'	-25	EA	\$ 52.00	-\$1,300.00 Partial Credit
	4.02.c	Encroachment removal - palm tree - 21' to 30'	-14	EA	\$ 92.00	-\$1,288.00 Partial Credit
	4.02.d	Encroachment removal - palm tree - greater than 30'	-2	EA	\$ 125.00	-\$250.00 Partial Credit
	4.03.a	Encroachment removal - trees (non palm) 6" to 18" dia.	-38	EA	\$ 220.00	-\$8,360.00 Partial Credit

Exhibit E

DIV.	ITEM NO.	DESCRIPTION	BIDDERS				COMMENTS
			QUANTITY	UNIT	UNIT PRICE	TOTAL	
	4.03.b	Encroachment removal - trees (non palm) greater than 18" up to 36" dia.	-27	EA	\$ 375.00	-\$10,125.00	Partial Credit
	4.03.c	Encroachment removal - trees (non palm) greater than 36" dia.	-8	EA	\$ 690.00	-\$5,520.00	Partial Credit
	4.04.a	Encroachment removal - hedges & shrubs	-30,500	SF	\$ 0.20	-\$6,100.00	Partial Credit
	4.05.a	Encroachment removal - misc. paving	-5,000	SF	\$ 1.50	-\$7,500.00	Partial Credit
	4.05.b	Encroachment removal - curbing	-6,100	LF	\$ 2.50	-\$15,250.00	Partial Credit
	4.06.a	18" Concrete valley gutter		LF	\$ 13.00	\$0.00	Full Credit
	4.06.b	Type "F" concrete curb and gutter		LF	\$ 17.00	\$0.00	
	4.06.c	Type "D" concrete curb (8")		LF	\$ 12.00	\$0.00	
	4.06.d	Concrete flume w/grate		EA	\$ 395.00	\$0.00	
	4.06.e	Concrete wheel stops		EA	\$ 22.00	\$0.00	
	4.07.a	Stabilized subgrade, 12" thick		SY	\$ 2.00	\$0.00	
	4.08.a	Limerock base course, 8" thick		SY	\$ 8.50	\$0.00	
	4.09.a	4" Concrete sidewalk replacement		SF	\$ 5.50	\$0.00	
	4.09.b	6" Concrete sidewalk replacement		SF	\$ 8.00	\$0.00	
	4.09.c	4" Concrete sidewalk, new		SF	\$ 5.00	\$0.00	
	4.09.d	6" Concrete sidewalk, new		SF	\$ 6.50	\$0.00	
	4.10.a	Stamped asphalt traffic calming device	-13	EA	\$ 3,000.00	-\$39,000.00	Full Credit
	4.10.b	Stamped asphalt crosswalk	-30	EA	\$ 3,000.00	-\$90,000.00	Full Credit
	4.11.a	Driveway restoration - asphalt	-37,200	SF	\$ 3.00	-\$111,600.00	Partial Credit
	4.11.b	Driveway restoration - concrete	-42,750	SF	\$ 6.50	-\$277,875.00	Partial Credit
	4.11.c	Driveway restoration - remove & stack/store existing brick pavers	-23,325	SF	\$ 3.00	-\$69,975.00	Partial Credit
	4.12.a	Temporary pavement markings		SF	\$ 0.50	\$0.00	
	4.12.b	24" thermoplastic stop bars		LF	\$ 3.00	\$0.00	
	4.12.c	12" thermoplastic crosswalk markings		LF	\$ 1.50	\$0.00	
	4.12.d	6" double striped thermoplastic pavement markings		LF	\$ 1.50	\$0.00	
	4.12.e	6" single stripe thermoplastic pavement marking		LF	\$ 1.00	\$0.00	
	4.12.f	Turn arrow thermoplastic		EA	\$ 50.00	\$0.00	
	4.12.g	Bike Lane Marking		EA	\$ 170.00	\$0.00	
	4.13.a	Furnish and install D11-1 sign		EA	\$ 200.00	\$0.00	
	4.13.c	Furnish and install M4-11 sign		EA	\$ 50.00	\$0.00	
	4.13.f	Furnish and install R1-1 sign		EA	\$ 200.00	\$0.00	
	4.13.g	Furnish and install R1-4 sign		EA	\$ 40.00	\$0.00	
	4.13.h	Furnish and install W11-1 sign		EA	\$ 200.00	\$0.00	
	4.13.i	Furnish and install W11-2 sign		EA	\$ 200.00	\$0.00	
	4.13.m	Furnish and install R1-2 sign		EA	\$ 200.00	\$0.00	
	4.13.u	Furnish and install RPP-1 sign		EA	\$ 200.00	\$0.00	
	4.13.cc	Furnish and install W16-1 sign		EA	\$ 50.00	\$0.00	
	4.13.ff	Furnish and install FTP-20-04 sign		EA	\$ 200.00	\$0.00	
	4.13.gg	Furnish and install FTP-22-04 sign		EA	\$ 30.00	\$0.00	
	4.13.hh	Relocate existing sign		EA	\$ 60.00	\$0.00	
	4.13.ii	Furnish and install R3-17 sign		EA	\$ 200.00	\$0.00	
	4.13.jj	Furnish and install W5-4A sign		EA	\$ 200.00	\$0.00	
	4.14.a	Sod - St. Augustine	-487,500	SF	\$ 0.40	-\$195,000.00	Partial Credit
	4.15.a	Remove & re-install existing traffic calming speed cushions		EA	\$ 375.00	\$0.00	
	4.16.b	Asphalt concrete, type S-III, 1" thick	-96,000	SY	\$ 5.00	-\$480,000.00	Partial Credit
	4.16.c	Temporary asphalt concrete, type S-III, 1" thick		SY	\$ 15.30	\$0.00	
	4.16.d	Asphalt concrete, type S-III, leveling course		TN	\$ 95.00	\$0.00	
	4.17.a	Asphalt milling, variable depth, up to 2"	-15,000	SY	\$ 2.00	-\$30,000.00	Partial Credit
	4.18.a	Strip and grade swale	-650,000	SF	\$ 0.50	-\$325,000.00	Full Credit
	4.19.a	Remove and replace traffic signal loops		EA	\$ 2,200.00	\$0.00	
	4.20.a	Remove and dispose existing bollard		EA	\$ 75.00	\$0.00	
	4.20.b	Remove and dispose existing sign		EA	\$ 100.00	\$0.00	
	4.20.c	Remove and dispose existing fence		LF	\$ 4.00	\$0.00	
	4.21.a	Relocate existing parking meter		EA	\$ 200.00	\$0.00	
	4.22.a	Coconut Palm	-82	EA	\$ 210.00	-\$17,220.00	Full Credit
	4.22.b	Live Oak	-10	EA	\$ 150.00	-\$1,500.00	Full Credit
	4.22.c	Florida Royal Palm	-50	EA	\$ 152.00	-\$7,600.00	Full Credit
	4.22.d	Mahogany	-102	EA	\$ 200.00	-\$20,400.00	Full Credit
	4.22.e	Orange Gelger	-35	EA	\$ 170.00	-\$5,950.00	Full Credit
	4.22.f	Solitaire Palm	-62	EA	\$ 150.00	-\$9,300.00	Full Credit
	4.22.g	Silver Trumpet Tree	-1	EA	\$ 155.00	-\$155.00	Full Credit
	4.22.h	Hibiscus	-4	EA	\$ 100.00	-\$400.00	Full Credit
	4.22.i	Oleander	-11	EA	\$ 130.00	-\$1,430.00	Full Credit
	4.22.j	Variegated Schefflera	-1,306	EA	\$ 6.50	-\$8,489.00	Full Credit
	4.22.k	Indian Hawthorn	-3,047	EA	\$ 7.00	-\$21,329.00	Full Credit
	4.22.l	Ixora 'Super King'	-452	EA	\$ 6.50	-\$2,938.00	Full Credit
	4.22.m	Green Island Flg	-400	EA	\$ 6.50	-\$2,600.00	Full Credit
	4.22.n	Red Tip Cocoplum Hedge	-335	EA	\$ 6.50	-\$2,177.50	Full Credit
	4.22.o	Dwarf Yapon Holly	-131	EA	\$ 7.00	-\$917.00	Full Credit
	4.23.a	Irrigation System for Project "A"	-1	LS	\$ 11,000.00	-\$11,000.00	Full Credit
	4.24.a	Tree Up-Lighting System for Project "A"	-1	LS	\$ 16,000.00	-\$16,000.00	Full Credit
4A - Pavement and Streetscape (Package A) Total						-\$1,805,348.50	
Total Credit (Package A)						-\$1,950,118.50	

EXHIBIT F

CENTRAL BAYSHORE A
HOA Compromise - 11 Points - ADOPTED

Item	Prior to July 18, 2012 CH2MHILL Plans	HOA Compromise	Scope Change Required for Proposed HOA Compromise	BODR Impact	Benefit of Change	July 18, 2012 Commission Action / BODR Revision
1 Sheridan Avenue	Sheridan Avenue from 28th St. to 30th St. travel lane narrows from (± 31 feet to 24 feet). Sheridan Avenue from 30th St. to 41 St. travel lane remains the same width (± 32 feet).	Travel lane will be reduced to 24 feet with sharrows (Bike route) and bus stop pull out areas along Sheridan from 30th to 40th Street.	Reduction in paving, increase in swale area.	YES - BODR only refers to reduction of Sheridan from 28th to 30th Street. No reduction was proposed or Sheridan from 30th to 40th.	Increased neighborhood feel, less paved area, more room for street trees and more area for swale construction without the need to remove existing vegetation.	• Narrow Sheridan Avenue from 30th Street to 40th Street from +/-32 feet to 24 feet and provide for a bike route (sharrow) and bus bays.
2 North Meridian Ave.	North Meridian Ave. existing travel lane width is ± 23 feet, current plans show a width of 28 feet with bike Lanes.	Travel lane can be 22 feet with sharrows (Bike Route)	Reduction in paving, slight increase in swale area along N. Meridian.	YES - Since there is no mention of Bike lanes or Sharrows in the BODR. Bike lanes were incorporated following adoption of AGN.	Increased neighborhood feel, less paved area, more room for street trees and more area for swale construction without the need to remove existing vegetation.	• Narrow North Meridian Avenue from Dade Boulevard to 28th Street and eliminate the proposed bike lanes and replace with a bike path adjacent to the right-of-way parallel to the golf course. • Reduce the road width to 22 feet.
3 Prairie Avenue: 28th Street to Dade Blvd.	Prairie will be removed from the project scope of work from Dade Blvd. to 26th Street.	N/A	Remove from scope. Credit back to the project.	YES - Prairie Ave. was in the original BODR, but work was performed by PWD therefore the street is eliminated from the project.	N/A - Work completed ahead of time.	• Remove Prairie Avenue from 28th Street to Dade Boulevard from the Central Bayshore scope of work since this project was already completed by Public Works in 2011.
4 Prairie Avenue - Bike Lane Removal: 28th Street to 40th Street	Current plans reflect Bike Lanes from 28th to 40th Street.	Bike lanes to remain from 28th to 40th street.	No Change.	YES - Since there is no mention of Bike lanes in the BODR.	Maintain Bike Lane facility which is existing.	• No change is recommended to be made to the plans and there would be no change to the current budget.
4a Prairie Avenue - Bike Lane Removal alternative and Introduction of Bike facility to Royal Palm Avenue.	Current plans reflect Bike Lanes from 28th to 40th Street.	HOA has requested that the Bike Lanes on Prairie Avenue be removed and the existing road be narrowed. A Bike facility would be relocated to Royal Palm Ave.	Reduction in paving, increase in swale area. Increase in cost to the project since Prairie Avenue from 28 to 40th Street was never contemplated.	YES - Since there is no mention of bike Lanes or Facilities in the BODR.	Increased neighborhood feel, less paved area, more room for street trees and more area for swale construction without the need to remove existing vegetation.	• No change adopted by Commission.
5 28th Street	Current plans reflect an increase in road width from +/- 23 feet to 28 feet from Meridian Ave. to Pine Tree Drive.	Travel lane can remain at 24 feet with sharrows (Bike Route) in lieu of Bike Lanes. Sidewalk extension becomes part of the Par 3 project.	Reduction in paving. Credit back to the project.	NO - This facility is not mentioned in the BODR.	Increased neighborhood feel, less paved area, more room for street trees and more area for swale construction without the need to remove existing vegetation.	• Retain 28th Street from Sheridan to Prairie Avenues at 24 feet in width with the addition of sharrows in lieu of bike lanes. • Redefine the current 10 foot wide multi-use sidewalk from the south side of 28th Street to maintain pedestrian connectivity* with Sheridan Avenue. • Establish connectivity to Prairie and North Meridian Road for safety*.
6 34th Street	Current plans reflect an increase in road width from +/- 23 feet to 28 feet from Chase Ave. to Pine Tree Drive.	Travel lane will be reduced to 22 feet with sharrows.	Reduction in paving. Credit back to the project.	YES - Since there is no mention of Bike lanes or Sharrows in the BODR.	Increased neighborhood feel, less paved area, more room for street trees and more area for swale construction without the need to remove existing vegetation.	• Narrow 34th Street from Chase Avenue to Pine Tree Drive to 22 feet in width with sharrows.
7 Fairgreen Drive	Current plans reflect an increase in road width from +/- 16 feet to 20 feet.	Fairgreen can remain as is.	Reduction in paving. Credit back to the project.	NO - Fairgreen is not mentioned in the BODR.	No change to the character of the street.	• Fairgreen Drive to remain within its existing width of 16 feet.
8 31 Street: From Sheridan to Pine Tree Drive (1 block)	Current plans reflect an increase in road width from +/- 15 feet to 20 feet from Sheridan to Pine Tree Drive.	No compromise - Travel lane will be increased 20 feet, as per plans.	No Change.	NO - 31st Street is not mentioned in the BODR.	31st Street becomes a uniform road which is up to code.	• The HOA is willing to accept this as a compromise, therefore no change in the current plans is expected and no additional cost is anticipated.
9 Mid-Block Treatments	Current plans reflect 13 stamped asphalt traffic calming fixtures.	Residents request an alternative or brick pavers.	Remove from scope. Credit back to the project.	YES - BODR calls for mid-block traffic calming.	Pedestrian Safety.	• Eliminate all proposed mid-block stamped asphalt decorative treatments and replace with concrete paver treatments.
10 Decorative Crosswalks at Intersections	Current plans reflect decorative stamped asphalt crosswalks at 28th, 30th and Sheridan intersections.	Residents request brick paver crosswalks.	No Change.	YES - the BODR only mentions brick paver crosswalks along 40th Street.	No cost increase to the project.	• Eliminate all proposed stamped asphalt decorative crosswalks at intersections and replace with concrete paver treatments. • No changes to the current design plans will be made.
11 Shade Trees	Current plans reflect a total of 346 trees (194 which are palms), 5,682 shrubs, and electrical uprights.	HOA submitted a revised landscape plan consisting of 448 shade trees, no palms, minimal shrubs (at pump stations), and no uprights.	Completely new plan. Must be approved by PWD, Parks, Planning.	YES - Royal palms were specified for 40th street, and Coconut Palms for Sheridan Ave. with the remaining trees being canopy type. Shrubs are also part of the the BODR and those will be removed, as well as the up-lighting. Different species are being proposed.	Addition of substantial amount of shade trees. Improved neighborhood coherence and feel.	• Eliminate the proposed Royal Palm species on the south side of 40th Street as they are sporadically spaced and replace with Mahogany species. • Add more canopy trees wherever possible as per the recently completed plan submitted by the HOA.

*At the request of Commissioner Weithorn at FCWPC Meeting of July 9.

Exhibit G -1



Atkins North America, Inc.
Atkins North America, Inc.
Telephone: +1 305 392 7275
www.atkinsglobal.com/northamerica

May 31, 2012

via email

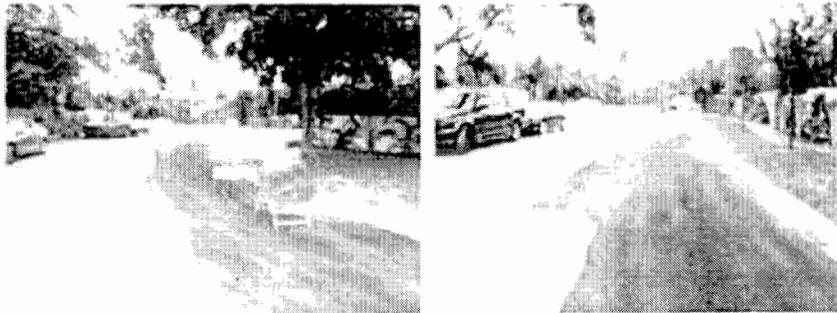
Ms. Maria Hernandez
City of Miami Beach
CAPITAL IMPROVEMENT PROJECTS OFFICE
777 - 17th Street, 3rd Floor
Miami Beach, FL 33139

RE: Central Bayshore "A" & "C"; Trench Pavement Restoration

Ms. Hernandez,

As requested by the City of Miami Beach (City), Atkins is herein providing an explanation and analysis of Lanzo's recent Trench Pavement Restoration work on the Subject Project.

The post-trench pavement restoration photos shown below provided during the May 3, 2012 Progress Meeting, illustrate the temporary trench asphalt restoration on W. 26th St.



Eastbound W. 26 St. Photos by CMB-PWD

The irregularity of the trench excavation was related to an expanded trench excavation during the installation of the new 8"Ø WM, as the existing sanitary sewer main line and several laterals were found to be damaged and leaking in addition to encountering unstable existing sub-grade conditions. The pavement restoration irregularity was accepted on the basis that the road will be re-excavated to install new water services and a fire hydrant and is considered a temporary restoration per Section 01530, 1.04-B. which states: "Temporary Resurfacing: Whenever required by the public authorities having jurisdiction, the CONTRACTOR shall place temporary surfacing promptly after backfilling and shall maintain such surfacing for the period time fixed by said authorities before proceeding with the final restoration of improvements."

The expansion of the trench during the above excavation at times precluded the ability to strictly adhere to the specification section 1.04 A. which states in part "All pavements which are subject to partial removal shall be neatly saw cut in straight lines."

The following photos taken by ATKINS show the re-excavation of the same area during May 9th and May 10th, 2012 to install the new fire hydrant and water services. ATKINS will ensure that the trench edges are saw cut prior to the S-III asphalt overlay per the specifications.



Installation of fire hydrant and water services: W. 26th Street

The additional post-trench restoration photos below provided during the May 3, 2012 Progress Meeting show the temporary asphalt restoration on W. 25th St. The trench restoration paving was also done expeditiously to minimize the construction impact to the local residents and visitors and to reopen the road to vehicular traffic as soon as reasonably possible.

The pavement restoration is irregular and was accepted due to the fact that the road will be re-excavated to install the new storm drainage system and it is a temporary restoration as per aforementioned *Section 01530, 1.04-B*.



Westbound W. 25 St. Photos by CMB-PWD

The following is a group of photos taken by ATKINS show the re-excavation of the same area dated May 10th, 2012 to install the new Storm Drainage System.





Storm Drainage Work on W. 25th St., from Pine Tree Dr. to Flamingo Pl.

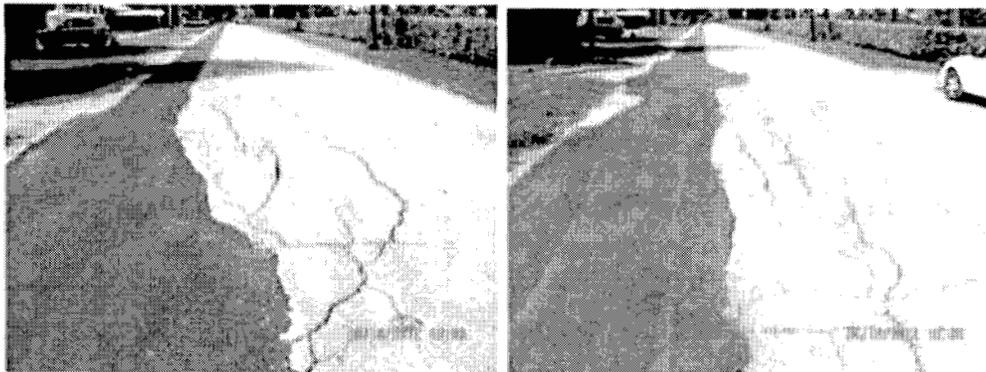
Per the construction drawings PGD03 and PGD04, W. 25th St. and W. 26th St. are scheduled to be overlaid with 1 inch minimum FDOT TYPE S-III asphalt, as per Detail 11 on PDG07. Note: Due to the existing conditions of those roads, an asphalt leveling course may be required to achieve the desired grades and slopes.

- Prior to the permanent resurfacing as per 01530, 1.04-C states: "Permanent Resurfacing: In order to obtain a satisfactory junction with adjacent surfaces, the CONTRACTOR shall saw, cut back and trim the edge so as to provide a clean, sound, vertical joint before permanent replacement of an excavated or damaged portion of pavement".

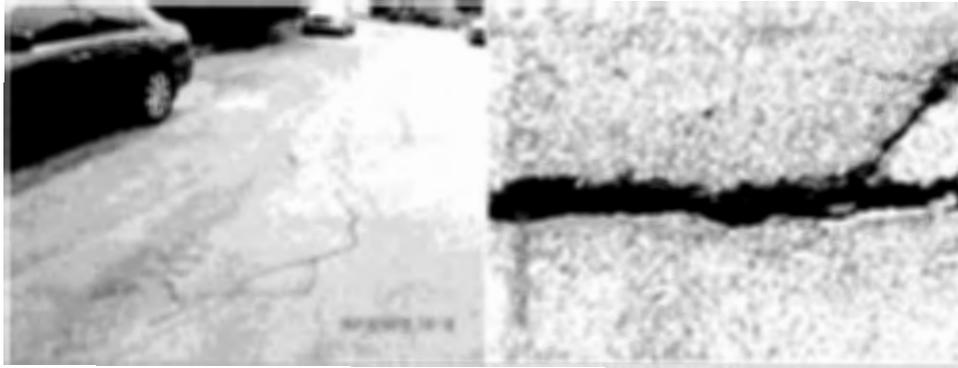
Atkins will inspect the surface conditions of the road surface prior to the permanent resurfacing to ensure the desired grades and slopes will be achieved and to ensure the surface is acceptable for the final overlay.

Areas of the project with pavement cracks adjacent to trench restoration

Other conditions have been noted on the project where pavement cracking is evident near completed trench restoration. Photos of these occurrences are below:



North Meridian Avenue: Pavement cracking adjacent to temporary trench restoration



West 25th Street; Pavement cracking near restored trenches

The above photographs demonstrate the potential for adjacent pavement cracking as trenches are open, dewatered, pipe installed, etc. This cracking could be from a number of factors, including aging and fatigued pavement, and shifting subgrade and base when trenches are open. Pavement cracks can increase in size as shown in the closeup photo, and are more significant than cosmetic cracks. Although this cracking is adjacent to and appears to be related to the open trenches, cracking also exists on other roads within the area that do not appear to be directly related to any trenching on this project. A few examples of these conditions are shown below, demonstrating that existing subgrade, base and pavement is aging and cracking is prevalent.



West 28th Street; Pavement cracking in areas where trenching was in swale area

THESE RESULTS POINT TO THE POTENTIAL NEED FOR MILLING AND RESURFACING OF AFFECTED ROADS IN LIEU OF THE OVERLAY, TO AVOID FUTURE "REFLECTIVE CRACKING" OF THE OVERLAY FROM THE EXISTING PAVEMENT CRACKS.

Pavement Restoration with minimal irregularities and minor adjacent pavement cracking

Multiple areas of the project have been completed where the trenching was carried out with straight saw cuts and the temporary pavement restoration completed with minimal apparent distress to the existing adjacent pavement. Photos of these areas are included in **Appendix A** of this report. The potential reasons for this are likely related to roadways with more stable subgrade and base than other areas, and no dewatering required during the pipe installation.

Construction Plan Sheets related to the areas of irregular pavement restoration are included in **Appendix B** and related Contract Specifications to pavement restoration are included as **Appendix C**.

Should you have any comments on the report, please contact Herminio Gonzalez, P.E. at 305-514-3225.

Sincerely,

A handwritten signature in black ink, appearing to read "David J. Carter". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

David J. Carter
Sr. Vice President

Appendices:

- A: Photographs of Pavement Restoration with minimal irregularities and minor adjacent pavement cracking**
- B: Plan Sheets related to areas of Irregular Pavement Restoration**
- C: Relevant Specification Sections**

Cc: File

CMB Bayshore Projects/Correspondence to CIP/Asphalt Pavement -3.docx

City of Miami Beach

ATKINS report:

Central Bayshore "A" & "C; Trench Pavement Restoration

APPENDIX A

Photographs: Pavement Restoration with minimal irregularities & minor adjacent pavement cracking



Pavement Restoration: Chase Avenue service alley; No apparent cracking of existing pavement: potholes filled by construction crew in right photo.



Pavement Restoration: Chase Avenue service alley / North Meridian; Note some cracking of existing pavement



Pavement Restoration: North Meridian; Note adjacent pavement crack in left photo



Pavement Restoration: West 29th St.; No apparent cracking of existing pavement



Pavement restoration: Sheridan Avenue; Note existing pavement cracks adjacent to restoration

City of Miami Beach

ATKINS report:

Central Bayshore "A" & "C; Trench Pavement Restoration

APPENDIX B

Plan Sheets related to areas of Irregular Pavement Restoration

City of Miami Beach

ATKINS report:

Central Bayshore "A" & "C; Trench Pavement Restoration

APPENDIX C

Relevant and related Contract Specification Sections

3.03 TRANSITION FROM EXISTING TO NEW WORK

- A. When new work abuts or is finished flush with existing work, make a smooth and workmanlike transition. Patched work shall match existing adjacent work in texture and appearance so that the patch of transition is invisible at a distance of 5 feet.
- B. When finished surfaces are cut in such a way that a smooth transition with new work is not possible, terminate existing surface in a neat manner along a straight line at a natural line of division, and provide trim appropriate to finished surface.

3.04 CLEANING

- A. Perform periodic and final cleaning as specified in Section 01710, entitled "Cleaning".
- B. At completion of the work of each trade, clean area and make surfaces ready for work of successive trades.
- C. At completion of alterations work in each area, provide final cleaning and return space to a condition suitable for use.

PART 2 - PRODUCTS (Not Applicable)

PART 3 - EXECUTION (Not Applicable)

- END OF SECTION -

- C. Should conditions of work or the schedule indicate a change of products from the original installation, CONTRACTOR shall submit request for substitution as specified in the General Conditions.
- D. Submit written notice to CONSULTANT and CITY designating the date and time the work will be uncovered.

PART 2 - PRODUCTS

2.01 MATERIALS

- A. Comply with specifications and standards for each specific product involved.

PART 3 - EXECUTION

3.01 INSPECTION

- A. The CONTRACTOR shall inspect existing conditions of project, including elements subject to damage or to movement during cutting and patching.
- B. After uncovering the work, inspect conditions affecting installation of products, or performance of work.
- C. Report unsatisfactory or questionable conditions affecting installation of products, or performance of work, in advance of installation, or performance of work.

3.02 PREPARATION

- A. Provide adequate temporary support as necessary to assure structural value or integrity of affected portion of work.
- B. Provide devices and methods to protect other portions of project from damage.
- C. Provide protection from elements for that portion of the project which may be exposed by cutting and patching work, and maintain excavations free from water.

3.03 PERFORMANCE

- A. Execute cutting and demolition by methods which will prevent damage to other work, and will provide proper surfaces to receive installation of repairs.
- B. Execute excavating and backfilling by methods which will prevent settlement or damage to other work.
- C. Employ original Installer or Fabricator to perform cutting and patching for:
 - 1. Weather-exposed or moisture-resistant elements.
 - 2. Sight-exposed finished surfaces.

CUTTING AND PATCHING

01045 - 2

NEIGHBORHOOD NO. 8:
CENTRAL BAYSHORE (PACKAGE "A")
LAKE PANCOAST (PACKAGE "C")
OCTOBER 2010

pavement breaking or excavation shall be started until all survey or other permanent marker points that will be disturbed by the construction operations have been properly referenced. All survey markers or points disturbed by the CONTRACTOR shall be accurately restored after all street or roadway resurfacing has been completed.

1.04 RESTORATION OF PAVEMENT

- A. General: All paved areas including asphaltic concrete berms cut or damaged during construction shall be replaced with similar materials and of equal thickness to match the existing adjacent undisturbed areas, except where specific resurfacing requirements have been called for in the Contract Documents or in the requirements of the agency issuing the permit. All temporary and permanent pavement shall conform to the requirements of the affected pavement owner. All pavements which are subject to partial removal shall be neatly saw cut in straight lines.
- B. Temporary Resurfacing: Wherever required by the public authorities having jurisdiction, the CONTRACTOR shall place temporary surfacing promptly after backfilling and shall maintain such surfacing for the period of time fixed by said authorities before proceeding with the final restoration of improvements.
- C. Permanent Resurfacing: In order to obtain a satisfactory junction with adjacent surfaces, the CONTRACTOR shall saw, cut back and trim the edge so as to provide a clean, sound, vertical joint before permanent replacement of an excavated or damaged portion of pavement. Damaged edges of pavement along excavations and elsewhere shall be trimmed back by saw cutting in straight lines. All pavement restoration and other facilities restoration shall be constructed to finish grades compatible with adjacent undisturbed pavement as follows:
 - 1. Pavement shall be restored at a minimum straight and parallel to the existing trench line along the length of the trench, at a minimum of two feet beyond the widest part of disturbed asphalt.
 - 2. If final restored pavement falls within two feet of existing or proposed cuts, CONTRACTOR shall pave to the curb.
 - 3. If disturbance is deemed by CONSULTANT to be more than 75 percent, at CONSULTANT's opinion, CONTRACTOR shall resurface the entire lane, including striping as necessary.
- D. Restoration of Sidewalks or Private Driveways: Wherever sidewalks or private roads have been removed for purposes of construction, the CONTRACTOR shall place suitable temporary sidewalks or roadways promptly after backfilling and shall maintain them in satisfactory condition for the period of time fixed by the authorities having jurisdiction over the affected portions before proceeding with the final restoration or, if no such period of times is so fixed, the CONTRACTOR shall maintain said temporary sidewalks or roadways until the final restoration thereof has been made.

1.05 EXISTING UTILITIES AND IMPROVEMENTS

- A. General: The CONTRACTOR shall protect all Underground Utilities and other improvements which may be impaired during construction operations. It shall be the

PROTECTION OF EXISTING FACILITIES

01530-2

NEIGHBORHOOD NO. 8
CENTRAL BAYSHORE (PACKAGE A)
LAKE PANCOAST (PACKAGE C)
OCTOBER 2010

3. Application:
 - a. Fill cracks over 1/16 inch in width with an asphalt-sand slurry or approved crack sealer prior to sealing.
 - b. When sealing patched surfaces and joints with existing pavements, extend minimum 6 inches beyond edges of patches.

3.05 PATCHING

A. Preparation:

1. Remove damaged, broken, or unsound asphalt concrete adjacent to patches. Trim to straight lines exposing smooth, sound, vertical edges.
2. Prepare patch subgrade as specified.

B. Application:

1. Patch Thickness: 3 inches or thickness of adjacent asphalt concrete, whichever is greater.
2. Place asphalt concrete mix across full width of patch in layers of equal thickness.
3. Spread and grade asphalt concrete with hand tools or mechanical spreader, depending on size of area to be patched.

C. Compaction:

1. Roll patches with power rollers capable of providing compression of 200 to 300 pounds per linear inch. Use hand tampers where rolling is impractical.
2. Begin rolling top course at edges of patches, lapping adjacent asphalt surface at least 1/2 the roller width. Progress toward center of patch overlapping each preceding track by at least 1/2 the width of roller.
3. Make sufficient passes over entire area to remove roller marks and to produce desired finished surface.

D. Tolerances:

1. Finished surface shall be flush with and match grade, slope, and crown of adjacent surface.
2. Tolerance: Surface smoothness shall not deviate more than plus 1/4 inch or minus 0 inch when a straightedge is laid across patched area between edges of new pavement and surface of old surfacing.

3.06 FIELD QUALITY CONTROL

- A. General: Provide services of an approved certified independent testing laboratory to conduct tests.

B. Field Density Tests:

1. Perform tests from cores or sawed samples.

ASPHALT CONCRETE PAVEMENT

02772-6

NEIGHBORHOOD NO. 8
CENTRAL BAYSHORE (PACKAGE "A")
LAKE PANCOAST (PACKAGE "C")
OCTOBER 2010

Exhibit G - 2

MEMORANDUM

CH2MHILL

Central Bayshore - Pavement Condition and Recommendations

PREPARED FOR: Fernando Vasquez/CIP

COPY TO: Darlene Fernandez/CIP
Maria Hernandez/CIP

PREPARED BY: Walt Schwarz

DATE: October 29, 2012

PROJECT NUMBER: 399137.CA.PA.01

Construction in the Central Bayshore and Lake Pancoast neighborhoods has been underway for over a year. During this time, installation of water main and stormwater collection system components has demonstrated that much of the pavement on the residential streets in the project area does not meet City standards and in many cases is badly deteriorated. The collector streets, such as Chase and 40th St., are in better overall condition. The condition of the pavement is not unexpected: the original design for the project area included full-depth pavement reconstruction. However, this component of the work was considerably reduced, to just Lower North Bay Road and portions of Lake Pancoast, to reduce the overall cost of the project(s).

Excavations for pipe installation show that the asphalt thickness is the primary concern, being considerably less than 2 inches thick in many locations with the presence of surface cracking, settling and small potholes. The pavement condition has been documented by the CEI for the project (Atkins) during the course of construction activities, mostly from the perspective of the difficulty of providing suitable trench repair until the final road surfacing can be completed. City inspection staff (CIP) and engineering staff from the DPW have also been advised of the conditions. Cracking can be seen in the photo below on North Meridian along the golf course, which also demonstrates some of the problems encountered with temporary trench repair and the ability to control the amount of existing pavement removed.



Water main installation on Fairgreen Drive resulted in the need to provide a "full width" trench repair to restore the pavement to a drivable condition. Similar pavement deterioration is evidenced in W. 28th St. where the pipe work was in the swale area.

CENTRAL BAYSHORE_PAVEMENT

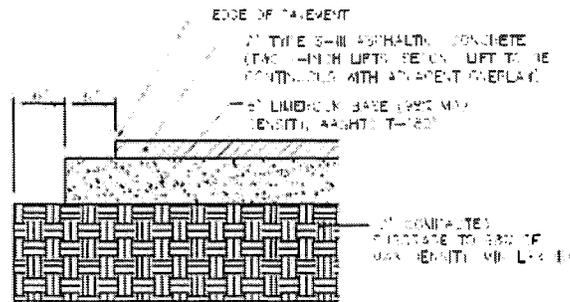
Copyright 2012 by CH2M Hill, Inc. - COMPANY CONFIDENTIAL



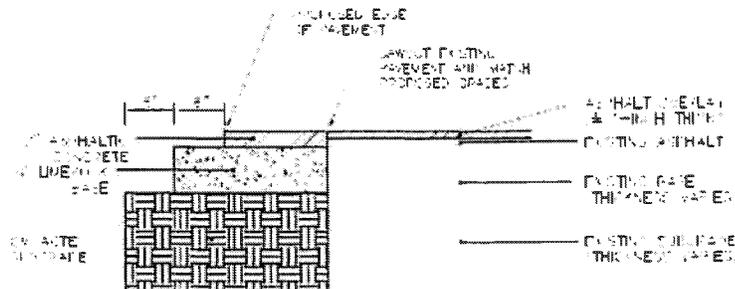
Work in the project area to date indicates a number of areas where the pavement is severely deficient as evidenced by the exposure made during trench excavation.

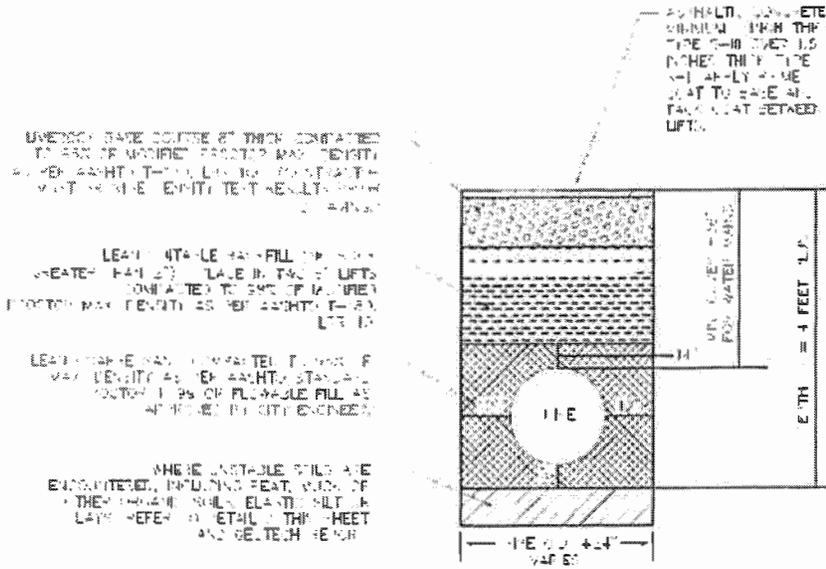
- Most of the streets in the "orphan area" (between Alton and N. Meridian near the hospital)
- Fairgreen Ave.
- W. 28 St. from Pine Tree Dr. to Prairie Ave.
- Flamingo Road from 28th St. to 40th St.
- Meridian Ave. from 28th St. to Dade Blvd.
- Flamingo Place between 25th and 26th Streets

The City's standard pavement section used for this project is as shown below:



The overlay and trench repair details provide the intent of the overlay that would result in a minimum pavement thickness of 2 inches:





Observations during construction suggest that the subgrade and base in the project area are in good condition except in specific locations where there is subsurface damage caused by leaking storm or sanitary sewers. These locations have been reported to the DPW and addressed as part of the project work. In addition, natural soils in the Central Bayshore area are stable and provide a good foundation to the subgrade. The main problem is that there is inadequate pavement thickness throughout the project area to reliably predict that the City will be left with at least 2 inches of pavement once the proposed overlay is installed, except for the actual trench repairs. In addition, the contractor has expressed concern about the ability to provide a construction warranty for the project where the prescribed method of pavement restoration is only a 1" overlay.

During construction project meetings and discussions of pavement condition, both the EOR and the CEI have recommended that the City consider milling and resurfacing of the roadways in the project as a replacement for the final 1 inch overlay. This recommendation has been put into a proposed additional funding request for the project. As EOR for the project, CH2M HILL continues to support this recommendation to provide a completed project that meets the service and aesthetic needs of the affected neighborhood.

Exhibit H



Atkins North America, Inc.
 2001 Northwest 107th Avenue
 Miami, Florida 33172-2507
Telephone: +1.305.592.7275
www.atkinsglobal.com/northamerica

Date: February 22, 2013

Submitted via e-mail

Darlene M. Fernandez, P.E.
 Capital Projects Coordinator
 Office of Capital Improvement
 City of Miami Beach

Subject: Neighborhood No. 8 – Central Bayshore/Lake Pancoast Package A and C – Summary of Negotiations Held on February 21, 2013 Related to Additional Scope

The following summarizes the negotiations that took place on February 21, 2013 regarding the Central Bayshore Package A – Additional Scope Amendment:

I – Summary of Original Estimates Issued:

<u>CH2MHill</u>	<u>Atkins</u>	<u>Lanzo Construction</u>
\$5,138,245.12	\$5,358,849.01	\$5,638,161.02

Cost estimate listed above include:

	<u>CH2MHill/Atkins</u>	<u>Lanzo Construction</u>
Gravity Wells	\$392,074.62	\$519,168.00
Allowance for Pipe Depth	\$215,530.00	\$215,530.00
Allowance for pipes in close proximity to utilities	\$67,408.00	\$67,408.00

II – Negotiated Scope Items:

a) Phase II Additional Scope

	<u>Lanzo's Original Bid</u>	<u>Negotiated</u>	<u>Delta</u>
General Conditions	\$464,200	\$375,000	-\$89,200.00
Bikepath	\$30/SY	\$23/SY	-\$18,900.00
Credits	-	\$1,950,118.50	-\$1,950,118.50
Duration	218 Days	\$168 Days	-50 Days
Total Negotiated Reductions			-\$2,058,218.50 -50 Days

b) North Flamingo Road Additional Scope

Gravity Wells	\$519,168.00	\$392,074.62	\$127,093.38
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III – Summary:

Based on the negotiated items listed in Section II, the negotiated amount is **\$5,402,967.64**. When the negotiated credit is applied the total contract amount is **\$3,452,849.14**.

If you have any questions or comments, please do not hesitate to contact us.

We thank you for the opportunity to be part of this very important project. Please contact me with any questions or comments at (305) 514.3211, or juan.alfonso@atkinsglobal.com

Sincerely,



Juan Alfonso, Assoc. AIA
Assoc. VP, Group Manager

w/Attachments: Additional Scope - Final Agreement
Credits – Final Agreement

Cc. Maria Hernandez, R.A.
David Martinez, P.E.
Fernando Vazquez, P.E.
Herminio Gonzalez, P.E.
File

RESOLUTION NO. 2013-_____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AMENDMENT NO. 2 TO THE CONSTRUCTION CONTRACT BETWEEN THE CITY AND LANZO CONSTRUCTION CO., FLORIDA, FOR THE CONSTRUCTION OF THE CITY OF MIAMI BEACH RIGHT OF WAY INFRASTRUCTURE IMPROVEMENT PROGRAM, NEIGHBORHOOD NO. 8 CENTRAL BAYSHORE (PACKAGE A) AND LAKE PANCOAST (PACKAGE C), DATED APRIL 8, 2011; SAID AMENDMENT IN THE NOT-TO-EXCEED AMOUNT OF \$3,385,441, FOR THE CONSTRUCTION OF THE ADDITIONAL SCOPE OF WORK APPROVED UNDER RESOLUTION NO. 2012-27972, WHICH INCLUDES THE HOMEOWNER ASSOCIATION (HOA) REQUESTED ROADWAY WIDTH AND LANDSCAPE ITEMS, PROVIDING ADDITIONAL STORMWATER UPGRADES TO THE AREA KNOWN AS ZONE 4 IN THE BASIS OF DESIGN REPORT (BODR), AND PROVIDING MILLING AND RE-SURFACING OF THE ROADWAY (IN LIEU OF ASPHALT OVERLAY) FOR THE REMAINING AREAS WITHIN PACKAGE A; WITH PREVIOUSLY APPROPRIATED FUNDING IN THE FY2012/13 CAPITAL BUDGET, IN THE AMOUNT OF \$3,385,441 FOR CONSTRUCTION, AND \$338,545 FOR CONTINGENCY, FOR A GRAND TOTAL OF \$3,723,986.

WHEREAS, on January 19, 2011, the City Commission adopted Resolution No. 2011-27587, approving and authorizing the execution of a construction contract, (the Agreement) with Lanzo Construction Co., Florida (Contractor), pursuant to Invitation to Bid No.18-09/10, for the Right-of-way Infrastructure Improvement Program – Neighborhood No. 8 – Central Bayshore (Package A) and Lake Pancoast (Package C) (the Project); and

WHEREAS, the original Project scope of work included a new water main to upgrade the existing 6-inch water main, drainage installation, road paving and restoration, concrete sidewalk repairs, minor valley gutter installation, and landscape; and

WHEREAS, field investigations during construction have identified the existing pavement to be in worse condition, as a result of pavement deterioration and distress, than anticipated; and

WHEREAS, the City desires to include the requested changes as part of the current Project construction work; and

WHEREAS, on July 9, 2012, the Finance and Citywide Projects Committee (FCWPC) approved the additional capital budget requests to include warranted infrastructure needs for stormwater roadway milling and resurfacing, and valley gutter improvements; and

WHEREAS, on September 27, 2012, the City Commission approved the additional funding to the Capital Budget 2013 for the additional stormwater upgrades, and complete milling and resurfacing of the roadway, as well as the additional roadway width and landscaping items requested by the Homeowners' Association; and

WHEREAS, on December 12, 2012, the City Commission approved Amendment No. 1 to the Agreement, in the amount of \$306,194, which provides complete milling and resurfacing of the roadway (in lieu of asphalt overlay) for certain areas within Package A, north of 34th Street to 41st Street, between Alton Road and Meridian Avenue; and Package C, 25th Street, 26th Street and Flamingo Drive, north of 25th Street; and

WHEREAS, Amendment No. 2 to the Agreement encompasses the construction of all the remaining upgrades and revisions, following an amendment to the Project Basis of Design Report (BODR) at the City Commission of July 18, 2012 (approval via Resolution 2012-27972); and

WHEREAS, the scope of services also additional roadway and landscape items requested by the Homeowners' Association, includes additional drainage improvements, as well as additional warranted milling and resurfacing for the remaining areas in Central Bayshore; and

WHEREAS, the additional scope of work will add one hundred eighty (168) calendar days to the overall Project,

WHEREAS, extending the completion date for the Project, from October 2013, to March 2013.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND THE CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA that the Mayor and City Commission of the City of Miami Beach, Florida, authorizing the Mayor and City Clerk to execute Amendment No. 2 to the construction contract between the City and Lanzo Construction Co., Florida, for the construction of the City of Miami Beach Right of Way Infrastructure Improvement Program, Neighborhood No. 8 Central Bayshore (Package A) and Lake Pancoast (Package C), dated April 8, 2011; said Amendment in the not-to-exceed amount of \$3,385,441, for the construction of the additional scope of work approved under Resolution No. 2012-27972, which includes the Homeowner Association (HOA) requested roadway width and landscape items, providing additional stormwater upgrades to the area known as zone 4 in the basis of design report (BODR), and providing milling and re-surfacing of the roadway (in lieu of asphalt overlay) for the remaining areas within package a; with previously appropriated funding in the fy2012/13 Capital budget, in the amount of \$3,385,441 for construction, and \$338,545 for contingency, for a grand total of \$3,723,986.

PASSED AND ADOPTED this ____ day of _____, 2013.

ATTEST:

RAFAEL GRANADO, CITY CLERK

MATTI HERRERA BOWER, MAYOR

T:\AGENDA\2013\March 13\Central Bayshore - Amendment Lanzo\Bayshore A_Amendment No. 2-RESO.doc

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

Rafael Granado

for City Attorney

3-5-13

Date

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Condensed Title:

A Resolution Of The Mayor And City Commission Of The City Of Miami Beach, Florida, Approving A Contract Award, Pursuant To Invitation To Bid No. 49-11/12, For The Right-Of-Way Infrastructure Improvement Program – Venetian Islands Bid Package 13C; Authorizing The Mayor And City Clerk To Award A Construction Contract To Lanzo Construction Co. Florida, In The Amount Of \$9,699,509 Base Bid Plus \$640,028 For Selected Alternates And A Project Contingency In The Amount Of \$1,033,954; For A Total Construction Cost Of \$11,373,491 From Previously Appropriated Funding In The Capital Budget; And An Additional \$1,003,062 In Water & Sewer funds And \$977,946 In Stormwater funds Subject To The 2nd Amendment To The Capital Budget For The Fiscal Year 2012/13; And Further Authorizing The Administration To Engage In Value Engineering To Further Reduce The Cost And Time For Completion Of Said Project.

Key Intended Outcome Supported:

Ensure Value and Timely Delivery of Quality Capital Projects, Improve Storm Drainage Citywide, and Maintain City's Infrastructure.

Supporting Data (Surveys, Environmental Scan, etc.): The 2012 Customer Satisfaction Survey indicated that over 81% of residents rated recently completed capital improvement projects as "excellent" or "good". Recently completed capital improvement projects (81%), storm drainage (37%), and condition of roads (44%).

Issue:

Shall the Mayor and City Commission Adopt The Resolution?

Item Summary/Recommendation:

The Scope of Work shall include, but not be limited to, site preparation; earthwork; demolition; storm drainage; roadway reconstruction; concrete valley gutters; walkway paving and grading; watermain and street lighting on the islands of San Marino, Di Lido, and Rivo Alto.

Invitation to Bid (ITB) No. 49-11/12 was issued on June 8, 2012, with an opening date of November 27, 2012. Pre-bid conferences were held on June 22, August 13, and October 9, 2012. Bidnet issued bid notices to 439 prospective bidders, of which 36 downloaded the ITB document. In addition, 146 vendors were notified via e-mail, which resulted in the receipt of four (4) bids of which three (3) were responsive.

On January 17, 2013, the Administrative Review Panel convened to interview the responsive companies and to score and rank them accordingly pursuant to the evaluation criteria noted in the ITB. The Panel unanimously recommended Lanzo Construction Co. Florida, the lowest bidder, for award.

Upon further review by the CIP Office and the engineer of record, Schwebke Shishkin & Associates, CIP recommended to also accept Alternates 1 and 3, however, if the City elects to award the base bid of \$ 9,699,509 plus include alternates A1 and A3, additional funding shall be required to address the funding shortfall, which shall be addressed through Amendment Two to the Capital Budget.

After considering the review and recommendation of City staff, the Interim City Manager exercised her due diligence and carefully considered the specifics of this ITB process. As a result, the Interim City Manager recommends to the Mayor and City Commission to award the construction contract to Lanzo Construction Co. Florida as the lowest and best responsive bidder and authorize the Administration to engage in value engineering to further reduce the cost and time for completion of said project..

Advisory Board Recommendation:

N/A

Financial Information:

Source of Funds:	Amount	Account
1	2,842,713	384-2127 2003 GO Bonds – Neighborhood Improvements
2	2,336,942	420-2127 W&S GBL Series 2010
3	130,484	423-2127 Gulf Breeze 2006
4	450,275	425-2127 Water & Sewer Enterprise Fund
5	1,357,846	427-2127 Stormwater Enterprise Fund
6	2,254,223	431-2127 Stormwater Bond Fund 2011
7	1,003,062	Water & Sewer funds subject to the 2 nd Amendment to the Capital Budget for the Fiscal Year 2012/13
8	997,946	Stormwater funds subject to the 2 nd Amendment to the Capital Budget for the Fiscal Year 2012/13
OBPI Total	\$11,373,491	

Financial Impact Summary: N/A

City Clerk's Office Legislative Tracking:

Fernando Vazquez, ext. 6135

Sign-Offs:

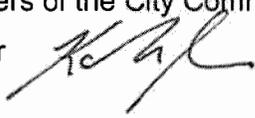
Department Director FV <i>[Signature]</i> AD <i>[Signature]</i>	Assistant City Manager / Chief Financial Officer JGG <i>[Signature]</i> PDW	Interim City Manager KGB <i>[Signature]</i>
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COMMISSION MEMORANDUM

TO: Mayor Matti Herrera Bower and Members of the City Commission
 FROM: Kathie G. Brooks, Interim City Manager 
 DATE: March 13, 2013

SUBJECT: A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING A CONTRACT AWARD, PURSUANT TO INVITATION TO BID NO. 49-11/12, FOR THE RIGHT-OF-WAY INFRASTRUCTURE IMPROVEMENT PROGRAM – VENETIAN ISLANDS BID PACKAGE 13C; AUTHORIZING THE MAYOR AND CITY CLERK TO AWARD A CONSTRUCTION CONTRACT TO LANZO CONSTRUCTION CO. FLORIDA, IN THE AMOUNT OF \$9,699,509 BASE BID PLUS \$640,028 FOR SELECTED ALTERNATES AND A PROJECT CONTINGENCY IN THE AMOUNT OF \$1,033,954; FOR A TOTAL CONSTRUCTION COST OF \$11,373,491 FROM PREVIOUSLY APPROPRIATED FUNDING IN THE CAPITAL BUDGET FROM THE FOLLOWING FUNDS: \$2,842,713 FROM FUND 384 - 2003 GO BONDS - NEIGHBORHOOD IMPROVEMENTS; \$2,336,942 FROM FUND 420 - W&S GBL SERIES 2010; \$130,484 FROM FUND 423 – GULF BREEZE 2006; \$450,275 FROM FUND 425 - WATER & SEWER ENTERPRISE FUND; \$1,357,846 FROM FUND 427 - STORMWATER ENTERPRISE FUND; AND \$2,254,223 FROM FUND 431 - STORMWATER BOND FUND 2011; AND AN ADDITIONAL \$1,003,062 IN WATER & SEWER FUNDS AND \$977,946 IN STORMWATER FUNDS SUBJECT TO THE 2ND AMENDMENT TO THE CAPITAL BUDGET FOR THE FISCAL YEAR 2012/13; AND FURTHER AUTHORIZING THE ADMINISTRATION TO ENGAGE IN VALUE ENGINEERING TO FURTHER REDUCE THE COST AND TIME FOR COMPLETION OF SAID PROJECT.

ADMINISTRATION RECOMMENDATION

Adopt the Resolution.

KEY INTENDED OUTCOME SUPPORTED

Ensure well-maintained infrastructure.

FUNDING

\$2,842,713	384-2127	2003 GO Bonds – Neighborhood Improvements
\$2,336,942	420-2127	W&S GBL Series 2010
\$130,484	423-2127	Gulf Breeze 2006
\$450,275	425-2127	Water & Sewer Enterprise Fund
\$1,357,846	427-2127	Stormwater Enterprise Fund
\$2,254,223	431-2127	Stormwater Bond Fund 2011
\$1,003,062		Water & Sewer funds subject to the 2 nd Amendment to the Capital Budget for the Fiscal Year 2012/13
\$997,946		Stormwater funds subject to the 2 nd Amendment to the Capital Budget for the Fiscal Year 2012/13
\$11,373,491	Total	

BACKGROUND

On October 15, 2003, the City Commission approved the Basis of Design Report (BODR), completed and submitted by the City's consultant, Edwards and Kelsey, Inc., for the Venetian Islands Bid Package 13C Neighborhood Right-of-Way (ROW) Improvement Project (San Marino, Dilido and Rivo Alto Islands). This BODR was the culmination of a comprehensive planning effort that included input from the residents, various City Departments, and Hazen & Sawyer, the City's former Program Manager.

On April 21, 2009, residents expressed concerns with the design provided by the City's consultant and overseen by the Program Manager Hazen & Sawyer, particularly the additional needs to meet Stormwater level of service and additional upgrading of aged and tuberculated water systems as well as enhancements to the streetscape/hardscape improvements. Up to this point, the City expended a total of \$1,848,958 from the project budget to fund the design consultant (\$ 1,087,050) and program management (\$ 761,908) fees.

On May 28, 2009, the City issued RFQ No. 42-08/09 for a newly revised Design, Bid and Award, and Construction Management Services for the re-design of the Venetian Islands project to reinstate an adequate and functional level of service. These included additional Stormwater, Potable Water, and Streetscape/Hardscape Improvements.

On July 15, 2009, the City Commission approved Resolution 2009-27128, for Professional Architecture and Engineering (A/E) Services to Schwebke-Shiskin & Associates, Inc., (SS&A) to provide re-design, bid and award services, as well as construction administration services.

On July 12, 2011, an Invitation to Bid (ITB) No. 39-10/11 was issued for Venetian Islands and bids were received on August 18, 2011. The lowest responsive base bid exceeded the available project budget by 17.5% and the Consultant's cost estimate by 12.9%. As a result of the budget shortfall and delays with the completion of the County's Venetian Causeway project, the City Manager recommended to the Mayor and City Commission to reject all bids received, pursue all value engineering opportunities and re-issue the ITB to allow the County to complete the Causeway project thereby reducing further impacts to the residents.

After the Commission rejected all the bids, SS&A, was directed to explore value engineering options in order to explore opportunities for additional cost reduction while allowing the Miami Dade County to proceed and finalize the Venetian Causeway Streetscape project and mitigate potential conflicts with the City contract. On April 19, 2012, out of various value engineering opportunities the Public Works Department approved the following:

- Re-design the electrical street lighting plans to meet 0.6 foot-candle average that meets the City of Miami Beach requirements, therefore removing twelve (12) street lights adjacent to the causeway, as well as eliminating redundancies currently being lit by the new causeway lighting improvements.
- Include a detail in the contract documents which would allow the contractor to install the street lighting conduits within the same trench as the water main, thereby streamlining installation and improving production.
- Re-design the approved stormwater drainage system to maintain the outfalls in their present condition (without connection to new design) and without any restoration thereby generating a credit to the project cost.
- Abandon existing water services in-place, thereby reducing potential damage to existing infrastructure due the additional excavation.

On June 8, 2012, the Procurement Division issued ITB No. 49-11/12 for Venetian Islands.

On July 9, 2012, the Administration submitted a FY 2012/13 budget request to the Finance and Citywide Projects Committee. Additional funding was requested in anticipation of increased construction costs as indicated by the Consultant's revised Opinion of Probable Cost which include additional funding requests for water & sewer construction needs in the amount of \$450,275, and for stormwater construction needs in the amount of \$1,357,846. The project construction budget was therefore increased by \$1,808,121 for FY 2012-2013 (see Attachment A - July 9, 2012, Finance and Citywide Projects Committee Memorandum).

During the bid process for ITB No. 49-11/12, the Procurement Division received numerous questions that requested clarification or additional information as it pertained to underground utility facilities. Even though that contractors are expected to identify and coordinate all underground and above ground utility lines prior to excavation, the CIP Department felt it would be prudent to allow the engineer to further research potential unforeseen utility conflicts within the Venetian Islands, so as to minimize delays during construction.

On August 28, 2012, the Administration requested additional services from SS&A to perform subsurface investigation and identify potential utility conflicts throughout the project site. The final report on the utility conflicts was included in the bid documents and transmitted to all the franchised utility companies in order to address these potential conflicts prior to the start of construction. On October 5, 2012, as part of Addenda # 9, the final subsurface investigation report and revised construction documents were transmitted to all bidders in an effort to mitigate potential utility conflicts. This effort was provided to all bidders to mitigate the assumed risk that was presented during the bid question period.

On November 27, 2012, the Procurement Division received bids for Venetian Islands ITB 49-11/12 and identified Lanzo Construction as the lowest bidder with a base bid amount of \$9,699,509 and an amount of \$10,640,993 that included the base bid plus alternates. The alternates listed on the bid documents are; full road reconstruction, maintaining existing outfalls in their present condition, trenchless sanitary sewer rehabilitation, installation of Geo-Synthetic Grid, and furnishing and installing trees and palms.

COST ANALYSIS

The base bid amount submitted by Lanzo Construction was 12.53% over the A/E estimate of probable construction cost of \$8,619,337. Staff found that the bid result and the A/E estimate of probable construction cost were within the -5% to +15% tolerance identified in SS&A's professional service agreement with the City (see Attachment B). In addition, the Association for the Advancement of Cost Estimating (AACE), formerly the American Association of Cost Engineers and the American National Standards Institute (ANSI), typical percentage variation from actual cost to estimated cost of construction for this type of project is between -3% to +15%.

On December 26, 2012, after responsiveness was determined by the Procurement Division, CIP staff contracted Craven Thompson and Associates (CTA) to provide bid analysis services and bid evaluation report (see Attachment C), which SS&A responds to with a memorandum addressing CTA comments while providing their assessment of the bid (see Attachment D). CTA analyzed the bid documents, addenda and bid responses that were issued during the bidding period. CTA concluded that although the lowest base bid was 12% higher than the A/E estimate of probable construction cost, the overall bid price had increased as a result of overall cost increase in materials and labor in excess of 10% as identified in the 3rd Quarter 2011 to

4th Quarter 2012 (see Attachment E), provided by Florida Department of Transportation Quarterly Price Trends) in addition to local factors and site constraints. When the cost escalation is taken into account, the low bid only varied approximately 2% from the A/E estimate of probable construction cost.

CTA identified local conditions, site constraints and contractor's assumed risks, as factors which impact the bid results. CTA identified the items listed below:

- The site constraints affecting the overall bid price consist of limited staging area and bridge loading restrictions that would require additional resources to haul material and equipment off the site. In addition, the limitations affecting site access through the Venetian Causeway and internal circulation through the islands would require additional maintenance of traffic coordination. If the contractor's access is affected in any way, the operations would be slowed or stopped due to the inability of the contractor to deliver materials to the site or haul unsuitable materials and construction debris offsite. The limited work zone and limited work day hours would require the contractor to use additional manpower and equipment to comply with the contract requirements.
- CTA also concluded their bid analysis by comparing this project's bid tabulations against similar residential infrastructure improvement projects with new water, sewer, drainage, roadways, swales, landscape, and/or sidewalks being constructed within densely developed communities and with infrastructure improvements in areas immediately adjacent to the Inter Coastal Waterway, similarly with poor soil conditions. Additionally, this project would require coordination with the residents and a significant amount of notifications to maintain the residents informed and to assist with the daily disruptions to the homes located within the work zones.
- As per CTA, these are key factors that affect the price of the project, as opposed to a simple roadway project further west in different soil conditions. Work within the City's residential neighborhoods requires phasing and scheduling to accommodate access to the neighborhood and to each residence. It also requires the contractor to fill in excavations quickly, restore private property impacts immediately, and keep affected homeowners and the City aware of any impacts to the community. Work in areas adjacent to Biscayne Bay and the Inter Coastal Waterway, and the soil conditions commonly found in these areas, require additional equipment, time, permitting, and planning in order to install the underground pipes under dry conditions as per PWD requirements, which require constant dewatering.
- Obtaining a dewatering permit will also be an issue affecting the price of this contract. The contractor would be required to make special provisions to have dewatering permits, which would dictate the methods used to dewater. Low laying areas close to a large water bodies subject to tidal influence, such as Biscayne Bay, would have high water volumes to contend with during any construction dewatering operation. The contractor would include additional time and equipment to dewater the site, as needed, making the proper arrangements for dewatering in compliance with the actual environmental requirements for construction areas, adjacent and/or discharging, and/or impacting an outstanding water body.
- Impacts associated with Utility Coordination with the utility companies in the neighborhood (GAS, ATT, ABB and FPL) and the assumed risk due to similar

experiences in Sunset 1 & 2, highlighted during the process, will add an additional premium to the project cost. The island of Rivo Alto will be specifically impacted due to the possibility of underground utility relocations. Also, FPL coordination on the project for the existing street lighting pole removal (after new pole installation) could result in time extensions if there are any delays on FPL's part. Thus there is a higher premium to commit the resources necessary to complete the project within the contract time frame.

SCOPE OF SERVICES

The Scope of Work shall include, but not be limited to, site preparation; earthwork; demolition; storm drainage; roadway reconstruction; concrete valley gutters; walkway paving and grading; watermain and street lighting on the islands of San Marino, Di Lido, and Rivo Alto. The work generally includes the following items:

- Installation of a new 8" diameter potable watermain system from a recently installed watermain system along the Venetian Causeway including new fire hydrants and reconnection to all existing residential water services.
- Installation of a new positive drainage system consisting of french drains, inlets, manholes, and control structures discharging into Biscayne Bay. The drainage outfall system will consist of 7 (seven) new outfalls as well as connection to the existing outfalls to increase and improve capacity.
- Abandonment, in place, of the existing potable water system and removal and disposal of the existing storm drainage system.
- Reconstruction of the existing roadway which includes the installation of new eight (8) inch limerock base, installation of new two (2) inch asphalt surface and construction of new valley gutters throughout all roadways.
- Limited sidewalk and ramp reconstruction throughout Di Lido and Rivo Alto Islands.
- Landscaping, including tree pruning, selective encroachment removal and sodding of the swales.
- Street lighting, including all of its electrical components.

ITB PROCESS

Invitation to Bid (ITB) No. 49-11/12 was issued on June 8, 2012. 439 prospective bidders were notified through Bidnet, of which 36 downloaded the ITB document. In addition, 146 vendors were notified via e-mail by the Procurement Division.

Subsequent to the release of the ITB, a pre-bid conference was held and several addendums were issued responding to prospective bidder questions. On November 27, 2012, proposals were received from the following firms:

- Central Florida Equipment Rentals, Inc.
- Lanzo Construction Co. Florida
- Ric-Man Construction Florida, Inc.
- Ric-Man International, Inc.

Through the Procurement Division's review of each bid for responsiveness, Ric-Man Construction Florida, Inc., the third-lowest bidder, with a total base bid plus alternates at \$10,880,287.61, was deemed nonresponsive for failing to submit the correct Unit Price Breakdown Form provided in Addendum 10 of the ITB by submitting the form provided in Addendum 9 instead.

As a result, the following table provides the proposed total base bid prices, with and without alternates, of the three (3) responsive bids:

	Total Base Bid	Total Base Bid w/ Alternates
Lanzo Construction Co. Florida	\$9,699,509.00	\$10,640,993.00
Central Florida Equipment	\$9,788,774.76	\$10,725,896.06
Ric-Man International, Inc.	\$10,022,183.70	\$11,466,385.30

The Administrative Review Panel consisted of the following individuals and convened on January 17, 2013, to interview the responsive bidders:

- Michael Alvarez, Infrastructure Division Director, Public Works
- Maria Hernandez, Senior Capital Projects Coordinator, CIP
- James Murphy, Senior Planner, Planning
- Matilde Reyes, Senior Capital Projects Coordinator, CIP
- Jose Rivas, Civil Engineer III, Public Works

The Panel evaluated each bid based on the following criteria:

- **50 Points** - Base Bid Price
- **20 Points** - Interview of key personnel
- **10 Points** - Risk Assessment Plan/Value Added Submittals
- **10 Points** - Past Performance Evaluation Surveys
- **10 Points** – Qualifications of Bidder
- **5 Points** – Local Preference for Miami Beach-Based Vendors
- **5 Points** – Preference for Florida Small Businesses Owned and Controlled by Veterans and to State-Certified Service-Disabled Veteran Business Enterprises

Upon completion of the interviews, the Panel discussed each prospective bidder's qualifications, experience, and competence to score and rank the firms accordingly pursuant to the evaluation criteria noted in the ITB. Lanzo Construction Co. Florida received all five first-place votes for contract award as noted below:

	Alvarez	Hernandez	Murphy	Reyes	Rivas	Total
Lanzo Construction Co. Florida	97 (1)	102 (1)	98 (1)	91 (1)	97.48 (1)	485.48 (5)
Ric-Man International, Inc.	67 (2)	73 (2)	95 (2)	86 (2)	76.14 (3)	397.14 (11)
Central Florida Equipment	47 (3)	65 (3)	80 (3)	63 (3)	77.98 (2)	332.98 (14)

ANALYSIS

Pursuant to the Procurement Division's review and acceptance for responsiveness of the bids submitted, the bid price information from the lowest responsive bidder is tabulated to show the percentage over the estimate prepared by SS&A, as follows:

Bid Proposal	SS&A Estimate	Bid # 1	Percent over SS&A Estimate	Bid # 2	Percent over SS&A Estimate	Bid # 3	Percent over SS&A Estimate	Craven, Thompson Bid Analysis Estimate
Base Bid	\$8,619,337	\$9,699,509	12.53%	\$9,788,774	13.57%	\$10,022,183	16.28%	\$10,060,925
Base Bid Plus All Alternates	\$9,499,750	\$10,640,993	12.01%	\$10,725,896	12.91%	\$11,466,385	20.70%	\$10,904,510

The ITB identified various alternates that would be beneficial to the neighborhood project as outlined below:

Alternate A1 – Full road reconstruction in the amount of \$329,228, this alternate increases the existing scope of work from reworking the existing base to a full reconstruction of the roadway. Contractor will remove existing base and replace with a new eight (8) inch limerock base. Reconstructing the roadway will increase the lifespan of the roadway at least twenty (20) years versus five (5) to seven (7) years for reworking the existing base. The existing condition of the roadways and the proposed extensive utility excavation merits the total roadway reconstruction to assure the full integrity of the roadway. **Engineer of Record (EOR) recommends electing this alternate.**

Alternate A2 – Separating seven (7) existing outfalls from the proposed stormwater drainage system for the credit amount of \$82,252. This alternate was originally proposed as a value engineering option to assist in decreasing the base bid. According to the EOR, Schwebke Shishkin and Associates, the proposed stormwater improvements calculations did not take into account the use of the existing outfalls and currently meet the level of service requirement of a five (5) year and one (1) day storm event. **Staff recommends against electing this alternate (credit) and allowing the work to be completed as included in the base bid to allow for additional stormwater relief.**

Alternate A3 – Rehabilitation of existing eight (8) inch gravity sanitary sewer main in the amount of \$300,800. The implementation of lining the existing sanitary mains will improve the existing sanitary sewer flow and strengthen the existing aged old sewer pipes and mitigate the potential breakage during construction activities. **Staff recommends electing this alternate.**

Alternate A4 – Installation of Geosynthetic Geogrid for the amount of \$182,520 which would generally be required as a means to stabilize organic, unsuitable soil. **EOR recommends against electing this alternate because the geotechnical reports did not identify conditions as requiring additional substrate improvement in which a filter fabric would be beneficial to stabilize soil strata.**

Alternate A5 – Includes furnishing and installation of trees and palms in the amount of \$201,188, as required by the BODR. This alternate will be executed by Parks Department. Base bid includes restoration of swales and removal of landscape encroachments only. **Staff recommends not electing this alternate under this contract and executing the installation with Parks Department to allow for appropriate installation.**

Staffs recommend the following alternates to be included in the project scope and are described as follows:

SELECTED ALTERNATES	DESCRIPTION	COST
A1	Full road reconstruction	\$339,228.00
A3	Trenchless sanitary sewer rehabilitation	\$300,800.00
	TOTAL	\$640,028.00

If the City elects to award the base bid of \$ 9,699,509 plus include alternates A1 and A3 additional funding shall be required to address the funding shortfall in the following accounts. The table below summarizes the selected alternates as well as the additional funding requirements.

Funding Sources	Available Construction Funds	Available Contingency	Total Available Funds	Lowest Bid Including Alternates A1 and A3	Required 10% Contingency	Lowest Bid Including Selected Alternates & Contingency	Shortfall
Water/Sewer Fund	\$2,595,817.00	\$321,884.00	\$2,917,701.00	\$3,564,330.00	\$356,433.00	\$3,920,763.00	-\$1,003,062
Stormwater Fund	\$3,130,287.00	\$481,782.00	\$3,612,069.00	\$4,190,923.00	\$419,092.00	\$4,610,015.00	-\$997,946
Above Ground Fund	\$2,932,766.00	\$340,188.00	\$3,272,954.00	\$2,584,284.00	\$258,429.00	\$2,842,713.00	
Total	\$8,658,870.00	\$1,143,854.00	\$9,802,724.00	\$10,339,537.00	\$1,033,954.00	\$11,373,491.00	-\$2,001,008

COMPANY PROFILE

Founded in 1967, Lanzo Construction Co. Florida Foundation Co. has been providing general construction services to South Florida since 1980. Lanzo has extensive experience in stormwater drainage, underground utility, and roadway construction serving Miami-Dade, Broward, and Monroe Counties, along with several local municipalities. Jorge A. Valdes, Project Manager, and Ronald Mezza, Superintendent, have over 15 and 40 years of construction experience respectively managing projects of similar size and scope to this ITB. The following are similar ongoing and recently completed projects:

- Broward County North County Neighborhood Improvement Project Broadview Estates Bid Package 2 - \$9,909,466
- Broward County North County Neighborhood Improvement Project Bid Package 10 - \$10,558,209
- City of Miami Beach ITB 18-09/10 – Central Bayshore Package A/Lake Pancoast Package C - \$14,490,740
- F376 City of Marathon Service Area 5 Vacuum Sewage Collection System and Stormwater Collection System - \$20,625,568

CITY MANAGER'S DUE DILIGENCE

After considering the review and recommendation of City staff, the Interim City Manager exercised her due diligence and carefully considered the specifics of this ITB process. As a result, the Interim City Manager recommends to the Mayor and City Commission to award the construction contract to Lanzo Construction Co. Florida as the lowest and best responsive bidder and authorize the Administration to engage in value engineering to further reduce the cost and time for completion of said project.

CONCLUSION

The Administration recommends that the Mayor and City Commission adopt the attached resolution, which awards a construction contract to Lanzo Construction Co. Florida as the lowest and best responsive bidder, pursuant to Invitation to Bid 49-11/12, for the Right-of-Way Infrastructure Improvement Program – Venetian Islands Bid Package 13C, in the amount of \$9,699,509 base bid plus \$640,028 for selected alternates and a project contingency in the amount of \$1,033,954; for a total construction cost of \$11,373,491; and further authorizing the Administration to engage in value engineering to further reduce the cost and time for completion of said project.

Attachment A - July 9, 2012, Finance and Citywide Projects Committee Memorandum
Attachment B - Schwebke Shishkin & Associates, Inc. (SS&A) A/E Agreement
Attachment C - Craven Thompson & Associates (CTA) Bid Evaluation Report
Attachment D - Schwebke Shishkin & Associates, Inc. (SS&A) Bid Qualification Report
Attachment E - Florida Department of Transportation Quarter Price Trends Report

KGB/JGG/EV/AD 

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MIAMI BEACH

TO: Finance and Citywide Projects Committee

FROM: Kathie Brooks, Interim City Manager

DATE: July 9, 2012

SUBJECT: Overview of Citywide Neighborhood Right-of-Way Improvement Projects

The purpose of this memorandum is to provide an overview of the Neighborhood Right-of-Way Improvement projects, their current status and additional funding requests for Fiscal Year 2012-2013.

As neighborhood construction activities escalate throughout the City, certain existing field conditions are manifesting on a more frequent basis which are prompting a re-evaluation to the previously established scope and control budget programmed under each project. Field conditions encountered during construction are revealing the actual state of existing infrastructure. Unforeseen conflicts have developed with franchise utility installations and street lighting conduits. Additionally, unanticipated work generated to replace existing water lines was not originally programmed in the projects, repairs to sewer pipes collapsing during construction, added asphalt milling and resurfacing, as well as placement of additional storm-water systems to address stormwater mitigation not contemplated in the original scope of work are also components which are impacting the cost of construction. These unforeseen conditions are becoming more frequent, impacting construction already underway, and must, therefore, be addressed in order for construction to continue uninterrupted without the incurrence of unforeseen delays and extension of construction timelines. In addition, resident turnover and fresh visions from the community are resulting in additional requests not originally considered in the Basis of Design Reports (BODR), the most significant being, traffic calming requests and revisions to the Atlantic Greenway Network-Bike Master Plan.

Staff is pursuing a proactive plan to help mitigate these impacts prior to the bidding of future neighborhood projects. Design plans developed in the past are being subject to a thorough and rigorous re-evaluation by the Engineering Division of the Public Works Department (PWD) where revisions to meet current regulatory requirements as well as enforcement of engineering criteria originally not contemplated in the BODR's are being applied in a systematic approach for all future neighborhood improvement projects.

The Design Criteria for all projects is being reviewed and modified accordingly. In tandem, all respective budgets are being re-evaluated and projects are being priced out accordingly, prior to the Capital Improvements Office (CIP) initiating the construction administration phase. Amendments to original BODR's for the neighborhoods are also being updated to address current residents' requests and needs.

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The following pages provide the detailed information for each neighborhood project requiring additional funding during Fiscal Year 2012/2013 as a result of the aforementioned issues:

1. Bayshore Neighborhood Central Bayshore - Bid Pack A

Original Scope of work: The area includes 40th Street, Flamingo Drive, the Sheridan Avenue Multi-Family Neighborhood, and the Central Bayshore Community. This project includes a stormwater system with five (5) pump stations, (5) injection wells, street asphalt overlay, sidewalk repair, swale/planting strip restoration, installation of curb and gutter, enhanced landscaping, drainage upgrades, traffic calming, water main replacement, and improved on-street parking.

Current Status: Notice to Proceed was issued October 31, 2011. The project is currently in construction. Overall project is 30% complete and on schedule for completion by October, 2013.

Additional Funding Requests \$4,546,882

Additional water & sewer and above ground funding is being requested for milling and resurfacing where it is warranted in lieu of the specified roadway asphalt overlay. Water & sewer funding in the amount of \$346,807 is required for the proportional above ground milling and resurfacing associated to the restoration and finishing of the road following the installation water distribution systems in addition to above ground funding in the amount of \$246,006 for the remainder of milling and resurfacing needs. Stormwater funding in the amount of \$3,954,069 is being requested for: a) the installation of valley gutters where needed; b) the relocation of a pump station and the installation of a new gravity well; additional Stormwater collection systems; and c) the installation of a new Stormwater collection system along the perimeter of the golf course and Meridian Ave as well as all proportional milling and resurfacing pertaining to roadway restoration and finishing following stormwater construction. Included in all funding requests are hard costs, contingency, soft costs and CIP Fees.

Above Ground Funding Request	\$ 246,006
Construction Cost	\$ 197,357
Contingency	\$ 19,846
Consulting/Engineering/Field Services	\$ 15,000
CIP Fees	\$ 13,803
Total	\$ 246,006
Water & Sewer Funding Request	\$ 346,807
Construction Cost	\$ 296,037
Contingency	\$ 29,604
CIP Fees (new scope and adjust to 6.5%)	\$ 21,166
Total	\$ 346,807

Stormwater Funding Request	\$3,954,069
Construction Cost	\$3,425,306
Contingency	\$ 342,531
CIP Fees	<u>\$ 186,232</u>
Total	\$3,954,069

2. Bayshore Neighborhood - Lower North Bay Road - Bid Pack 8B

Original Scope of work: This project includes the installation of valley gutters and a stormwater system with two stormwater pump stations, injection wells, street resurfacing, water main replacement and decorative stamped asphalt crossings.

Current Status: Notice to Proceed 1 (NTP-1) was issued on August 18, 2011. A Pre-Construction Meeting was held on December 5, 2011. CIP submitted plans for PWD review on December 28, 2011 and received design comments from PWD on the construction set of plans on February 2, 2012. On April 16, 2012 CIP received confirmation from CH2MHILL and PWD stating that tide flex valves will be installed at the outfalls and that other revisions could be made via the record drawings without additional changes to be done to the plans. Phase 1 encroachment letters were sent out on April 24, 2012. The Right of Way permit was issued by PWD on May 22, 2012. The contractor submitted a revised and increased cost estimate for the project on May 30, 2012 which is currently under review by CIP. An approved construction schedule is pending. Issuance of Notice to Proceed 2 is pending approval of cost increases and project schedule. It should be noted that the contractor did not provide all the required submittals after NTP-1 was issued on August 18, 2011.

Additional Funding Requests \$ 828,643

In addition to the aforementioned revisions, funding is also being requested to address a contractor's proposal for increase in materials and labor prices resulting from Contractor claim of a delayed start of construction. Staff is currently evaluating and negotiating these suggested increases and anticipates that these proposed figures will be reduced through negotiation. The Additional funding being requested is as follows:

Above Ground Funding Request	\$ 140,144
Water & Sewer Funding Request	\$ 326,394
Construction Cost	\$ 304,223
CIP Fees	<u>\$ 22,171</u>
Total	\$ 326,394
Stormwater Funding Request	\$ 362,105
Construction Cost	\$ 294,651

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CIP Fees (new scope and adjust to 6.5%)	\$ 67,454
Total	\$ 362,105

3. Bayshore Neighborhood Lake Pancoast - Bid Pack C

Original Scope of work: The area includes Flamingo Drive, Flamingo Place, West 24th Street to Pine Tree Drive, and Lake Pancoast Drive. This project includes street asphalt overlay, sidewalk repair, planting strip restoration, curb and gutter upgrades, enhanced landscaping, entryway features, enhanced street signage, streetlight upgrades, water main rehabilitation on Flamingo Drive, and improved on-street parking.

Current Status: Notice to Proceed 2 was issued on October 31, 2011. Construction mobilization commenced on March 2012 with projected twelve (12) month duration. This project is being constructed in tandem with the Central Bayshore A project.

Additional Funding Requests \$ 389,725

Above ground funding in the amount of \$14,000 and water & sewer funding in the amount of \$28,216 is being requested for additional milling and resurfacing required in lieu of the overlay and more appropriately allocating the proper distribution of above ground funding between water, stormwater and above ground efforts. Stormwater funding in the amount of \$347,509 is being requested for the potential installation of additional valley gutters, swale reclamation and storage. Included in all funding requests are hard costs, contingency, soft costs and CIP Fees.

Above Ground Funding Request	\$ 14,000
Water & Sewer Funding Request	\$ 28,216
Construction Cost	\$ 23,628
CIP Fees	\$ 4,588
Total	\$ 28,216

Stormwater Funding Request	\$ 347,509
Construction Cost	\$ 239,380
Contingency	\$ 20,000
Consulting/Engineering/Field Services	\$ 25,000 ←
CIP Fees (new scope and adjust to 6.5%)	\$ 63,129
Total	\$ 347,509

4. Bayshore Neighborhood Bid Pack E - Sunset Islands 1 & 2

Original Scope of work: This project includes roadway reconstruction, planting strip restoration, water line replacement and upgrade, valley gutter installation, stormwater upgrades and the replacement of the subaqueous water main crossing between Sunset Islands 2 & 3.

Current Status: Notice to Proceed 2 was issued on December 12, 2011 with construction mobilization scheduled for January 11, 2012. The contractor mobilized on January 12, 2012. Overall project is 40% complete and on schedule for completion by March, 2013.

Additional Funding Requests **\$1,261,337**

Above ground funding is being requested in the amount of \$98,781 for the replacement and relocation of shallow street lights circuits in conflict with on-going construction. Water & Sewer funding in the amount of \$876,656 is being requested for the installation of sub-aqueous water main crossing (50% of cost), and a bridge water main replacement. Included in all funding requests are hard costs, contingency, soft costs and CIP Fees.

Above Ground Funding Request	\$ 98,781
Construction Cost	\$ 77,292
Contingency	\$ 7,730
Consulting/Engineering/Field Services	\$ 7,730
CIP Fees	<u>\$ 6,029</u>
Total	\$ 98,781
Water & Sewer Funding Request	\$ 876,656
Construction Cost	\$ 525,940
Contingency	\$ 70,000
Consulting/Engineering/Field Services	\$ 50,000
CIP Fees (new scope and adjust to 6.5%)	<u>\$ 230,716</u>
Total	\$ 876,656
Stormwater Funding Request	\$ 285,900
Construction Cost	\$ 212,555
Consulting/Engineering/Field Services	\$ 50,000
CIP Fees	<u>\$ 23,345</u>
Total	\$ 285,900

5. Bayshore Neighborhood Sunset Islands 3 & 4 - Bid Pack D

Original Scope of work: This project includes roadway reconstruction, planting strip restoration, water line replacement and upgrade, valley gutter installation and stormwater upgrades and coordination with FPL utility for burying overhead utility lines. The replacement of two existing water main sections mounted on the Sunset Islands 3 & 4 bridges, as well as a 50% share of the cost to replace the sub-aqueous water main crossing between Sunset Island 2 and 3.

Current Status: The Design Criteria Package is being prepared. It is scheduled for completion this fall, at which time it will be advertised for a design-build firm to complete.

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Additional Funding Requests **\$1,171,500**

Above ground funding in the amount of \$745,500 is being requested for the relocation of shallow street light circuits in conflict with future construction in the amount of \$319,500. In addition, the Sunset 3&4 HOA has also requested the construction of a traffic circle and sidewalks on Sunset Drive, which staff has estimated to be in the amount of \$426,000. Should the Commission choose to incorporate these requests the BODR would need to be amended. Water & Sewer funding in the amount of \$426,000 is also being requested for water mains and appurtenances, as well as additional fire hydrants. Included in all funding requests are hard costs, contingency and CIP Fees.

Above Ground Funding Request	\$ 745,500
Construction Cost	\$ 300,000
Contingency	\$ 400,000
CIP Fees	<u>\$ 45,500</u>
Total	<u>\$ 745,500</u>

Water & Sewer Funding Request	\$ 426,000
Construction Cost	\$ 400,000
CIP Fees	<u>\$ 26,000</u>
Total	<u>\$ 426,000</u>

6. Palm & Hibiscus Islands Enhancements

Original Scope of work: The Palm and Hibiscus Neighborhood Improvement project includes landscaping / irrigation, street lighting, replacement of existing water main infrastructure, improved storm water drainage collection and disposal infrastructure including swale restoration, curb and gutter and other facilities, street resurfacing/pavement markings, sewer lining and repair, repair and/or extension of existing sidewalks to comply with ADA requirements, incorporation of traffic calming features, and the coordination of the undergrounding of utilities including FPL, ABB and AT&T.

Additional Funding Requests **\$ 449,272**

Stormwater funding in the amount of \$449,272 is being requested to install additional catch basins, pipes and outfalls in order to comply with the new Stormwater Master Plan requirements related to changes in tail water criteria elevations. Included in all funding requests are hard cost, contingency, soft costs and CIP Fees.

Stormwater Funding Request	\$ 449,272
Construction Cost	\$ 371,000
CIP Fees (new scope and adjust to 6.5%)	<u>\$ 78,272</u>
Total	<u>\$ 449,272</u>

7. Venetian Neighborhood - Venetian Islands

Original Scope of work: This project includes streetscape, landscaping, lighting, above ground improvements and water line replacements in the following Islands: San Marino, DiLido and Rivo Alto Islands.

Current Status: On April 13, 2012, PWD Engineering Division completed the review of the 100% submittal package for Venetian Islands Neighborhood Improvement project. On May 21, 2012, the Parks and Recreation Department approved the 100% submittal package. On June 8, 2012, the Procurement Division issued an Invitation to Bid. Anticipated receipt of bids is July 13, 2012.

Additional Funding Requests **\$2,128,424**

Additional funding is being requested for increased construction costs as indicated by latest estimate from Consultant's Opinion of Probable Cost (Items not included in BODR). The additional funding requested is for water & sewer in the amount of \$526,715 and for stormwater in the amount of \$1,601,709. Included in all funding requests are hard costs, soft costs and CIP Fees.

Water & Sewer Funding Request **\$ 526,715**

Construction Cost	\$ 450,275
CIP Fees (new scope and adjust to 6.5%)	<u>\$ 76,440</u>
Total	<u>\$ 526,715</u>

Stormwater Funding Request **\$1,601,709**

Construction Cost	\$1,357,846
Consulting/Engineering/Field Services	\$ 122,000
CIP Fees (new scope and adjust to 6.5%)	<u>\$ 121,863</u>
Total	<u>\$1,601,709</u>

8. La Gorce Neighborhood Improvements

Scope of work: The scope consists of area-wide street Improvements including street resurfacing, swale restoration, repair of sidewalks, targeted street lighting upgrades to correct deficiencies, enhanced landscaping within the street ROW, water main replacement, and targeted storm water improvements.

Current Status: PWD is completing the La Gorce Design Criteria Package and will transfer the Administration of the construction to the CIP office who anticipates to request Commission approval to advertise for a design build firm at the September 12th, 2012 meeting.

Additional Funding Requests **\$4,579,500**

Above ground funding in the amount of \$319,500 is being requested for additional street milling and resurfacing needs. Stormwater funding in the amount of \$4,260,000 is being requested for additional infrastructure required to comply with the new Stormwater Master Plan requirements. Included in all funding

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requests are hard costs and CIP Fees.

Above Ground Funding Request	\$ 319,500
Construction Cost	\$ 300,000
CIP Fees	<u>\$ 19,500</u>
Total	\$ 319,500

Stormwater Funding Request	\$4,260,000
Construction Cost	\$ 4,000,000
CIP Fees	<u>\$ 260,000</u>
Total	\$ 4,260,000

9. Flamingo Neighborhood - Bid Pack 10A

Scope of work: This project includes include water, storm water drainage including wells, lighting, landscaping, and pavement resurfacing within the neighborhood.

Current Status: Staff will request Commission approval to advertise a Design Criteria Package for the next phase of the Flamingo Neighborhood – Bid Pack 10A including 6th St at the September 12th, 2012 Commission Meeting. The remainder of Flamingo Bid Pack 10A will be coordinated with FDOT Alton Road Project.

Additional Funding Requests **\$4,600,800**

Above ground funding in the amount of \$1,917,000 is being requested for the replacement and relocation of shallow street light circuits in conflict with future construction. Water & Sewer Funding in the amount of \$2,683,800 is being requested for total replacement of all 6" cast iron pipe and galvanized services. Included in all funding requests are hard costs, and CIP Fees.

Above Ground Funding Request	\$1,917,000
Construction Cost	\$1,800,000
CIP Fees	<u>\$ 117,000</u>
Total	\$1,917,000

Water & Sewer Funding Request	\$2,683,800
Construction Cost	\$2,520,000
CIP Fees	<u>\$ 163,800</u>
Total	\$2,683,800

10. Flamingo Neighborhood - Bid Pack 10C

Scope of work: This project includes water, storm water drainage including

wells, lighting, landscaping, pavement resurfacing within the neighborhood.

Current Status: Staff is meeting with the Flamingo Park Neighborhood Association to discuss 16th St. improvements. Upon completion of this effort, the City will undertake the design.

Additional Funding Requests **\$4,899,852**

Above ground funding in the amount of \$2,041,605 is being requested for the relocation of shallow street light circuits in conflict with future construction. Water & Sewer funding in the amount of \$2,858,247 is being requested for the replacement of all 6" inch cast iron pipe and galvanized services. Included in all funding requests are hard cost, and CIP Fees.

Above Ground Funding Request	\$2,041,605
Construction Cost	\$ 1,917,000
CIP Fees	<u>\$ 124,605</u>
Total	\$ 2,041,605

Water & Sewer Funding Request	\$2,858,247
Construction Cost	\$2,683,800
CIP Fees	<u>\$ 174,447</u>
Total	\$2,858,247

11. West Avenue/ Bay Road Improvements

Scope of work: This project includes street resurfacing, swale restoration, repair of sidewalks, street lighting upgrades to correct deficiencies and provide pedestrian lighting, enhanced landscaping within the street ROW, and entryway features.

Current Status: West Avenue will be the detour route while FDOT is rebuilding Alton Road. The FDOT work is scheduled for completion in April, 2015. At that time, the City intends to begin the West Avenue Project.

Additional Funding Requests **\$3,688,500**

Above ground funding in the amount of \$1,919,109 is being requested for the replacement and relocation of shallow street lights circuits in conflict with future construction. Water & Sewer funding in the amount of \$1,769,391 is being requested for the replacement of all 6" inch cast iron pipe and galvanized services. Included in all funding requests are hard costs, and CIP Fees.

Above Ground Funding Request	\$1,919,109
Construction Cost	\$1,801,980
CIP Fees	<u>\$ 117,129</u>
Total	\$1,919,109

Water & Sewer Funding Request	\$1,769,391
Construction Cost	\$1,661,400
CIP Fees	<u>\$ 107,991</u>
Total	\$1,769,391

12. Sunset Harbor Neighborhood Pump Station Upgrades

Scope of work: This project includes construction of four injection wells, rehabilitation of two pump stations, and the replacement of a third pump station.

Current Status: The Notice To Proceed for the first construction phase has been issued. The NTP for the second phase will be issued upon receipt of funding.

Additional Funding Requests \$1,917,000

Stormwater Funding in the amount of \$1,917,000 is being requested to replace Sunset Harbor Pump Station No.3, which is scheduled for rehabilitation. Upsizing in order to provide a 5 yr level of service under the new storm criteria included in all funding requests are hard costs, and CIP Fees.

Stormwater Funding Request	\$1,917,000
Construction Cost	\$1,800,000
CIP Fees	<u>\$ 117,000</u>
Total	\$1,917,000

FISCAL YEAR 2012/2013 CAPITAL IMPROVEMENTS FUNDING REQUESTS

Total Additional Above Ground Funding Request	\$ 7,441,645
Total Additional Water & Sewer Funding Request	\$ 9,842,226
Total Additional Stormwater Funding Request	\$13,177,564

In addition La Gorce Island has requested above ground milling and resurfacing, water and stormwater improvements in the amount of \$3,594,375 with 1,078,300 for above roadway work, \$175,375 for stormwater work and \$2,340,700 for water work respectively. Improvements for this neighborhood are programmed (but not appropriated) in the currently adopted in the Capital Improvement Plan under "Future Years" in the amount of \$350,000 for milling and resurfacing. The potential for utilizing

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future PTP appropriations to offset the impacts to the above ground funding can be discussed during the Finance and Citywide Projects Committee (FCWCP) on July 9th, 2012, as part of the capital prioritization discussion.

FUNDING

Consideration of above ground funding needs for all projects discussed in this memorandum will be part of the capital prioritization discussion at the July 9, 2012 FCWPC meeting. Water and sewer funding needs as well as stormwater funding needs will also be presented to the FCWCP later this summer in concert with discussions on bonding requirements and rate impacts.


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MIAMI BEACH

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COMMITTEE MEMORANDUM

TO: Finance and Citywide Projects Committee

FROM: Kathie G. Brooks, Interim City Manager

DATE: July 9, 2012

SUBJECT: DISCUSSION ON AMENDING THE BASIS OF DESIGN REPORT FOR CENTRAL BAYSHORE NEIGHBORHOOD NO. 8A AND LAKE PANCOAST NEIGHBORHOOD NO. 8C TO INCLUDE HOA REQUESTS, ADDITIONAL STORMWATER IMPROVEMENTS, AND ADDITIONAL MILLING AND RESURFACING.

The purpose of this informational memorandum is to provide general background for a discussion on amending the current Basis of Design Review Report (BODR) and associated funding impacts for the Central Bayshore neighborhood in order to incorporate the implementation of several Homeowner Association (HOA) requests; provide additional stormwater upgrades; and to provide milling and resurfacing of the roadway in lieu of asphalt overlay.

BACKGROUND – ENGINEERING

On May 16, 2001, the City of Miami Beach (City) adopted Resolution No. 2001-24387, approving and authorizing the execution of an agreement with CH2M Hill, Inc. (CH2M Hill) for professional services for the Right-of-Way (ROW) Infrastructure Improvements Program for Neighborhood No. 8 – Bayshore and Sunset Islands project pursuant to Request for Qualifications (RFQ) No. 134-99/00. The agreement was for planning, design, and construction administration services for the collective Bayshore Neighborhoods which was originally one (1) project and was subsequently separated into five (5) individual projects via amendments to the original agreement. These five projects included Central Bayshore Neighborhood 8A (Package 8A), Lower North Bay Road Neighborhood 8B (Package 8B), Lake Pancoast Neighborhood 8C (Package 8C), and the Sunset Islands (Packages 8D and 8E).

BACKGROUND - BODR

On April 9, 2003, the City Commission approved the Basis of Design Report (BODR), completed and submitted by CH2M Hill for the Neighborhood No. 8 Bayshore / Sunset Islands Project. This BODR was the culmination of a comprehensive planning effort that included input from and reviews by residents, various City Departments, and the Design Review Board (DRB). The first workshops occurred in 2001. A complete chronological summary of the history of the planning and design effort is attached as Exhibit A.

ANALYSIS

The Bayshore Neighborhood No. 8 Right-of-Way Improvements Project was one of thirteen neighborhood improvement projects included in a program developed by the City of Miami Beach to improve the quality of life of its residents. The program included citywide water, wastewater and stormwater improvements; as well as a variety of streetscape enhancement projects. This Finance Committee Memorandum addresses two (2) of the Bayshore sub-neighborhoods; Central Bayshore Neighborhood No. 8 (Bid Package A) and the Lake Pancoast Neighborhood No. 8 (Bid Package C). Other neighborhoods such as Biscayne Point, Sunset Islands 1 & 2 & Venetian Islands have received additional unplanned improvements particularly for water and stormwater improvements and milling and resurfacing based on technical needs.

After the planning and design phases, Invitation to Bid (ITB) No. 18-09/10 was issued for Packages 8A/8C on December 31, 2009. Bids were received by the Technical Review Panel (TRP), as part of the City's standard Best Value Procurement process for the recommendation to award the construction contract. Pursuant to the Technical Review Panel's and City Manager's recommendation, the Mayor and City Commission adopted Resolution No. 2010-27587 on December 8, 2010 authorizing the award of Packages 8A and 8C to Lanzo Construction Co. of Florida (LCC) in the amount of \$18,414,814.55 including contingency.

The first Notice to Proceed (NTP-1) was issued to LCC on August 19, 2011. The Pre-Construction conference took place on October 26, 2011 and the second Notice to Proceed (NTP-2) was issued on October 31, 2011. Construction mobilization took place on November 7, 2011. The project has a 24 month schedule and is currently at 25% completion (refer to Exhibit E, LTC291-2011, dated 11-14-11).

HOA REQUESTS / REVISIONS – 11 POINTS

In early 2010, following completion of design and permitting services for the Central Bayshore project area, the neighborhood association (HOA) requested that the City consider changing the width of some streets in the project area as well as some aspects of the completed design. Several meetings highlighting this request took place as follows:

- February 5, 2010 – LTC advising commission of the design activity that has taken place for the project.
- February 16, 2010 - The Neighborhoods and Community Affairs Committee Meeting.
- March 8, 2010 - Capital Improvement Projects Oversight Committee Meeting. Report is sent via Commission Memorandum on May 12, 2010.
- April, 2010 - The Bayshore HOA forwarded a letter to the CIP Department highlighting eleven (11) key issues/concerns (Refer to Exhibit B attached). A presentation board graphically depicting the 11 items was also submitted to the City by the HOA for consideration. These eleven issues/concerns were referenced and discussed at other publicly-noticed meetings, including:
 - May 25, 2010 - The Neighborhoods and Community Affairs Committee Meeting.
 - June 28, 2010 – LTC advising Commission of the current project activity. Package includes the CIPOC, March 8, 2010 Meeting Minutes, April 12, 2010 HOA list of "11 Points", and May 25, 2010 Neighborhoods Committee Memorandum.
 - September 22, 2010 - The Mayor's Blue Ribbon Bikeways Advisory Committee Meeting.

On August 25, 2011, and prior to commencement of construction, members of the Bayshore HOA met with CIP to, again, request that the eleven (11) items be considered for incorporation into the project design. CIP approached the Public Works Department (PWD) in several

instances to discuss possible options on behalf of the residents. Subsequent meetings and correspondence took place between CIP, PWD, Planning and the Parks Department, and a compromise was reached for the majority of the items. The final, agreed to, eleven (11) Points were presented to the residents during the publicly advertised Community Pre-Construction Meeting of August 31, 2011.

The requested changes were either not part of the BODR, upon which the project design was developed, or were modifications to the BODR. Some of the requested changes require modifications to the City's current Atlantic Greenway Network (AGN - Bike Route Master Plan), which will need to be updated should these recommendations be approved by the City Commission. Some of the currently designed roadways were increased in width to accommodate bike lanes. It is important to underline that the Commission, in the past, has requested to not impact the landscaping by increasing the pavement width to accommodate for bike lanes. The plans will require this revision should the Commission decide to accept the modification to the BODR and the AGN. The plans will require a revision by the Engineer of Record to the currently permitted plans. Permits obtained to date are also based on the current design and will also need to be updated.

The approved HOA requested items are listed below. For a complete summary and location plan of the eleven (11) points refer to Exhibits C-1, C-2, and C-3:

1. Narrow Sheridan Avenue from 30th Street to 40th Street from +/-32 feet to 24 feet and provide for a bike route (sharrow) and bus bays. The plans currently call for the street to remain the same width at +/- 32 feet. There will be a credit for asphalt paving from the current budget and an increase for additional swales which should balance out.
2. Narrow North Meridian Avenue from Dade Boulevard to 28th Street and eliminate the proposed bike lanes and replace with a bike path within the right-of-way adjacent to the golf course. Reduce the road width to 22 feet. Twenty two feet is the minimum width allowed on collector streets. The plans currently indicate an increased road width of 28 feet from existing 23 feet. There will be a credit for five feet of new roadway and elimination of the Bike Lanes from the current budget and an increase for additional swales.
3. Remove Prairie Avenue from 28th Street to Dade Boulevard from the Central Bayshore scope of work since this project was already completed by Public Works in 2011. This is a full credit to the project.
4. The HOA has also requested the removal of the Bike Lanes along Prairie Avenue from 28th to 40th Streets and a reduction in the roadway from 28 feet to 20 feet. PWD strongly recommended against this since the bike lanes already exist and are part of the adopted AGN and Prairie Avenue is a collector street. No change is recommended to be made to the plans and there would be no change to the current budget.
- 4a. Alternative Request – In addition to the removal of the Bike Lanes on Prairie Avenue, the residents have subsequently requested that Prairie Avenue be reduced to a minimum allowable roadway width for local roads and that an alternate bike facility be placed on Royal Palm Avenue. The residents have requested a Bike Boulevard, however unless Royal Palm is widened, which has not been the desire of the community, the only feasible bicycle facility which could be incorporated in this roadway would be sharrows. In addition, added costs would have to be incurred for the reduction of Prairie Avenue. This alternative would require a change to the current

plans and the currently adopted AGN, as well as generate an increase in the currently projected construction cost estimate being presented herein. The added cost is due to a reduction of the roadway width from 28 feet to 22 feet which is not currently budgeted.

5. Maintain 28th Street from Sheridan to Prairie Avenues at 24 feet in width with the addition of sharrows in lieu of bike lanes. The plans currently indicate roadway widening to 28 feet with bike lanes. Redefine the current 10 foot wide multi-use sidewalk from the south side of 28th Street to maintain pedestrian connectivity with Sheridan Avenue. Establish connectivity to Prairie and North Meridian Road for safety. There will be a credit for four feet of new roadway and the concrete sidewalk from the current budget and an increase for additional swales which should balance out.
6. Narrow 34th Street from Chase Avenue to Pine Tree Drive to 22 feet in width with sharrows. The plans currently indicate a road width of 28 feet with bike lanes. There will be a credit for the asphalt and road widening since the existing roadway width is approximately 23 feet.
7. Fairgreen Drive to remain within its existing width of 16 feet. This can be accomplished by removing the scope of work from the ROW project and resurfacing the street as a separate maintenance project. The plans currently indicate a road widening to 20 feet. There would be a credit for the asphalt and road widening if the roadway remains at the current width.
8. The current plans increase 31st Street from Sheridan Avenue to Pine Tree Drive from an existing width of 15 feet to 20 feet in order to remain continuous with the remaining street width. The HOA is willing to accept this as a compromise, therefore no change in the current plans is expected and no additional cost is anticipated.
9. Eliminate all proposed mid-block stamped asphalt decorative treatments and replace with concrete paver treatments. It is anticipated that the County will not approve mid block pedestrian crossings due to traffic safety concerns. Moreover, the BODR would need to be modified to eliminate the previously requested "traffic tables" and instead allow the Public Works department to conduct a traffic calming analysis along this corridor to determine if traffic calming is indeed warranted and what type of traffic calming facility would need to be incorporated to mitigate traffic concerns. Under this scenario the City would be in a better position to a) determine the type of traffic calming facility and b) allocate the adequate proper funding source for implementation
10. Eliminate all proposed stamped asphalt decorative crosswalks at intersections and replace with concrete paver treatments. With the exception of 40th Street, current plans call for stamped asphalt. No changes to the current design plans will be made since a different type of treatment outside of the adopted stamped asphalt could result in other neighborhoods generating similar requests throughout the City and funding requests to be evaluated in concert with all neighborhoods. Additional funds would be required for this change which is not currently programmed.
11. Eliminate the proposed Royal Palm species on the south side of 40th Street as they are sporadically spaced and replace with Mahogany species. Add more canopy trees wherever possible as per the recently completed plan submitted by the HOA. (Refer to Exhibit C-3). Current permitted plans include up-lighting and shrubs which could be removed from the scope. Landscape plans will need to be modified to reflect these changes at minimal or no cost.

Pursuant to the aforementioned requests by the HOA, the City is bringing forth these changes as part of the current project construction work. The engineer of record would need to revise the existing plans and submit applications for revised permits to the applicable governmental agencies. The HOA requested items are not expected to require a significant increase in construction cost, based upon preliminary estimates. A detailed estimate of probable cost will be submitted by the consultant once revised construction documents are completed.

ADDITIONAL STORMWATER UPGRADES

The Bayshore neighborhood is bounded by the environmentally sensitive Biscayne Bay Aquatic Preserve, which is also an Outstanding Florida Water (OFW) and intracoastal waterway. The area has relatively low-lying and flat topography that experiences high intensity rainfall, significant tidal influence, limited soil storage for infiltration, and very limited swale storage capacity due to a high distribution of impervious area.

The Central Bayshore Neighborhood's current stormwater management system consists primarily of outfalls served by swales, inlets, storm drains, and culverts. The existing design is based upon the recommendations of the City's 1997 Stormwater Master Plan and the subsequent Bayshore neighborhood BODR.

The City's stormwater master plan consultant, CDM Smith, undertook an extensive stormwater analysis of the Bayshore Neighborhood. The current analysis makes use of modeling from the Draft Stormwater Master Plan, which is more sophisticated than the previous 1997 Stormwater Master Plan.

The stormwater master plan determined that Pump Station No. 2 located between Pine Tree Dr. and Flamingo Dr., can be replaced with a system based on gravity wells and upsized outfalls.

Pump Station No. 2 could then be relocated in a more needed location to the area of 28th St. and Fairgreen Drive and be used to provide additional stormwater infrastructure within Zone 4 and the North Meridian collection system indicated in Exhibit D-2.

After a major storm event that occurred on October 30, 2011, which flooded a substantial area of the Central Bayshore neighborhood, the PWD and CIP were approached by concerned residents. The residents requested for the City to expedite revisions to the design of the stormwater facilities to provide additional relief from potential flooding conditions within the timeline of the current construction contract. (refer to Exhibit D-1).

The Central Bayshore neighborhood's current stormwater management system consists primarily of outfalls served by swales, inlets, storm drains, and culverts which currently do not meet the 5 year level of service. The Engineer of Record is proposing changes outlined below. For a complete summary of the changes and location plan of the area refer to Exhibits D-1 and D-2:

1. Provide design for a stormwater collection system to serve the southwest portion of the Central Bayshore area with boundaries roughly defined by W. 28th Street to the south, Prairie Avenue to the west, Sheridan Avenue to the east and W. 34th Street to the north. The estimated construction cost for this item is \$1,142,134 and is detailed in Exhibit F-1 attached.
2. Provide a design for the replacement of the existing collection system on North Meridian Avenue, between W. 28th Street and Dade Boulevard and tie into the recently constructed 36-inch diameter outfall on Dade Boulevard. The estimated construction cost for this item is \$341,400 and is detailed in Exhibit F-1 attached.

3. In conjunction with the roadway revisions, valley gutters shall also be provided as appropriate to direct flow to the collection system throughout the project area, as the limited capacity of the swales within the right of way does not allow for adequate conveyance and storage. The estimated construction cost for this item is \$1,250,665 and is detailed in Exhibit F-2 attached.
4. To reduce costs and allow for the addition of Item 1 above, relocate the pump station and pressure injection wells in the basin currently known as Pump Station No. 2 between Pine Tree and Flamingo Drives in the northeast portion of the Central Bayshore area. The collection and disposal system along Flamingo Drive will be redesigned to incorporate gravity disposal wells and an upgrade to the existing outfall. The estimated construction cost for this item is \$197,712 and is detailed in Exhibit F-3 attached.
5. In associated with construction of stormwater improvements, roadway restoration finishing is estimated to cost \$493,395.

For the Lake Pancoast Neighborhood, stormwater funding in the amount of \$235,800 is being requested for the potential installation of additional valley gutters, swale reclamation and storage. Included in all funding requests are hard costs, contingency, soft costs and CIP Fees.

ADDITIONAL WATER AND SEWER FUNDING

For the Central Bayshore Neighborhood, water & sewer funding in the amount of \$296,037 is needed for construction more appropriately allocating the proper distribution of above ground funding between water, stormwater and above ground efforts.

For the Lake Pancoast Neighborhood, water & sewer funding in the amount of \$21,480 is needed for construction more appropriately allocating the proper distribution of above ground funding between water, stormwater and above ground efforts.

MILLING AND RESURFACING OF ROADWAYS

The existing project plans call for a pavement overlay on all the neighborhood streets. Field investigations during construction have identified the existing pavement to be in worse condition than what may have been originally anticipated, as a result of pavement deterioration and distress through the years. The Engineer of Record (EOR) has stated that the condition of the roadway is not sustainable for the long term. Both the resident project representative (RPR) and the EOR have recommended milling and resurfacing where required to provide a more durable pavement.

The original BODR recommended that all roads within the Central Bayshore neighborhood be resurfaced with a one (1) inch overlay of asphalt and that milling of the roadway be limited to areas where there is excessive scarring or where the grade (slope) of the road needs to be modified to support stormwater drainage. Milling is a process that grinds the existing asphalt surface to change the slope of the surface and to assist bonding between the existing and new asphalt courses. Only 20% of the existing road surface was projected to require milling prior to resurfacing to address scarring and grading issues. The estimated construction cost for the milling and resurfacing of the roadways within the Central Bayshore project is \$986,789 and is detailed in Exhibit F-4 attached. However, the amount of above ground funding net of the portions funded by stormwater and water and sewer is \$197,357. A credit for the deletion of Prairie Avenue in the amount of \$93,211 is also included.

3. In conjunction with the roadway revisions, valley gutters shall also be provided as appropriate to direct flow to the collection system throughout the project area, as the limited capacity of the swales within the right of way does not allow for adequate conveyance and storage. The estimated construction cost for this item is \$1,250,665 and is detailed in Exhibit F-2 attached.
4. To reduce costs and allow for the addition of Item 1 above, relocate the pump station and pressure injection wells in the basin currently known as Pump Station No. 2 between Pine Tree and Flamingo Drives in the northeast portion of the Central Bayshore area. The collection and disposal system along Flamingo Drive will be redesigned to incorporate gravity disposal wells and an upgrade to the existing outfall. The estimated construction cost for this item is \$197,712 and is detailed in Exhibit F-3 attached.
5. In associated with construction of stormwater improvements, roadway restoration finishing is estimated to cost \$542,735.

For the Lake Pancoast Neighborhood, stormwater funding in the amount of \$235,800 is being requested for the potential installation of additional valley gutters, swale reclamation and storage. Included in all funding requests are hard costs, contingency, soft costs and CIP Fees.

ADDITIONAL WATER AND SEWER FUNDING

For the Central Bayshore Neighborhood, water & sewer funding in the amount of \$296,037 is needed for construction more appropriately allocating the proper distribution of above ground funding between water, stormwater and above ground efforts.

For the Lake Pancoast Neighborhood, water & sewer funding in the amount of \$21,480 is needed for construction more appropriately allocating the proper distribution of above ground funding between water, stormwater and above ground efforts.

MILLING AND RESURFACING OF ROADWAYS

The existing project plans call for a pavement overlay on all the neighborhood streets. Field investigations during construction have identified the existing pavement to be in worse condition than what may have been originally anticipated, as a result of pavement deterioration and distress through the years. The Engineer of Record (EOR) has stated that the condition of the roadway is not sustainable for the long term. Both the resident project representative (RPR) and the EOR have recommended milling and resurfacing where required to provide a more durable pavement.

The original BODR recommended that all roads within the Central Bayshore neighborhood be resurfaced with a one (1) inch overlay of asphalt and that milling of the roadway be limited to areas where there is excessive scarring or where the grade (slope) of the road needs to be modified to support stormwater drainage. Milling is a process that grinds the existing asphalt surface to change the slope of the surface and to assist bonding between the existing and new asphalt courses. Only 20% of the existing road surface was projected to require milling prior to resurfacing to address scarring and grading issues. The estimated construction cost for the milling and resurfacing of the roadways within the Central Bayshore and Lake Pancoast projects is \$1,058,389 and is detailed in Exhibit F-4 attached. However, the amount of above ground funding net of the portions funded by stormwater and water and sewer is \$197,357. A credit for the deletion of Prairie Avenue in the amount of \$93,211 is also considered.

Additional Water & Sewer Funding Request: \$ 346,807

The additional scope includes hard cost, contingency and CIP fees to offset the additional cost for milling and resurfacing (pavement restoration) required by the installation of water mains, appurtenances and fire hydrants. Additional funding request is as follows:

Construction Cost	\$296,037
Contingency	\$ 29,604
CIP Fees (new scope and adjust to 6.5%)	<u>\$ 21,166</u>
Total	\$346,807

Additional Stormwater Funding Request: \$3,954,069

The additional scope includes hard cost, contingency and CIP fees for the installation of 24" valley gutters; relocating pump station #4 and replacing with gravity wells; additional Stormwater collection (phase II); and Meridian Ave. Stormwater collection, and the portion of milling and resurfacing (pavement restoration) required for the installation of drainage structures. Additional funding request is as follows:

Construction Cost	\$3,425,306
Contingency	\$ 342,531
CIP Fees	<u>\$ 186,232</u>
Total	\$3,954,069

Bayshore C (Lake Pancoast) Funding:

Additional Above Ground Funding Request: \$ 14,000

The additional scope includes hard cost (construction) for additional milling and resurfacing (pavement restoration).

Additional Water & Sewer Funding Request: \$ 28,216

The additional scope includes hard cost, contingency and CIP fees to offset the additional cost for milling and resurfacing (pavement restoration) required by the installation of water mains, appurtenances and fire hydrants. Additional funding request is as follows:

Construction Cost	\$21,480
Contingency	\$ 2,148
CIP Fees (new scope and adjust to 6.5%)	<u>\$ 4,588</u>
Total	\$28,216

Additional Stormwater Funding Request: \$347,509

The additional scope includes hard cost, contingency and CIP fees for the installation of 24" valley gutters, and the portion of milling and resurfacing (pavement restoration) required for the installation of drainage structures. Additional funding request is as follows:

Construction Cost	\$235,800
Contingency	\$ 23,580
CIP Fees (new scope and adjust to 6.5%)	<u>\$ 63,129</u>
Total	\$347,509

CONCLUSION:

The above information is provided to facilitate the discussion of whether or not to proceed with the revision to the plans for the requested improvements which are outside of the current BODR for the Central Bayshore neighborhood.

Attachments:

- Exhibit A: Chronological History and Process Summary
- Exhibit B: HOA Original Request
- Exhibit C-1: HOA Compromise - Summary
- Exhibit C-2: HOA Compromise - Map
- Exhibit C-3: HOA Requested Landscaping
- Exhibit D-1: Additional Stormwater Upgrades - Summary
- Exhibit D-2: Additional Stormwater Upgrades - Map
- Exhibit E: LTC 291-2011 dated 11-14-11
- Exhibits F-1 thru F-4: Budget Level Cost Estimates


KGB/JMG/FB/V

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Exhibit A

CHRONOLOGICAL HISTORY AND PROCESS FOR THE CENTRAL BAYSHORE NEIGHBORHOOD

Projects in the Capital Improvement Program move through three stages – planning, design and construction. The City of Miami Beach reaches out to the community during this process in order to assure that during the final development of the construction plans the majority of the desires and concerns raised by residents and stakeholders are considered. This includes the development of a Basis of Design Report (BODR), as well as publicly-noticed milestone meetings.

The City involves the homeowner associations (HOAs) of the various impacted neighborhoods, and attempts to empower the HOAs by encouraging their involvement in the process. The City has also established a communications protocol to reach out to residents via community organizations/HOAs and Neighborhood leaders. Additionally, when meetings are held, they are publicly noticed and the community is provided notification via the newspaper, a flyer that is distributed door-to-door, and the calendar on the City's website.

Although the BODR becomes the basis by which to initially document the community's desires, there are regulating agencies that have ultimate jurisdiction over the project specifications. These include the City's Public Works Department, Parks Department, Planning Department, Miami-Dade County Traffic, Miami-Dade County Environmental Resources Management, South Florida Water Management, among others. Depending on the scope of the project and the infrastructure and environmental impacts, agencies on the federal level can also get involved.

Since the inception of the Bayshore Neighborhood project, the City has conducted the appropriate due-diligence and met with residents at various phases of the project. The following community meetings have been held since the beginning of the Bayshore Neighborhood Improvement Project:

Planning Phase:

- o Dec. 4, 2001 Community Design Workshop #1
- o Feb. 14, 2002 Community Design Workshop #2
- o June 11, 2002 Community Design Workshop #3

BODR:

The BODR was presented at the G.O. Bond Oversight Committee, which was an advertised public meeting that was also broadcasted and rebroadcasted on MBTV 77

- o April 7, 2003 - BODR Presentation to G.O. Bond Oversight Committee

The BODR, including Addendum No. 1, was then presented at a City Commission meeting for approval. City Commission meetings are also advertised public meeting and also broadcasted live and rebroadcasted on MBTV 77

- o April 9, 2003 - BODR Presentation to the City Commission

Design Phase:

- o Feb. 15, 2007 - Community Design Review Meeting

HOA Meetings:

- o Feb. 5, 2010 – LTC advising commission of the design activity that has taken place for the project. Complaints regarding the BODR are listed.
- o Feb. 16, 2010 - The Neighborhoods and Community Affairs Committee Meeting
- o March 8, 2010 - Capital Improvement Projects Oversight Committee Meeting. Report is sent via Commission Memorandum on May 12, 2010.
- o April, 2010 - The Bayshore HOA forwarded a letter to the CIP Department highlighting eleven (11) key issues/concerns. A presentation board graphically depicting the 11 items was also submitted to the City by the HOA for consideration. These eleven issues/concerns were referenced and discussed at other publicly-noticed meetings, including:
- o May 25, 2010 - The Neighborhoods and Community Affairs Committee Meeting
- o June 28, 2010 – LTC advising Commission of the current project activity. Package includes the CIPOC March 8, 2010 Meeting Minutes, April 12, 2010 HOA list of "11 Points", and May 25, 2010 Neighborhoods Committee Memorandum.
- o Sept. 22, 2010 - The Mayor's Blue Ribbon Bikeways Advisory Committee Meeting

All of the above requests from the HOA were submitted after construction documents were completed and permits processed.

Bike Ways:

In the City's Bikeways Master Plan, several roads within the Bayshore neighborhood were identified as designated bicycle lanes. These include 28th Street, North Meridian Ave., and 34th Street. However, these existing roads would have to be widened in order to incorporate bicycle lanes. The Mayor and Commission have expressed that any increase in the width of a roadway be approved; many within the Central Bayshore neighborhood also stated that increasing roadways in Bayshore would be against their wishes.

In an effort to keep bikeways within these areas, and satisfy the concerns of both the Commission and residents, CIP took into account the needs of these various interests and integrated "sharrows" – shared roadways that accommodate both vehicles and bicycles – to achieve the cohesive design of both roads.

The administration has found that sharrows provide the best alternative to

- a) introduce a safe environment that allows vehicles to share the road with cyclists,
- b) introduces a proven traffic calming effect, and
- c) allow the integrity of the greenspace to remain.

The above compromises were discussed and accepted by the HOA and presented during the Preconstruction community meeting which took place on August 31, 2011.

Pre-Construction Phase:

Publicly advertised meetings continued to be held for selection of the General Contractor for construction of the Central Bayshore and Lake Pancoast Neighborhoods.

- o Dec. 31, 2009 – General Contractor ITB is Advertised

- o Nov. 19, 2010 - Technical Review Panel selects Lanzo Construction as the GC
- o Dec. 8, 2010 - Commission Awards the Contract
- o Aug. 19, 2011 - Issuance of NTP-1
- o Aug. 31, 2011 - Pre-Construction Community Meeting

Construction Phase:

After the pre-construction phase and community outreach was completed, CIP prepared to commence construction as per the requirements of the contract:

- o Oct. 26, 2011 - Pre-Construction Meeting Held.
- o Oct. 31, 2011 - Issuance of NTP-2
- o Nov. 7, 2011 - Construction Commenced.
- o Oct. 31, 2013 - Projected Construction completion.

Exhibit B

Bayshore Homeowners Association

Miami Beach, Florida

To: Keith Mizell - CIP Office
From: John Corey - President of Bayshore HOA
Date: April 12, 2010

Bayshore Homeowners Association Community

CIP Requests - April 2010

1. Narrow Sheridan Ave. to 20 feet from 30th to 40th Streets.
2. Eliminate the proposed Bike Lanes on Meridian Avenue from Dade Boulevard to 28th Street; narrow to 20 feet and install Bike Routes.
3. Narrow Prairie from Dade to 28th Street to 20 feet. (Public Works to complete with High School swale landscaping)
4. Remove the existing Bike Lanes on Prairie from 28th to 40th Streets and narrow to 20 feet, install Bike Routes instead.
5. Eliminate the proposed 10 foot wide multi-use sidewalk from the south side of 28th Street from Sheridan to Prairie, narrow Prairie to 20 feet and install a Bike Route.
6. Narrow 34th Street to 20 feet.
7. Seek an exception to maintain the following streets at the current widths:
 - Fairgreen at its current roadway width of approximately 16 feet and
 - 31st Street between Pine Tree Drive and Sheridan at its current roadway width of approximately 15 feet.
8. Eliminate all proposed mid-block stamped asphalt decorative treatments throughout the project.
9. Eliminate all proposed stamped asphalt decorative crosswalk treatments at intersections, with the exception of 40th Street.
10. Eliminate the proposed Royal Palms species on the south side of 40th Street and replace with canopy trees; Mahogany species.
11. Add more canopy trees wherever possible throughout neighborhood sacrificing palm trees if need be. The community prefers Mahogany species.

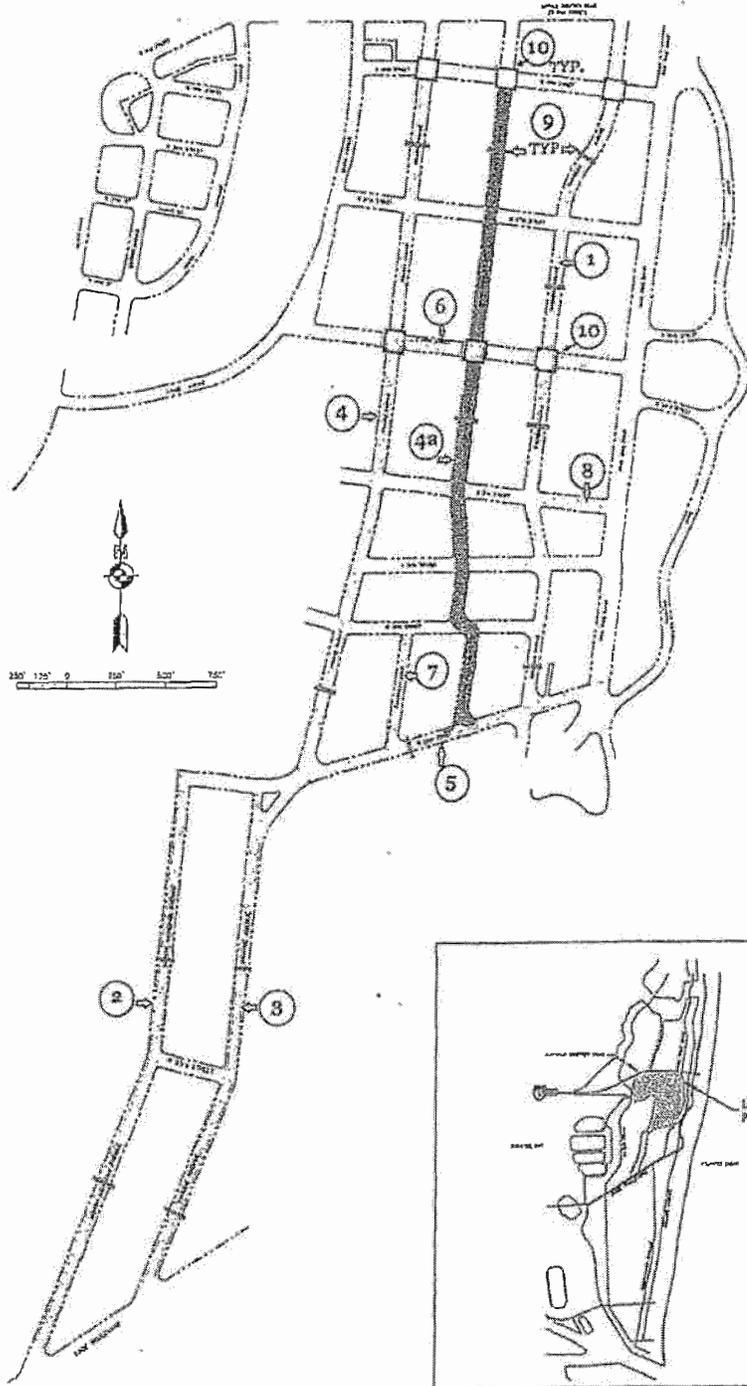
**CENTRAL BAYSHORE A
HOA Compromise - 11 Points**

Item	Current CH2MHILL Plans	HOA Compromise	Scope Change	BODR Change	Benefit of Change	
1	Sheridan Avenue	Sheridan Avenue from 28th St. to 30th St. travel lane narrows from (± 31 feet to 24 feet). Sheridan Avenue from 30th St. to 41 St. travel lane remains the same width (± 32 feet).	Travel lane will be reduced to 24 feet with sharrows (Bike route) and bus stop pull out areas along Sheridan from 30th to 40th Street.	Reduction in paving, increase in swale area.	YES - BODR only refers to reduction of Sheridan from 28th to 30th Street. No reduction was proposed or Sheridan from 30th to 40th.	Increased neighborhood feel, less paved area, more room for street trees and more area for swale construction without the need to remove existing vegetation.
2	North Meridian Ave.	North Meridian Ave. existing travel lane width is ± 23 feet, current plans show a width of 28 feet with bike lanes.	Travel lane can be 22 feet with sharrows (Bike Route)	Reduction in paving, slight increase in swale area along N. Meridian.	YES - Since there is no mention of Bike lanes or Sharrows in the BODR. Bike lanes were incorporated following adoption of AGN.	Increased neighborhood feel, less paved area, more room for street trees and more area for swale construction without the need to remove existing vegetation.
3	Prairie Avenue: 28th Street to Dade Blvd.	Prairie will be removed from the project scope of work from Dade Blvd. to 28th Street.	N/A	Remove from scope. Credit back to the project.	YES - Prairie Ave. was in the original BODR, but work was performed by PWD therefore the street is eliminated from the project.	N/A - Work completed ahead of time.
4	Prairie Avenue - Bike Lane Removal: 28th Street to 40th Street	Current plans reflect Bike Lanes from 28th to 40th Street.	Bike lanes to remain from 28th to 40th street.	No Change.	YES - Since there is no mention of Bike lanes in the BODR.	Maintain Bike Lane facility which is existing.
4a	Prairie Avenue - Bike Lane Removal alternative and Introduction of Bike facility to Royal Palm Avenue.	Current plans reflect Bike Lanes from 28th to 40th Street.	HOA has requested that the Bike Lanes on Prairie Avenue be removed and the existing road be narrowed. A Bike facility would be relocated to Royal Palm Ave.	Reduction in paving, increase in swale area. Increase in cost to the project since Prairie Avenue from 28 to 40th Street was never contemplated.	Yes - Since there is no mention of bike Lanes or Facilities in the BODR.	Increased neighborhood feel, less paved area, more room for street trees and more area for swale construction without the need to remove existing vegetation.
5	28th Street	Current plans reflect an increase in road width from +/- 23 feet to 28 feet from Meridian Ave. to Pine Tree Drive.	Travel lane can remain at 24 feet with sharrows (Bike Route) in lieu of Bike Lanes. Sidewalk extension becomes part of the Par 3 project.	Reduction in paving. Credit back to the project.	NO - This facility is not mentioned in the BODR.	Increased neighborhood feel, less paved area, more room for street trees and more area for swale construction without the need to remove existing vegetation.
6	34th Street	Current plans reflect an increase in road width from +/- 23 feet to 28 feet from Chase Ave. to Pine Tree Drive.	Travel lane will be reduced to 22 feet with sharrows.	Reduction in paving. Credit back to the project.	YES - Since there is no mention of Bike lanes or Sharrows in the BODR.	Increased neighborhood feel, less paved area, more room for street trees and more area for swale construction without the need to remove existing vegetation.
7	Fairgreen Drive	Current plans reflect an increase in road width from +/- 16 feet to 20 feet.	Fairgreen can remain as is.	Reduction in paving. Credit back to the project.	NO - Fairgreen is not mentioned in the BODR.	No change to the character of the street.
8	31 Street: From Sheridan to Pine Tree Drive (1 block)	Current plans reflect an increase in road width from +/- 15 feet to 20 feet from Sheridan to Pine Tree Drive.	No compromise - Travel lane will be increased 20 feet, as per plans.	No Change.	NO - 31st Street is not mentioned in the BODR.	31st Street becomes a uniform road which is up to code.
9	Mid-Block Treatments	Current plans reflect 13 stamped asphalt traffic calming fixtures.	Residents request an alternative or brick pavers.	Remove from scope. Credit back to the project.	YES - BODR calls for mid-block traffic calming.	Pedestrian Safety.
10	Decorative Crosswalks at Intersections	Current plans reflect decorative stamped asphalt crosswalks at 28th, 30th and Sheridan intersections.	Residents request brick paver crosswalks.	No Change.	YES - the BODR only mentions brick paver crosswalks along 40th Street.	No cost increase to the project.
11	Shade Trees	Current plans reflect a total of 346 trees (194 which are palms), 5,682 shrubs, and electrical uplights.	HOA submitted a revised landscape plan consisting of 448 shade trees, no palms, minimal shrubs (at pump stations), and no uplights.	Completely new plan. Must be approved by PWD, Parks, Planning.	YES - Royal palms were specified for 40th street, and Coconut Palms for Sheridan Ave. with the remaining trees being canopy type. Shrubs are also part of the the BODR and those will be removed, as well as the up-lighting. Different species are being proposed.	Addition of substantial amount of shade trees. Improved neighborhood coherence and feel.

Exhibit C-1

513

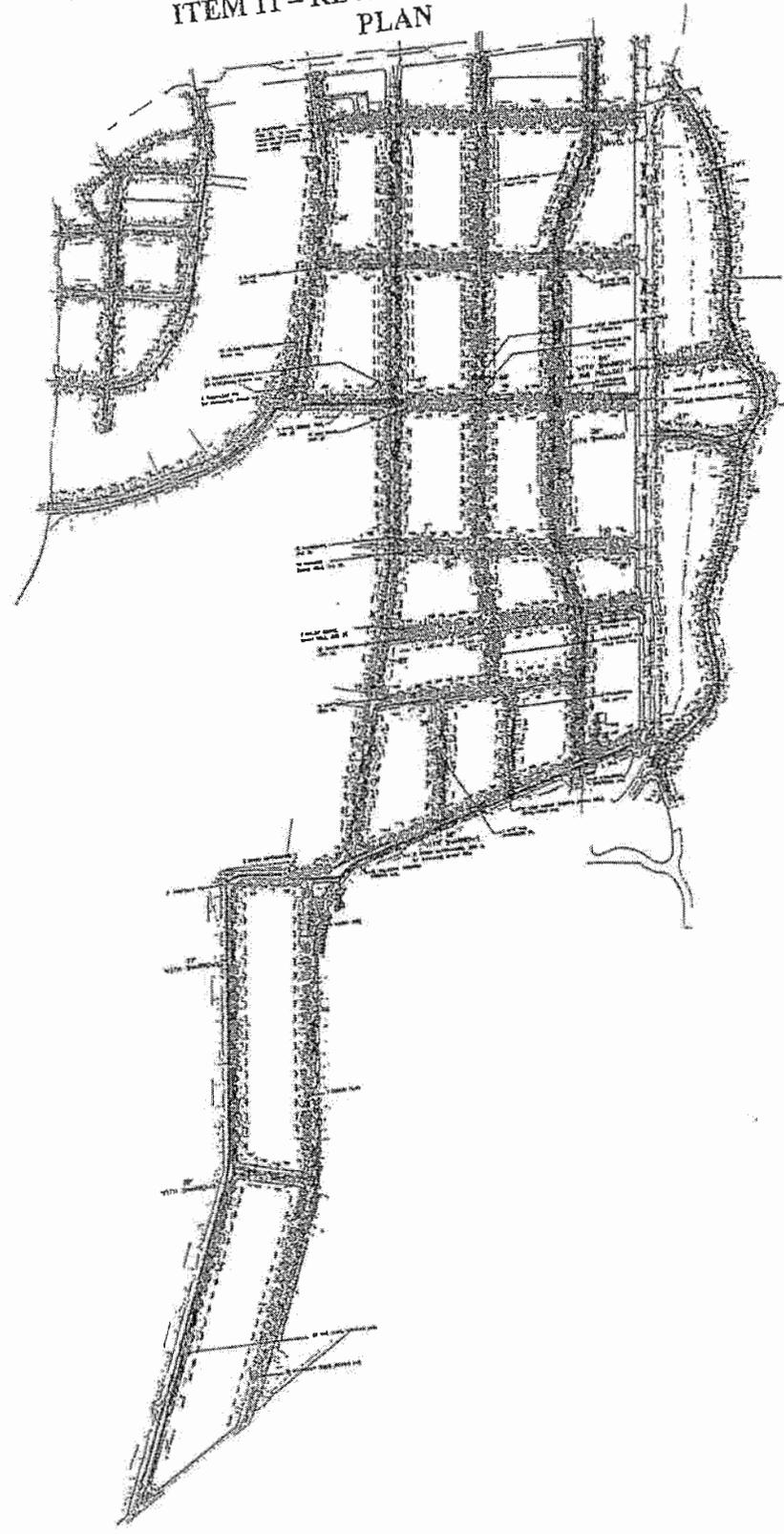
HOA REQUESTS/REVISIONS 11 POINTS



ORIGINAL HOA REQUEST
ALTERNATE REQUEST

LOCATION MAP

Exhibit C-3
ITEM 11 - REVISED LANDSCAPE
PLAN



**CENTRAL BAYSHORE A
BODR Revision and Stormwater Design**

Item	Current CH2MHILL Plans	HDA Compromise	Scope Change	BODR Change	Benefit of Change
1 Central Bayshore (Zone 4)- Southwest Portion	Swale Reclamation & Reconstruction with a "V" shape approx. 6 inches deep, 12 new catch basins, and 900 LF of exfiltration trench for water quality.	Not Applicable	New design will include collection, detention, and pumping facilities similar to the other components of the existing project.	YES - the BODR indicates a passive drainage system.	Conditions around this part of the neighborhood have changed since the original design resulting in an increase in flooding. The change will provide positive stormwater management facilities.
2 Pump Station No. 2	Currently located between Flamingo Drive and Pinetree Drive at 35th Street	Not Applicable	Relocate to 28th Street location near Par 3 golf course. Redesign previous PS#2 location to incorporate gravity disposal wells and an upgrade to the existing outfall.	YES - No pump stations were proposed for this Zone.	Same as Item 1 above.
3 North Meridian Collection System	Same as No. 1	Not Applicable	New design will be based on swales, road grading and inlet system revisions as req. Basin will extend east to the back lot lines of the houses along Meridian. Discharge will be to the recently installed 36 inch sleeve in the new sewer on the Dade Blvd. canal.	YES - same as No. 1.	Same as Item 1 above.
4 Valley Gutters	Currently only 2,000 LF of 18 inch valley gutter is included in the project.	Not Applicable	Add to entire project (approximately 60,000 linear feet more) and increase in size to 24 inches.	YES - the BODR considered this a possible "future" item.	Improved conveyance of stormwater if swales cannot be constructed due to encroachments.
OTHER UPGRADES					
1 Milling & Resurfacing (including Lake Pancoast)	Currently project only calls for predominately overlaying of new asphalt over existing pavement.	Not Applicable	Add re-milling to entire project.	YES - the BODR states that only approximately 20% of the roadway will require milling.	Existing pavement is in worse condition and thinner than expected. Pavement reconstruction will provide a more durable pavement.

Exhibit D-1

Exhibit D-2

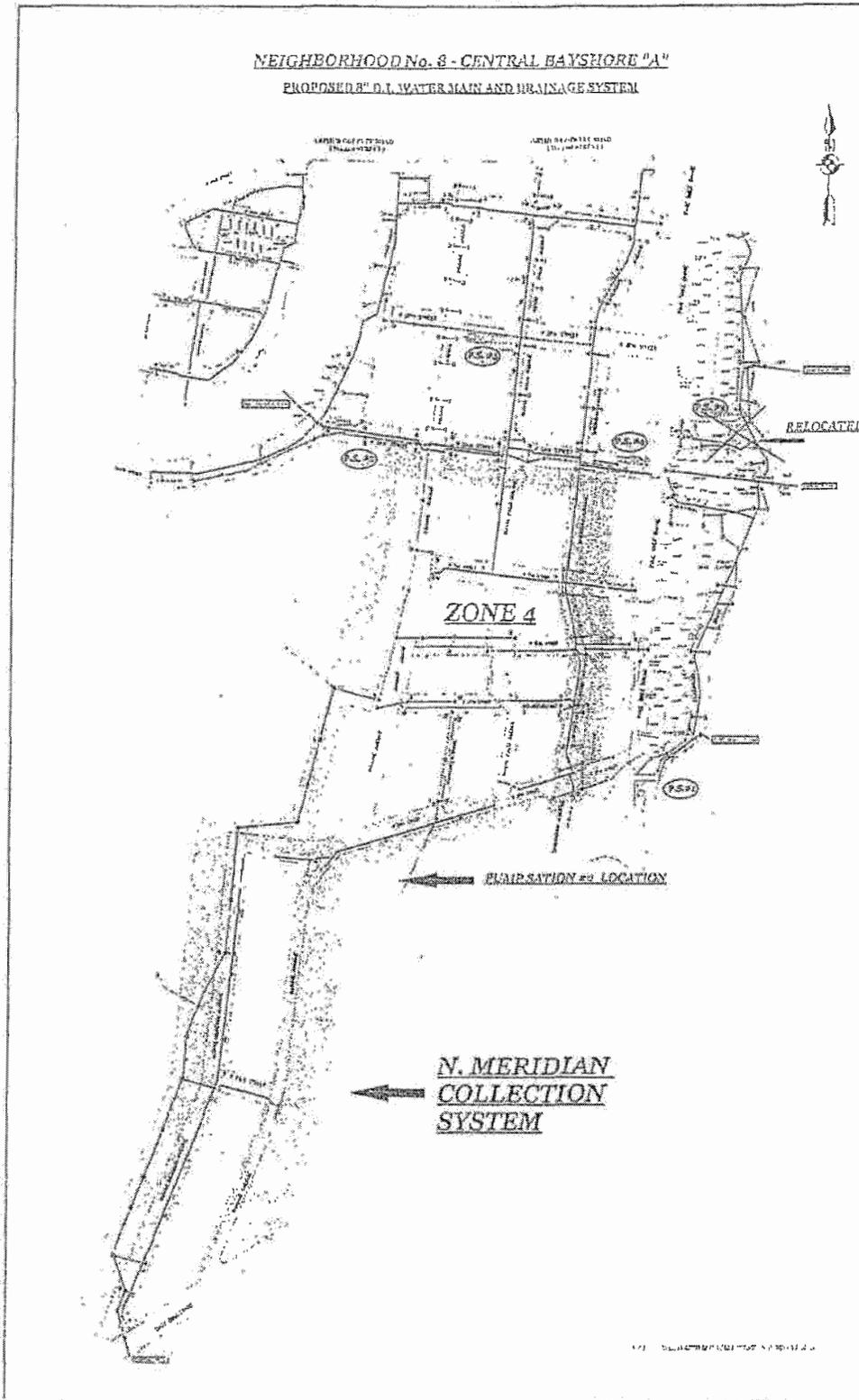


Exhibit E



MIAMI BEACH

OFFICE OF THE CITY MANAGER

LTC # 291-2011

RECEIVED
LETTER TO COMMISSION
2011 NOV 16 AM 11:01
CITY CLERK'S OFFICE

TO: Mayor Matti Herrera Bower and Members of the City Commission
FROM: Jorge M. Gonzalez, City Manager
DATE: November 14, 2011
SUBJECT: Construction Commencement for Central Bayshore and Lake Pancoast Right of Way Improvement Projects

The purpose of this Letter to Commission (LTC) is to inform you that on October 28, 2011, the second Notice to Proceed (NTP 2) was issued to Lanzo Construction of Florida (Lanzo) the contractor hired to complete the Central Bayshore and Lake Pancoast Right of Way Improvement Projects.

Construction commenced on October 31, 2011. The project is expected to be completed in approximately 24 months for Central Bayshore and 12 months for Lake Pancoast, however both projects will be constructed simultaneously.

Central Bayshore

The scope of work for this area is as follows:

- Storm Drainage Improvements - injection wells, pump stations and roadway collection systems
- Water Main Improvements
- Landscaping Improvements
- ADA Upgrades
- Roadway Improvements

Lake Pancoast

The scope of work for this area is as follows:

- Storm Drainage Improvements
- Water Main Improvements
- Lighting Improvements - decorative lighting
- Landscaping Improvements
- ADA Upgrades
- Roadway Improvements - addition of a traffic circle and decorative crosswalks

The preliminary schedule submitted by Lanzo indicates that the contractor will first install all underground infrastructures and then proceed with streetscape improvements. Construction will be conducted in phases in order to minimize the effects of construction to the neighborhood. Lanzo plans to execute the project in six phases. These six phases are representative of six geographic areas where the contractor will first install water main, upgrade drainage and restore aboveground elements.

Letter to Commission – Central Bayshore and Lake Pancoast Construction Commecement
November 10, 2011
Page 2 of 2

Currently, the contractor proceeded with the installation of water main lines at the following locations:

- Flamingo Drive, from West 28 Street to West 40 Street
- Chase Avenue, from West 34 Street to West 40 Street

Currently, CIP Staff is coordinating a staging area for the project, as the final site is not fully defined. The original site was the Par 3 Golf Course, but residents of Central Bayshore raised concerns about using this space as a staging area. In accordance with requests from the community, CIP is determining what staging areas are available and, once a site is selected, will advise stakeholders of the final determination.

CIP Staff continues to maintain contact with the Homeowners Association and Neighborhood Association leadership in both neighborhoods. Prior to work commencing, the contractor's Public Information Officer (PIO) distributed information door to door throughout the project limits that detailed the scope of work and schedules. Additionally, the PIO coordinates all aspects of communication with CIP's Public Information staff, including weekly updates and construction alerts throughout the course of the project. The PIO has a constant presence in the neighborhood and is the point of contact for all resident concerns and input.

The Lake Pancoast Neighborhood project is anticipated to commence in early March 2012, and both projects are scheduled to be completed simultaneously by October 2013.

If you have any questions, please feel free to contact me.

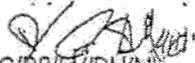

JMG/DB/FV/DMM/MH

Exhibit F-1

Budget Level Cost Estimate				
City of Miami Beach				
Neighborhood 8 - Bayshore/Sunset Islands				
Central Bayshore - Package A				
Additional Stormwater Collection - SW Bayshore (Phase II) and Meridian (Phase III)				
Item	Unit	Quantity	UP	Extended Cost
SW Bayshore (Phase II)				
catch basin	EA	76	2900	220400
Storm Manhole	EA	48	2200	105600
15" RCP	LF	20	45	900
18" RCP	LF	613	54	33102
24" RCP	LF	2299	58	133342
36" RCP	LF	3860	79	304940
48" RCP	LF	2645	130	343850
				\$ 1,142,134.00
Meridian (Phase III)				
catch basin	EA	14	2900	40600
Storm Manhole	EA	14	2200	30800
15" RCP	LF	700	45	31500
18" RCP	LF	500	54	27000
24" RCP	LF	1500	58	87000
36" RCP	LF	500	79	39500
48" RCP	LF	500	130	65000
connection at Meridian	EA	1	20000	20000
				\$ 341,400.00
Total Budget Estimate				\$ 1,483,534.00

Exhibit F-2

Budget Level Cost Estimate		
City of Miami Beach		
Neighborhood 8 - Bayshore/Sunset Islands		
Central Bayshore - Package A		
Provide Valley Gutters - entire Central Bayshore area		
Street	Estimated Length	
Meridian	2968	
	1889	
23rd	85	
	109	
28th	368	
	1749	
Royal Palm	80	
	2880	
Priarie	84	
	3606	
Salidor	78	
	17	
Flamingo	906	
	2994	
35th	360	
33rd	400	
29th	74	
	845	
30th	74	
	1126	
31st	1286	
34th	1548	
Sheridan	3341	
37th	1468	
	657	
40th	1494	
	427	
Chase	1280	
	500	
	1540	
Garden	1148	
39th	682	
	36063	LF
Total Estimated Length (both sides of street - LF) =		72126
Unit Price for 24" Valley Gutter (Lanzo)	=	\$ 17.34
Total Budget Estimate	=	\$ 1,250,664.84

Exhibit F-3

Budget Level Cost Estimate				
City of Miami Beach				
Neighborhood 8 - Bayshore/Sunset Islands				
Central Bayshore - Package A/Lake Pancoast - Package C				
Relocate P5 #4 and Replace With Gravity Wells; Replace Outfall				
Item	Unit	Quantity	UP	Extended Cost
Central Bayshore				
Gravity Drainage Wells	EA	6	32000.00	192000
Replace Outfall @ 28th St.				
36" Drain Pipe	LF	28	79.00	2212
Headwall Penetration	EA	1	900.00	900
Connection at DMH	EA	1	900.00	900
Manatee Grate	EA	1	1700.00	1700
Total Budget Estimate				\$ 197,712.00
Notes: 1. PW requested changes due to change in design requirements				

Exhibit F-4

Budget Level Cost Estimate					
City of Miami Beach					
Neighborhood B - Bayshore/Sunset Islands					
Central Bayshore - Package A/Lake Pancoast - Package C					
Mill and Rework Base Prior to Paving; Delete Prairie Ave.					
Item	Unit	Quantity	UP	Extended Cost	
Central Bayshore					
Add					
4.17.a Mill Pavement	SF	135000	2.00	270000.00	
rework base	SF	135000	6.00	810000.00	
				\$ 1,080,000.00	
Delete					
4.09.a sidewalk	SF	1296	5.50	7128.00	
4.10.a traffic calming	EA	2	3000.00	6000.00	
4.12.b stop bars	LF	55	3.00	165.00	
4.12.c crosswalks	LF	402	1.50	603.00	
4.12.d double stripes	LF	405	1.50	607.50	
4.12.e single stripes	LF	288	1.00	288.00	
4.12.f turn arrows	EA	4	50.00	200.00	
4.16.b asphalt	SF	9126	5.00	45630.00	
4.18.a swale	SF	6191.9	0.50	3095.95	
18" single thermoplastic markings	LF	230	3.00	690.00	
8" single thermoplastic markings	LF	125	2.00	252.00	
Bi-Directional white/red rpm	EA	22	4.00	88.00	
No parking signs	EA	3	200.00	600.00	
				\$ (93,211.00)	
Lake Pancoast					
Add					
4.17.a Mill Pavement	SF	8950	2.00	17900	
rework base	SF	8950	6.00	53700	
				\$ 71,600.00	
Total Budget Estimate				\$ 1,058,389.00	
Notes:					
1. Based on existing pavement quantities					
2. New unit price required for base rework					
3. Prairie Ave. south of 28th deleted					

with the 60 percent completion stage shall be +30% to -15% (i.e. 30% over / 15% under the actual amount) "Budget" Level as defined by the American Association of Cost Engineers. The accuracy of the cost estimate associated with the 90 and 100 percent completion stage submittals shall be a +15% to -5% (i.e. 15% over / 5% under the actual amount) "Definitive" Level Estimates as defined by the American Association of Cost Engineers. All estimates shall be submitted in Microsoft "Excel" format in accordance with the template supplied by the CITY. All estimates shall be furnished bound in 8-1/2-inch by 11-inch size. Based upon the CONSULTANT's cost estimate or bids, the CITY will advise the CONSULTANT if portions of the project need to be deleted, phased and/or bid as alternate bid items to satisfy existing fiscal constraints (based upon CONSULTANT's analysis and recommendations). In this effort, the CONSULTANT may be required to attend a series of meetings and develop alternative cost savings options for CITY consideration, if the estimates show that the projected project cost will exceed the target budget. The CONSULTANT shall revise the contract documents to reflect necessary revisions to meet budget parameters at no additional cost accordingly.

- Deliverables:**
- Furnish six (6) sets of 60, 90 and 100 percent completion stage cost estimates to CITY, in MS-Excel electronic disc format, concurrently with the design submittals noted in Task 2.3.
 - Attend meetings with the CITY to review and discuss cost estimates. This Task includes development of any required cost savings alternatives, and implementation / revision of documents to address such items, as necessary to meet established budget parameters.

- Schedule:**
- Complete concurrently with Design Phase schedule.

Task 2.5 – Community Design Review Meeting

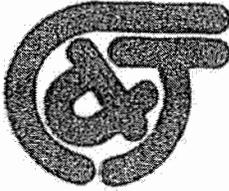
The CONSULTANT shall attend and participate in one (1) Community Design Review Meeting (CDRM) to review the design progress and concept during the design. The CITY will schedule, find location for, and notify residents of the meeting. The CONSULTANT shall prepare for, attend and present its documents at one (1) CDRM. Meeting shall be scheduled at the 60% design completion stage. Note that presentation format shall consist of a brief Power Point presentation to review Project status, highlights, funding, schedules, plus review of full size plans for the project. The CONSULTANT shall prepare draft meeting minutes and

February 22, 2013

Mr. Roberto Rodriguez
Capital Projects Coordinator
City of Miami Beach
CAPITAL IMPROVEMENT PROJECTS OFFICE
1700 Convention Center Drive
Miami Beach, Florida 33139

RE: ROW INFRASTRUCTURE IMPROVEMENT PROGRAM
VENETIAN ISLANDS BID PACKAGE 13C
BID EVALUATION
CT&A PROJECT NO. 12-0092

CRAVEN THOMPSON



& ASSOCIATES INC.

Engineers
Planners
Surveyors
Landscape Architects

Dear Roberto,

At the City's request, Craven Thompson (CTA) has reviewed the bid documents for the bid results for the Right of Way Infrastructure Improvement Program Venetian Islands – Neighborhood 13, Bid Package C; San Marino, Di Lido, and Rivo Alto. As part of our scope, CTA evaluated the bids for the following:

- Unit prices and overall bid using recent projects of similar scope and the FDOT Statewide Averages
- Plans and specifications for any issues/scope that were not clearly defined in the bid package.
- Bid items that might result in an unbalanced bid or could result in future change orders that would increase the cost of the contract during construction.
- Major issues that would affect the constructability, and for items that might result in change orders or might result in unit prices being higher or lower than standard averages.
- Bid items that might substantially increase the project costs if the quantities increased due to field conditions.
- Bid items that do not have correlating Measurement and Payment (M&P) descriptions, which could make enforcement of those contract items more difficult.

Following is a summary of our findings addressing the increase in cost over the project budget, possible Value Engineering, and suggested questions for the contractors during the presentation.

3563 N.W. 53rd Street
Fort Lauderdale, FL 33309-6311
(954)739-6400
Fax (954) 739-6409

Attachment C – Craven Thompson & Associates (CTA) Bid Evaluation Report

INCREASED COST OVER PROJECT BUDGET

A) RECENT BID COMPARISONS

CTA has prepared an evaluation of bid tabulation with respect to the Opinion of Probable Costs in comparison to "recently bid projects" and FDOT Statewide averages. See attached spreadsheet with additional recent bid information. It is noted that the project costs are as high as 12.6% over the project budget (Base Bid) and A/E estimated cost. The FDOT specifications office Quarterly Price Trends (<http://www.dot.state.fl.us/specificationsoffice/estimates/trends/Files/QuarterlyPriceTrends.pdf>) shows increases in construction cost trends from 2011, and from the second and third quarters of 2012 into the fourth quarter of 2012.

Another cause of higher construction costs is short term saturation of a local market with multiple similar scope projects which results in a limited number of contractors having to pay overtime and premium rates due to temporary construction peaks. Their resources are limited and/or tied up on other projects.

The project has an aggressive contract period of 456 days. This is desirable to minimize the inconvenience to the homeowners, but comes at a higher cost to the project. A comparison of the amount of work required by contract per calendar day on other residential rehabilitation projects with more favorable project conditions is as follows:

<i>Project</i>	<i>Construction Contract Period (calendar days)</i>	<i>Bid Total</i>	<i>Cost of Construction per Contract Day (\$/day)</i>	<i>Scope</i>
NCNIP BP 9 (Pompano Beach, FL)	820	\$ 14,982,390.99	\$ 18,271.21	W/S, Drainage, Roadwork
NCNIP BP 10 (Pompano Beach, FL)	750	\$ 10,558,209.50	\$ 14,077.61	W/S, Drainage, Roadwork
NCNIP BP 11 (Pompano Beach, FL)	1,000	\$ 17,611,455.50	\$ 17,611.46	W/S, Drainage, Roadwork
Sistrunk Blvd (Ft Lauderdale)	690	\$ 13,981,785.97	\$ 20,263.46	W/S, Drainage, Roadwork
McIntosh Rd (Port Everglades)	540	\$ 7,016,385.00	\$ 12,993.31	Water, Roadwork
Venetian Islands	456	\$ 10,638,193.00	\$ 23,329.37	

As illustrated by the amount of work to be completed per calendar day in this project (production rate of \$23,329.37 per day) compared to other projects of similar nature (average production rate of \$16,643.41 per day), the Construction Contract Period is aggressive, especially in light of the dewatering, soil conditions, and shorter workdays. There is also concern that the FPL interaction on the project for pole removal (after new pole installation) could result in time extensions if there are any delays on FPL's

part. Thus there is a higher premium to commit the resources necessary to complete the project within the contract time frame.

B) COMPLEX SITE CONDITIONS

Additionally, the unique and complex aspects of the site result in higher unit prices for many of the bid items. Following are examples of extraordinary site conditions

- The high water table on the island results in water in every trench that will be excavated throughout the project. The contract requires that all pipes be installed in dry conditions, so the contractor will now need to dewater the excavation area by bringing in pumps and system of pipes to pump the water out of the excavation and pumping the water to a discharge point. The discharge of this water is complicated due to the constant high volume of water involved, and the fact that it needs to be cleaned up to eliminate turbidity prior to discharge. Regulatory agencies limit the volume and types of discharge, so the contractor will need to obtain a dewatering permitting that addresses their discharge methodology in an acceptable manner
- Soil conditions in the project limits will require more careful trenching operations to avoid trench collapse
- Limited workday hours, as illustrated above, will require increased manpower to accomplish the work required within the 9:00 – 4:30 workday allowed by contract. Contractors normally work from around 7:00 to 4:30. The contractor will have a two hour shorter work period each day. This is compounded by the fact that the contractor will be trucking in the materials from offsite, due to restriction of onsite stored materials.
- Since staging and storing of materials will be offsite, and there is limited access to the area with only one corridor into the site, the contractor's production will be affected. If the access to the site is affected in any way, much of the operation may be slowed or stopped due to the fact that the contractor may not be able to get materials to the site, or take discharge water or unsuitable soil off of the site.
- Although there is always the need to coordinate with homeowners on residential infrastructure project, the need to interact with involved homeowners via the PIO on this project is even more crucial, due to the limited access to the homes, and dense working conditions.

Many of these issues were raised and clarified in addendums after the original cost estimate was prepared, and may have resulted in even more conservative bid prices.

C) BID VARIATION WITH RESPECT TO MEANS AND METHODS, AND AVAILABLE SERVICE IN-HOUSE

Comparatively, there were variations within the bids and some contractors had lower prices for certain types of work such as drainage or water installation, but that is partially due to the individual contractor's in-house specialty work. There are some issues of concern that should be addressed prior to award to be sure that all parties are in agreement with regard to scope and prices bid. Some examples are as follows:

- Some unit prices such as MOT (Lanzo bid of \$6,000.00), Erosion/Sediment Control (Lanzo bid of \$3,500.00), Remove and Reconstruct Specialty Driveway (Lanzo is significantly low), Construct new ¾" driveway (RicMan bid of \$20), etc. The contractors should confirm in writing that the scope can be accomplished for the bid price, and that they will honor that price.
- The status of any FPL, ATT, etc. work by others that could delay the contract should be clarified prior to signing the contract. The City should verify with the contractor that delays associated with work by others will not result in Compensable Delays.
- Method of measurement of unsuitable material should be clarified during the preconstruction period to be sure all parties are assuming the same type of measurement (plan measurement, bank cubic yards, truckload, etc.). Plan Measurement is the preferred method since it minimized field measurements via truck counts, or surveying trenches. This also minimizes interpretation.
- Each contractor has their specialty type of work that they can accomplish for lower prices. For instance, Lanzo does sliplining in-house and can do the work for significantly lower cost than contractors who subcontract.
- Items with particularly high comparative unit prices should be further analyzed because they could have a significant impact on the final construction cost.
 - If the Unsuitable Fill quantities increase due to field conditions, Lanzo's unit prices are noticeably higher.
 - If the number of irrigation repairs are significantly higher than 20 lots (which it would seem is likely, since most swales seem to be irrigated), then the CFE's overall contract price could increase by a substantial amount (if the number of lots increased by 50, the contract amount would increase by over \$140,000.00). The intent of the scope should be better defined. Was it the City's intent to have any existing irrigation in the ROW removed and capped at the property line? If so, where is that cost covered? It is not specified on the Clear and Grade ROW M&P description. Is it the intent to apply this pay item only when an irrigation main vital to the operation of the private system needs to be relocated onto private property? If so, it should be discussed in detail with the contractor prior to start of construction to ensure proper documentation of quantities as work proceeds.

COST REDUCTION EVALUATION

We suggest possible options to reduce bid costs to more closely align with the project budget. After review with the City, many of the items have been considered and addressed by the City and the EOR. They are as follows:

- *Bid Items 57 – 62: 24" A2000 Pipe culvert is \$55.00 LF and 36" A2000 Pipe culvert is \$70.00 LF. Ask contractor for alternate RCP drainage culvert prices. Lanzo commonly installs pipe by diving rather than complete dewatering. Since this is drainage pipe and drainfield, discuss the assumptions made by Lanzo and determine if a cost savings could be achieved if diving were allowed. The A2000 drainage pipe might be considered for accepting a substitute material such as RCP or HDPE, if the contractors were asked to*

submit unit prices for consideration. However, the City has informed us that the Public Works Dept. requires the A2000, and will not allow an alternate.

- *Bid Item 80*, Water Service replacement, totals in the range of \$800,000.00. The unit prices are reasonable based on the scope of work but there are a high number of units. Have the condition of the meter boxes and meters been verified to ensure that the replacement is required? Could the service just be replaced up to the existing meter box? The City had discussed this with Public Works and found that Public Works has a new standard that requires 2" water meter boxes. Thus all meter boxes would be required to be replaced regardless of condition or age. (The City also stated that the meter box was not part of the original bid/estimate from 2011, which increased the cost of the project by as much as several hundred thousand dollars)
- *Bid Item 100* for Type S-III Asphalt requires two 1" lifts. Could two ¾" lifts be considered instead? This is common for residential neighborhoods that do not have high truck traffic. If so the overall cost might reduce by around \$148,000.00. However, the City has informed us that the Public Works Dept. requires two 1" lifts, and will not allow an alternate.
- *Bid Item 112* is for Valley Gutter and totals about \$500,000.00. Could this be eliminated and replaced with a small roadside swale? Valley inlets could be shifted behind the edge of pavement by 2'. This had been considered however, the City is concerned that homeowners would tend to encroach on the swale area with new planting that would inhibit flow in the swale, resulting in poor drainage conditions.
- *Bid item 130* for conduits includes hand excavating. Prices vary from \$100,000.00 to \$400,000.00, with Lanzo at \$277,000.00. Normal unit prices are closer to \$4.00/LF than the \$10.50 quoted by Lanzo. A savings might be realized using limited areas of Ground Penetrating Radar and Vacuum Test Holes to more clearly define possible conflict in conduit paths. Given results from this type of testing, the unit prices for conduit installation not needing hand excavation could be reduced by half for a savings of around \$130,000 or more, which might offset initial costs of additional exploration. The City clarified that they have specified that the conduits are to be installed in the same trench as the water main, thus minimizing the need for hand excavation.

SUGGESTED QUESTIONS FOR CONTRACTORS AT THE PRESENTATION (ADMINISTRATIVE PANEL REVIEW OF BIDDERS)

Generally, we have no issue with the low bidder Lanzo's overall bid. We understand that no communication can take place with a bidder as mandated by the Cone of Silence, until Commission awards a contract. However, we would suggest that the Administrative Panel confirm the following information prior to award to ensure that all parties are comfortable with the bid results.

General questions:

- Staging Conditions should be addressed by each contractor. Contactors may have assumed use of empty lots in the neighborhood, which is not likely to be acceptable.
- MOT is of vital concern since the contractor will need to ensure that homeowners and emergency services have access at all times. Contractors should outline how they plan to keep roads accessible during construction.
- Phasing/Schedule is critical to the project, because the contract period is very tight. The contractor should have thought out how work will proceed from island to island, while taking into account the dewatering process, offsite staging, limited workday, etc. If the contractor has not considered this thoroughly, prices will be affected.
- The bidders do not detail their approach or construction methods, but some bid items may be subject to further discussion regarding how to accomplish the stated objective. In particular, density requirements in high water table conditions for road base and trench backfill are problematic. The contractor would need to dewater the affected area, keep it dewatered while importing dry material, keeping it dewatered during the compaction process, and then remove dewatering equipment. The difference in interpretation/approach to this seems to be reflected in the difference of unit prices (\$20,000.00 to \$61,800.00) for pay item 15 – Sheeting and Dewatering. Contractors should discuss their assumptions.
- Handling of dewatering discharge needs clarification. The addendum states that sanitary sewer mains might be available for dewatering under exceptional circumstances; however each bidder may implement different dewatering processes to comply with approved permit conditions. Contractors should discuss their assumptions.

Specific Questions for the low Bidder (Lanzo) due to pricing variations:

- *Bid Item 6: Maintenance of Traffic* – Lanzo should confirm that \$6,000.00 is adequate to cover the MOT for the duration of the project. The low unit price appears to be offset by higher General Conditions, but they need to confirm the \$6,000.00 price in their bid form.
- *Bid Items 13 and 14: Unsuitable Material* – Lanzo should confirm in writing that their method of measurement matches that assumed by the EOR when the bid quantities were calculated. The Lanzo unit prices are double the other bidders, and field measurement of quantities could result in a higher contract total cost.
- *Bid Item 18: Abandon Grout pipe* – Lanzo should confirm that they will hold the unit price even if quantities are higher than the 200 LF in the bid. However the General Conditions include the following:

38.7. Where the quantity of any item of the Work that is covered by a unit price is increased or decreased by more than twenty percent (20%) from the quantity of such work indicated in the Contract Documents, an appropriate Change Order shall be issued to adjust the unit price, if warranted.

- *Bid Item 67: Sewer Lateral Conflict / Repairs* – There is no Measurement and Payment (M&P) item in the specifications for this pay item, but the Lanzo and CFE prices are in line. Scope should be clarified.
- *Bid Item 68: Sewer Main Repairs* - Lanzo's unit price is almost double that of the other bids. Lanzo's unit price could result in large increase in cost if the quantity significantly increases in the field. The need for repairs should be closely monitored during construction to ensure that due care is taken to avoid any breaks that would require repair, and also to limit the extent of the repair work undertaken.
- *Bid Item 75-77: DIP w/ Fittings* – Lanzo's unit prices are lower than other bidders and FDOT State Averages. Lanzo should confirm in writing that the unit prices cover the scope of the work.
- *Bid Item 91: Erosion and Sediment Control* - Prices vary greatly on this pay item between the three contractors and there is no M&P to define the scope. Lanzo may have been incorporated into other pay items under General Conditions but should confirm in writing that the scope is covered.
- *Bid items 96, 97, 98, 101, 104, 105, and 106*: Lanzo should confirm during negotiation and prior to contract award that the work will be done at the unit prices in the bid for. Unit prices bid are significantly lower than FDOT State Averages and below other bidders.
- *Bid Item 65 and Alternate Storm Sewer A2: Restore and Slipline Existing 15" Pipe* - Base Bid unit price is \$72.00 and the credit unit price is \$56.00. Lanzo should clarify the reason for the difference in price for the same work.

Items to be Confirmed During Negotiation and Prior to Contract Award

We have included sample Measurement and Payment items for some of the following items which were missing from the original bid documents, but recommend review by the EOR to ensure that they are inclusive of all scope envisioned in the design and cost estimating process.

18	Abandon in Place existing drainage pipe/ grout
63 - 66	Restore and slipline/pipe burst pipe
67	Sanitary lateral conflict or repair
68	Sanitary sewer main repairs
90	Furnish and Install excavatable flowable fill
91	Erosion and sedimentation Control
107	Remove/ Dispose and / or add material to construct 3/4" asphalt drive with subgrade and base
110	ADA ramp
121	Remove and Dispose fences and gates
122	Remove and Dispose rock greater than 100 pounds or 12" diameter
127	Tree trimming / pruning
129	Soil to back fill tree removal voids

130 - 135	Electrical
A3	Trenchless sewer rehab

These bid items should be discussed with the selected contractor in detail prior to award of contract to ensure that all parties agree on method of payment and scope for each pay item.

BID ANALYSIS CONCLUSION

As part of this evaluation we have compared the prices bid to multiple projects of similar nature. The referenced projects are all residential infrastructure improvement projects with new water, sewer, drainage, roadways, swales, landscape, and/or sidewalks being constructed within densely developed communities, or are infrastructure improvements in areas immediately adjacent to the IntraCoastal Waterway with poor soil conditions. These are both key factors that affect the price of the projects, as opposed to a simple roadway project further west in different soil conditions. Work within residential neighborhoods requires phasing and scheduling to accommodate residential access and convenience. It also requires the contractor to keep the site safe, fill in excavations quickly, restore private property impacts immediately, and to keep affected homeowners and the City aware of any impacts to the community. Work in areas adjacent to Biscayne Bay and the IntraCoastal Waterway, and the soil conditions commonly found in these areas, require additional equipment, time, permitting, and planning in order to install the underground pipes. Per the contract, the pipes and culverts need to be installed in dry conditions. The contractor will be required to make special provisions to have dewatering permits, which will dictate the methods used to dewater. Areas close to large water bodies such as Biscayne Bay will have high water volumes to contend with during this discharge operation. The contractor must include additional time in the schedule to dewater the site, and make arrangements to dispose of the discharge.

We have attached spreadsheet backup for our analysis of the bids. The first sheet is the summary of issues of concern or comments about the bids/specs. The second sheet outlines issues that we identified, and later verified were addressed by addendums. We have also attached a spreadsheet with prices bid on similar work.

In summary, we find Lanzo's overall bid to be acceptable. However, some items as listed above should be further verified and confirmed to ensure that the contractor has included the full scope of work anticipated by the Engineer of Record, and to ensure that the construction methods will conform to City requirements. This may also require additional input from the EOR to confirm that this coincides with how the quantities for bid were calculated.

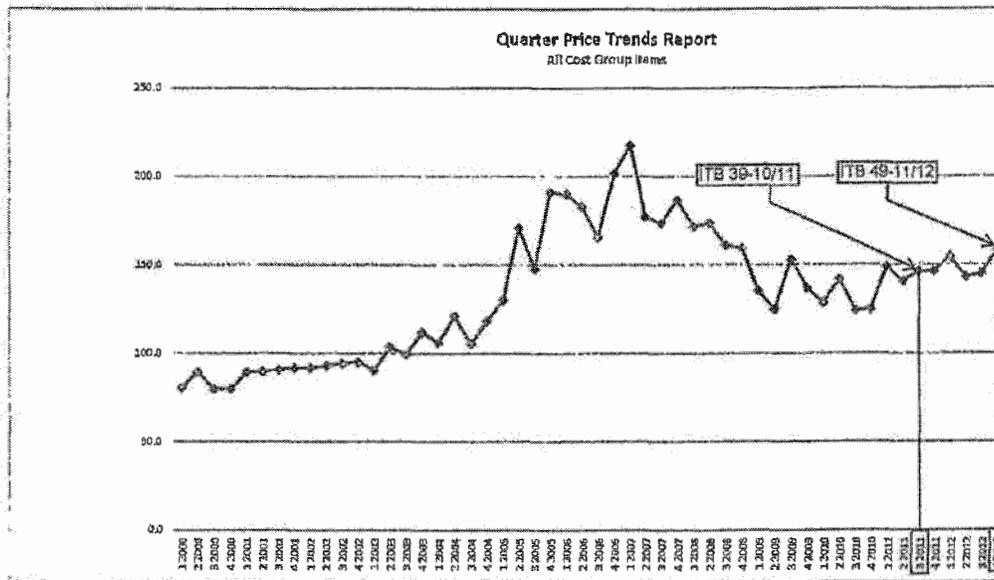
There is concern that the FPL interaction on the project for pole removal (after new pole installation) could result in time extensions if there are any delays on FPL's part. Thus there is a higher premium to commit the resources necessary to complete the project within the contract time frame.

Although the price is 12% higher than original estimates, we feel that the bid is acceptable based on the extraordinary site conditions including:

- Dewatering that will require special permitting, additional equipment, planning for discharge disposal, and extra time in the schedule to accommodate the dewatering operation.

- Staging that will require the contractor to haul material and equipment to the site on a daily basis rather than utilizing a site close to hand with no haul time.
- Site access that is limited to one way in and one way out. Any closures will require the contractor to either slow down / shut down operations, or to reroute through the City which is impractical.
- Time constraints that will shorten the productive workday for the contractor and require additional manpower in order to meet contract requirements. The schedule will need to be closely evaluated and coordinated.

Additionally the general recent FDOT Quarterly Trend report indicates increases in construction costs that have caused the bids to exceed the project budget. This is demonstrated in the following table generated by FDOT to follow quarterly trends in constructions costs.



The constraints noted throughout this report, in addition to the cost increases noted in the FDOT Quarter Trends Report above are the qualifiers for increases in the bid price from the Engineer of Record's Estimated Cost and the 2011 Bids.

Mr. Roberto Rodriguez
CT&A Project No. 12-0092
February 22, 2013
Page 10

Feel free to contact us with any questions.

Respectfully,

CRAVEN THOMPSON & ASSOCIATES, INC.

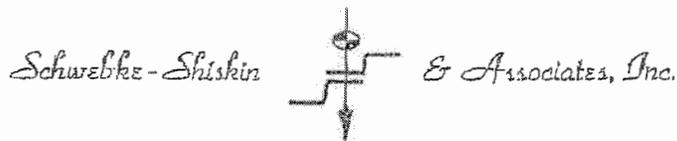


PAULA H. HOLLIHAN, P.E.
Senior Supervising Engineer

PHH/fdp

Enclosures

cc: Bob Cole



Mark S. Johnson, P.S.M.
Ronald A. Fritz, P.S.M.
Mark D. Robbins, P.S.M.
Michael J. Alley, P.S.M.

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Hernando J. Navas, P.E.
Luis F. Leon, P.E.
Alberto A. Mora, P.E.
John C. Tello, P.E.

February 4, 2013

Via: matildereyes@miamibeachfl.gov

Mrs. Matilde Reyes, *Senior Capital Projects Coordinator*
City of Miami Beach
Capital Improvement Projects Office
1700 Convention Center Drive
Miami Beach, Florida 33139
Phone: 305-673-7000 Ext. 6884

Re: Venetian Islands

Dear Mrs. Reyes:

After the review of the bids and the comments by Craven, Thompson & Associates, it is our opinion that Lanzo Construction is the best candidate for the right-of-way infrastructure improvement of the Venetian Islands. Our opinion is based on how their overall bid amounts were distributed through the various construction tasks and the fact that their bid was the lowest. It is also our opinion that they appear to have a better understanding of site conditions as reflected by the individual bid amounts.

In regards to the overall bid amount increase as compared to Schwebke-Shishkin & Associates, Inc., Opinion of Probable Cost, it is our opinion that it is due in part to a higher than average rise in the overall cost of materials and labor, during the calendar year of 2012. The increases shown on D.O.T.'s "Cost Trends Graph" for District 6, from the first and second quarters, to the fourth quarter of 2012, were in excess of 10% for certain construction material and labor.

During our value engineering and cost reduction analysis, Schwebke-Shishkin & Associates, Inc. also identified certain project conditions and requirements that in our opinion have influenced the overall increase in cost of the project.

Attachment D - Schwebke Shishkin & Associates, Inc. (SS&A) Bid Qualification Report

Mrs. Matilde Reyes
February 4, 2013
Page Two

- 1) Dewatering for the installation of utilities - The Contractor has to assume a large risk, in our opinion, when he does not have a well defined procedure on how to handle groundwater during construction.

The Contractor has to assign risk to the dewatering effort, based on the uncertainty of the ability to use a construction drainage well or the type of treatment needed to deal with contaminated groundwater and/or the permitting agency's requirements it is our experience that the Contractor is not provided with the option of installing the utilities in the wet, when all of the alternatives for dewatering are exhausted, or the cost and time to implement a solution becomes excessive.

- 2) Uncertainty of the location and depth of the existing utilities, considering the unpredictable schedule for the relocation of utilities - From our experience with the installation of the water and drainage facilities of Sunset Island I and II, we found that there were numerous utilities that had been buried at shallow depth and at locations not properly shown on As-Built Drawings. The Contractor has experienced substantial delays in the installation of the water and drainage facilities due to these issues. The delays were, to a large degree, due to a combination of the contractor not aggressively coordinating with the utility companies at the start of the project, the utility company's relocation scheduling issues, their lack of man power and/or utility company's relocation priorities. The Contractor's concerns over the uncertainty of the existing utilities during the Venetian Islands bidding process were reflected in the number of RFI's related to this matter.

In order to address the contractors' concerns the City performed additional field investigations to identify the vertical and horizontal location of most of the existing utilities. The Contractors were also informed that the City would take an active roll in working with the various utility companies in the relocation of the utilities prior to the installation of the proposed improvements.

- 3) Lack of staging areas - The staging areas for projects of this type can affect the overall price. The Contractors have to make assumptions as to what areas they presently have available and if these areas are going to be available over the course of the project. Upon several meetings with the City of Miami Beach to determine possible staging area locations, it was determined that an adequate staging area might not be available for this project.

More particularly, please find enclosed our responses to comments regarding Craven, Thompson's Bid Evaluation.

Schwabke-Shiskin & Associates, Inc.

Mrs. Matilde Reyes
February 4, 2013
Page Three

It is difficult to assign specific percentages to each of the factors stated above. Each contractor assigns risk to each of the factors stated above, proportional to their areas of construction strength and expertise. However, in our opinion, this combination of factors may account for the 12.6% increase from the Opinion of Probable Cost Estimate prepared by this firm in the first quarter of 2012.

It is also worthwhile to note that Atkins North America, Inc. did not anticipate such large pricing increases in the third quarter of 2012 when they did a peer review of our Opinion of Probable Cost.

Respectfully submitted,

SCHWEBKE-SHISKIN & ASSOCIATES, INC.

Alfonso C. Tello, P.E., P.L.S.
President

ACT/ld
Enclosures

cc: Roberto Rodriguez, City of Miami Beach CIP

T:/LYNDA/LETTERS/CITY OF MIAMI BEACH/MATILDE REYES 02-04-2013

Schwabke-Shiskin & Associates, Inc.

Per Craven Thompson & Associates, Inc.:

At the City's request, Craven Thompson (CTA) has reviewed the bid documents for the bid results for the Right of Way Infrastructure Improvement Program Venetian Islands - Neighborhood 13, Bid Package C; San Marino, Di Lido, and Rivo Alto. As part of our scope, CTA evaluated the bids for the following:

- Unit prices and overall bid using recent projects of similar scope and the FDOT Statewide Averages.
- Plans and specifications for any issues/scope that were not clearly defined in the bid package.
- Bid items that might result in an unbalanced bid or could result in future change orders that would increase the cost of the contract during construction.
- Major issues that would affect the constructability, and for items that might result in change orders or might result in unit prices being higher or lower than standard averages.
- Bid items that might substantially increase the project costs if the quantities increased due to field conditions.
- Bid items that do not have correlating Measurement and Payment (M&P) descriptions, which could make enforcement of those contract items more difficult.

Specifically we have also considered the following aspects of the bid.

- Feasibility of construction methods
 - The bidders do not detail their approach or construction methods, but some bid items may be subject to further discussion regarding how to accomplish the stated objective. In particular, density requirements in high water table conditions for road base and trench backfill are problematic. The contractor would need to dewater the affected area, keep it dewatered while importing dry material, keeping it dewatered during the compaction process, and then remove dewatering equipment. The difference in interpretation/approach to this seems to be reflected in the difference of unit prices (\$20,000.00 to \$61,800.00) for pay item 15 - Sheeting and Dewatering.
 - Handling of dewatering discharge needs clarification. The addendum states that sanitary sewer mains might be available for dewatering under

exceptional circumstances. The unknown aspect of this could result in higher bids.

- Availability of materials and labor and alternative designs or materials
 - The materials specified are generally available.
 - The A2000 drainage pipe might be considered for accepting a substitute material such as RCP or HDPE, if the contractors were asked to submit unit prices for consideration.

SS&A Response: Alternative materials were considered during the design phase. However, HDPE was not accepted by the City and in our opinion RCP could pose a significant cost increase to the project.

- Time requirements for installation
 - Site Conditions will slow construction/installation rates down and will result in higher unit prices. Specifically, the high water table, poor soil conditions for trenching, 9:00 - 4:30 workday requirement, and dense development will lessen the productivity of the contractor.
 - There is also concern that the FPL interaction on the project for pole removal (after new pole installation) could result in time extensions if there are any delays on FPL's part.
 - A comparison of work accomplished on other residential rehabilitation projects with slightly more favorable working conditions is as follows:

As illustrated by the amount of work to be completed per calendar day compared to other projects of similar nature, the Construction Contract Period is aggressive, especially in light of the dewatering, soil conditions, and shorter workdays.

SS&A Response: We agree that the project schedule is aggressive. It is our opinion that increasing the project duration may help to reduce the project cost.

- Possible options to consider to reduce bid costs to more closely align with the bid are as follows:
 - Bid Items 57 - 62: 24" A2000 Pipe culvert is \$55.00 LF and 36" A2000 Pipe culvert is \$70.00 LF. Ask contractor for alternate RCP drainage culvert prices. Lanzo commonly installs pipe by diving rather than complete dewatering. Since this is drainage pipe and drainfield, discuss

the assumptions made by Lanzo and determine if a cost savings could be achieved if diving were allowed.

SS&A Response: Currently, the City allows installing utility pipes under water when conditions of contaminated soils are encountered. We currently have no records of contaminated soils within the project area.

- Bid Item 80, Water Service replacement, totals in the range of \$800,000.00. The unit prices are reasonable based on the scope of work but there are a high number of units. Has the condition of the meter boxes and meters been verified to ensure that the replacement is required? Could the service just be replaced up to the existing meter box?

SS&A Response: Based on our investigations of the existing meter boxes it is our opinion that many of them can be salvaged. However, replacement of the boxes was a requirement of the Public Works Dept. so that all boxes will be in compliance with current City standards.

- Bid Item 100 for Type S-III Asphalt requires two 1" lifts. Could two ¾" lifts be considered instead? This is common for residential neighborhoods that do not have high truck traffic. If so the overall cost might reduce by around \$148,000.00.

SS&A Response: Two ¾" lifts of asphalt were considered, however, the Public Works Dept. would not accept anything less than 2" of asphalt.

- Bid Item 112 is for Valley Gutter and totals about \$500,000.00. Could this be eliminated and replaced with a small roadside swale? Valley inlets could be shifted behind the e.o.p. by 2'.

SS&A Response: We do not suggest exclusion of the property valley gutters in consideration of existing encroachments, trees, built-up swales and existing utilities. It is our opinion that the valley gutters provide a cost effective means of conveying stormwater runoff to the proposed inlets.

- Bid item 130 for conduits includes hand excavating. Prices vary from \$100,000.00 to \$400,000.00, with Lanzo at \$277,000.00. Normal unit prices are closer to \$4.00/LF than the \$10.50 quoted by Lanzo. A savings might be realized using limited areas of Ground Penetrating Radar and Vacuum Test Holes to more clearly define possible conflict in conduit paths. Given results from this type of testing, the unit prices for conduit installation not needing hand excavation could be reduced by half for a savings of around \$130,000 or more, which might offset initial costs of additional exploration.

SS&A Response: Addendum 10 provides for acceptance of machine excavation for a large portion of the project and for areas defined appropriate, however, it is possible that the contractor(s) may have perceived that hand excavation would be required throughout the project due to the amount of underground utilities investigated.

- CTA has prepared an evaluation of bid tabulation with respect to the Opinion of Probable Costs in comparison to "recently bid projects" and FDOT Statewide averages. See attached spreadsheet with additional recent bid information.

It is noted that the project costs are as high as 12.6% over the project budget (Base Bid) and A/E estimated cost. We have not found that material or installation costs have risen noticeably over the past 12 months. Nor have we found that materials are unavailable, which might also affect cost. Another cause of higher construction costs is short term flooding of a local market with multiple similar scope projects which results in a limited number of contractors having to pay overtime and premium rates due to temporary construction peaks. However, this doesn't seem to be the case either. Thus, based on a review of some of the unit prices bid, it appears that site conditions such as high water table, poor soil conditions requiring more careful trenching operations to avoid trench collapse, limited workday hours, restrictions on onsite stored materials, and the need to interact with involved homeowners via the PIO may have driven prices up. Many of these issues were raised and clarified in addendums after the original cost estimate was prepared, and may have resulted in more conservative bid prices.

We have included sample Measurement and Payment items for some of the following items which were missing from the original bid documents, but recommend review by the EOR to ensure that they are inclusive of all scope envisioned in the design and cost estimating process.

Comparatively, there were variations within the bids and some contractors had lower prices for certain types of work such as drainage or water installation, but that is partially due to the individual contractor's in-house specialty work. There are some issues of concern that should be addressed prior to award to be sure that all parties are in agreement with regard to scope and prices bid. Some examples are as follows:

- Some unit prices such as MOT (Lanzo bid of \$6,000.00), Erosion/Sediment Control (Lanzo bid of \$3,500.00), Remove and Reconstruct Specialty Driveway (Lanzo is significantly low), Construct new ¾" driveway (RicMan bid of \$20), etc. The contractors should confirm in writing that the scope can be accomplished for the bid price, and that they will honor that price.
- The status of any FPL, An, etc. work by others that could delay the contract should be clarified prior to signing the contract. The City should verify with the

contractor that delays associated with work by others will not result in Compensable Delays.

- Method of measurement of unsuitable material should be clarified to be sure all parties are assuming the same type of measurement (plan measurement, bank cubic yards, truckload, etc). Plan Measurement is the preferred method since it minimized field measurements via truck counts, or surveying trenches. This also minimizes interpretation.
- Some bid items for specific work are high but balance out with other associated work that is low. The concern is that the higher priced bid item occurs early in contract and the contractor will be paid more upfront, so the payment timing is skewed. An example of this is Pay Item 130 for conduits. Conduits are installed before conductors. The CFE price for the conduits (bid item 130) is substantially higher than the Lanzo price for conduits. CFE would be paid a higher percentage of the electrical work initially. However the CFE conductor price (bid item 132) is substantially lower than Lanzo's, so the overall electrical cost balances out. The difference is timing of payment.
- Each contractor has their specialty type of work that they can accomplish for lower prices. For instance, Lanzo does sliplining in-house and can do the work for significantly lower cost than contractors who subcontract.
- Items with particularly high comparative unit prices should be further analyzed because they could have a significant impact on the final construction cost.
 - If the Unsuitable Fill quantities increase due to field conditions, Lanzo's unit prices are noticeably higher.
 - If the number of irrigation repairs are significantly higher than 20 lots (which it would seem is likely, since most swales seem to be irrigated), then the CFE's overall contract price could increase by a substantial amount (if the number of lots increased by 50, the contract amount would increase by over \$140,000.00). The intent of the scope should be better defined. Was it the City's intent to have any existing irrigation in the ROW removed and capped at the property line? If so, where is that cost covered? It is not specified on the Clear and Grade ROW M&P description. Is it the intent to apply this pay item only when an irrigation main vital to the operation of the private system needs to be relocated onto private property? If so, it should be discussed in detail with the contractor prior to start of construction to ensure proper documentation of quantities as work proceeds.
- Generally, we have no issue with the low bidder Lanzo's overall bid. We understand that no communication can take place with a bidder until

commission reviews the Administrative Panel's recommendation and awards a contract and the project is currently under the cone of silence. However, we would suggest that the Administrative panel assigned to the selection committee confirm the following information prior to award to Lanzo to ensure that all parties are comfortable with the bid.

- Bid Item 6: Maintenance of Traffic - Lanzo should confirm that \$6,000.00 is adequate to cover the MOT for the duration of the project. The low unit price appears to be offset by higher General Conditions, but they need to confirm the one \$6,000.00 price.
- Bid Items 13 and 14: Unsuitable Material - Lanzo should confirm in writing that their method of measurement matches that assumed by the EOR when the bid quantities were calculated. The Lanzo unit prices are double the other bidders, and field measurement of quantities could result in a higher contract total cost.
- Bid Item 18; Abandon Grout pipe - Lanzo should confirm that they will hold the unit price even if quantities are higher than the 200 LF in the bid. However the General Conditions include the following:
 - 38.7. Where the quantity of any item of the Work that is covered by a unit price is increased or decreased by more than twenty percent (20%) from the quantity of such work indicated in the Contract Documents, an appropriate Change Order shall be issued to adjust the unit price, if warranted.
- Bid Item 67: Sewer Lateral Conflict / Repairs - There is no Measurement and Payment (M&P) item in the specifications for this pay item, but the Lanzo and CFE prices are in line. Scope should be clarified.
- Bid Item 68: Sewer Main Repairs- Lanzo's unit price is almost double that of the other bids. Lanzo's unit price could result in large increase in cost if the quantity significantly increases in the field. The need for repairs should be closely monitored during construction to ensure that due care is taken to avoid any breaks that would require repair, and then the limits of the repair work undertaken.
- Bid Item 75-77: DIP w/ Fittings - Lanzo's unit prices are lower than other bidders and FDOT State Averages. Lanzo should confirm in writing that the unit prices cover the scope of the work.
- Bid Item 91: Erosion and Sediment Control - Prices vary greatly on this pay item between the three contractors and there is no M&P to define the scope. Lanzo

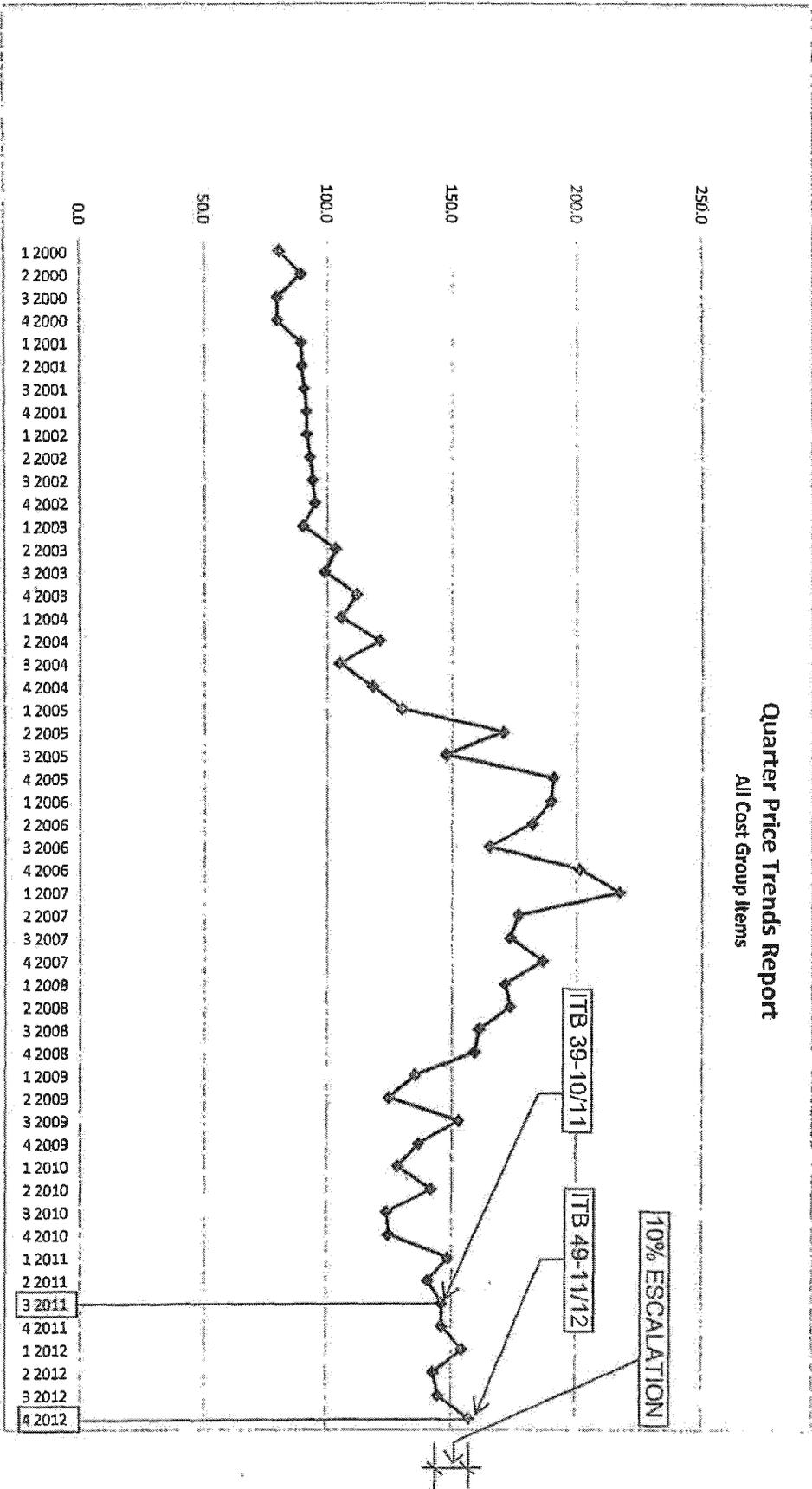
may have been incorporated into other pay items under General Conditions but should confirm in writing that the scope is covered.

- Bid items 96,97,98, 101, 104, 105, and 106: Lanzo should confirm in writing that the work will be done at the unit prices in the bid for. Unit prices bid are significantly lower than FDOT State Averages and below other bidders.
- Bid Item 65 and Alternate Storm Sewer A2: Restore and Slipline Existing 15" Pipe - Base Bid unit price is \$72.00 and the credit unit price is \$56.00. Lanzo should clarify the reason for the difference in price for the same work.

We have attached spreadsheet backup for our analysis of the bids. The first sheet is the summary of issues of concern or comments about the bids/specs. The second sheet outlines issues that we identified, and later verified were addressed by addendums. We have also attached a spreadsheet with prices bid on similar work. .

In summary, we find Lanzo's overall bid to be acceptable. However, some items as listed above should be further verified and confirmed to ensure that the contractor has included the full scope of work anticipated by the Engineer of Record, and to ensure that the construction methods will conform with City requirements. This may also require additional input from the EOR to confirm that this coincides with how the quantities for bid were calculated. So although the price is 12% higher than original estimates, we feel that the bid is acceptable based on the Site Conditions including dewatering, poor soils, time limitations, etc as outlined above.

Quarter Price Trends Report All Cost Group Items



Attachment E - Florida Department of Transportation Quarter Price Trends Report

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING A CONTRACT AWARD, PURSUANT TO INVITATION TO BID NO. 49-11/12, FOR THE RIGHT-OF-WAY INFRASTRUCTURE IMPROVEMENT PROGRAM – VENETIAN ISLANDS BID PACKAGE 13C; AUTHORIZING THE MAYOR AND CITY CLERK TO AWARD A CONSTRUCTION CONTRACT TO LANZO CONSTRUCTION CO. FLORIDA, IN THE AMOUNT OF \$9,699,509 BASE BID PLUS \$640,028 FOR SELECTED ALTERNATES AND A PROJECT CONTINGENCY IN THE AMOUNT OF \$1,033,954; FOR A TOTAL CONSTRUCTION COST OF \$11,373,491 FROM PREVIOUSLY APPROPRIATED FUNDING IN THE CAPITAL BUDGET FROM THE FOLLOWING FUNDS: \$2,842,713 FROM FUND 384 - 2003 GO BONDS - NEIGHBORHOOD IMPROVEMENTS; \$2,336,942 FROM FUND 420 - W&S GBL SERIES 2010; \$130,484 FROM FUND 423 – GULF BREEZE 2006; \$450,275 FROM FUND 425 - WATER & SEWER ENTERPRISE FUND; \$1,357,846 FROM FUND 427 - STORMWATER ENTERPRISE FUND; AND \$2,254,223 FROM FUND 431 - STORMWATER BOND FUND 2011; AND AN ADDITIONAL \$1,003,062 IN WATER & SEWER FUNDS AND \$977,946 IN STORMWATER FUNDS SUBJECT TO THE 2ND AMENDMENT TO THE CAPITAL BUDGET FOR THE FISCAL YEAR 2012/13; AND FURTHER AUTHORIZING THE ADMINISTRATION TO ENGAGE IN VALUE ENGINEERING TO FURTHER REDUCE THE COST AND TIME FOR COMPLETION OF SAID PROJECT.

WHEREAS, Invitation to Bid (ITB) No. 49-11/12 was issued on June 8, 2012, with an opening date of November 27, 2012; and

WHEREAS, Bidnet issued bid notices to 439 prospective bidders, of which 36 downloaded the ITB document. In addition, 146 vendors were notified via e-mail, which resulted in the receipt of the following four (4) bids: Central Florida Equipment Rentals, Inc., Lanzo Construction Co. Florida, Ric-Man Construction Florida, Inc. and Ric-Man International, Inc.; and

WHEREAS, through the Procurement Division's review of each bid for responsiveness, Ric-Man Construction Florida, Inc., the third-lowest bidder with a total base bid plus alternates at \$10,880,287.61, was deemed unresponsive for failing to submit the correct Unit Price Breakdown Form provided in Addendum 10 of the ITB by submitting the form provided in Addendum 9 instead; and

WHEREAS, the Administrative Review Panel consisted of the following individuals and convened on January 17, 2013, to interview the responsive bidders:

- Michael Alvarez, Infrastructure Division Director, Public Works
- Maria Hernandez, Senior Capital Projects Coordinator, CIP
- James Murphy, Senior Planner, Planning
- Matilde Reyes, Senior Capital Projects Coordinator, CIP
- Jose Rivas, Civil Engineer III, Public Works; and

WHEREAS, upon completion of the interviews, the Panel discussed each prospective

bidder's qualifications, experience, and competence to score and rank the firms accordingly pursuant to the evaluation criteria noted below, of which, Lanzo Construction Co. Florida received all five first-place votes for contract award:

- **50 Points** - Base Bid Price
- **20 Points** - Interview of key personnel
- **10 Points** - Risk Assessment Plan/Value Added Submittals
- **10 Points** - Past Performance Evaluation Surveys
- **10 Points** – Qualifications of Bidder
- **5 Points** – Local Preference for Miami Beach-Based Vendors
- **5 Points** – Preference for Florida Small Businesses Owned and Controlled by Veterans and to State-Certified Service-Disabled Veteran Business Enterprises; and

WHEREAS, after considering the review and recommendation of the Panel, the Interim City Manager recommended to the Mayor and City Commission to award the contract to Lanzo Construction Co. Florida and further authorize the Administration to engage in value engineering to further reduce the cost and time for completion of said project.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Mayor and City Commission hereby approve a contract award, pursuant to Invitation to Bid (ITB) No. 49-11/12, for the Right-of-Way Infrastructure Improvement Program – Venetian Islands Bid Package 13C; authorizing the Mayor and City Clerk to award a construction contract to Lanzo Construction Co. Florida, in the amount of \$9,699,509 base bid plus \$640,028 for selected alternates and a project contingency in the amount of \$1,033,954; for a total construction cost of \$11,373,491 from previously appropriated funding in the Capital Budget from the following funds: \$2,842,713 from Fund 384 - 2003 GO Bonds – Neighborhood Improvements; \$2,336,942 from Fund 420 - W&S GBL Series 2010; \$130,484 from Fund 423 – Gulf Breeze 2006; \$450,275 from Fund 425 - Water & Sewer Enterprise Fund; \$1,357,846 from Fund 427 – Stormwater Enterprise Fund; and \$2,254,223 from Fund 431 – Stormwater Bond Funds 2011; and an additional \$1,003,062 in Water & Sewer funds and \$977,946 in Stormwater funds subject to the 2nd Amendment to the Capital Budget for the Fiscal Year 2012/13; and further authorizing the administration to engage in value engineering to further reduce the cost and time for completion of said project.

PASSED AND ADOPTED this ____ day of _____, 2013.

ATTEST:

CITY CLERK

MAYOR

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

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[Signature]

City Attorney

3-4-13
Date

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Condensed Title:

a resolution accepting the recommendation of the Neighborhood And Community Affairs Committee to amend Section 70-87(1) of the City Code granting an exemption allowing for the sale, service, possession and consumption of alcoholic beverages within designated approved beach concession area, subject to approval of amendments to the City's Amended And Restated Rules And Regulations For Beachfront Concession Operations to allow for such use.

Key Intended Outcome Supported:

N/A
 Supporting Data (Surveys, Environmental Scan, etc.): N/A

Item Summary/Recommendation:

The request to refer the discussion regarding amending the City Code as it pertains to the regulation of alcoholic beverages in public places was referred by Commission Libbin in June 2010. The item was discussed at the February 19, 2013 Neighborhood and Community Affairs Committee (NCAC) meeting. The NCAC discussed this matter at their February 19, 2013 meeting where the Committee discussed that the current beach concession agreements, do not allow the sale of alcohol but the practice has occurred for years. The Administration indicated the current City Code prohibits the sale of alcohol on public property with (3) exceptions; a) Sidewalk Cafes having a valid sidewalk café permit, b) Public Property leased from the City by a private entity and licensed by the city for such use and c) Areas temporarily designed for such use by the City by the issuance of a valid event permit.

A motion was made by Commissioner Tobin and unanimously approved by the Committee directing the administration to formulate a plan on how to structure this issue and to contact the businesses impacted to develop the amendments, as well as a method for charging the concessionaires. The Committee also requested the item be placed on the March City Commission agenda in order to receive direction from the full Commission.

If the City Commission agreed with the recommendation of the NCAC, the Administration would begin to work with the Greater Miami and the Beaches Hotel Association, Marine Authority Board and Waterfront Protection Committee to develop language for the proposed City Code amendment, as well as a companion amendment to the Amended And Restated Rules And Regulations for Beachfront Concession Operations to allow for the sale, service, possession, and consumption of alcoholic beverages within an upland property owner's permitted beachfront concession operation.

The Administration recommends the resolution be approved.

Advisory Board Recommendation:

The item was discussed at the February 19, 2013 Neighborhood and Community Affairs Committee (NCAC) meeting.

Financial Information:

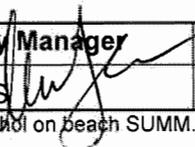
Source of Funds:		Amount	Account
	1	N/A	
OBPI	Total		

Financial Impact Summary:

City Clerk's Office Legislative Tracking:

Anna Parekh, Real Estate, Housing and Community Development

Sign-Offs:

Department Director	Assistant City Manager	City Manager
AP	MAS 	KGB 

T:\AGENDA\2013\March 13\Accepting NCAC recommendation - Alcohol on beach SUMM.doc



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: March 13, 2013

SUBJECT: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ACCEPTING THE RECOMMENDATION OF THE NEIGHBORHOOD AND COMMUNITY AFFAIRS COMMITTEE TO AMEND SECTION 70-87(1) OF THE CITY CODE GRANTING AN EXEMPTION ALLOWING FOR THE SALE, SERVICE, POSSESSION AND CONSUMPTION OF ALCOHOLIC BEVERAGES WITHIN DESIGNATED APPROVED BEACH CONCESSION AREA, SUBJECT TO APPROVAL OF AMENDMENTS TO THE CITY'S AMENDED AND RESTATED RULES AND REGULATIONS FOR BEACHFRONT CONCESSION OPERATIONS TO ALLOW FOR SUCH USE.**

ADMINISTRATION RECOMMENDATION

Adopt the Resolution

KEY INTENDED OUTCOME SUPPORTED

N/A

INTRODUCTION

The request to refer the discussion regarding amending the City Code as it pertains to the regulation of alcoholic beverages in public places was referred by Commission Libbin in June 2010. The item was discussed at the February 19, 2013 Neighborhood and Community Affairs Committee (NCAC) meeting.

BACKGROUND

The City's Rules and Regulations for Beachfront Concession Operations were amended in January 1999, January 2002 and again in October 2003. The amendments were brought forth in an effort to improve the aesthetics, provide better organization and management of beach front activities, improve safety and enhance the overall experience of beachgoers. Over the years any amendments were developed in concert with the Greater Miami and the Beaches Hotel Association, Marine Authority Board and Waterfront Protection Committee (formerly the Beach Preservation Committee).

Committee Discussion

The NCAC discussed this matter at their February 19, 2013 meeting where the Committee discussed that the current beach concession agreements, do not allow the sale of alcohol but the practice has occurred for years. The Administration indicated the current City Code prohibits the sale of alcohol on public property with (3) exceptions; a) Sidewalk Cafes having a valid sidewalk café permit, b) Public Property leased from the City by a private entity and licensed by the city for such use and c) Areas temporarily designed for such use by the City by the issuance of a valid event permit.

A motion was made by Commissioner Tobin and unanimously approved by the Committee directing the administration to formulate a plan on how to structure this issue and to contact the businesses impacted to develop the amendments, as well as develop a method for charging the concessionaires. The Committee also requested the item be placed on the March City Commission agenda in order to receive direction from the full Commission.

ANALYSIS

This item has been pending discussion from the NCAC since it was first referred by Commission Libbin in June 2010. Currently the sale, service, possession, and consumption of alcoholic beverages on City beaches are not permitted. An exemption can be granted under Section 70-87(1) of the City Code, unless the City Manager or City Commission grants such an exemption.

If the City Commission agreed with the recommendation of the NCAC, the Administration would begin to work with the Greater Miami and the Beaches Hotel Association, Marine Authority Board and Waterfront Protection Committee to develop language for the proposed City Code amendment, as well as a companion amendment to the Amended And Restated Rules And Regulations for Beachfront Concession Operations to allow for the sale, service, possession, and consumption of alcoholic beverages within an upland property owner's permitted beachfront concession operation.

One method to accomplish this is to require the preparation of drinks to occur from the upland property, which can only be sold to a patron of the beachfront concession who is either a guest of the upland property or their guest. Upland property owners would also need to expand the borders of their alcohol license, and they must have liquor liability insurance that indemnifies the City. Operational issues would also need to be address to dissuade patrons from leaving the approved concession area or the upland owner could be subject to fines under the City's Open Container laws.

There would also need to be a review the existing beachfront concession fees to the upland property owners to account for the approval of this activity. City staff has begun to discuss charging the greater of: a minimum guarantee or a percentage of gross. The City would also have to determine realistic revenue projections for beachfront sales of food and beverage. The City would then use those projections to determine a fixed minimum guarantee rent payable quarterly (in advance or arrears). At the end of the first year, the City would collect the difference between the minimum guarantee and the percentage of gross. Staff is still researching to determine what percentage is reasonable. The City would also require point of sale cash registers and would also need to increase monitoring and auditing.

CONCLUSION

The Administration recommends adopting the resolution approving the recommendation of the NCAC to amend Section 70-87(1) of the City Code granting an exemption allowing for the sale, service, possession and consumption of alcoholic beverages within designated approved beach concession area, subject to approval of amendments to the City's Amended And Restated Rules And Regulations For Beachfront Concession Operations to allow for such use.

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ACCEPTING THE RECOMMENDATION OF THE NEIGHBORHOOD/COMMUNITY AFFAIRS COMMITTEE TO AMEND SECTION 70-87(a)(1) OF THE CITY CODE TO PROVIDE AN EXEMPTION ALLOWING FOR THE SALE, SERVICE, POSSESSION AND CONSUMPTION OF ALCOHOLIC BEVERAGES WITHIN DESIGNATED APPROVED BEACH CONCESSION AREAS, SUBJECT TO THE APPROVAL OF AMENDMENTS TO THE CITY'S AMENDED AND RESTATED RULES AND REGULATIONS FOR BEACHFRONT CONCESSION OPERATIONS TO ALLOW FOR SUCH EXEMPTION.

WHEREAS, the City's Rules and Regulations for Beachfront Concession Operations were amended in 1999, 2002 and again in 2003; and

WHEREAS, amendments were brought forth in an effort to improve the aesthetics, provide better organization and management of beachfront activities, improve safety, and enhance the overall experience of beachgoers; and

WHEREAS, the City Code prohibits the sale of alcohol on public property with (3) exceptions; a) sidewalk cafes having a valid sidewalk café permit, b) public property leased from the City by a private entity and licensed by the city for such use, and c) areas temporarily designed for such use by the City by the issuance of a valid special event permit; and

WHEREAS, the sale, service, possession, and consumption of alcoholic beverages on City beaches is not permitted unless the City Manager or City Commission grants such an exemption under Section 70-87(a)(1) of the City Code; and

WHEREAS, this matter was discussed at the February 19, 2013 Neighborhood/Community Affairs Committee meeting and the Committee recommended that the Administration formulate a plan to structure this amendment and to contact the businesses impacted to develop the amendments, as well as to develop a method for charging the concessionaires.

NOW, THEREFORE, BE IT DULY RESOLVED THAT THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, hereby accept the recommendation of the Neighborhood/Community Affairs Committee to amend Section 70-87(a)(1) of the City Code to provide an exemption allowing for the sale, service, possession and consumption of alcoholic beverages within designated approved beach concession areas, subject to approval of amendments to the City's Amended And Restated Rules And Regulations For Beachfront Concession Operations to allow for such exemption.

PASSED and **ADOPTED** this _____ day of _____, 2013.

ATTEST:

RAFAEL GRANADO
CITY CLERK

MATTI HERRERA BOWER, APPROVED AS TO
MAYOR FORM & LANGUAGE
& FOR EXECUTION

 3/4/13

City Attorney Date

Condensed Title:

A Resolution Approving In Substance The Terms Of A Professional Services Agreement With The International City /County Management Association ("ICMA") For Review And Recommendations For Efficiencies For The Fire Department ; Authorizing The City Manager And City Attorney's Office To Negotiate And Draft The Agreement Based Upon The Approved Terms ; And Authorizing The Mayor And City Clerk To Execute The Final Agreement In An Amount Not To Exceed \$70,000.

Key Intended Outcome Supported:

Increase resident ratings of public safety services

Supporting Data (Surveys, Environmental Scan, etc.): N/A

Issue:

Whether to Adopt the Resolution?

Item Summary/Recommendation:

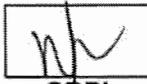
As discussed at the Finance and Citywide Projects Committee meeting of July 9, 2012, the Administration had secured a proposal from ICMA to perform a study to determine the effectiveness and efficiency of the City of Miami Beach Police and Fire Departments. The initial resolution was rejected during the July 18, 2012 City Commission meeting. During the February 6, 2013 City Commission meeting, the Administration was directed to present a proposal by ICMA specifically focused on the Fire Department. This review will consider all aspects of the Department including operational and support functions. The Departments' performance will be evaluated and compared to nationally accepted standards. In addition to reviewing operational activities ICMA will analyze the internal functions of the agency. This will include review of internal documents such as policies and procedures, training, discipline, community relations, etc.

ICMA's local government technical assistance includes workload and deployment analysis, using Operations Research techniques and credentialed experts to identify workload and staffing needs as well as best practices. ICMA has conducted approximately 140 such studies in communities ranging in size from 8,000 population Boone, IA to 800,000 population Indianapolis, IN and has recently concluded a study on the City of Las Vegas Fire and Rescue Services Department.

The proposed study is presented in six phases with the total timeline approximating six months from start to written report presentation. The estimated cost is not to exceed \$70,000 for the study inclusive of travel expenses which are proposed at \$5,000 and a cost of \$1,000 per person plus travel for presentations.

Advisory Board Recommendation:

Financial Information:

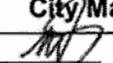
Source of Funds:		Amount	Account
 OBPI	1	\$35,000	011-1210-000312
	2	30,000	011-1210-000314
	3	5,000	011-1210-000314
	Total	\$70,000	

Financial Impact Summary:

City Clerk's Office Legislative Tracking:

Finance and Citywide Projects Committee

Sign-Offs:

Department Director	Assistant City Manager	City Manager
CMG 	PDW 	KGB 





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: March 13, 2013

SUBJECT: A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH APPROVING IN SUBSTANCE THE TERMS OF A PROFESSIONAL SERVICES AGREEMENT WITH THE INTERNATIONAL CITY /COUNTY MANAGEMENT ASSOCIATION ("ICMA") FOR REVIEW AND RECOMMENDATIONS FOR EFFICIENCIES FOR THE FIRE DEPARTMENT; AUTHORIZING THE CITY MANAGER AND CITY ATTORNEY'S OFFICE TO NEGOTIATE AND DRAFT THE AGREEMENT BASED UPON THE APPROVED TERMS ; AND AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE THE FINAL AGREEMENT IN AN AMOUNT NOT TO EXCEED \$70,000.

ADMINISTRATION RECOMMENDATION:

Adopt the resolution.

BACKGROUND

The International City/County Management Association (ICMA) is a 100 year old, non-profit professional association of local government administrators and managers, with approximately 9,000 members located in 32 countries.

Since its inception in 1914, ICMA has been dedicated to assisting local governments in providing services to its citizens in an efficient and effective manner. Their work spans all of the activities of local government – parks, libraries, recreation, public works, economic development, code enforcement, Brownfield's, public safety, etc.

The **ICMA Center for Public Safety Management (ICMA/CPSM)** is one of four Centers within the US Programs of ICMA, providing support to local governments in the areas of police, fire, EMS, Emergency Management and Homeland Security. In addition to providing technical assistance in these areas ICMA also represents local governments at the federal level and are involved in numerous projects with the Department of Justice and the Department of Homeland Security.

ICMA's local government technical assistance includes workload and deployment analysis, using Operations Research techniques and credentialed experts to identify workload and staffing needs as well as best practices. ICMA has conducted approximately 140 such studies in communities ranging in size from 8,000 population Boone, IA to 800,000 population Indianapolis, IN. In addition, the ICMA just completed a study for the City of Las Vegas Fire and Rescue Department.

ICMA Center for Public Safety Management acts as an objective and trusted broker tapping into the knowledge of the association's membership base and combining expertise from other appropriate experts to offer innovative ideas, lessons learned, and leading practices to communities. The program provides practical advice and resources that local government managers and staff need to improve services and service delivery in their communities.

ANALYSIS

As discussed at the Finance and Citywide Projects Committee meeting of July 9, 2012, the Administration had secured a proposal from ICMA to perform a study to determine the effectiveness and efficiency of the City of Miami Beach Police and Fire Departments. The item was presented at the July 18, 2012 City Commission meeting where the City Commission rejected the resolution. Subsequently, during the February 6, 2013 City Commission meeting, the City Commission directed the Administration to place an item on the March 13, 2013 City Commission meeting agenda, presenting a proposal from ICMA to perform a study to determine the effectiveness and efficiency of the City of Miami Beach Fire Department (MBFD). This review will consider all aspects of the Department including operational and support functions. The Departments' performance will be evaluated and compared to nationally accepted standards. In addition to reviewing operational activities, ICMA will analyze the internal functions of the agencies. This will include review of internal documents such as policies and procedures, training, discipline, community relations, etc.

Methodology

The ICMA team follows a standardized approach to conducting analyses of police, fire, and Emergency Management Services (EMS) departments. They have developed this standardized approach by combining the experience sets of dozens of subject matter experts in the areas of police, fire, homeland security and EMS.

They begin projects by extracting calls for service and raw data from an agency's computer aided dispatch system. The data are sorted and analyzed for comparison to nationally developed performance indicators. These performance indicators (response times, workload by time, multiple unit dispatching, etc.) are valuable measures of agency performance. The findings are shown in tabular as well as graphic form and follow a standard format for presentation of the analyzed data. While the format will be similar from community to community, the data reported are unique to the specific community. Due to the size and complexity of the documents, this allows for simple, clean reporting. The reports generated from analyzing the data serve as the basis for many accreditation fire or police documents such as "Standards of Response Coverage" and the on-site review.

ICMA will conduct an operational review of the Fire and EMS of the MBFD alongside a data analysis using the performance indicators as the basis for the operational review. Prior to any on-site arrival of an ICMA team, agencies are asked to compile a number of key operational documents (policies and procedures, assets lists, etc.). Most on-site reviews consist of interviews with management and supervisors as well as rank and file fire fighters; attendance at roll calls; and ride-alongs with staff. They will review case files and observe dispatch operations to ensure compliance with the provided written documentation.

As a result of any onsite visits and data assessments, ICMA subject matter experts produce observations and recommendations which highlight strengths, weaknesses, opportunities and threats of the Fire Department.

This standardized approach insures that they measure and observe all of the critical components of agencies which establish the baseline performance levels. This information can be used to benchmark against comparable cities. ICMA is able to do this because they recognize that while agencies may vary in size and challenges, there are best practices in use throughout the country.

ICMA likens this standardized approach to the manner of an auditing process:

- Asks questions and requests documentation upon project start up;
- Confirm accuracy of information received;
- Deploy operations teams onsite to research the uniqueness of each environment;
- Perform data modeling and share preliminary findings with each city; and
- Assess any inconsistencies reported by client cities and communicate the results in a formal, written report.

TERMS

The proposed study is presented in seven phases with the total timeline approximating six months from start to written report presentation. The estimated cost is not to exceed \$70,000 for the study plus travel expenses which are proposed at \$5,000 and a cost of \$1,000 per person plus travel for presentations.

A copy of the proposal is attached for your review.

CONCLUSION

We recommend that the Mayor and City Commission approve in substance the terms of a professional services agreement with the International City/County Management Association ("ICMA") for review and recommendations for efficiencies for the Fire Department; authorizing the City Manager and City Attorney's Office to negotiate and draft the Agreement based upon the approved terms; and authorizing the Mayor and City Clerk to execute the final Agreement in an amount not to exceed \$70,000, inclusive of travel expenses which are proposed at \$5,000 and a cost of \$1,000 per person plus travel for presentations.

KGB:PDW/CMG

ATTACHMENT : ICMA Proposal

T:\AGENDA\2013\March 13\ICMA Study Commission Memo.DOCX

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH APPROVING IN SUBSTANCE THE TERMS OF A PROFESSIONAL SERVICES AGREEMENT WITH THE INTERNATIONAL CITY /COUNTY MANAGEMENT ASSOCIATION (“ICMA”) FOR REVIEW AND RECOMMENDATIONS FOR EFFICIENCIES FOR THE FIRE DEPARTMENT; AUTHORIZING THE CITY MANAGER AND CITY ATTORNEY’S OFFICE TO NEGOTIATE AND DRAFT THE AGREEMENT BASED UPON THE APPROVED TERMS ; AND AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE THE FINAL AGREEMENT IN AN AMOUNT NOT TO EXCEED \$70,000.

WHEREAS, on July 9, 2012 a recommendation was made by the Finance and Citywide Projects Committee to have a study performed for review and recommendations for efficiencies for the Police and Fire Departments; and

WHEREAS, on July 18, 2012 the City Commission rejected a resolution approving said Agreement; and

WHEREAS, on February 6, 2013, the City Commission directed the Administration to present a proposal from the ICMA regarding a study of review and recommendations for efficiencies for the Fire Department; and

WHEREAS, the International City/County Management Association (ICMA) is a 100 year old, non-profit professional association of local government administrators and managers, with approximately 9,000 members located in 32 countries; and

WHEREAS, *The ICMA Center for Public Safety Management (ICMA/CPSM)* is one of four Centers within the US Programs of ICMA, providing support to local governments in the areas of police, fire, EMS, Emergency Management and Homeland Security, and

WHEREAS, ICMA’s local government technical assistance includes workload and deployment analysis, using Operations Research techniques and credentialed experts to identify workload and staffing needs as well as best practices. ICMA has conducted approximately 140 such studies in communities ranging in size from 8,000 population Boone, IA to 800,000 population Indianapolis, IN; and

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA that the terms of a professional services agreement with The International City /County Management Association (“ICMA”) for review and recommendations for efficiencies for the Fire Department are approved in substance and that the City Manager and City Attorney’s office are authorized to negotiate and draft the agreement based upon the approved terms ; and the Mayor and City Clerk are authorized to execute the final agreement in an

amount not to exceed \$70,000 inclusive of travel expenses which are proposed at \$5,000 and a cost of \$1,000 per person plus travel for presentations.

PASSED AND ADOPTED this _____ day of March, 2013.

ATTEST BY:

MATTI HERRERA BOWER, MAYOR

RAFAEL E. GRANADO, CITY CLERK

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

[Handwritten Signature] 3/5/13
City Attorney Date

**Proposal for Comprehensive Analysis of
Fire / EMS Services
Miami Beach, Florida**



FIRE/EMS

OPERATIONS

C E N T E R F O R P U B L I C S A F E T Y M A N A G E M E N T

Submitted by:
ICMA Center for Public Safety Management
International City/County Management Association
777 North Capitol Street NE, Suite 500
Washington, DC 20002
716-969-1360

ICMA

Leaders at the Core of Better Communities



February 22, 2013

Ms. Kathie G. Brooks
Interim City Manager
City of Miami Beach
1700 Convention Center Drive
Miami Beach, Florida 33139

Dear Ms. Brooks:

The ICMA *Center for Public Safety Management* is pleased to submit this proposal for an analysis of emergency services for Miami Beach. The ICMA approach is unique and more comprehensive than ordinary accreditation or competitor studies. In general, our analysis involves the following major outcomes:

- Examine the department's organizational structure and culture;
- Perform gap analysis, comparing the "as is" state of the department to the best practices of industry standards;
- Recommend a management framework to ensure accountability, increased efficiency and improved performance;
- Conduct a data-driven forensic analysis to identify actual workload;
- Identify and recommend appropriate staffing and deployment levels for every discrete operational and support function in the department.

This proposal is specifically designed to provide the local government with a thorough and unbiased analysis of emergency services in your community. We have developed a unique approach by combining the experience of dozens of subject matter experts in the areas of emergency services. The team assigned to the project will have hundreds of years of practical experience managing emergency service agencies, a record of research, academic, teaching and training, and professional publications, and extensive consulting experience completing hundreds of projects nation-wide. The team assembled for you will be true "subject matter experts" not research assistants or interns.

ICMA has provided direct services to local governments worldwide for almost 100 years, which has helped to improve the quality of life for millions of residents in the United States and abroad. I, along with my colleagues at ICMA, greatly appreciate this opportunity and would be pleased to address any comments you may have. You may contact me at 716.969.1360 or via email at lmatarese@icma.org

Sincerely,

Leonard A. Matarese, ICMA-CM, IPMA-HR
Director, Research and Project Development
ICMA Center for Public Safety Management

The Association

International City/County Management Association (ICMA)

The International City/County Management Association (ICMA) is a 100 year old, non-profit professional association of local government administrators and managers, with approximately 9,000 members located in 32 countries.

Since its inception in 1914, ICMA has been dedicated to assisting local governments in providing services to its citizens in an efficient and effective manner. Our work spans all of the activities of local government – parks, libraries, recreation, public works, economic development, code enforcement, Brownfield's, public safety, etc.

ICMA advances the knowledge of local government best practices across a wide range of platforms including publications, research, training, and technical assistance. Our work includes both domestic and international activities in partnership with local, state and federal governments as well as private foundations. For example, we are involved in a major library research project funded by the Bill and Linda Gates Foundation and we are providing community policing training in Panama working with the U.S. State Department. We have personnel in Afghanistan assisting with building wastewater treatment plants and have teams in Central America providing training in disaster relief working with SOUTHCOM.

The **ICMA Center for Public Safety Management (ICMA/CPSM)** is one of four Centers within the US Programs Division of ICMA providing support to local governments in the areas of police, fire, EMS, Emergency Management and Homeland Security. In addition to providing technical assistance in these areas we also represent local governments at the federal level and are involved in numerous projects with the Department of Justice and the Department of Homeland Security.

ICMA/CPSM is also involved in police and fire chief selection; assisting local governments in identifying these critical managers thru original research we have conducted identifying the core competencies of police and fire managers and providing assessment center resources.

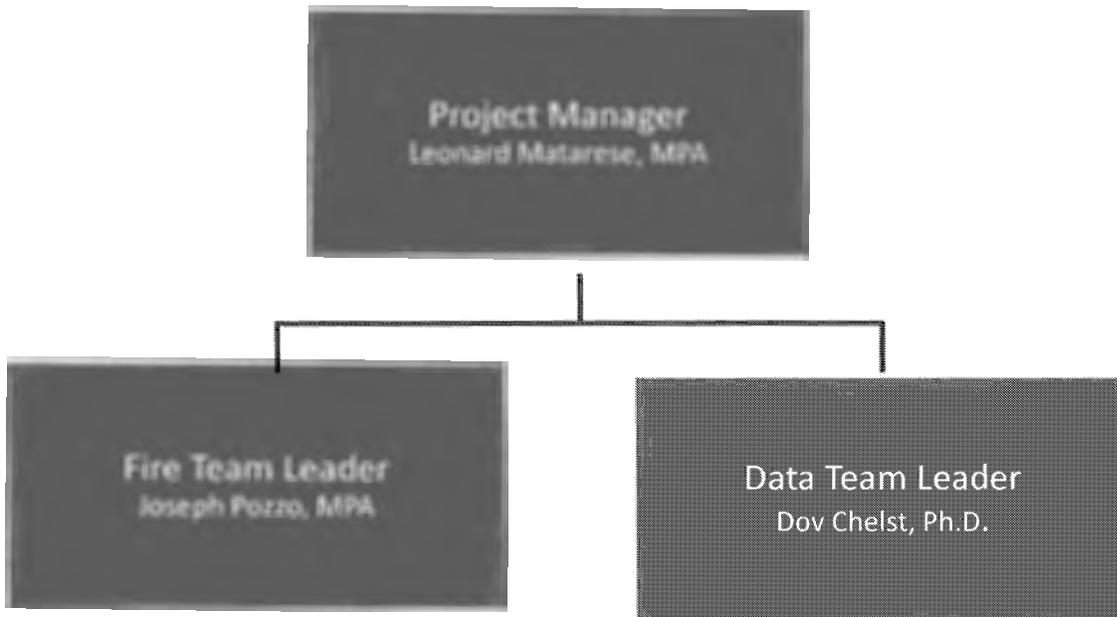
Our local government technical assistance includes workload and deployment analysis, using our unique methodology and subject matter experts to examine department organizational structure and culture, identify workload and staffing needs as well as industry best practices. We have conducted over 150 such studies in 30 states and 91 communities ranging in size from 8,000 population Boone, IA, to tourist meccas such as 586,000 population Las Vegas, to state capitols such as 800,000 population Indianapolis, IN.

Thomas Wieczorek is the Director of the Center for Public Safety Management. Leonard Matarese serves as the Director of Research & Program Development.

Project Staffing

The proposal will look at the fire and EMS services of Miami Beach, Florida. For this project, the ICMA has assembled a premier team of experts from a variety of disciplines and from across the United States. The goal is to develop recommendations that will enable it to produce the outcomes necessary to provide critical emergency services consistent with the community's financial capabilities. The team will consist of a Project Manager, two Team Leaders and several senior public safety Subject Matter Experts selected from our team specifically to meet the needs of the community.

The management organizational chart for the project includes the following Key Team Members:



Project Manager

Director of Research and Project Development, ICMA Center for Public Safety,

Leonard Matarese, MPA, ICMA-CM, IPMA-CP

- **Background**

Mr. Matarese is a specialist in public sector administration with particular expertise in public safety issues. He has 44 years' experience as a law enforcement officer, police chief, public safety director, city manager and major city Human Resources Commissioner. He was one of the original advisory board members and trainer for the first NIJ/ICMA Community Oriented Policing Project which has subsequently trained thousands of municipal practitioners on the techniques of the community policing philosophy over the past 18 years. He has managed several hundred studies of emergency services agencies with particular attention to matching staffing issues with calls for service workload.

Recognized as an innovator by his law enforcement colleagues he served as the Chairman of the SE Quadrant, Florida, Blue Lighting Strike Force, a 71 agency, U.S. Customs Service anti-terrorist and narcotics task force and also as president of the Miami-Dade County Police Chief's Association – one of America's largest regional police associations. He represents ICMA on national projects involving the United States Department of Homeland Security, The Department of Justice, Office of Community Policing and the Department of Justice, Office Bureau of Justice Assistance. He has also served as a project reviewer for the National Institute of Justice and is the subject matter expert on several ICMA / USAID police projects in Central America. As a public safety director he has managed fire / EMS systems including ALS transport. He was an early proponent of public access and police response with AEDs.

Mr. Matarese has presented before most major public administration organizations annual conferences on numerous occasions and was a keynote speaker at the 2011 annual PERF conference. He was a plenary speaker at the 2011 TAMSEC Homeland security conference in Linköping, Sweden and at the 2010 UN Habitat PPUD Conference in Barcelona, Spain.

He has a Master's degree in Public Administration and a Bachelor's degree in Political Science. He is a member of two national honor societies and has served as an adjunct faculty member for several universities. He holds the ICMA Credentialed Manager designation, as well as Certified Professional designation from the International Public Management Association- Human Resources. He also has extensive experience in labor management issues, particularly in police and fire departments and is currently editing an ICMA book on the selection of police and fire chiefs.

Data Assessment Team

ICMA Center for Public Safety Senior Team Members

Dov Chelst, Ph.D., Director of Quantitative Analysis

- **Background**

Dr. Chelst is an expert in analyzing public safety department's workload and deployment. He manages the analysis of all public safety data for the Center. He is involved in all phases of The Center's studies from initial data collection, on-site review, large-scale dataset processing, statistical analysis, and designing data reports. To date, he has managed over 140 data analysis projects for city and county agencies ranging in population size from 8,000 to 800,000.

Dr. Chelst has a Ph.D. Mathematics from Rutgers University and a B.A. Magna Cum Laude in Mathematics and Physics from Yeshiva University. He has taught mathematics, physics and statistics, at the university level for 9 years. He has conducted research in complex analysis, mathematical physics, and wireless communication networks and has presented his academic research at local, national and international conferences, and participated in workshops across the country.

Senior Public Safety Subject Matter Expert

David Martin, Ph.D., Senior Researcher in the Center for Urban Studies, Wayne State University

- **Background**

Dr. Martin specializes in public policy analysis and program evaluation. He has worked with several police departments to develop crime mapping and statistical analysis tools. In these projects he has developed automated crime analysis tools and real-time, dashboard-style performance indicator systems for police executive and command staff. Dr. Martin teaches statistics at Wayne State University. He is also the program evaluator for four Department of Justice Weed and Seed sites. He is an expert in the use of mapping technology to analyze calls for service workload and deployments.

Senior Public Safety Subject Matter Expert

Gang Wang, Ph.D., Fire & EMS Services Data Analyst

- **Background**

Gang Wang received the dual bachelor degrees in industrial design and management science, and the M.S. in information system from Chongqing University in China and the Ph.D. degree in industrial engineering from Wayne State University. He has five years experience in enterprise information system and eight years experience in data analysis and applied mathematical modeling. He has rich experience in areas of automotive, travel and public safety with particular emphasis in fire / EMS analysis. He has published a book chapter and several journal articles.

Operations Assessment Team – Fire Unit

Director, ICMA Center for Public Safety Management

**Thomas Wieczorek, Retired City Manager Ionia, MI; former Executive Director
Center for Public Safety Excellence**

- **Background**

Thomas Wieczorek is an expert in fire and emergency medical services operations. He has served as a police officer, fire chief, director of public safety and city manager and is former Executive Director of the Center for Public Safety Excellence (formerly the Commission on Fire Accreditation International, Inc.). He has taught a number of programs at Grand Valley State University, the National Highway Traffic Safety Administration (NHTSA), and Grand Rapids Junior College. He has testified frequently for the Michigan Municipal League before the legislature and in several courts as an expert in the field of accident reconstruction and fire department management. He is the past-president of the Michigan Local Government Manager's Association; served as the vice-chairperson of the Commission on Fire Officer Designation; and serves as a representative of ICMA on the NFPA 1710 career committee.

He most recently worked with the National League of Cities and the Department of Homeland Security to create and deliver a program on emergency management for local officials titled, "Crisis Leadership for Local Government Officials." It has been presented in 43 states and has been assigned a course number by the DHS. He represents ICMA on the NFPA 1710 and 1730 Standards Committees and is a board member on the International Accreditation Service, a wholly owned subsidiary of the International Code Council.

He received the Mark E. Keane "Award for Excellence" in 2000 from the ICMA, the Association's highest award and was honored as City Manager of the Year (1999) and Person of the Year (2003) by the Rural Water Association of Michigan, and distinguished service by the Michigan Municipal League in 2005.

Senior Manager of Fire and EMS

**Chief Joseph Pozzo (Ret.), MPA, CFO. Former Deputy Director, Volusia County
Department of Public Protection; former Director and Fire Chief, Volusia County,
Florida, Retired Fire Chief, Loudon County, Virginia, former Fire Chief Portsmouth,
Virginia.**

- **Background**

Chief Pozzo has enjoyed a thirty-four (34) year career in public service. Before joining the ICMA team, Chief Pozzo served as the Deputy Director of the Department of Public Protection Volusia County, Florida, where he was responsible for the operations of Fire, EMS, Emergency Management, Medical Examiner, Beach Safety, Corrections, and Animal Services. He was formerly Chief of the Volusia County Fire Services. This agency is a combination department providing fire suppression and EMS services with career firefighters and volunteer members. The agency operates out of 23 stations.

Prior to Chief Pozzo's appointment in 2010 in Volusia County, he served as the Chief of the Loudoun County Department of Fire and Rescue. This agency is a

combination fire and rescue system providing fire, rescue, and emergency management services to one of the fastest growing counties in the nation. The fire and rescue system provides these services to over 275,000 permanent residents living in 520 square miles of diverse suburban and rural area located within the National Capital Region. Fire, Rescue and Emergency Management services are executed through 450+ career staff and over 1,300 volunteer members operating out of nineteen stations. Prior to his appointment with Loudoun County, Chief Pozzo served as Chief of the Portsmouth Fire, Rescue and Emergency Services Department. This agency is one of the oldest professional departments on the eastern seaboard and serves over 95,000 residents within a 30 square miles area. Chief Pozzo also served in the City of Virginia Beach, Va. Fire Department for 19 years reaching the level of Battalion Chief prior to embarking on his career as a Fire Chief/Director.

He holds a Master of Public Administration degree from Troy University where he graduated with honors, a B.A. in Public Administration from Saint Leo University and several associate degrees including an AAS in Fire Science and Protective Services. He holds the *Chief Fire Officer Designation* from Center for Public Safety Excellence and has served as an Adjunct Instructor for the Virginia Department of Fire Programs.

Senior Associate - EMS

Mark O'Keefe, Operations Manager Volusia County Emergency Medical Services (EVAC) Daytona Beach, Florida

- **Background**

Mr. O'Keefe is an expert in the management of large High Performance Emergency Medical Services (HPEMS). The Volusia County system covers 1,207 square miles, 16 cities, 47 miles of Atlantic Ocean beaches, two major rivers, urban, suburban, rural and wilderness areas as well as the many special events such as The Daytona 500, Coke Zero 400, Bike Week, Spring Break, and Biketoberfest. In addition to providing daily supervision of all on-duty employees on EMS units he also manages the System Status Controllers in the communications center and the deployment of EMS in Volusia. He has 33 years experience in the emergency medical services holding numerous field positions and supervisory and management assignments as well as serving as chief training officer for several EMS agencies. He holds the American Ambulance Association, Certified Ambulance Service Manager (ASM) credential.

Mr. O'Keefe served on the Editorial Board Journal of Emergency Medical Services (JEMS) at Elsevier Public Safety Publications for 21 years and wrote a monthly column for the journal. He is an expert in Speed Loading Inventory Control as well as Deployment Monitor Systems, having worked extensively with the Mobile Area Routing and Vehicle Location Information System™ (MARVLIS) High Performance EMS ambulance deployment monitor system for System Status Controllers.

He holds the Bachelor of Applied Science (BAS) in Supervision and Management with honors from Daytona State College. Associate of Arts (A.A.), Education Daytona State College Associate of Applied Science (AAS), Emergency Medical Services Daytona Beach Community College

Senior Associate

Gerard J. Hoetmer, MPA, retired Executive Director of Public Entity Risk Institute, Fairfax, Virginia

- **Background**

Gerry Hoetmer is an expert in fire services, emergency management, and risk management. He served as the founding executive director of the Public Entity Risk Institute, a nonprofit organization that provided training, technical assistance, and research on risk management issues for local government and other public and quasi-public organizations. During his tenure as executive director he was a member of the National Academy of Sciences Disaster Roundtable. Prior to his position as executive director at PERI, Mr. Hoetmer worked at ICMA for 19 years, most recently as the director of research and development. He has written extensively on local government emergency management, the fire service, code enforcement, and risk management issues.

Seminal works include the first report to Congress on fire master planning and the first edition of *Emergency Management: Principles and Practices for Local Government*. In addition to providing expert testimony before Congress and local arbitration boards on fire staffing and scheduling issues, Mr. Hoetmer represented ICMA on the NFPA 1500 Standard on Occupational Safety and Health; NFPA 1201, the Standard for Providing Emergency services to the Public; and the NFPA 1710, Standard for the Organization and Deployment of Fire Suppression Operations, Emergency Medical Operations, and Special Operations to the Public by Career Fire Departments. Mr. Hoetmer has developed and conducted training programs and seminars at FEMA's Emergency Management Institute and the National Fire Academy in Emmitsburg, Maryland.

He holds a Bachelors from the State University of New York, New Paltz and the Master of Public Administration degree from the University of Colorado at Denver

Senior Associate

Chief John (Jack) Brown (Ret.), BA, MS, EFO, Director, Arlington County Office of Emergency Management, Retired Assistant Chief Fairfax County Fire & Rescue Department

- **Background**

Jack Brown's 40 year public safety career includes 29 years with the Fairfax County, Virginia Fire & Rescue Department, where he retired as Assistant Fire Chief of Operations. He served in a number of operational and staff positions, including the Office of the Fire Marshal where he attained NFPA certification as a Fire Inspector II and Fire Investigator. As an investigator, he conducted post fire and post blast investigations, assisting in the prosecution of offences involving arson and illegal explosives. He served as a Planning Section Chief and Task Force Leader for the Fairfax County Urban Search and Rescue Task Force (VA TF-1). He deployed to Nairobi, Kenya as Plans Chief in response to the 1998 embassy bombing and as Task Force Leader on a deployment to Taiwan in response to an earthquake in 1999.

Upon his retirement from Fairfax County in 2000, he became the Assistant Chief for the Loudoun County Department of Fire, Rescue and Emergency

Management, where he led a team of firefighters to the Pentagon on 9/11 and assisted the Arlington County Fire Department as the initial Planning Section Chief for the incident. Jack served as Planning Section Chief on a Northern Virginia multi-jurisdictional emergency management task force that reestablished the New Orleans Emergency Operations Center just after Hurricane Katrina. He retired from Loudoun County in 2006 to pursue a career in emergency management.

Brown retired from the Coast Guard Reserve as a Chief Warrant Officer 4, specializing in port safety and security, with 33 years of combined Army and Coast Guard Reserve service. After 9/11, he served on active duty for 47 months, including 15 months in the Middle East. He received the Bronze Star Medal for actions in Baghdad, Iraq while supporting combat operations during Operation Iraqi Freedom.

Brown holds a bachelor's degree in Fire Science Administration from the University of Maryland and a master's degree in Quality Systems Management from the National Graduate School, Falmouth, Massachusetts. He is a 1997 graduate of the National Fire Academy's Executive Fire Officer Program at the National Emergency Training Center, Emmitsburg, Maryland. He has been an adjunct professor at the Northern Virginia Community College and the University of the District of Columbia in the Fire Science curriculums. He is a graduate of the Executive Leadership Program in the Center for Homeland Defense and Security at the Naval Postgraduate School, Monterey, California.

Senior Associate

Chief Donald James (Ret.), MPA, Retired Assistant Chief, Miami-Dade Fire Rescue

- **Background**

During a career spanning 30 years, Donald C. James retired in 2005 as an Assistant Fire Chief with the Miami Dade Fire Rescue Department. In that capacity he assumed oversight of various functional areas to include Fire Prevention, Facilities Management and Construction, Communications, Emergency Medical Services and Training Divisions. As a Division Director, he was responsible for multimillion dollar budgets for Community Relations, Emergency Medical Services, Communications and Fire Prevention.

In 1996 he was honored by the National Fire Protection Association as the "Learn Not To Burn Champion" with a Safe Cities Award Grant. Working in conjunction with Miami Dade Public Schools, the grant provides for the teaching of a fire safety curriculum at the elementary grade levels. Among other accomplishments, he was also instrumental in the development of the department's Infectious Disease Control Policy and Procedure – one of the first of its kind in the fire service nationwide.

Mr. James received his Associates degree in Fire Science Technology from Miami Dade College. He holds a Bachelor's degree in Public Administration from Barry University in Miami Shores, and Master's degree in Public Administration from Florida International University, Miami.

Project Schedule

Milestone 1 – Full execution of the agreement

Agreement will identify Project Launch date.

Milestone 2 – Project Launch

We will conduct an interactive telephone conference with local government contacts. Our project leads will launch the project by clarifying and confirming expectations, detailing study parameters, and commencing information gathering.

Milestone 3a – Information Gathering and Data Extraction- 30 Days

Immediately following project launch, the operations leads will deliver an information request to the department. This is an extensive request which provides us with a detailed understanding of the department's operations. Our experience is that it typically takes an agency several weeks to accumulate and digitize the information. We will provide instructions concerning uploading materials to our website. When necessary, the lead will hold a telephone conference to discuss items contained in the request. The team lead will review this material prior to an on-site visit.

Milestone 3b – Data Extraction and Analysis – 14 Days

Also immediately following the project launch the Data Lead will submit a preliminary data request, which will evaluate the quality of the Computer Aided Dispatch (CAD) system data. This will be followed by a comprehensive request for data from the CAD system to conduct the response and workload analysis. This request requires a concerted effort and focused response from your department to ensure the timely production of required for analysis. Delays in this process will likely extend the entire project and impact the delivery of final report. The data team will extract one year's worth of Calls for Service (CFS) from the CAD system. Once the Data Team is confident the data are accurate, they will certify that they have all the data necessary to complete the analysis.

Milestone 3c – Data Certification – 14 days

Milestone 4a – Data Analysis and Delivery of Draft Data Report – 30 days

Within thirty days of data certification, the analysis will be completed and a draft, unedited data report will be delivered to each of the departments for their review and comment. After the data draft report is delivered, an on-site visit by the operations team will be scheduled.

Milestone 4b – Departmental Review of Draft Data Report – 14 days

The department will have 10 days to review and comment on the draft unedited data analysis. During this time, our Data team will be available to discuss the draft report. The Department must specify all concerns with the draft report at one time.

Milestone 4c – Final Data Report – 10 days

After receipt of the department's comments, the data report will be finalized within 10 days.

Milestone 5 – Conduct On-Site Visit – 30 days

Subject matter experts will perform a site visit within 30 days of the delivery of the draft data report.

Milestone 6 – Draft Operations Report – 30 days

Within 30 days of the last on-site visit, the operations team will provide a draft operations report to each department. Again the departments will have 10 days to review and comment.

Milestone 7 – Final Report 15 days

Once the Department's comments and concerns are received by ICMA the combined final report will be delivered to the city within 15 days.

TOTAL ELAPSED TIME: 105 - 135 days

The ICMA Approach: Fire/EMS

Operations Review

Using information analyzed by the data team, an operational assessment by ICMA technical experts will be conducted to evaluate the deployment of emergency resources.

The ICMA team will evaluate equipment, maintenance, records, policies, procedures, mapping, implemented technology and innovations, facilities, training, and staff to create recommendations for future service delivery.

The team may meet with elected and appointed officials as well as identified community leaders to determine the outcome they are seeking from deployment of resources.

Observations and recommendations will be developed around key performance and analysis areas in the completion of the report and include:

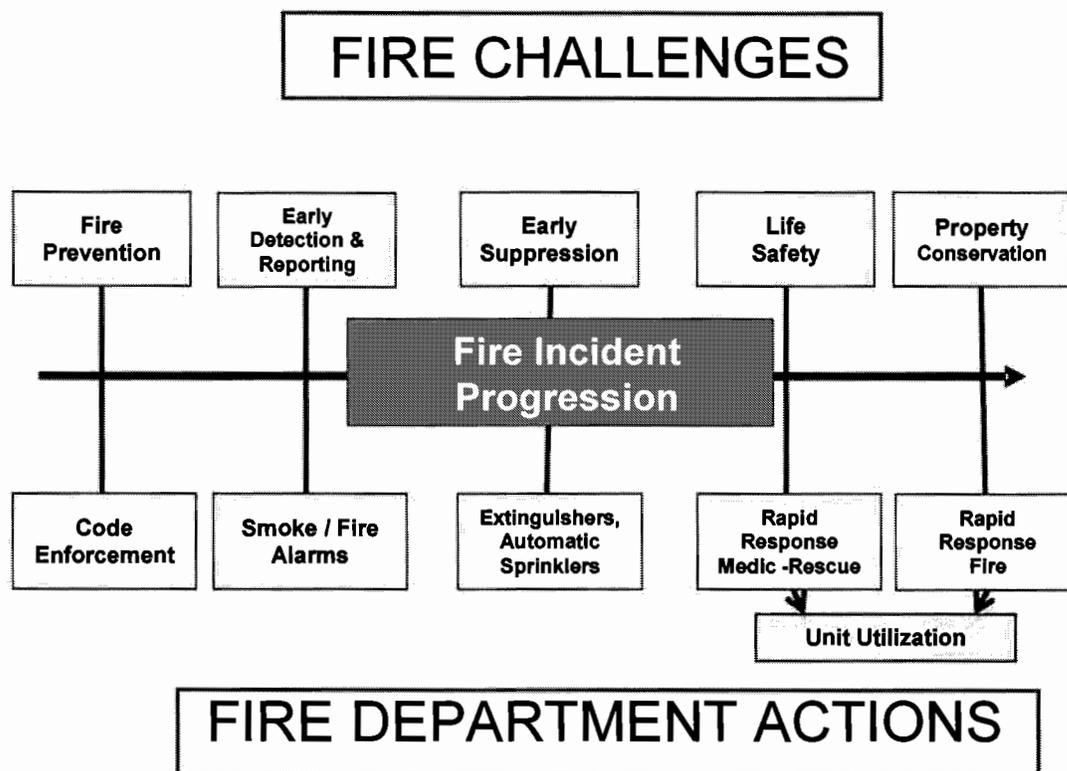
- Comprehensive Data Analysis
 - Incident Type Workload
 - Response Time
 - Unit Workload
 - Analysis of Busiest Hour
- Governance and Administration
 - Organizational Structure
 - Organizational Leadership
 - Staffing and Deployment
 - External Relationships
- Organizational Behavior/Management/Processes
 - Time Allocation of Staff
 - Organizational Communication
 - Strategic Planning
 - Performance Measurement
- Financial Resources (Operating and Capital Resources)
- Programs (To include fire suppression, EMS, fire prevention, public education, fire investigation, technical rescue, hazardous materials, emergency management, , and other service delivery programs)
- Risk Management/All hazards approach to community protection
- ISO/Accreditation Benefit Analysis

Using GIS technology we will review the current locations of deployed equipment and stations with recommendations developed for the future. Key to making these determinations will be response time for dispatched units and call density.

The ICMA data team has created a methodology for determining resource utilization that quantifies the maximum and minimum deployment of personnel and equipment. It is unlike any other approach currently used by consultants and is indicative of the desire by ICMA to deliver the right resources at the right time.

Fire Suppression Services

Fire departments staff their stations and train their personnel to respond to a wide array of fire and vehicular accident emergencies. In addition, many departments use the long intervals between calls for service for a variety of fire prevention, training and station activities. Research in the United Kingdom as well as by FEMA has shown that the most cost-effective approach to fire deployment is the elimination of calls. If a call is received, eliminating hazards decreases the risk faced by first responders and may result in a more positive outcome. These preventive strategies should include building effective code enforcement and fire prevention activities as well as strong public education programs promoting smoke detectors fire extinguisher use and placement in homes and businesses. The effort may also include early fire suppression through the use of automatic sprinkler systems and other fire protection systems. All of these prevention and response challenges are illustrated below.



The resulting data study ICMA completes will gather and analyze data on the efficiency and effectiveness of the current deployment on the fire runs. Resource utilization will be quantified for concentration, location, and unit utilization.

The study will also analyze fire call data to provide a comprehensive review of how fire services are delivered to the community including a detailed analysis of workloads and response times. The analysis of the workloads should begin with an in-depth study of the types of calls handled and their severity. The goal of this data gathering would be to explicate the fundamental nature of the fire challenge faced by the Fire Department.

The study will pay special attention to fires reported in residences or buildings. Some examples of questions to be answered as a part of the study include: What was the average response time of the first arriving fire suppression unit capable of deploying extinguishing agent? How long did the engine companies work at the scene?

For each call type, we will determine the time spent on-scene and the manpower personnel who worked the scene. This data will be aggregated to determine an overall average total time spent on fire calls per 24-hour period and by shift for each engine company. It will document any dramatic variations by time of day and day of week as well as seasonal variations. It will also require the review the department's non-emergency productive hours that fire personnel carry out between emergency calls. The study will also analyze data to determine the proportion of calls and the associated workload that arise within the community's borders compared to mutual aid calls.

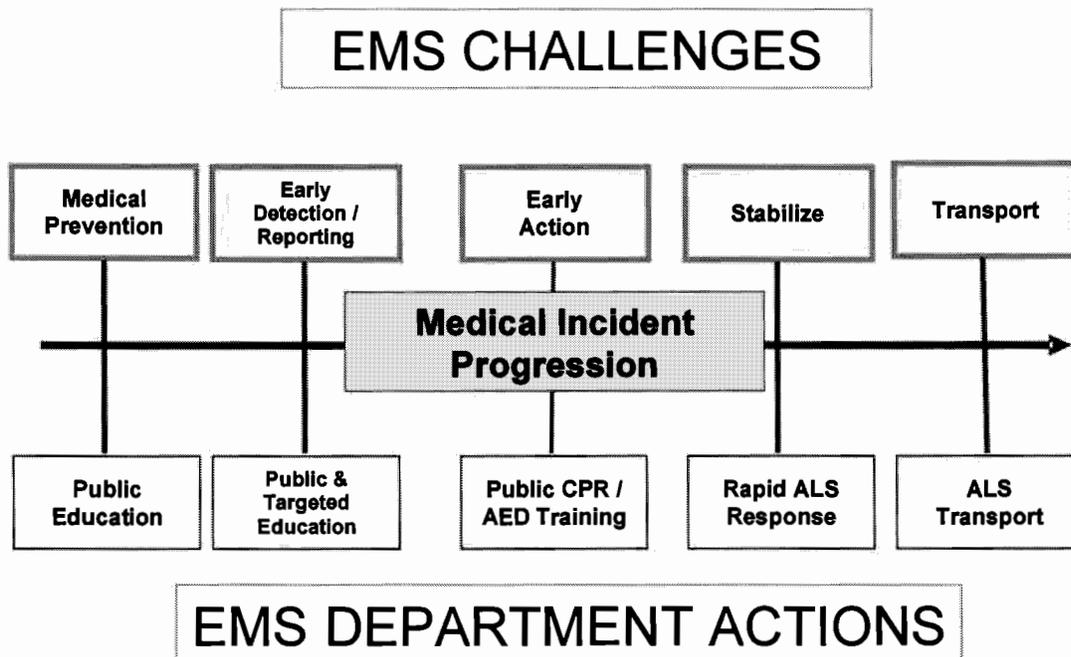
Response time is an important statistic in emergency service systems. We will determine:

- Average response time of first arriving fire suppression unit capable of deploying extinguishing agent.
- Distribution of response times for different call categories
- Response time for the second arriving engine company, where possible

We will also identify and review calls that experienced unusually long response times.

Emergency Medical Services

Fire Departments provide emergency medical services in addition to fire suppression duties. In this project we will analyze EMS call data to provide a comprehensive review of emergency medical services including a detailed analysis of workloads and response times. The analysis of the workloads will begin with an in-depth study of the types of calls handled and their severity. The goal is to explicate the fundamental nature of the emergency medical challenge faced by the community's Fire Department. We will pay special attention to the most critical emergencies such as heart attack and serious vehicular accidents.



For each call type, we will determine the time spent on-scene and the manpower personnel who worked the scene. These data will be aggregated to determine an overall average total time spent on fire calls per 24-hour period for each ambulance company and the unit hour utilization (UHU). We will also determine how much EMS calls contribute to the workload of fire engine companies since they also respond to most calls. We will document any dramatic variations by time of day and day of week as well as seasonal variations.

Response time is an important statistic in emergency service systems. We will determine not only average response time but also the distribution of response times for different call categories. We will also identify and review calls that experienced unusually long response times.

Analysis of the Busiest Hours of the Year

Fire departments often speak of the "worst case scenario" or "resource exhaustion" when developing staffing and deployment plans. In reality, an agency can never staff for the worst case scenario, because whatever situation can be envisioned, there can always be a more serious event that can be planned.

What is needed to make staffing and apparatus decisions is a clear understanding of what levels of demand can reasonably be expected over specific periods of time in a specific jurisdiction. For example, what are the busiest calls for service times over a one year period and what levels of staffing and apparatus were needed to handle this workload?

To answer this question requires a detailed analysis of calls for service, broken down minute by minute, identifying which units were busy and how many units remained available to respond to a new call for service. More sophisticated analysis can take into consideration available mutual aid resources.

There is significant variability in the number of calls from hour to hour. One special concern relates to the fire resources available for the highest workload hours. We tabulate the data for each of 8760 hours in the year. We identify how often the fire department will respond to more than a specified number of calls in an hour. In studying call totals, it is important to remember that an EMS run typically lasts, on average, a different amount of time than a fire category call.

Example of "Busiest Hour Analysis"

What follows is an example of an ICMA study of a fire department with 17 units staffed all the time. For the vast majority of these high volume hours, the total workload of all units combined is equivalent to 3 or fewer units busy the entire hour. For the ten highest volume hours, 0.1% of the hours, the total workload exceeded 3 hours. All of these high volume hours occurred between 10 a.m. and 9 p.m.

The hour with the most work was between 1000 and 1100 on September 12, 2009. The 21 calls involved 34 runs. The combined workload was 417 minutes. This is equivalent to 7 firefighting units being busy the entire hour. However, in the City there are 17 units staffed all of the time. During the worst portion of the hour, there were always at least 5 units still available to respond immediately. Only 5 of the 17 units were busy more than 30 minutes during this hour.

The hour with the most calls was between 1400 and 1500 on October 13, 2009. The 23 calls involved 28 runs. The combined workload was 379 minutes. This is equivalent to between 6 and 7 firefighting units being busy the entire hour. However, in the city there are 17 units staffed all of the time. During the worst portion of the hour, there were always at least 7 units still available to respond immediately. Only 3 of the 17 units were busy more than 30 minutes during this hour.

Table 1. Frequency Distribution of the Number of Calls

Number of Calls in an Hour	Frequency
0-5	6397
6-10	2263
11-15	98
16 or more	2

Observations:

- A total of 6,397 hours (73%) in a year have received 0-5 calls.
- A total of 2,263 hours (25.8%) in a year have received 6-10 calls.
- A total of 100 hours (1.2%) in a year have received 11 or more calls.

Table 2. Top Ten Hours with the Most Calls Received

HOURS	Number of Calls	Number of Runs	Total Busy Minutes
13-Oct-2009 1400	23	28	379
12-Sep-2009 1000	21	34	417
20-Jun-2009 2000	15	16	252
02-Feb-2009 1900	15	16	213
10-Jul-2009 1000	14	15	226
15-Feb-2009 1900	14	20	317
29-Jul-2009 1700	14	18	274
23-Feb-2009 1100	14	15	180
17-Mar-2009 1500	14	17	193
01-Mar-2009 1800	13	14	185

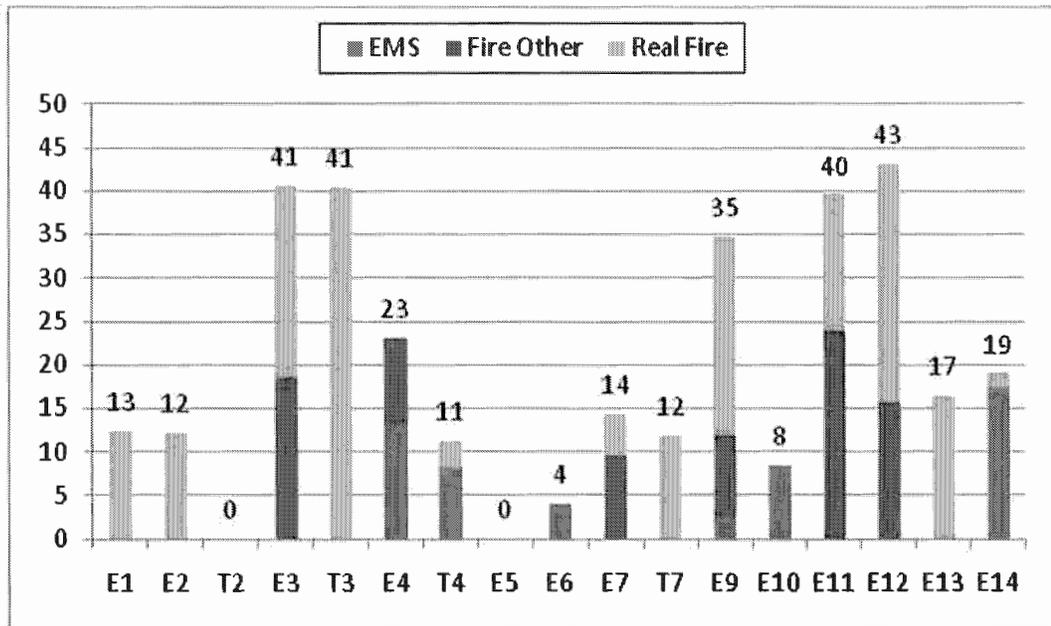
Table 3. Deployed Minutes by Unit for the Hour between 10 a.m. and 11 a.m. on 12-Sep-2009

Station	1		2		3		4		5	6	7		9	10	11	12	13	14	Number of Units	
Unit	E1	E2	T2	E3	T3	E4	T4	E5	E6	E7	T7	E9	E10	E11	E12	E13	E14	Busy	Free	
0-5																		3.3	1	16
5-10		1.9		0.7														5	3	14
10-15	3.1	5		5								3.7		0.6	4.8			5	7	10
15-20	5	4.3		5	0.5							5		5	4.4			4	8	9
20-25	4.4	1.1		4.4	5							3.8		5	5				7	10
25-30				5	5							5		5	5				5	12
30-35				4.6	5							5		5	2.7				5	12
35-40				5	5	3.1						5		5	1.3				6	11
40-45				5	5	5				1.2		0.7	0.7	4.9	5	1.6			9	8
45-50				5	5	5	1.8			5	1.8		1.9	1.6	5	4.9	1.7		11	6
50-55				0.9	5	5	4.5		3.3	5	5	2.5	0.8	2.5	5	5			12	5
55-60				5	5	5			0.8	3.1	5	4.1	5	5	5	5			11	6
Total	12.5	12.3	0.0	40.6	40.5	23.1	11.3	0.0	4.1	14.3	11.8	34.8	8.4	39.6	43.2	16.5	19.0			

Note: The numbers in the cells are the busy minutes within the 5 minute block. The cell values greater than 2.5 are coded as red. Observations:

- Between 10 a.m. and 11 a.m. on September 12, 2009, the fire department responded to 21 calls and dispatched 34 units to these calls.
- In the city there are 17 units staffed all of the time. During the worst portion of this hour, there were always at least 5 units still available to respond immediately. Only 5 of the 17 units were busy more than 30 minutes during this hour.

Figure 1. Workload by Unit and Call Type for the Hour between 10 a.m. and 11 a.m. on 12-Sep-2009



Observations:

- Engine companies E3, E11 and E12 were busy more than 40 minutes during this hour.
- Truck T3 was busy more than 40 minutes during this hour.
- Eleven units were busy less than 20 minutes. Two units responded to no calls.

Proposed Fees

The quotation of fees and compensation shall remain firm for a period of 90 days from this proposal submission.

ICMA will conduct the analysis of the fire, and EMS departments for \$65,000 exclusive of travel. The project would be billed in three installments: 40% within 14 days of signing the contract; 40% with delivery of the police, fire and EMS draft data analysis; 20% with delivery of the final report. Following delivery of the draft reports, the city will have 30 days to provide comments as to accuracy and a final report will be delivered within 30 days of the comment period.

A travel budget of \$5,000 is proposed.

Deliverables

Draft reports for police, fire/EMS will be provided for department review in electronic format.

In order to be ecologically friendly, ICMA will deliver the final report in computer readable material either by email or CD or both. The final reports will incorporate the operational as well as data analysis. Should the municipality desire additional copies of the report, ICMA will produce and deliver whatever number of copies the client request and will invoice the client at cost.

Should the City desire additional support or in-person presentation of findings, ICMA will assign staff for such meetings at a cost of \$1,000 per day/per person along with reimbursement of travel expenses.

Conclusion



Part of ICMA's mission is to assist local governments in achieving excellence through information and assistance. Following this mission, ICMA *Center for Public Safety Management* acts as a trusted advisor, assisting local governments in an objective manner. In particular, ICMA's experience in dealing with public safety issues combined with its background in performance measurement, achievement of efficiencies, and genuine community engagement, makes ICMA a unique and beneficial partner in dealing with issues such as those being presented in this proposal. We look forward to working with you further.

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Condensed Title:

A resolution approving and authorizing the Mayor and City Clerk to execute an amendment to the Professional Services Agreement between the City of Miami Beach and Strategic Advisory Group dated October 19, 2011 for consulting services relative to the expansion and enhancement of the Miami Beach Convention Center campus/district in an amount not to exceed \$240,945, including all reimbursable expenses, from previously appropriated funds from FY 21012/2013 Fund 168 RDA City Center.

Key Intended Outcome Supported:

Improve the Convention Center Facility

Supporting Data (Surveys, Environmental Scan, etc.): The Strategic Plan 2011 Update indicates that occupancy at Miami Beach Convention Center in FY 2010/11 was 54%.

Item Summary/Recommendation:

On October 19, 2011, via Resolution No. 2011-27778, the City Commission authorized the Mayor and City Clerk to enter into an agreement between the City and Strategic Advisory Group (SAG) for services relative to the expansion and enhancement of the MBCC District, pursuant to Request for Proposals (RFP) No 33-10/11 in an amount not to exceed \$175,000, including all reimbursable expenses.

On January 11, 2012, the City Commission authorized the Administration to issue Request for Qualifications No. 22-11/12 for Qualified Developers for a Public-Private Mixed-Use Development in Miami Beach for the Enhancement of the MBCC District, Including the Expansion of the Miami Beach Convention Center and Development of a Convention Center Hotel (the RFQ). The RFQ was issued on February 7, 2012.

At the December 12, 2012 City Commission meeting, the Commission accepted the recommendation of the City Manager and short-listed first ranked Portman CMC and second ranked South Beach ACE to move forward to Phase II of the RFQ.

The Administration will require SAG's continued professional industry consulting services for Phase II work, including assistance with the extensive public master planning process with the community, and the negotiations of the LOIs with Portman CMC and South Beach ACE. SAG, will manage, in conjunction with the City Administration, the Master Planning and LOI Negotiations process including the following: Project oversight, Managing and maintaining the schedule, Preparing agendas and facilitating project meetings, Participating in public forums and commission meetings, Drafting and reviewing written correspondence related to the project, Preparing presentation materials, Facilitating developer discussions, Participating in design review meetings, Answering developer questions, Drafting the LOI template, Economic impact analysis, Negotiating the LOI, and Reviewing and commenting on legal documents.

As a result of the aforementioned City Commission action on February 6, 2013, the contract amendment presented for consideration includes additional scope of services and associated fees for SAG to complete all Phase II work over 18 months through June 2014.

The Amendment to SAG's Professional Services Agreement (Attachment A) summarizes the Phase II Scope of Services and schedule. SAG will bill professional fees based on the time spent on the project, multiplied by the hourly billing rates listed in the Contract Amendment, up to an amount not to exceed \$240,945, including all reimbursable expenses (e.g. travel, supplies, etc). These fees already account for work performed in January and February 2013, which based on the monthly average for Phase II work is \$33,139 per month.

SAG currently anticipates being completed with the scope of services by June 2014.

Advisory Board Recommendation:

N/A

Financial Information:

Source of Funds:	Amount	Account	Approved
OBPI	1	\$ 132,557 (FY 2012/13)	168-1985-000312
	2	\$ 108,388	TBD
	Total	\$ 240,945	

Financial Impact Summary:

City Clerk's Office Legislative Tracking:

City Manager's Office

Sign-Offs:

Department Director	Assistant City Manager	City Manager
	JGG 	KGB 

T:\AGENDA\2013\March 13\SAG MBCC Phase 2 Consulting Services SUMMARY.doc



COMMISSION MEMORANDUM

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

FROM: Kathie G. Brooks, City Manager

DATE: March 13, 2013

SUBJECT: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING AND AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF MIAMI BEACH AND STRATEGIC ADVISORY GROUP DATED OCTOBER 19, 2011 FOR CONSULTING SERVICES RELATIVE TO THE EXPANSION AND ENHANCEMENT OF THE MIAMI BEACH CONVENTION CENTER CAMPUS/DISTRICT IN AN AMOUNT NOT TO EXCEED \$240,945, INCLUDING ALL REIMBURSABLE EXPENSES, WITH PREVIOUSLY APPROPRIATED FUNDS FROM FY 2012/2013 OPERATING BUDGET FUND 168 RDA CITY CENTER OPERATIONS.**

ADMINISTRATION RECOMMENDATION

Adopt the Resolution.

FUNDING

\$66,278 previously approved for services provided in January and February 2013, plus \$132,557 is available in Fund 168 RDA City Center Operations, Account Number 168-1985-000312. Funding for the balance of \$108,388 will be identified in June 2013. The City is pursuing reimbursement of SAG's fees for both Phase I and Phase II as provided in the County General Obligation Bond Agreement for the Convention Center and the City anticipates using these funds to pay for the balance of services.

BACKGROUND

On October 19, 2011, via Resolution No. 2011-27778, the City Commission authorized the Mayor and City Clerk to enter into an agreement between the City and Strategic Advisory Group (SAG) for services relative to the expansion and enhancement of the MBCC District, pursuant to Request for Proposals (RFP) No 33-10/11 in an amount not to exceed \$175,000, including all reimbursable expenses.

SAG, as part of its scope of services, assisted the City in drafting the Request for Qualifications (RFQ) for the master development of the MBCC District.

On January 11, 2012, the City Commission authorized the Administration to issue Request for Qualifications No. 22-11/12 for Qualified Developers for a Public-Private Mixed-Use Development in Miami Beach for the Enhancement of the MBCC District, Including the Expansion of the Miami Beach Convention Center and Development of a Convention Center Hotel (the RFQ). The RFQ was issued on February 7, 2012.

The primary objectives of the RFQ are to:

1. Improve the Convention Center (hereinafter also referred to as the MBCC);
2. Facilitate the ability of the MBCC to attract high impact conventions, meetings, and tradeshow in

- an increasingly competitive environment; and
3. Redevelop the surrounding area, including transforming the MBCC District into a new vibrant neighborhood with year-round activities; increasing outdoor public space; creating a walkable district providing connectivity between the MBCC and Lincoln Road and the City's historical and cultural district; providing iconic architecture in keeping with the City's history of significant design; incorporating sustainable (LEED) design principles; while being sensitive to the surrounding residential neighborhoods (particularly with respect to traffic and scale); and offering optimal economic and community benefits to the City.

RFQ PHASE I

During Phase I of the RFQ, Proposers were evaluated based on their experience with undertaking comparable urban mixed-use master development projects of the magnitude contemplated. Similarly, the Proposers' "Lead Architects" were evaluated on their relevant experience in providing design services for comparable urban mixed-use master developments.

On the RFQ deadline of April 23, 2012, the City received qualifications packages in response to the RFQ (the proposals) from eight (8) Proposers, three (3) subsequently withdrew their proposals, leaving the following five (5) Proposers to evaluate:

- CConnectMB
- Portman CMC
- Rida Development Corporation
- South Beach ACE
- Turnberry Lincoln Village, LLC

On November 20, 2012, the Evaluation Committee convened and heard presentations. The Committee scored and ranked the Proposers, and recommended to the City Manager to shortlist first-ranked Portman CMC and second-ranked South Beach ACE to move forward to Phase II of the RFQ. SAG also recommended to the City Manager to shortlist only the two (2) top-ranked Proposers, Portman CMC and South Beach ACE.

At the December 12, 2012 City Commission meeting, the Commission accepted the recommendation of the City Manager and short-listed first ranked Portman CMC and second ranked South Beach ACE to move forward to Phase II of the RFQ.

RFQ PHASE II

As part of Phase II of the RFQ, Portman CMC and South Beach ACE are required to prepare a detailed proposal for their proposed development of the MBCC District. This Phase, as part of the preparation of the detailed proposal, will include what the City Administration expects to be extensive community involvement to gain input on local needs and concerns. Additional meetings will also be held with the shortlisted Proposers to gather information on the improvement needs of the MBCC to develop the scope of services for the MBCC enhancement and expansion. Several community meetings and City Commission workshops will be held to review each Proposer's Master Plan, prior to final consideration and selection of the final "Master Developer".

In addition to the Master Plan for the site (which will include respective project renderings, a breakdown of proposed uses, and square footages of each use), the short-listed Proposers' "detailed proposal" will also include proposals for enhancing public open spaces, a renovation and expansion plan for the MBCC, a proposal for a convention center hotel, a phasing and absorption plan, financing plan (including, at minimum, a 30-year financial pro forma), a preliminary traffic impact analysis, any request

for public assistance, and a summary of projected new City revenues to be generated by the proposed development, including estimated impacts to the City's tourism economy against baseline criteria.

Concurrent therewith, the City Manager, with SAG's assistance, will negotiate Letters of Intent (LOIs) with the shortlisted Proposers. Some of the items that will be negotiated in the LOI includes the scope of the renovation and design for the MBCC, the phasing plan, the financing plan, land lease terms (if required) and other economic impacts, hotel room blocks, and traffic impacts. The negotiated LOI's will then be presented to the City Commission for consideration and further action.

The Administration will require SAG's continued professional industry consulting services for Phase II work, including assistance with the extensive public master planning process with the community, and the negotiations of the LOIs with Portman CMC and South Beach ACE.

The item was originally presented to the City Commission at the February 6, 2013 meeting. Commissioner Tobin requested the Administration negotiate a lump sum fee for SAG to complete all of the work associated with Phase II of this project. The item was initially tabled to allow staff to negotiate an all inclusive fee with SAG. Subsequently, staff returned and distributed a cost analysis from SAG, which included an all inclusive fee of \$307,223 for eighteen (18) months of work through June 2014.

At the time, Commissioner Tobin expressed that he preferred to have more time to review the new figures. A motion was approved authorizing payment of the monthly average for Phase II work performed and to return to the March City Commission meeting to consider the balance of the proposed agreement and associated fee.

ANALYSIS

Scope of Work

A copy of the Professional Services Agreement Amendment is attached for your review. Below is a summary of the scope of services to be performed by SAG during Phase II.

SAG, will manage, in conjunction with the City Administration, the Master Planning and LOI Negotiations process including the following:

- Project oversight – this includes assisting the City on how to best maximize the City's assets, informing the City on how to potentially generate maximum private investment, updating the City on the status of the project, and assisting the City with the resolution of any issues that may arise as the project progresses.
- Managing and maintaining the schedule – this includes taking the lead role in creating, modifying, communicating, and administering the attached schedule (Exhibit 1) with both the City team and the short listed developers. The goal of this process will be to complete a master plan and LOI from each short listed team by the targeted date.
- Preparing agendas and facilitating project meetings – The attached schedule includes numerous meetings and work sessions. SAG will be responsible for preparing the agenda for each meeting, ensuring participants are informed of expectations, and facilitating each meeting as appropriate.
- Participating in public forums and commission meetings. There are four public community meetings and four City Commission meetings currently planned. It is our goal to create an environment whereby the community speaks directly to the short-listed development teams, not an intermediary consultant. Nevertheless, SAG will facilitate the meetings, meet in advance with leaders to prepare, and ensure the proper presentation materials are prepared.

For the Commission meetings, SAG will assist with drafting briefing information, participate in Commission member advance briefings, and prepare apple-to-apples comparisons to ensure the Commission is presented with comparable data for their decision making process.

- Drafting and reviewing written correspondence related to the project – SAG will assist with the drafting and/or reviewing project information. This will include project update memorandums, proposal comparisons, and correspondence to the development teams.
- Preparing presentation materials – SAG will prepare presentation materials when required. In addition, SAG will assist each development team with preparing their materials to ensure each team presents like data in a similar fashion.
- Facilitating developer discussions – SAG will assist with the numerous meetings, conference calls, and discussions with the short listed teams to communicate the City's objectives, deliverable expectations, financing options, master plan issues, etc.
- Participating in design review meetings – SAG will participate and coordinate the planned design review meetings. Our main role will be to monitor how each team is moving forward and ensure the Commission, community, convention center, City and other stakeholder issues are being addressed.
- Answering developer questions – SAG will be the clearinghouse to answer developer questions as they arise, ensuring the proper team member from the City team is counseled, and that the answer is communicated.
- Drafting the LOI template – SAG will draft, in conjunction with the City's legal team, a letter of intent template outlining the broad terms for the proposal. The LOI will address: diagrams and renderings communicating the vision for the site; square foot program for each component; phasing plan and project absorption schedule; development cash flows (revenues, expense, capital, etc.) for each component, with a summary of significant assumptions, demonstrating financial viability; terms for leasing land for private development; plan for raising capital and known funding commitments; scope of services and fee for management of the renovation and expansion of the MBCC and any other public assets requested to be developed; scope of services and fee for design of the renovation and expansion of the MBCC and any other public assets requested to be developed; requested role of the City; hotel room-block commitment; and the plan to involve the community in the refinement of the vision.
- Economic impact – one of the requirements of the RFQ is for each short listed team to provide an analysis of the economic impact of the proposed master plan, with documentation supporting how the estimated economic impact was derived. In addition each team must provide a summary of City revenues generated by the private components of the project over time, including property taxes, hotel taxes and sales taxes.

SAG will provide guidance to each team on how these analyses are to be completed to enable an apples-to-apples comparison of the proposals. This will include providing each team with a common methodology and assumptions for each calculation.

- Negotiating the LOI – SAG will work in concert with the City legal team to negotiate the LOIs. This will entail numerous conference calls and meetings to ensure each proposal addresses all issues and that each is as favorable to the City as possible.
- Referendum – Assist with providing project, financial and market information for the referendum initiative.
- Reviewing and commenting on legal documents – Once the LOI is accepted by the City Commission, SAG will work with the City legal team to assist with reviewing the legal documents

to ensure LOI concepts are documented as intended. Attend negotiating sessions with the selected developer and legal to negotiate the detailed contracts.

FEE AND SCHEDULE INFORMATION

As a result of the aforementioned City Commission action on February 6, 2013, the contract amendment presented for consideration includes additional scope of services and associated fees for SAG to complete all Phase II work over 18 months through June 2014.

The Amendment to SAG's Professional Services Agreement (Attachment A) summarizes the Phase II Scope of Services and schedule. SAG will bill professional fees based on the time spent on the project, multiplied by the hourly billing rates listed in the Contract Amendment, up to an amount not to exceed \$240,945, including all reimbursable expenses (e.g. travel, supplies, etc). These fees already account for work performed in January and February 2013, which based on the monthly average for Phase II work is \$33,139 per month.

SAG currently anticipates being completed with the scope of services by June 2014. In addition, the Administration will also pursue reimbursement for a portion of SAG's fee for both Phase I and Phase II as provided in the County GO Bond Agreement for the Convention Center.

SAG's proposed fee is in line with their contracted fees for other projects, including Houston, Washington DC, and Salt Lake City. SAG's proposed fee for the City of Miami Beach is higher than its contract fee for Houston, because the Houston project was only for a hotel, and its developer selection and Council approval was completed in only three (3) months. There were no community meetings in Houston. The Phase I process for our Convention Center RFQ had a much longer duration for selection of the shortlisted developers, and Phase II of the RFQ will require several months of community involvement, and City Commission workshops and individual briefings, prior to selection of the final developer. Conversely, SAG's fee for its work in Washington DC, while only for a hotel development, is significantly higher because the process there took place over multiple years, as it was put on hold and then started again, and the scope of services were also expanded to include land acquisition and assembly, a public subsidy package that had to be approved by Congress, and construction management. The Administration believes SAG's proposed fee for the Phase II services are reasonable.

CONCLUSION

The Administration recommends that the Mayor and City Commission adopt the attached Resolution approving and authorizing the Mayor and City Clerk to execute an amendment to the Professional Services Agreement between the City of Miami Beach and Strategic Advisory Group dated October 19, 2011 for consulting services relative to the expansion and enhancement of the Miami Beach Convention Center campus/district in an amount not to exceed \$240,945, from previously appropriated funds from FY 21012/2013 Operating Budget Fund 168 RDA City Center Operations.

Strategic Advisory Group

Amendment #2

PROFESSIONAL SERVICES AGREEMENT DATED OCTOBER 19, 2011
BETWEEN THE CITY OF MIAMI BEACH
AND
STRATEGIC ADVISORY GROUP
FOR
CONSULTING SERVICES RELATIVE TO THE EXPANSION AND ENHANCEMENT OF
THE MIAMI BEACH CONVENTION CENTER CAMPUS/DISTRICT, PURSUANT TO
REQUEST FOR PROPOSALS (RFP) NO 33-10/11

March 1, 2013

The following amends Strategic Advisory Group's ("SAG") scope of services, professional fees, and Term pursuant to our agreement dated October 19, 2011 to provide consulting services relative to the expansion and enhancement of the Miami Beach Convention Center Campus/District.

ADDITIONAL SCOPE OF SERVICES

SAG, will manage, in conjunction with City staff, the Master plan/LOI process outlined in Exhibit 1. This will include:

- Project oversight – this includes assisting the City on how to best maximize the City's assets, informing the City on how to potentially generate maximum private investment, updating the City on the status of the project, and assisting the City with the resolution of any issues that may arise as the project progresses.
- Managing and maintaining the schedule – this includes taking the lead role in creating, modifying, communicating, and administering the attached schedule (Exhibit 1) with both the City team and the short listed developers. The goal of this process will be to complete a master plan and LOI from each short listed team by the targeted date.
- Preparing agendas and facilitating project meetings – The attached schedule includes numerous meetings and work sessions. SAG will be responsible for preparing the agenda for each meeting, ensuring participants are informed of expectations, and facilitating each meeting as appropriate.
- Participating in public forums and commission meetings. There are four public community meetings and four City Commission meetings currently planned. It is our goal to create an environment whereby the community speaks directly to the short-listed development teams, not an intermediary consultant. Nevertheless, SAG will facilitate the

Strategic Advisory Group

meetings, meet in advance with leaders to prepare, and ensure the proper presentation materials are prepared.

For the Commission meetings, SAG will assist with drafting briefing information, participate in Commission member advance briefings, and prepare apple-to-apples comparisons to ensure the Commission is presented with comparable data for their decision making process.

- Drafting and reviewing written correspondence related to the project – SAG will assist with the drafting and/or reviewing project information. This will include project update memorandums, proposal comparisons, and correspondence to the development teams.
- Preparing presentation materials – SAG will prepare presentation materials when required. In addition, SAG will assist each development team with preparing their materials to ensure each team presents like data in a similar fashion.
- Facilitating developer discussions – SAG will assist with the numerous meetings, conference calls, and discussions with the short listed teams to communicate the City’s objectives, deliverable expectations, financing options, master plan issues, etc.
- Participating in design review meetings – SAG will participate and coordinate the planned design review meetings. Our main role will be to monitor how each team is moving forward and ensure the Commission, community, convention center, City and other stakeholder issues are being addressed.
- Answering developer questions – SAG will be the clearinghouse to answer developer questions as they arise, ensuring the proper team member from the City team is counseled, and that the answer is communicated.
- Drafting the LOI template – SAG will draft, in conjunction with the City’s legal team, a letter of intent template outlining the broad terms for the proposal. The LOI will address: diagrams and renderings communicating the vision for the site; square foot program for each component; phasing plan and project absorption schedule; development cash flows (revenues, expense, capital, etc.) for each component, with a summary of significant assumptions, demonstrating financial viability; terms for leasing land for private development; plan for raising capital and known funding commitments; scope of services and fee for management of the renovation and expansion of the MBCC and any other public assets requested to be developed; scope of services and fee for design of the renovation and expansion of the MBCC and any other public assets requested to be developed; requested role of the City; hotel room-block commitment; and the plan to involve the community in the refinement of the vision.
- Economic impact – one of the requirements of the RFQ is for each short listed team to provide an analysis of the economic impact of the proposed master plan, with documentation supporting how the estimated economic impact was derived. In addition each team must provide a summary of City revenues generated by the private components of the project over time, including property taxes, hotel taxes and sales taxes.

Strategic Advisory Group

SAG will provide guidance to each team on how these analyses are to be completed to enable an apples-to-apples comparison of the proposals. This will include providing each team with a common methodology and assumptions for each calculation.

- Negotiating the LOI – SAG will work in concert with the City legal team to negotiate the LOIs. This will entail numerous conference calls and meetings to ensure each proposal addresses all issues and that each is as favorable to the City as possible.
- Referendum – Assist with providing project, financial and market information for the referendum initiative.
- Reviewing and commenting on legal documents – Once the LOI is accepted by the City Commission, SAG will work with the City legal team to assist with reviewing the legal documents to ensure LOI concepts are documented as intended. Attend negotiating sessions with the selected developer and legal to negotiate the detailed contracts.

ADDITIONAL FEES

Exhibit 2 presents an estimate of the hours for each task, fees and expenses beginning January 1, 2013, assuming two firms are shortlisted. Fees and expenses are not to exceed \$240,936 during the Term in this amendment. Fees and expenses will increase if the City materially alters the schedule in Exhibit 1.

SAG's fees will be based on the time worked on the project multiplied by the hourly rates in Exhibit 2. Each invoice will include a summary of the tasks completed by day by person.

Travel expenses will be paid in addition to fees. Expenses for airfare, rental car, taxi, hotel and any third party data will be invoiced based on the actual amount, without markup. Meals will be invoiced based on the City of Miami Beach's per diem rate which are currently \$22.64 for breakfast, \$20.14 for lunch and \$36.38 for dinner.

Invoices shall be submitted monthly and the City shall pay invoices within 30 days of receipt.

TERM

This agreement shall begin on March 1, 2013 and end on June 30, 2014.

* * *

StrategicAdvisoryGroup

IN WITNESS WHEREOF, the parties by their duly authorized representatives have caused this Subcontract Agreement to be executed as of the date first written above.

FOR CITY:

CITY OF MIAMI BEACH, FLORIDA

ATTEST:

By: _____
City Clerk

Mayor

FOR CONSULTANT:

STRATEGIC ADVISORY GROUP LLC

ATTEST:

By: _____
Thomas Reifert, Partner

Jeffrey Sachs, Managing Partner

Strategic Advisory Group

Exhibit 1

Design/LOI Process

Dec 17	Conference Call City/SAG - Project Schedule
Dec 18	Conference Call City/SAG - City Funding Available
Dec 20	Conference Call City/SAG/Portman - Project Schedule
Dec 21	Conference Call City/SAG/Tishman - Project Schedule
Jan 8	City/SAG/Tishman - Kick Off Meeting, MBCC Walk-Through
Jan 9	City/SAG/Portman - Kick Off Meeting, MBCC Walk-Through
Jan 29 Eve	Public Community Meeting #1 - Gather initial public input
Feb 26	City/SAG/Portman - Internal Preliminary Master Plan Review
Feb 27	City/SAG/Tishman - Internal Preliminary Master Plan Review
Feb 27 Eve	Public Community Meeting #2 <ul style="list-style-type: none">▪ Guiding Principles for Master Plan based on community input▪ Master Plan Concept (bubble diagrams)
Feb 28	City Commission Workshop #1 <ul style="list-style-type: none">▪ Guiding Principles for Master Plan based on community input▪ Master Plan Concept (bubble diagrams)
Mar 26	City/SAG/Portman - Internal Master Plan Review
Mar 27	City/SAG/Tishman - Internal Master Plan Review
Mar 27 eve	City Commission Workshop #2 & Public Community Meeting #3 <ul style="list-style-type: none">▪ 3D Massing diagrams
April 5	Initial LOI terms due to the Administration
April	LOI review and negotiations
April 26	Final Masterplan deliverables and LOI due
May 8 eve	Public Community Meeting #4 <ul style="list-style-type: none">▪ Complete Master Plans
May 15	City Commission Workshop #3 - (opportunity #5 for public participation) <ul style="list-style-type: none">▪ Complete Master Plans▪ Proposed LOI Terms
Jun 5	City Commission Meeting

Strategic Advisory Group

- Selection of the Final Proposer based on LOIs and Master Plans

Jun/July Term Sheet negotiations with selected team

July 17 City Commission Meeting

- Final negotiated Term Sheets presented to City Commission

EXHIBIT 2

STRATEGIC ADVISORY GROUP - HOURS

	Sachs	Reifert	TOTAL	FEES
Billing Rate Per Hour	\$ 325	\$ 250		
JANUARY 2013 - JUNE 2013				
Project Oversight	30	20	50	\$ 14,750
Commissioner Meetings	35	0	35	\$ 11,375
Managing & Maintaining the Schedule	25	20	45	\$ 13,125
Preparing Agendas and Facilitating Project Meetings	10	10	20	\$ 5,750
Participating in Public Forums and Commission Meetings	32	16	48	\$ 14,400
Drafting and Reviewing Written Correspondence Related to the Project	20	10	30	\$ 9,000
Preparing Presentation Materials	20	30	50	\$ 14,000
Facilitating Developer Discussions	40	10	50	\$ 15,500
Participating in Design Review Meetings	30	30	60	\$ 17,250
Answering Developer Questions	20	15	35	\$ 10,250
Drafting the LOI Template	30	10	40	\$ 12,250
Economic Impact	10	35	45	\$ 12,000
Netotiating the LOI	60	15	75	\$ 23,250
Fees Subtotal	362	221	583	\$ 172,900
Travel Expense Allowance (15%)				\$ 25,935
TOTAL FEES JAN 2013 - JUNE 2013				\$ 198,835
Average Fee over 6 months (\$198,835 / 6 mons)	\$ 33,139			
JULY 2013 - JUNE 2014				
Commission Meetings	50	0	50	\$ 16,250
Assist with Referendum Issues	60	0	60	\$ 19,500
Review and Comment on Legal Docs	180	0	180	\$ 58,500
Fees Subtotal				\$ 94,250
Travel Expenses Allowance (15%)				\$ 14,138
TOTAL FEES JULY 2013 - JUNE 2014				\$ 108,388
Total (January 2013 - June 2014)				\$ 307,223
January and February 2013 Fees (previously approved by Commission based on \$33,139/month)				\$ (66,278)
Balance of Fees				\$ 240,945

RESOLUTION TO BE SUBMITTED

Condensed Title:

A Resolution of the Mayor and City Commission of the City of Miami Beach, Florida, Adopting the Second Amendment to the Capital Budget for Fiscal Year 2012/13.

Key Intended Outcome Supported:

1. **Venetian Islands** – Ensure Value and Timely Delivery of Quality Capital Projects; Maintain City's Infrastructure; Maintain Miami Beach Public Areas and Rights of Way Citywide; and Improve Storm Drainage Citywide
2. **Property Management Facility** – Ensure Value and Timely Delivery of Quality Capital Projects and Ensure Well-Maintained Facilities
3. **South Pointe Park Remediation** – Ensure Value and Timely Delivery of Quality Capital Projects; Ensure Well-Maintained Facilities; and Increase Satisfaction with Family Recreational Activities

Supporting Data (Surveys, Environmental Scan, etc.): N/A

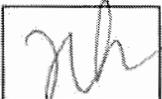
Item Summary/Recommendation:

1. **Venetian Islands:** The Scope of Work for this project includes site preparation; earthwork; demolition; storm drainage; roadway reconstruction; concrete valley gutters; walkway paving and grading; water main and street lighting on the islands of San Marino, Di Lido, and Rivo Alto. The project was competitively bid and the Administrative Review Panel interviewed the responsive companies. The Panel recommended the lowest bidder; however, the lowest base bid is 12 percent higher than the original estimated (\$1,360,980). Additional funding is also needed for two items that were not included in the original scope and are recommended this time as further explained in the separate agenda item: A1 Full road reconstruction (\$339,228) and A3 (Trenchless sanitary sewer rehabilitation (\$300,800). The total additional funds are \$2,001,008 and will be funded from a) \$997,946 – Stormwater Line of Credit; b) \$262,000 Water & Sewer GBL Series 2006; and c) \$741,062 Water & Sewer GBL Series 2000.
2. **Property Management Facility:** Originally planned in 2008, the project is to construct an approximately 23,000 square feet of building space for a total cost of \$3.8 million. The purpose of this project is to remove the Property Management facility from Flamingo Park, thereby freeing up space in the park as part of the Flamingo Park Master Plan. Additional funds (\$600,000) are needed to address increased construction costs. The funds are from the Capital Reserve, which was established in FY 2005/06 as part of the City's financial goal to provide contingency funding so that projects where bids were higher than budgeted did not have to be delayed.
3. **South Pointe Park Remediation:** The remediation project includes installation of topsoil and sod at various locations throughout the park, as well as modifications to the Washington Avenue entrance fountain, that may be required in order to satisfy regulatory agency interpretation of permitting requirements. The City is in ongoing litigation to recover any added costs resulting from design-related issues. The total project adopted to date in the amount of \$32.9 million includes funding for both remediation as well as legal fees and professional services related to the ongoing litigation. Professional legal and forensic architectural services totaling \$800,000 will be funded from the Miami Dade County Interlocal Agreement for South Pointe capital projects to support the ongoing litigation through September 30, 2014.

THE ADMINISTRATION RECOMMENDS THAT THE MAYOR AND CITY COMMISSION ADOPT THE RESOLUTION ADOPTING THE SECOND AMENDMENT TO THE CAPITAL BUDGET FOR FISCAL YEAR 2012/13.

Advisory Board Recommendation:

Financial Information:

Source of Funds:		Amount	Account
 OBPI	1	997,946	Revenue 429-8000-389100 Expense 429-2127-069300
		262,000	Revenue 423-8000-389100 Expense 423-2127-069300
		741,062	Revenue 424-8000-389100 Expense 424-2127-069300
	2	600,000	Revenue 304-8000-389100 Expense 304-2314-069357
	3	800,000	Revenue 388-8000-389100 Expense 388-2943-000312
	Total	\$3,401,008	

Financial Impact Summary:

City Clerk's Office Legislative Tracking:

Sign-Offs:

Department Director	Assistant City Manager	City Manager
		





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: March 13, 2013

SUBJECT: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ADOPTING THE SECOND AMENDMENT TO THE CAPITAL BUDGET FOR FISCAL YEAR 2012/13.**

ADMINISTRATION RECOMMENDATION

Adopt the Resolution.

BACKGROUND

Planning for capital improvements is an ongoing process; as needs change within the City, capital programs and priorities must be adjusted. The Capital Improvement Plan ("CIP") serves as the primary planning tool for systematically identifying, prioritizing and assigning funds to critical City capital development, improvements and associated needs.

The City's capital improvement plan process begins in the spring when all departments are asked to prepare capital improvement updates and requests on the department's ongoing and proposed capital projects. Individual departments prepare submittals identifying potential funding sources and requesting commitment of funds for their respective projects.

The CIP is updated annually and submitted to the City Commission for adoption. The 2012/13 – 2016/17 Capital Improvement Plan and FY 2012/13 Capital Budget were adopted on September 27, 2012, by resolution 2012-28017. Section 166.241(4)(c.), Florida Statutes, requires that a municipality's budget amendment must be adopted in the same manner as the original budget. The first amendment to the FY 2012/13 budget was adopted on January 16, 2013, by resolution 2013-28116. Administration recommends adopting the resolution for the second amendment to the FY 2012/13 Capital Budget.

SECOND AMENDMENT TO THE FY 2012/13 CAPITAL BUDGET

The second amendment to the FY 2012/13 Capital Budget totals \$3,401,008 and provides additional funding to the following three capital projects.

1. **Venetian Islands:** The Scope of Work for this project includes site preparation; earthwork; demolition; storm drainage; roadway reconstruction; concrete valley gutters; walkway paving and grading; water main and street lighting on the islands of San

Marino, Di Lido, and Rivo Alto. The project was competitively bid and the Administrative Review Panel interviewed the responsive companies. The Panel recommended the lowest bidder; however, the lowest base bid is 12 percent higher than the original estimated (\$1,360,980). Additional funding is also needed for two items that were not included in the original scope and are recommended this time as further explained in the separate agenda item: A1 Full road reconstruction (\$339,228) and A3 (Trenchless sanitary sewer rehabilitation (\$300,800). The total additional funds are \$2,001,008 and will be funded from a) \$997,946 – Stormwater Line of Credit; b) \$262,000 Water & Sewer GBL Series 2006; and c) \$741,062 Water & Sewer GBL Series 2000.

Prior Years' Appropriations	\$14,715,427
March 13, 2013 Budget Amendment	2,001,008
Proposed Total Appropriations	\$16,716,435

- Property Management Facility:** Originally planned in 2008, the project is to construct an approximately 23,000 square feet of building space for a total cost of \$3.8 million. The purpose of this project is to remove the Property Management facility from Flamingo Park, thereby freeing up space in the park as part of the Flamingo Park Master Plan. Additional funds (\$600,000) are needed to address increased construction costs. The funds are from the Capital Reserve, which was established in FY 2005/06 as part of the City's financial goal to provide contingency funding so that projects where bids were higher than budgeted did not have to be delayed.

Prior Years' Appropriations	\$5,776,577
March 13, 2013 Budget Amendment	600,000
Proposed Total Appropriations	\$6,376,577

- South Pointe Park Remediation:** The remediation project includes installation of topsoil and sod at various locations throughout the park, as well as modifications to the Washington Avenue entrance fountain; that may be required in order to satisfy regulatory agency interpretation of permitting requirements. The City is in ongoing litigation to recover any added costs resulting from design-related issues. The total project adopted to date in the amount of \$32.9 million includes funding for both remediation as well as legal fees and professional services related to the ongoing litigation. Professional legal and forensic architectural services totaling \$800,000 will be funded from the Miami Dade County Interlocal Agreement for South Pointe capital projects to support the ongoing litigation through September 30, 2014.

Prior Years' Appropriations	\$4,864,680
March 13, 2013 Budget Amendment	800,000
Proposed Total Appropriations	\$5,664,680

OBPI/vmk

**ATTACHMENT A
FY 2012/13 CAPITAL BUDGET
SOURCE OF FUNDS
Amended 3/13/2013**

Funding Source	Adopted 9/27/2012	Amended 1/16/2013	Amended 3/13/2013	Revised
Renewal & Replacement Fund	\$2,447,592			\$2,447,592
Concurrency Mitigation Fund	28,068			28,068
Local Option Gas Tax	371,190			371,190
W&S GBL Series 2010 Bonds	625,721			625,721
Water & Sewer Bonds 2000S	542,735			542,735
Information & Communications Technology Fund	369,940			369,940
South Pointe Capital	7,750,153		800,000	8,550,153
Pay-As-You-Go	2,625,823			2,625,823
RDA – Anchor Garage Fund	539,660			539,660
MDC CDT Interlocal-CDT/Resort Tax Eligible	3,984,647			3,984,647
Equipment Loan/Lease	3,914,300			3,914,300
Half Cent Transit Surtax - County	1,094,900			1,094,900
Stormwater Enterprise Fund	5,553,835	756,272		6,310,107
Stormwater LOC Reso. No 2009-27076	4,315,776		997,946	5,313,722
Stormwater Bnd Fund 431	380,906			380,906
Sanitation Enterprise Fund	90,398			90,398
Stormwater Bonds 2000S	423,963			423,963
SB Quality of Life Resort Tax Fund – 1%	975,790	16,102		991,892
MB Quality of Life Resort Tax Fund – 1%	135,767			135,767
NB Quality of Life Resort Tax Fund – 1%	(854,195)			(854,195)
Water & Sewer Enterprise Funds	7,072,889	321,766		7,394,655
Convention Center	1,935,000			1,935,000
Parking Operations Fund	2,453,180			2,453,180
Fund 467 Penn Garage	89,000			89,000
Fleet Management Fund	82,804			82,804
Gulf Breeze 2006	547,442			547,442
City Center RDA Capital Fund	14,943,000			14,943,000
Capital Reserve	268,925		600,000	868,925
Building Tech Capital Project	208,600			208,600
Fire Info. & Comm Technology Fund	17,700			17,700
Miami-Dade County Bond	3,217,000			3,217,000
Parking Impact Fees	450,000			450,000
7 th Street Garage	236,500			236,500
Florida Department of Transportation (FDOT)	0	64,185		64,185
Water & Sewer GBL Series 2006			262,000	262,000
Water & Sewer GBL Series 2000			741,062	741,062
Total Appropriation as of 3/13/2013	\$66,839,009	\$1,158,325	\$3,401,008	\$71,398,342

**ATTACHMENT B
FY 2012/13 CAPITAL BUDGET
PROGRAMS
Amended 3/13/2013**

Program Area	Adopted 9/27/2012	Amended 1/16/2013	Amended 3/13/2013	Revised
Bridges	\$513,068			\$513,068
Environmental	2,348,625	16,102		2,364,727
Parking Lots	1,688,600			1,688,600
Seawalls	1,882,662	820,457		2,703,119
Convention Center	1,935,000			1,935,000
Equipment	7,136,940			7,136,940
General Public Buildings	1,061,158		600,000	1,661,158
Golf Courses	796,168			796,168
Parking Garages	10,897,031			10,897,031
Parks	4,536,949		800,000	5,336,949
Renewal and Replacement	4,668,721			4,668,721
Street / Sidewalk / Streetscape Improvements	22,391,357	321,766	2,001,008	24,714,131
Utilities	3,784,737			3,784,737
Transit/Transportation	3,197,993			3,197,993
Total Appropriation as of 3/13/2013	\$66,839,009	\$1,158,325	\$3,401,008	\$71,398,342

**ATTACHMENT C
CAPITAL BUDGET
PROJECTS
Amended March 13, 2013**

Capital Project Name	Current Capital Budget	Amended 1/16/2013	Amended 3/13/2013	Revised Capital Budget
Venetian Neigh - Venetian Islands	\$14,715,427	\$0	\$2,001,008	\$16,716,435
Property Management Facility	5,776,577	0	600,000	6,376,577
South Pointe Park Remediation (Professional Services)	4,864,680	0	800,000	5,664,680
Total	\$25,356,684	\$0	\$3,401,008	\$28,757,692

Title: Venetian Neighborhood - Venetian Islands
Project #: rwsvenebpc
Department: CIP Office
Manager: Roberto Rodriguez
Category: cip
Domain: Street/Sidewalk/Streetscape Improvements
Location: venetian

OPERATING IMPACT		Annual Incremental Cost
Operating Categories		
Personnel		
Operating and Maintenance		
Miscellaneous		
TOTAL OPERATING COSTS		

Description: The BODR for the present project scope for San Marino, DiLido and Rivo Alto Islands was approved by the City Commission on October 15, 2003. The BODR process included a public involvement effort that was coordinated through the City's Capital improvement Project Office (CIP). The original Venetian Project scope also included Belle Isle right-of-way and park improvements; however, the project was eventually split into two packages - Bid Package 13B (Belle Isle), and Bid Package 13C (San Marino, DiLido and Rivo Alto Islands). The principal reason for the split was because: 1) Belle Isle is primarily a multi-family high-rise neighborhood and the other three islands are single-family neighborhoods; and 2) Belle Isle would receive a new drainage system, which required a separate permit by DERM, while the remaining Venetian Islands are not a priority basin and didn't require a DERM permit, only and Environmental Review of the construction documents.

Following is a general description of the Project's scope items: A) Streetscape Improvements: Previous workshops held with residents of the Islands identified a variety of items that would be desirable additions to the community streetscape, landscape, lighting and above-ground improvements. B) Water line replacements: Improvements to be implemented to be in accordance with recommendations presented in the City's Water and Sewer Master Plan prepared by Camp, Dresser and McKee (CDM). Water bond funds are utilized for water main replacement scope, including the cost of pavement restoration affected by the installation of the new water lines.

C. Stormwater enhancements: The City's Stormwater Master Plan of March 1997 prepared by CH2M Hill inc. did not recommend stormwater infrastructure improvements to the Venetian islands since they are not in a priority basin. However stormwater Bond funding will be expended on improving surface stormwater run-off through milling and resurfacing and spot drainage repairs or re-grading.

Justification: KIOs Supported: Ensure Value and Timely Delivery of Quality Capital Projects; Maintain City's Infrastructure; Maintain Miami Beach Public Areas & Rights of Way Citywide; and Improve Storm Drainage Citywide.

Project Timeline:	Description	Month/Year	Description	Month/Year
	A/E Agreement Award:	Sep-09		
	Planning Starts:		Planning Completion:	
	Design Starts:	Sep-09	Design Completion:	Jul-10
	Bid Start:	Jun-12	Bid Completion:	Dec-12
	Construction Contract Award:	Mar-13		
	Construction Starts:	May-13	Construction Completion:	Sep-14

II. Cost Summary

Cost Category	Prior Years	Appropriated October 2012	Mid-year Commission Appropriation	Total Prior Appropriation	2013/14	2014/15	2015/16	2016/17	2017/18	Beyond 2018	Total
cm376 Const. Mgmt. Fund 376	139,447	0	0	139,447	0	0	0	0	0	0	139,447
cm420 Construction Management Fund 420	256,866	0	0	256,866	0	0	0	0	0	0	256,866
cm424 Construction Management 424	141,054	0	0	141,054	0	0	0	0	0	0	141,054
cm427 Construction Management 427	125	0	0	125	0	0	0	0	0	0	125
cm428 Construction Management 428	4,314	0	0	4,314	0	0	0	0	0	0	4,314
cm431 Stormwater Bonds 2011 SeriesConstruction M.	108,404	0	0	108,404	0	0	0	0	0	0	108,404
cm427 Construction Management Fund 427	0	121,863	0	121,863	0	0	0	0	0	0	121,863
cm425 Const. Mgt. Fund 425 - Water Only	0	76,440	0	76,440	0	0	0	0	0	0	76,440
co376 Construction Fund 376	1,633,421	0	0	1,633,421	0	0	0	0	0	0	1,633,421
co384 Construction Fund 384	1,348,193	0	0	1,348,193	0	0	0	0	0	0	1,348,193
co420 Construction Fund 420	549,962	1,465,096	0	2,015,058	0	0	0	0	0	0	2,015,058
co423 Construction Fund 423	1,111,313	(962,549)	0	148,764	0	0	0	0	0	0	148,764
co424 Construction Fund 424	1,532,161	(502,547)	0	1,029,614	0	0	0	0	0	0	1,029,614
co426 Construction Fund 426	0	0	0	0	0	0	0	0	0	0	0
co427 Construction Fund 427	490	0	0	490	0	0	0	0	0	0	490
co428 Construction Fund 428	124,338	(94,413)	0	29,925	0	0	0	0	0	0	29,925
co431 Proposed Future- SW Bond Const.	1,713,664	94,413	0	1,808,077	0	0	0	0	0	0	1,808,077
co427 Construction Fund 427	0	1,357,846	0	1,357,846	0	0	0	0	0	0	1,357,846
co425 Construction Fund 425 - Sewer Only	0	272,600	0	272,600	0	0	0	0	0	0	272,600
co425 Construction Fund 425 - Water Only	0	177,675	0	177,675	0	0	0	0	0	0	177,675
costw Construction Fund Stormwater	0	0	997,946	997,946	0	0	0	0	0	0	997,946
cowtr Construction Fund Water & Sewer	0	0	1,003,062	1,003,062	0	0	0	0	0	0	1,003,062
ct420 Contingency Fund 420	111,000	210,884	0	321,884	0	0	0	0	0	0	321,884
ct423 Contingency Fund 423	210,884	(210,884)	0	0	0	0	0	0	0	0	0
ct427 Contingency Fund 427	0	0	0	0	0	0	0	0	0	0	0
ct431 Proposed Future- SW Bond Contingency	481,782	0	0	481,782	0	0	0	0	0	0	481,782
de376 Design & Engineering Fund 376	321,411	0	0	321,411	0	0	0	0	0	0	321,411

Cost Category	Prior Years	Appropriated October 2012	Mid-year Commission Appropriation	Total Prior Appropriation	2013/14	2014/15	2015/16	2016/17	2017/18	Beyond 2018	Total
de384 Design & Engineering Fund 384	97,942	0	0	97,942	0	0	0	0	0	0	97,942
de420 Design & Engineering Fund 420	0	172,292	0	172,292	0	0	0	0	0	0	172,292
de423 Design & Engineering Fund 423	880,000	(147,279)	0	732,721	0	0	0	0	0	0	732,721
de424 Design & Engineering Fund 424	340,751	(25,013)	0	315,738	0	0	0	0	0	0	315,738
de428 Design & Engineering Fund 428	326,430	(193,272)	0	133,158	0	0	0	0	0	0	133,158
de431 Design & Engineering Fund 431	0	193,272	0	193,272	0	0	0	0	0	0	193,272
de427 Design & Engineering Fund 427	0	122,000	0	122,000	0	0	0	0	0	0	122,000
pm431 Stormwater Bonds 2011 SeriesPgm. Mngmt.	955	0	0	955	0	0	0	0	0	0	955
pmw&s Proposed Future W&S Bond Pgm. Mngmt.	0	0	0	0	0	0	0	0	0	0	0
pm376 Program Management Fund 376	72,310	0	0	72,310	0	0	0	0	0	0	72,310
pm384 Program Management Fund 384	68,438	0	0	68,438	0	0	0	0	0	0	68,438
pm423 Program Management Fund 423	50,000	0	0	50,000	0	0	0	0	0	0	50,000
pm424 Program Management Fund 424	398,412	0	0	398,412	0	0	0	0	0	0	398,412
pm427 Program Management Fund 427	0	0	0	0	0	0	0	0	0	0	0
pm428 Program Management Fund 428	222,748	0	0	222,748	0	0	0	0	0	0	222,748
Total	12,587,003	2,130,436	2,001,008	16,716,435	0	0	0	0	0	2,018	16,716,435

iii. Funding Summary

(2127) nwsvenabpc - Venetian Neighborhood - Venetian Islands

Funding	Prior Years	Appropriated October 2012	Mid-year Commission Appropriation	Total Prior Appropriation	2013/14	2014/15	2015/16	2016/17	2017/18	Beyond 2018	Total
376 99 GO Bonds - Neighborhood Improvements (B)	2,506,777	0	0	2,506,777	0	0	0	0	0	0	2,506,777
384 2003 GO Bonds - Neighborhood Improvements	1,514,573	0	0	1,514,573	0	0	0	0	0	0	1,514,573
420 Water & Sewer Gulf Breeze Loan Series 2010	917,828	1,848,272	0	2,766,100	0	0	0	0	0	0	2,766,100
423 Gulf Breeze 2006	2,252,197	(1,320,712)	0	931,485	0	0	0	0	0	0	931,485
424 Water and Sewer Bonds 2000S	1,270,283	(527,560)	0	742,723	0	0	0	0	0	0	742,723
426 Water & Sewer Bonds 1995S	0	0	0	0	0	0	0	0	0	0	0
427 Stormwater Enterprise Funds	615	1,601,709	0	1,602,324	0	0	0	0	0	0	1,602,324
428 Stormwater Bonds 2000S	344,516	(287,685)	0	56,831	0	0	0	0	0	0	56,831
swi 428 Int. Storm Water Bonds	333,314	0	0	333,314	0	0	0	0	0	0	333,314
wsi Int. Water & Sewer Bonds 2000S	1,142,095	0	0	1,142,095	0	0	0	0	0	0	1,142,095
431 Proposed Future- SW Bond	2,304,805	287,685	0	2,592,490	0	0	0	0	0	0	2,592,490
425 W&S Enterprise Fund - Sewer Only	0	272,600	0	272,600	0	0	0	0	0	0	272,600
425 W&S Enterprise Fund - Water Only	0	254,115	0	254,115	0	0	0	0	0	0	254,115
costw Construction Fund Stormwater	0	0	997,946	997,946	0	0	0	0	0	0	997,946
cowtr Construction Fund Water & Sewer	0	0	1,003,062	1,003,062	0	0	0	0	0	0	1,003,062
Total Funded	12,587,003	2,128,424	2,001,008	16,716,435	0	0	0	0	0	0	16,716,435
Total Unfunded	0	2,012	0	0	0	0	0	0	0	2,018	0
Total Budget	12,587,003	2,130,436	2,001,008	16,716,435	0	0	0	0	0	2,018	16,716,435

Title: Property Management Facility
Project #: pfspropfac
Department: CIP Office
Manager: Thais Vieira
Category: cip
Domain: General Public Buildings
Location: flamingo
 Property Mgmt.

OPERATING IMPACT	
Operating Categories	Annual Incremental Cost
Personnel	
Operating and Maintenance	
Miscellaneous	
TOTAL OPERATING COSTS	

Description: Construction of a new facility for the Property Management Division. The program requirements for the new facility includes administrative offices, workshops, storage, locker rooms, lay-down area for small construction activities, loading area and parking for oversized vehicles. The relocation of the Property Management Division to a site outside of Flamingo Park has been a longstanding goal of both Flamingo neighborhood residents and the City. After completing an extensive evaluation, the Administration has made the determination to relocate the Division to the 24,000 square foot City-owned property located at 1833 Bay Rd. Additional funding is needed to address increase cost and other conditions that were not required when originally planned (prevailing wages ordinance, permit fees requirements).

Justification: KIOs Supported: Ensure Value and Timely Delivery of Quality Capital Projects and Ensure Well-Maintained Facilities.

Description	Month/Year	Description	Month/Year
A/E Agreement Award:	May-10		
Planning Starts:	Feb-11	Planning Completion:	Jun-11
Design Starts:	Jun-11	Design Completion:	Dec-12
Bid Start:	Oct-12	Bid Completion:	Dec-12
Construction Contract Award:	Jan-13		
Construction Starts:	Mar-13	Construction Completion:	Dec-13

II. Cost Summary

Cost Category	Prior Years	Appropriated	Mid-year	Total	2013/14	2014/15	2015/16	2016/17	2017/18	Beyond	Total
		October	Commission	Prior						2018	
		2012	Appropriation	Appropriation							
ap383 Art in Public Places Fund 383	52,133	0	0	52,133	0	0	0	0	0	0	52,133
ap480 Art in Public Places Fund 480	0	9,000	0	9,000	0	0	0	0	0	0	9,000
ap302 Art in Public Places Fund 302	0	2,996	0	2,996	0	0	0	0	0	0	2,996
cm383 Construction Management 383	192,202	0	0	192,202	0	0	0	0	0	0	192,202
cm480 Construction Management Fund 480	0	39,000	0	39,000	0	0	0	0	0	0	39,000
co304 Construction Fund 304	0	0	600,000	600,000	0	0	0	0	0	0	600,000
co373 Construction Fund 373	0	0	0	0	0	0	0	0	0	0	0
co382 Construction Fund 382	217,229	0	0	217,229	0	0	0	0	0	0	217,229
co383 Construction Fund 383	2,891,224	0	0	2,891,224	0	0	0	0	0	0	2,891,224
co384 Construction Fund 384	566,796	0	0	566,796	0	0	0	0	0	0	566,796
co480 Construction Fund 480	0	600,000	0	600,000	0	0	0	0	0	0	600,000
ct383 Contingency Fund 383	591,520	0	0	591,520	0	0	0	0	0	0	591,520
ct480 Contingency Fund 480	0	60,000	0	60,000	0	0	0	0	0	0	60,000
de373 Design & Engineering Fund 373	36,977	0	0	36,977	0	0	0	0	0	0	36,977
de383 Design & Engineering Fund 383	14,787	0	0	14,787	0	0	0	0	0	0	14,787
de384 Design & Engineering Fund 384	374,713	0	0	374,713	0	0	0	0	0	0	374,713
de302 Design & Engineering Fund 302	0	48,000	0	48,000	0	0	0	0	0	0	48,000
pe302 Permitting Fund 302	0	30,000	0	30,000	0	0	0	0	0	0	30,000
eq302 Equipment (FF&E) Fund 302	0	50,000	0	50,000	0	0	0	0	0	0	50,000
Total	4,937,581	838,996	600,000	6,376,577	0	0	0	0	0	0	6,376,577

III. Funding Summary

Funding	Prior Years	Appropriated	Mid-year	Total	2013/14	2014/15	2015/16	2016/17	2017/18	Beyond	Total
		October	Commission	Prior						2018	
		2012	Appropriation	Appropriation							
373 99 GO Bonds - Neighborhood Improv.	36,977	0	0	36,977	0	0	0	0	0	0	36,977
382 99 GO Bonds-Pks. & Bchs	217,229	0	0	217,229	0	0	0	0	0	0	217,229
383 2003 GO Bonds - Parks & Beaches	3,741,866	0	0	3,741,866	0	0	0	0	0	0	3,741,866
304 Capital Reserve	0	0	600,000	600,000	0	0	0	0	0	0	600,000
302 Pay As You Go	0	130,996	0	130,996	0	0	0	0	0	0	130,996
480 Parking Funds	0	708,000	0	708,000	0	0	0	0	0	0	708,000
384 2003 GO Bonds - Neighborhood Improvement	941,509	0	0	941,509	0	0	0	0	0	0	941,509
Total Funded	4,937,581	838,996	600,000	6,376,577	0	0	0	0	0	0	6,376,577
Total Unfunded	0	0	0	0	0	0	0	0	0	0	0
Total Budget	4,937,581	838,996	600,000	6,376,577	0	0	0	0	0	0	6,376,577

603

Title: South Pointe Park Remediation, Fountain Remediation and Entrance Fountain Restrooms
Project #: pkssppreme
Department: CIP Office
Manager: Aaron Sinnes
Category: cip
Domain: Parks
Location: South Beach
 Parks

OPERATING IMPACT	
Operating Categories	Annual Incremental Cost
Personnel	
Operating and Maintenance	
Miscellaneous	
TOTAL OPERATING COSTS	-

Description: The South Pointe Park project, totaling \$28.1 million, was completed in April 2009. The South Pointe Park Remediation project's scope includes installation of topsoil, remediation of sod at various locations through the park, as well as modifications to the Washington Ave. entrance fountain, that may be required in order to satisfy regulatory agency interpretation of permitting requirements. The City is in ongoing litigation to recover any added costs resulting from design-related issues. As a result of Department of Health (DOH) requirements associated with the permitting of the interactive water feature at the Washington Ave. entrance to the park, public restrooms need to be provided within the code-mandated distance of 200 Ft. of the water feature. The existing park restrooms, located within the Pavilion area of the park, are 1,200 Ft. away from the water feature. The scope of work includes the extension of existing utilities to the proposed location. The budget request includes funding for temporary restroom facilities during the design and construction phases in order to comply with DOH restroom requirements for the operation of the water feature as well as funds for professional services (legal and forensic architectural services) to identify design-related issues in support of the ongoing litigation.

Justification: KIOs Supported: Ensure Value and Timely Delivery of Quality Capital Projects, Ensure Well-Maintained Facilities and Increase Satisfaction with Family Recreational Activities.

Description	Month/Year	Description	Month/Year
A/E Agreement Award:			
Planning Starts:		Planning Completion:	
Design Starts:		Design Completion:	
Bid Start:		Bid Completion:	
Construction Contract Award:		Construction Completion:	
Construction Starts:	Sep-11	Construction Completion:	Sep-14

II. Cost Summary

(2943) pkssppreme - South Pointe Park Remediation, Fountain Remediation and Entrance Fountain Restrooms

Cost Category	Prior Years	Appropriated October 2012	Mid-year Administrative Appropriation	Total Prior Appropriation	2013/14	2014/15	2015/16	2016/17	2017/18	Beyond 2018	Total
co389 Construction Fund 389		4,214,680	0	4,214,680	0	0	0	0	0	0	4,214,680
ae389 Professional Services 389		650,000	0	650,000	0	0	0	0	0	0	650,000
ae388 Professional Services 388		0	800,000	800,000	0	0	0	0	0	0	800,000
Total		4,864,680	800,000	5,664,680	0	0	0	0	0	0	5,664,680

III. Funding Summary

(2943) pkssppreme - South Pointe Park Remediation, Fountain Remediation and Entrance Fountain Restrooms

Funding	Prior Years	Appropriated October 2012	Mid-year Administrative Appropriation	Total Prior Appropriation	2013/14	2014/15	2015/16	2016/17	2017/18	Beyond 2018	Total
388 MDC CDT Interlocal - CDT / Resort Tax		0	800,000	800,000	0	0	0	0	0	0	800,000
389 South Pointe Capital		4,864,680	0	4,864,680	0	0	0	0	0	0	4,864,680
Total Funded		4,864,680	800,000	5,664,680	0	0	0	0	0	0	5,664,680
Total Unfunded		0	0	0	0	0	0	0	0	0	0
Total Budget		4,864,680	800,000	5,664,680	0	0	0	0	0	0	5,664,680

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RESOLUTION TO BE SUBMITTED

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OFFICE OF THE CITY ATTORNEY
JOSE SMITH, CITY ATTORNEY

COMMISSION MEMORANDUM

TO: MAYOR MATTI HERRERA BOWER,
MEMBERS OF THE CITY COMMISSION
KATHIE BROOKS, INTERIM CITY MANAGER

FROM: JOSE SMITH *[Signature]*
CITY ATTORNEY

DATE: MARCH 13, 2013

SUBJECT: A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF
THE CITY OF MIAMI BEACH, FLORIDA, OPPOSING THE USE OF
PUBLIC FUNDS TO RENOVATE DOLPHIN STADIUM.

Pursuant to the request of Commissioner Ed Tobin, the attached Resolution opposing the current efforts of the Miami Dolphins and its owner, Stephen Ross, to obtain public funds to renovate Dolphin (Sun Life) Stadium is submitted for consideration by the Mayor and City Commission. This Resolution reaffirms the City Commission's position since January 13, 2010 that public funds should not be used for Dolphin Stadium renovations as set forth in Resolution No. 2010-27314.

JS/DT/mmd

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, OPPOSING THE EXPENDITURE OF ANY PUBLIC FUNDS FOR RENOVATIONS TO DOLPHIN STADIUM.

WHEREAS, the Miami Dolphins and its billionaire owner Stephen Ross are seeking public funding through increased hotel tax rates and state sales tax rebates to fund improvements and renovations to Sun Life Stadium (Dolphin Stadium); and

WHEREAS, any public funding for improvements to Dolphin Stadium would constitute an unjustifiable expenditure of public funds for private enterprise despite thinly veiled and unsubstantiated claims of a positive economic impact and increased tourism from such improvements due to the fact that Super Bowls are played in February, the height of the Greater Miami tourist season when major art festivals, food and wine events, and the Boat Show are held, and at a time when few other NFL cities can offer sunshine and beaches for which South Florida is world renowned; and

WHEREAS, while publicly going on record to confirm that the Super Bowl will be played in an open-air stadium in 2014 and stating that "the game is meant to be played in the elements," and notwithstanding \$250 million in improvements to Dolphin Stadium in 2007, NFL Commissioner Roger Goodell has stated that Dolphin Stadium needs more upgrades if South Florida is to remain competitive in bidding for future Super Bowls; and

WHEREAS, despite the lobbying efforts engaged in by the Miami Dolphins, the Miami-Dade Delegation has not given the Dolphins' proposal for public funds for the renovation of Dolphin Stadium its full endorsement and, instead, has focused on issues such as education, affordable housing, and healthcare; and

WHEREAS, based upon the foregoing, the Mayor and City Commission of the City of Miami Beach are opposed to the expenditure of any public funds for any renovations to Dolphin Stadium, and any renovations to Dolphin Stadium should be funded solely from private sources.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the use of any public funding for renovations to Dolphin Stadium is hereby opposed, and any renovations to Dolphin Stadium should be funded solely from private sources.

PASSED and ADOPTED this _____ day of _____, 2013.

ATTEST:

Rafael E. Granado, City Clerk

Matti Herrera Bower
Mayor

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

F:\ATTO\TURN\RESOS\Dolphin Stadium-opposing public funds for renovations. 2013.docx



City Attorney
3/6/13

Date

RESOLUTION NO. 2010-27314

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, OPPOSING THE EXPENDITURE OF ANY PUBLIC FUNDS FOR RENOVATIONS TO DOLPHIN STADIUM.

WHEREAS, the Mayor and City Commission of the City of Miami Beach wish to state their opposition to the expenditure of any public funds for any renovations to Dolphin Stadium, including, but not limited to, the construction of an enclosed football stadium; and

WHEREAS, any renovations to Dolphin Stadium should be funded solely from private sources.

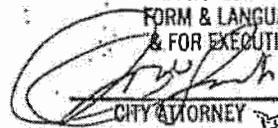
NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the use of any public funding for renovations to Dolphin Stadium is hereby opposed, and that any renovations to Dolphin Stadium should be funded solely from private sources.

PASSED and ADOPTED this 13th day of January, 2010.


MAYOR

ATTEST:


CITY CLERK

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

CITY ATTORNEY *JA* 9/30/10
DATE

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MIAMI BEACH

OFFICE OF THE MAYOR AND COMMISSION

MEMORANDUM

TO: Jorge M. Gonzalez, City Manager
FROM: Jonah Wolfson, Commissioner
DATE: November 4th, 2010
SUBJECT: Agenda Item

Please place on the November 17th, 2010, Commission meeting agenda a discussion item regarding Resolution 2010-27314 (attached) in which the City of Miami Beach Commission voted against supporting the Miami Dolphins' initiative to get public funding for their stadium.

The purpose of this referral is to ensure the Commission's Resolution referred to above is maintained in full force and effect.

If you have any questions, please contact Leonor Hernandez at extension 6437.

JW/lh

We are committed to providing excellent public service and safety to all who live, work, and play in our city.

Agenda Item R 9 C
Date 12-8-10

R9B2 Dr. Stanley Sutnick Citizen's Forum. (5:30 p.m.)

ACTION: Meeting adjourned before this item was reached.

12:46:01 p.m.

R9C Discussion Regarding Resolution No. 2010-27314, In Which The City Commission Voted Against Supporting The Miami Dolphins' Initiative To Get Public Funding For Their Stadium.

(Requested by Commissioner Jonah Wolfson)

(Deferred from November 17, 2010)

ACTION: Discussion held.

Commissioner Wolfson read a previous resolution [2010-27314] that stated that any funding for the stadium should be from private funding. He wants to see if this Commission stands where they stood before and asked if anybody has had a change of heart. He added that anybody representing this City at other places give the message that this is where this Commission stands.

12:49:21 p.m.

R9D A Discussion Of A Proposed Land Exchange And Development Agreement Among Miami-Dade County, The City Of Miami Beach And South Beach Heights II, Involving The Properties At 615 Collins Avenue (P.E.T. Center), 710-720 Alton Road (Miami Beach Community Health Center), And 725-745 Alton Road (Vacant Private Land).

(Economic Development)

ACTION: Discussion held. Item referred. Motion made by Commissioner Exposito; seconded by Vice-Mayor Góngora to refer the item to the Finance and Citywide Projects Committee; Voice vote: 7-0. Patricia Walker to place on the committee agenda. Kevin Crowder to handle.

Jorge Gonzalez, City Manager, explained that discussions have been held with the developer, Mr. Galbut, for the development on the corner of Alton and 5th Street, and included in his conversations is the concept of a possible swap of property that addresses three parcels, the currently occupied Miami Beach Health Center parcel, a second parcel owned by the developer across the street and a third parcel owned by the City but encumbered by a long term lease by Miami-Dade County on Collins and 6th Street. As it relates to potential swapping of the parcels, (consolidating what is the Prevention Education and Treatment Center or PET Center and the Miami Beach Health Center onto one site on the East side of Alton Road in exchange for the sale and transfer of ownership interest on the Collins site and the site west of Alton) is in discussion among multiple parties. The developer has expressed a desire to move forward on the component of the transfer, and his advice continues to be that that is one piece of a larger puzzle that is being contemplated, and he recommends the Commission not act on this yet, and instead, hold out to see the larger picture of what the developer is proposing on the west side of Alton. The developer came in front of the Commission regarding zoning component, and there is a second reading to be scheduled on that zoning. The developer was requested to provide at the second reading proposed drawing or renderings on what is being proposed at the site. The Administration is also concerned with the traffic impact from a 400,000 square foot retail center on that corner will bring as this is the single main entry point to Miami Beach.

The developer would like to know if he designs the project with the parcel in or with the parcel out. This item is here for discussion and guidance. If in fact there is a land transfer subject to the new restrictions in the Charter, it will take an extraordinary supermajority vote of the Commission (6/7) in order to pass.

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R7 - Resolutions

R7K A Resolution Accepting The Neighborhood/Community Affairs Committee Recommendation Regarding The Relocation Of The Property Management Facility From The Sunset Harbour Neighborhood.

(Public Works)

(Memorandum & Resolution to be Submitted in Supplemental)

Agenda Item R7K
Date 3-13-13

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Condensed Title:

A Resolution approving the recommendation of the Finance and Citywide Projects Committee pertaining to a proposed Amendment No. 3 to that certain Retail Lease Agreement by and between the City of Miami Beach, the Miami Beach Redevelopment Agency, and Penn 17, LLC. (Lessee), dated September 16, 2011, involving the lease of approximately 7,655 square feet of ground floor retail space at the Pennsylvania Avenue Garage, 1661 Pennsylvania Avenue, Miami Beach, Florida; recommending that, as part of said Amendment, the Mayor and City Commission approve the following amended schedule of rent: 1) applying one third (1/3) of the Lessee's security deposit in the amount of \$47,844 towards back-due rent amounts owed for the month of November, 2012; 2) deferring of \$8,474 for Common Area Maintenance (CAM) for November, 2012, and Base Rent, plus CAM, for December, 2012, in the amount of \$64,792 (Back-Due Rent); 3) approving an abatement of fifty percent (50%) of the Base Rent and Common Area Maintenance (CAM) for the six-month period commencing January 13 through July 12, 2013; 4) deferring fifty percent (50%) of the Base Rent and CAM for the six-month period commencing July 13 through January 12, 2014; and 5) providing for re-payment by Lessee of the one-third security deposit and Back-Due Rent for November and December, 2012, in the manner outlined in Schedule "A" attached to the Resolution; further setting a Public Hearing for April 17, 2013, regarding Lessee's proposal to add an entertainment component to the use, as required by Section 142-362 of the City Code.

Key Intended Outcome Supported:

Increase resident satisfaction with the level of services and facilities.

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

Approximately 40% of retail businesses surveyed, rank Miami Beach as one of the best places to do business and 61% of the same group would recommend Miami Beach as a place to do business.

Issue:

Shall the City Commission authorize the Administration to finalize for execution Amendment No. 3 to the Lease Agreement?

Item Summary/Recommendation:

The Tenant is requesting rent relief in connection with operational complications resulting from the failure of its air conditioning system. The Tenant alleges that the current location of its air conditioning compressors located between the first and second floor of the garage alongside the entrance ramp, is inadequate to support the size units required to cool a restaurant operation of the scale involved in Cooper Avenue. As a solution, Tenant seeks to relocate all eight compressors to the roof of the garage, (which relocation, if accomplished, will occupy five roof-top parking spaces). On December 20, 2012, and January 24, 2013, the Finance & Citywide Projects Committee (FCWPC) considered proposed terms and conditions for restructuring the Tenant's rent payments. The FCWPC expressed support for providing some level of relief to the Tenant, but not at the risk of turning the City's position upside down and subject to the inclusion of specific release language absolving the City of any liability regarding Tenant's cost overruns and claims related to loss of business. The FCWPC further recommended in favor of modifying the Lessee's rent schedule as delineated in the above title section. Additionally, the Tenant has provided the Administration with a preliminary business plan which proposes that the restaurant, when re-opened by July 2013, will house three individual concepts: an anchor restaurant facing 17th Street, involving the Tenant's relocation of its Bond Street Restaurant; a celebrity chef late-night fast casual eatery in the center section of the space, and a lounge/bar in the existing bar area (The lounge bar). Since the lounge bar is being proposed to include entertainment, which is not a permitted use in the CCC civic and convention center district, a public hearing is required under Section 142-362 of the City Code to approve such use. Considering that Penn 17, LLC has paid 50% of the January and February 2013 Base Rent and CAM, and given the length of time required to re-lease the space to a new tenant, the Administration recommends that the City Commission accept the recommendation of the FCWPC pertaining to the amended rent schedule in the manner outlined on the schedule attached as Exhibit "A" hereto, and further setting a public hearing for April 17, 2013, regarding Lessee's proposal to add an entertainment component to the use, as required by Section 142-362 of the City Code.

Advisory Board Recommendation:

Finance & Citywide Projects Committee approved on January 24, 2013

Financial Information:

Source of Funds:	Amount	Account
1		

Financial Impact Summary:

City Clerk's Office Legislative Tracking:

Anna Parekh, ext. 6471

Sign-Offs:

RHCD Director AP	Acting Assistant City Manager MAS	Interim City Manager KGB
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KGB/MAS/AP//KOB



COMMISSION MEMORANDUM

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

FROM: Kathie G. Brooks, Interim City Manager

DATE: March 13, 2013

SUBJECT: A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ACCEPTING THE RECOMMENDATION OF THE CITY'S FINANCE AND CITYWIDE PROJECTS COMMITTEE PERTAINING TO A PROPOSED AMENDMENT NO. 3 TO THAT CERTAIN RETAIL LEASE AGREEMENT BY AND BETWEEN THE CITY OF MIAMI BEACH, THE MIAMI BEACH REDEVELOPMENT AGENCY, (COLLECTIVELY, LESSOR) AND PENN 17, LLC (LESSEE), DATED SEPTEMBER 16, 2011, INVOLVING THE LEASE OF APPROXIMATELY 7,655 SQUARE FEET OF GROUND FLOOR RETAIL SPACE AT THE PENNSYLVANIA AVENUE GARAGE, 1661 PENNSYLVANIA AVENUE, MIAMI BEACH, FLORIDA; RECOMMENDING THAT, AS PART OF SAID AMENDMENT, THE MAYOR AND CITY COMMISSION APPROVE THE FOLLOWING AMENDED SCHEDULE OF RENT: 1) APPLYING ONE THIRD (1/3) OF THE LESSEE'S EXISTING SECURITY DEPOSIT, REPRESENTING \$47,844, TOWARD BASE RENT OWED FOR THE MONTH OF NOVEMBER 2012; 2) DEFERRING \$8,474 FOR COMMON AREA MAINTENANCE (CAM) FOR NOVEMBER 2012, AND BASE RENT, PLUS CAM, FOR DECEMBER 2012, IN THE TOTAL AMOUNT OF \$64,792 (HEREINAFTER REFERRED TO AS THE BACK-DUE RENT); 3) APPROVING AN ABATEMENT OF FIFTY PERCENT (50%) OF THE BASE RENT AND CAM DUE FOR THE SIX (6) MONTH PERIOD COMMENCING JANUARY 13, 2013 THROUGH JULY 12, 2013; 4) DEFERRING FIFTY PERCENT (50%) OF THE BASE RENT AND CAM FOR THE SIX (6) MONTH PERIOD COMMENCING JULY 13, 2013 THROUGH JANUARY 12, 2014; AND, 5) PROVIDING FOR RE-PAYMENT BY LESSEE OF THE ONE THIRD SECURITY DEPOSIT AND RE-PAYMENT OF THE BACK-DUE RENT FOR NOVEMBER AND DECEMBER, 2012; ALL IN ACCORDANCE WITH THE PAYMENT SCHEDULE ATTACHED AS EXHIBIT "A" HERETO; FURTHER SETTING OF A PUBLIC HEARING BY THE CITY FOR APRIL 17, 2013, REGARDING LESSEE'S PROPOSAL TO ADD AN ENTERTAINMENT COMPONENT AS A NEW PROPOSED USE ON THE LEASE PREMISES (AND AS PART OF LESSEE'S PROPOSAL TO "RE-BRAND" AND RE-OPEN THE PREMISES), AND AS REQUIRED BY SECTION 142-362 OF THE CITY CODE.

ADMINISTRATION RECOMMENDATION

Adopt the Resolution.

BACKGROUND

On April 13, 2011, the Mayor and City Commission adopted 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 RDA (collectively, the Lessor) and Penn 17, LLC. (Lessee or Tenant), 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 space currently houses the former Cooper Avenue Restaurant, which has been closed since December 17, 2012.

On November 15, 2012, the City issued a letter putting the Tenant on notice of certain compliance-related issues, including non-payment of rent for the months of October and November.

On November 21, 2012, the City received a letter in response to its 11/15/12 letter from Tenant's legal counsel, Jeffrey Rynor, requesting rent relief in connection with operational complications resulting from the failure of the air conditioning system on the Leased Premises. The Tenant alleged that the current location of the air conditioning compressors, located between the first and second floor of the garage alongside the entrance ramp, was inadequate to support the size units required to cool a restaurant operation of the scale involved in Cooper Avenue. As a solution, Tenant requested to relocating all eight compressors to the roof of the garage, (which relocation, if accomplished, will occupy five roof-top parking spaces).

On December 12, 2012, the City Commission referred the Tenant's request to the City's Finance and Citywide Projects Committee (FCWPC) for discussion, subject to the Tenant remitting all outstanding rent amounts due for October, November and December. Subsequent to the City Commission meeting, the Tenant informed staff that it wasn't in a position to remit rent for the three-month period, and instead remitted a wire transfer for the October, 2012 rent.

On December 17, 2012, the Tenant informed staff that it had closed Cooper Avenue Restaurant, with the intent of re-opening in February, 2012 under a new name and concept.

ANALYSIS

The issue was addressed at the December 20, 2012 FCWPC, during which the Tenant presented its request to reduce its rent payments by 50% over the next twelve (12) months; apply two months of the three-month security deposit it had paid at Lease execution towards the back rent due for November and December's rent; and have the City share in the cost of relocating the compressors to the roof of the garage, (the cost of which was estimated to be approximately \$65,000). The Tenant also indicated that it would prefer to address the relocation of the compressors as well as the kitchen exhaust venting (as was requested by the New World Symphony) at the same time and under one engineering contract.

The FCWPC was in favor of entertaining a deferral of the Tenant's rent, but for period of less than twelve months. It was not in favor of a rent abatement or on relinquishing a portion of the requested security deposit, unless the Tenant could provide a Letter of Credit or performance bond. The FCWPC directed staff to negotiate terms for a rent deferral to present to the City Commission, and to also incorporate release language absolving the City of any liability with regards to any claims made by the Tenant concerning construction delays and/or issues concerning the relocation of the HVAC compressors, as well as the kitchen exhaust venting. The FCWPC also recommended staving off further legal action, including proceeding to default the Tenant under the Lease and commencing eviction proceedings, pending the outcome of negotiations. The Tenant was also asked to provide an estimated time frame for re-opening the restaurant.

On January 2nd, staff proposed the following rent payment plan:

- November and December 2012 rent payments be deferred until year three of the Lease;
- commencing on January 14, 2013 and through June 14, 2013, City will abate 50% of rents due. This results in a rent abatement equivalent to three full month's rent;

- in the meantime, all outstanding sidewalk café fees, concurrency fees, and Resort Tax fees, will be due and payable by January 8, 2013;
- Tenant was informed that due dates for the initial payments were important because the January 16th City Commission agenda would be printed on January 9th and, in an effort to demonstrate good faith, the City should receive the outstanding sidewalk café, concurrency, and Resort Tax fees by January 8th. Tenant was further informed that the first 50% rent payment must be received timely on January 14th so that the City Commission can be informed on January 16th when the matter is discussed.

On January 3rd, Tenant rejected the above-stated proposal, stating that it had shown good faith by paying October rent, and counter-proposed the following:

- reduce the security deposit by two months due to the major improvements made and the value it has contributed to the building, and in light of the high rent for the space;
- as to concurrency fees, Tenant requested that amounts paid to date remain on account pending a revision of the concept;
- as to the rent for 2013, the Tenant wished to pay 50% for 12 months at 50%, however, "for the sake of finding a fast and manageable solution it would accept the following:
 - first 6 months at 50% and the balance is permanently abated;
 - second 6 months are also billed at 50% but the balance gets paid over year 5-6 as rent additions, so the balance of 180K gets paid over 24 months, at approximately \$7500 per month."

After further negotiations, on January 9th, staff proposed:

- applying fifty percent (50%) of the security deposit, in the amount of \$71,765 towards back-due rent amounts owed for November and December 2012, totaling \$112,635; leaving a balance of \$40,870 (Back Rent) to be repaid in six (6) equal monthly installments commencing on July 13, 2013 and ending on January 14, 2014;
- granting an abatement of fifty percent (50%) of the Base Rent and Common Area Maintenance (CAM) due for the six (6) month period commencing January 13, 2013 through July 12, 2013;
- reimbursement of that portion of the security deposit applied to the Back Rent, in the amount of \$71,765, to be repaid in twelve (12) equal monthly installments commencing in the fifth year of the Lease Term and ending on the last day of the fifth year of the Lease Term;
- granting a deferral of fifty percent (50%) of the Base Rent and CAM for the six (6) month period, commencing July 13, 2013 through January 14, 2014 ("Deferral Period"), to be repaid by the Tenant in twenty four (24) equal monthly installments, commencing in the sixth year of the Lease Term and ending on the last day of the seventh year of the Lease Term .

It should be noted that the repayment provisions proposed by staff for the replenishment of the security deposit and the deferred rent were structured in a manner to mitigate any overlap in the Tenant's pre-existing obligation to begin repaying the two-month rent deferral granted as part of Amendment No. 2 to the Lease Agreement, which becomes effective commencing in Year 3 of the Lease.

The Tenant responded to the January 9th proposal by saying that "what we truly need is to start the repayment schedule in 2014 and concentrate on building the business in 2013." During further discussions, the Tenant expressed:

- that given the fact that it doesn't anticipate being back in operation and generating cash flow until at least mid-2013, a nine (9)-month abatement of its rent be granted, from January until September, 2013;
- remittance of the balance of the Back Rent owed, commencing in January, 2014.

Given the impasse on the negotiations, the Administration was unable to present a recommendation to the City Commission, and instead reported back to the FCWPC on January 24, 2013, to request further direction on how to proceed. It should be noted that ahead of the meeting, on January 16, 2013, staff sent a letter to the Tenant, demanding payment of outstanding Resort Tax, in the amount of \$9,295.43 (based on the Tenant's own reconciliation dated January 8, 2013), as well as half of January's rent, in the amount of \$28,158.87, plus applicable sales tax, as a condition precedent to the matter being re-discussed at FCWPC on January 24, 2013. On January 18, 2013, Tenant hand-delivered two checks: one in the amount of \$9,295.43 representing payment of the outstanding Resort Tax; and one in the amount of \$30,003.20 representing 50% of the January rent plus sales tax.

The FCWPC expressed support for providing some level of relief to the Tenant, but not at the risk of turning the City's position upside down. The FCWPC was against allocating 50% of the security deposit toward the outstanding rent due for November and December, 2012, and instead only recommended releasing one-third of the security deposit, in the amount of \$47,844, leaving a balance of \$64,791, to be repaid commencing in January, 2014 (as requested by the Tenant). The FCWPC further recommended in favor of the terms, as proposed by staff, including:

- 1) applying one-third (1/3) of the Lessee's existing security deposit, representing \$47,844, towards Base Rent owed for the month of November, 2012;
- 2) deferring \$8,474 for Common Area Maintenance (CAM) for November, 2012, and Base Rent plus CAM for December 2012, in the total amount of \$64,792 (Back-Due Rent);
- 3) granting an abatement of 50% of the base rent and Common Area Maintenance (CAM) due for the six (6) month period commencing January 13, 2013 through July 12, 2013;
- 4) granting a deferral of fifty percent (50%) of the Base Rent and CAM for the six (6) month period, commencing July 13, 2013 through January 14, 2014 ("Deferral Period"), to be repaid by the Tenant in twenty four (24) equal monthly installments, commencing in the sixth year of the Lease Term and ending on the last day of the seventh year of the Lease Term;
- 5) reimbursement of the security deposit amount applied to back rent in the amount of \$47,844, to be repaid in twelve (12) equal monthly installments commencing in the fifth year of the Lease Term and ending on the last day of the fifth year of the Lease Term

A schedule reflecting the revised rent schedule, as proposed, is included as Exhibit "A" to this memorandum. Tenant has paid 50% of the January and February 2013 Base Rent and CAM.

The FCWPC again insisted that any agreement with the Tenant be subject to the inclusion of release language absolving the City of any liability. Commissioners Weithorn and Exposito voted in favor of the recommendation, while Commissioner Libbin withheld voting in favor of the recommendation until such time that the Tenant was able to provide a business plan for the re-opening of the restaurant.

In the meantime, the Tenant is working on addressing final comments from the Building Department to obtain approval of its plans to relocate the air conditioning units, which it hopes to be able to coordinate in conjunction with the reconfiguration and relocation of the kitchen exhaust.

At the request of the FCWPC, Tenant has provided the Administration with a preliminary business plan which proposes that the Leased Premises, when re-opened by July 2013, will house three individual concepts: an anchor restaurant facing 17th Street, involving the Tenant's relocation of its Bond Street Restaurant; a celebrity chef late-night fast casual eatery in the center section of the space; and a lounge/bar in the existing bar area. Since the lounge/bar component is being proposed to include entertainment, which is not listed main permitted use in the Civic and Convention Center (CCC) zoning district, a public hearing is required under Section 142-362 of the City Code to approve such use.

The Administration has reviewed and analyzed the business plan provided by Penn 17, LLC and based on experience with other restaurant operations in the City and, the tenant's prior experience with Cooper Avenue, believe the revenue projections may be optimistic.

CONCLUSION AND RECOMMENDATION

Considering that Penn 17, LLC has paid 50% of the January and February 2013 Base Rent and CAM, and given the length of time required to re-lease the space to a new tenant, the Administration recommends that the City Commission accept the recommendation of the FCWPC pertaining to the amended rent schedule (in the manner outlined on the schedule attached as Exhibit "A" hereto), and further set a public hearing for April 17, 2013, regarding Lessee's proposal to add an entertainment component to the Leased Premises, and as required by Section 142-362 of the City Code. The Administration will also continue to closely monitor the lease

KGB\MS\AP\KOB
Attachments

T:\AGENDA\2013\March 13\Penn 17 Retail Lease CMB MEM.doc

EXHIBIT A

NOTES:

- (1) Repayment of remaining Nov/Dec 2012 balance (\$64,791)
- (2) Repayment of July 2012 and August 2012 rent (\$95,688.00) per Second Amendment
- (3) Repayment of security deposit (\$47,844)
- (4) Repayment of July 2013 through December 2013 deferred rent (\$171,106.23)

Penn 17, LLC Rent Schedule

Lease Commencement: October 13, 2011

Rent Commencement: April 14, 2012

Lease Year: 2		Base Rent	Repayment	CAM	Rent		Current	Proposed
					Abatement	Deferment	Total Monthly Payment	Total Monthly Payment
01/13/13	\$	47,843.75	\$ -	\$ 8,474.00	\$ (28,158.88)	\$ -	\$ 56,317.75	\$ 28,158.87
02/13/13	\$	47,843.75	\$ -	\$ 8,474.00	\$ (28,158.88)	\$ -	\$ 56,317.75	\$ 28,158.87
03/13/13	\$	47,843.75	\$ -	\$ 8,474.00	\$ (28,158.88)	\$ -	\$ 56,317.75	\$ 28,158.87
04/13/13	\$	47,843.75	\$ -	\$ 8,474.00	\$ (28,158.88)	\$ -	\$ 56,317.75	\$ 28,158.87
05/13/13	\$	47,843.75	\$ -	\$ 8,474.00	\$ (28,158.88)	\$ -	\$ 56,317.75	\$ 28,158.87
06/13/13	\$	47,843.75	\$ -	\$ 8,474.00	\$ (28,158.88)	\$ -	\$ 56,317.75	\$ 28,158.87
07/13/13	\$	47,843.75	\$ -	\$ 8,474.00	\$ -	\$ (28,158.88)	\$ 56,317.75	\$ 28,158.87
08/13/13	\$	47,843.75	\$ -	\$ 8,474.00	\$ -	\$ (28,158.88)	\$ 56,317.75	\$ 28,158.87
09/13/13	\$	47,843.75	\$ -	\$ 8,474.00	\$ -	\$ (28,158.88)	\$ 56,317.75	\$ 28,158.87
Total:	\$	430,593.75	\$ -	\$ 76,266.00	\$ (168,953.28)	\$ (84,476.64)	\$ 506,859.75	\$ 253,429.83

Lease Year: 3		Base Rent	Repayment (1 and 2)	CAM	Rent		Current	Proposed
					Abatement	Deferment	Total Monthly Payment	Total Monthly Payment
10/13/13	\$	49,279.06	\$ 2,658.00	\$ 8,474.00	\$ -	\$ (28,876.53)	\$ 60,411.06	\$ 31,534.53
11/13/13	\$	49,279.06	\$ 2,658.00	\$ 8,474.00	\$ -	\$ (28,876.53)	\$ 60,411.06	\$ 31,534.53
12/13/13	\$	49,279.06	\$ 2,658.00	\$ 8,474.00	\$ -	\$ (28,876.53)	\$ 60,411.06	\$ 31,534.53
01/13/14	\$	49,279.06	\$ 8,057.00	\$ 8,474.00	\$ -	\$ -	\$ 65,810.06	\$ 65,810.06
02/13/14	\$	49,279.06	\$ 8,057.00	\$ 8,474.00	\$ -	\$ -	\$ 65,810.06	\$ 65,810.06
03/13/14	\$	49,279.06	\$ 8,057.00	\$ 8,474.00	\$ -	\$ -	\$ 65,810.06	\$ 65,810.06
04/13/14	\$	49,279.06	\$ 8,057.00	\$ 8,474.00	\$ -	\$ -	\$ 65,810.06	\$ 65,810.06
05/13/14	\$	49,279.06	\$ 8,057.00	\$ 8,474.00	\$ -	\$ -	\$ 65,810.06	\$ 65,810.06
06/13/14	\$	49,279.06	\$ 8,057.00	\$ 8,474.00	\$ -	\$ -	\$ 65,810.06	\$ 65,810.06
07/13/14	\$	49,279.06	\$ 8,057.00	\$ 8,474.00	\$ -	\$ -	\$ 65,810.06	\$ 65,810.06
08/13/14	\$	49,279.06	\$ 8,057.00	\$ 8,474.00	\$ -	\$ -	\$ 65,810.06	\$ 65,810.06
09/13/14	\$	49,279.06	\$ 8,057.00	\$ 8,474.00	\$ -	\$ -	\$ 65,810.06	\$ 65,810.06
Total:	\$	591,348.72	\$ 80,487.00	\$ 101,688.00	\$ -	\$ (86,629.59)	\$ 773,523.72	\$ 686,894.13

Lease Year: 4		Base Rent	Repayment (1 and 2)	CAM	Rent		Current	Proposed
					Abatement	Deferment	Total Monthly Payment	Total Monthly Payment
10/13/14	\$	50,757.43	\$ 8,057.00	\$ 8,474.00	\$ -	\$ -	\$ 67,288.43	\$ 67,288.43
11/13/14	\$	50,757.43	\$ 8,057.00	\$ 8,474.00	\$ -	\$ -	\$ 67,288.43	\$ 67,288.43
12/13/14	\$	50,757.43	\$ 8,057.00	\$ 8,474.00	\$ -	\$ -	\$ 67,288.43	\$ 67,288.43
01/13/15	\$	50,757.43	\$ 2,658.00	\$ 8,474.00	\$ -	\$ -	\$ 61,889.43	\$ 61,889.43
02/13/15	\$	50,757.43	\$ 2,658.00	\$ 8,474.00	\$ -	\$ -	\$ 61,889.43	\$ 61,889.43
03/13/15	\$	50,757.43	\$ 2,658.00	\$ 8,474.00	\$ -	\$ -	\$ 61,889.43	\$ 61,889.43
04/13/15	\$	50,757.43	\$ 2,658.00	\$ 8,474.00	\$ -	\$ -	\$ 61,889.43	\$ 61,889.43
05/13/15	\$	50,757.43	\$ 2,658.00	\$ 8,474.00	\$ -	\$ -	\$ 61,889.43	\$ 61,889.43
06/13/15	\$	50,757.43	\$ 2,658.00	\$ 8,474.00	\$ -	\$ -	\$ 61,889.43	\$ 61,889.43
07/13/15	\$	50,757.43	\$ 2,658.00	\$ 8,474.00	\$ -	\$ -	\$ 61,889.43	\$ 61,889.43
08/13/15	\$	50,757.43	\$ 2,658.00	\$ 8,474.00	\$ -	\$ -	\$ 61,889.43	\$ 61,889.43
09/13/15	\$	50,757.43	\$ 2,658.00	\$ 8,474.00	\$ -	\$ -	\$ 61,889.43	\$ 61,889.43
Total:	\$	609,089.16	\$ 48,093.00	\$ 101,688.00	\$ -	\$ -	\$ 758,870.16	\$ 758,870.16

EXHIBIT A

NOTES:

- (1) Repayment of remaining Nov/Dec 2012 balance (\$64,791)
- (2) Repayment of July 2012 and August 2012 rent (\$95,688.00) per Second Amendment
- (3) Repayment of security deposit (\$47,844)
- (4) Repayment of July 2013 through December 2013 deferred rent (\$171,106.23)

Penn 17, LLC Rent Schedule

Lease Commencement: October 13, 2011

Rent Commencement: April 14, 2012

Lease Year: 5

	Base Rent	Repayment (2 and 3)	CAM	Rent Abatement	Rent Deferment	Current Total Monthly Payment	Proposed Total Monthly Payment
10/13/15	\$ 52,280.15	\$ 6,645.00	\$ 8,474.00	\$ -	\$ -	\$ 63,412.15	\$ 67,399.15
11/13/15	\$ 52,280.15	\$ 6,645.00	\$ 8,474.00	\$ -	\$ -	\$ 63,412.15	\$ 67,399.15
12/13/15	\$ 52,280.15	\$ 6,645.00	\$ 8,474.00	\$ -	\$ -	\$ 63,412.15	\$ 67,399.15
01/13/16	\$ 52,280.15	\$ 6,645.00	\$ 8,474.00	\$ -	\$ -	\$ 63,412.15	\$ 67,399.15
02/13/16	\$ 52,280.15	\$ 6,645.00	\$ 8,474.00	\$ -	\$ -	\$ 63,412.15	\$ 67,399.15
03/13/16	\$ 52,280.15	\$ 6,645.00	\$ 8,474.00	\$ -	\$ -	\$ 63,412.15	\$ 67,399.15
04/13/16	\$ 52,280.15	\$ 6,645.00	\$ 8,474.00	\$ -	\$ -	\$ 63,412.15	\$ 67,399.15
05/13/16	\$ 52,280.15	\$ 6,645.00	\$ 8,474.00	\$ -	\$ -	\$ 63,412.15	\$ 67,399.15
06/13/16	\$ 52,280.15	\$ 6,645.00	\$ 8,474.00	\$ -	\$ -	\$ 63,412.15	\$ 67,399.15
07/13/16	\$ 52,280.15	\$ 6,645.00	\$ 8,474.00	\$ -	\$ -	\$ 63,412.15	\$ 67,399.15
08/13/16	\$ 52,280.15	\$ 6,645.00	\$ 8,474.00	\$ -	\$ -	\$ 63,412.15	\$ 67,399.15
09/13/16	\$ 52,280.15	\$ 6,645.00	\$ 8,474.00	\$ -	\$ -	\$ 63,412.15	\$ 67,399.15
Total:	\$ 627,361.80	\$ 79,740.00	\$ 101,688.00	\$ -	\$ -	\$ 760,945.80	\$ 808,789.80

Lease Year: 6

	Base Rent	Repayment (4)	CAM	Rent Abatement	Rent Deferment	Current Total Monthly Payment	Proposed Total Monthly Payment
10/13/16	\$ 53,848.56	\$ 7,129.43	\$ 8,474.00	\$ -	\$ -	\$ 62,322.56	\$ 69,451.99
11/13/16	\$ 53,848.56	\$ 7,129.43	\$ 8,474.00	\$ -	\$ -	\$ 62,322.56	\$ 69,451.99
12/13/16	\$ 53,848.56	\$ 7,129.43	\$ 8,474.00	\$ -	\$ -	\$ 62,322.56	\$ 69,451.99
01/13/17	\$ 53,848.56	\$ 7,129.43	\$ 8,474.00	\$ -	\$ -	\$ 62,322.56	\$ 69,451.99
02/13/17	\$ 53,848.56	\$ 7,129.43	\$ 8,474.00	\$ -	\$ -	\$ 62,322.56	\$ 69,451.99
03/13/17	\$ 53,848.56	\$ 7,129.43	\$ 8,474.00	\$ -	\$ -	\$ 62,322.56	\$ 69,451.99
04/13/17	\$ 53,848.56	\$ 7,129.43	\$ 8,474.00	\$ -	\$ -	\$ 62,322.56	\$ 69,451.99
05/13/17	\$ 53,848.56	\$ 7,129.43	\$ 8,474.00	\$ -	\$ -	\$ 62,322.56	\$ 69,451.99
06/13/17	\$ 53,848.56	\$ 7,129.43	\$ 8,474.00	\$ -	\$ -	\$ 62,322.56	\$ 69,451.99
07/13/17	\$ 53,848.56	\$ 7,129.43	\$ 8,474.00	\$ -	\$ -	\$ 62,322.56	\$ 69,451.99
08/13/17	\$ 53,848.56	\$ 7,129.43	\$ 8,474.00	\$ -	\$ -	\$ 62,322.56	\$ 69,451.99
09/13/17	\$ 53,848.56	\$ 7,129.43	\$ 8,474.00	\$ -	\$ -	\$ 62,322.56	\$ 69,451.99
Total:	\$ 646,182.72	\$ 85,553.16	\$ 101,688.00	\$ -	\$ -	\$ 747,870.72	\$ 833,423.88

Lease Year: 7

	Base Rent	Repayment (4)	CAM	Rent Abatement	Rent Deferment	Current Total Monthly Payment	Proposed Total Monthly Payment
10/13/17	\$ 55,464.02	\$ 7,129.43	\$ 8,474.00	\$ -	\$ -	\$ 63,938.02	\$ 71,067.45
11/13/17	\$ 55,464.02	\$ 7,129.43	\$ 8,474.00	\$ -	\$ -	\$ 63,938.02	\$ 71,067.45
12/13/17	\$ 55,464.02	\$ 7,129.43	\$ 8,474.00	\$ -	\$ -	\$ 63,938.02	\$ 71,067.45
01/13/18	\$ 55,464.02	\$ 7,129.43	\$ 8,474.00	\$ -	\$ -	\$ 63,938.02	\$ 71,067.45
02/13/18	\$ 55,464.02	\$ 7,129.43	\$ 8,474.00	\$ -	\$ -	\$ 63,938.02	\$ 71,067.45
03/13/18	\$ 55,464.02	\$ 7,129.43	\$ 8,474.00	\$ -	\$ -	\$ 63,938.02	\$ 71,067.45
04/13/18	\$ 55,464.02	\$ 7,129.43	\$ 8,474.00	\$ -	\$ -	\$ 63,938.02	\$ 71,067.45
05/13/18	\$ 55,464.02	\$ 7,129.43	\$ 8,474.00	\$ -	\$ -	\$ 63,938.02	\$ 71,067.45
06/13/18	\$ 55,464.02	\$ 7,129.43	\$ 8,474.00	\$ -	\$ -	\$ 63,938.02	\$ 71,067.45
07/13/18	\$ 55,464.02	\$ 7,129.43	\$ 8,474.00	\$ -	\$ -	\$ 63,938.02	\$ 71,067.45
08/13/18	\$ 55,464.02	\$ 7,129.43	\$ 8,474.00	\$ -	\$ -	\$ 63,938.02	\$ 71,067.45
09/13/18	\$ 55,464.02	\$ 7,129.43	\$ 8,474.00	\$ -	\$ -	\$ 63,938.02	\$ 71,067.45
Total:	\$ 665,568.24	\$ 85,553.16	\$ 101,688.00	\$ -	\$ -	\$ 767,256.24	\$ 852,809.40

RESOLUTION TO BE SUBMITTED

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R9

**NEW BUSINESS
AND
COMMISSION REQUESTS**

R9



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

OFFICE OF THE CITY CLERK, Rafael Granado, City Clerk
Tel: (305) 673-7411, Fax: (305) 673-7254

COMMISSION MEMORANDUM

To: Mayor Matti Herrera Bower and Members of the City Commission
From: Kathie G. Brooks, Interim City Manager 
Date: March 13, 2013
Subject: BOARD AND COMMITTEES

ADMINISTRATION RECOMMENDATION:

That appointments be made as indicated.

ANALYSIS:

Attached are the applicants that have filed with the City Clerk's Office for Board and Committee appointments.

VACANCIES

BOARD OR COMMITTEE:	TOTAL MBRS.	APPOINTED BY:	TOTAL VAC	PAGE
Affordable Housing Advisory Committee	11	City Commission	2	Page 1
Community Development Advisory Committee	14	Commissioner Deede Weithorn Commissioner Jorge Exposito Commissioner Michael Góngora	1 1 1	Page 13
Community Relations Board	17	Kathie G. Brooks, Int. City Manager	1	Page 15
Debarment Committee	7	Commissioner Jorge Exposito	1	Page 18
Disability Access Committee	8	Commissioner Jerry Libbin Commissioner Jonah M. Wolfson Commissioner Michael Góngora	2 1 1	Page 21

Agenda Item R9A

Date 3-13-13

VACANCIES

BOARD OR COMMITTEE:	TOTAL MBRS.	APPOINTED BY:	TOTAL VAC	PAGE
Golf Advisory Committee	12	Commissioner Michael Góngora	1	Page 25
Health Advisory Committee	11	City Commission	2	Page 26
Housing Authority	5	Mayor Matti Herrera Bower	1	Page 32
Marine Authority	7	Mayor Matti Herrera Bower	1	Page 34
Miami Beach Commission For Women	21	Commissioner Deede Weithorn Commissioner Ed Tobin Commissioner Jonah M. Wolfson	1 1 1	Page 35
Miami Beach Cultural Arts Council	11	City Commission	1	Page 36
Miami Beach Sister Cities Program	24	Mayor Matti Herrera Bower	3	Page 39
Parks and Recreational Facilities Board	10	Commissioner Jerry Libbin Commissioner Michael Góngora	1 1	Page 42
Personnel Board	10	City Commission	3	Page 43
Police Citizens Relations Committee	17	Commissioner Michael Góngora	1	Page 46
Production Industry Council	7	Mayor Matti Herrera Bower	1	Page 48

VACANCIES

BOARD OR COMMITTEE:	TOTAL MBRS.	APPOINTED BY:	TOTAL VAC	PAGE
Safety Committee	14	Commissioner Jorge Exposito	1	Page 49
<hr/>				
Single Family Residential Review Panel	3	Kathie G. Brooks, Int. City Manager	3	Page 50
<hr/>				
Tennis Advisory Committee	7	Mayor Matti Herrera Bower	1	Page 52

Attached is breakdown by Commissioner or City Commission:



KGB:REG/sp

Board and Committees Current Members

Affordable Housing Advisory Committee

Sec. 2-167

Composition:

The committee shall consist of eleven (11) voting members with two (2) year terms appointed at large by a majority vote of the Mayor and City Commission:

One citizen:

- 1) actively engaged in the residential home building industry in connection with affordable housing;
- 2) actively engaged in the banking or mortgage banking industry in connection with affordable housing;
- 3) two at-large who have resided in one of the city's historic districts for at least one year, and have demonstrated interest and knowledge in urban design and the preservation of historic buildings.
- 4) actively engaged as a for-profit provider of affordable housing;
- 5) actively engaged as a not-for-profit provider of affordable housing (Housing Authority member);
- 6) actively engaged as a real estate professional in connection with affordable housing;
- 8) actively serving on the local planning agency pursuant to Florida Statute § 163.3174 (Planning Board member);
- 9) who resides within the jurisdiction of the local governing body making the appointments;
- 10) who represents employers within the jurisdiction;
- 11) who represents essential services personnel as defined in the local housing assistance plan.

Members of the Loan Review Committee, members of the Community Development Advisory Committee (CDAC), Planning Board and Miami Beach Housing Authority may be appointed to fill any of the eleven (11) categories and serve as ex-officio voting members on this committee. If due to conflict of interest by prospective appointees, or other reasonable factor, the City is unable to appoint a citizen actively engaged in these activities in connection with affordable housing, a citizen engaged in the activity without regard to affordable housing may be appointed.

City Clerk's Note: Please see the "Agenda - Agenda Archives" for the continuously updated Releases of City Commission At-Large Nominations listing current information about which applicants have actually been nominated. The Agenda - Agenda Archives website is located at <http://miamibeachfl.gov/cityclerk/scroll.aspx?id=72497>. Alternatively, the Releases can be found by going to the City's main portal located at <http://miamibeachfl.gov>; and under the CITY MEETINGS section, located on the right hand side of the webpage, click on the "Agenda - Agenda Archive" link; thereafter choose the first listed Commission meeting, and click on City Commission At-Large Nominations.

City Liaison: Richard Bowman

Vacancy:

To replace Stephanie Berman	(6) Not for Profit	12/31/2014	City Commission
To replace Robert Saland	(1) Res. Home Bldg.	12/31/2014	City Commission

Members:

Name	Last Name	Position/Title	Term Ends:	Appointed by:	Term Limit:
Amy	Perry	(11) Rep. Essential Serv.	12/31/2013	City Commission	12/31/17
Arian	Adorno	(9) Res. Juris Local Govt	12/31/2013	City Commission	12/31/17
Charles	Urstadt	(8) Local Plann. Bd.	12/31/2014	City Commission	12/31/17

Wednesday, March 06, 2013

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Board and Committees Current Members

David	Smith	(3) Rep. Labor Home Bld.	12/31/2014	City Commission	12/31/14
Guy	Simani	(10) Rep. Empl. With/Juris.	12/31/2013	City Commission	12/31/17
Jeremy	Glazer	(4) Low-Income Adv	12/31/2013	City Commission	12/31/17
Juan	Rojas	(2) Banking/Mortgage	12/31/2014	City Commission	12/31/16
Mark	Wohl	(7) Real Estate Prof.	12/31/2013	City Commission	12/31/17
Muayad	Abbas	(5) For Profit	12/31/2014	City Commission	12/31/17

Applicants	Position/Title	Applicants	Position/Title
Andrew Fischer		Barbara Gotlinsky	
Britta Hanson		Dr. Barry Ragone	
Gotlinsky Barbara		Julio Lora	
Karen Fryd		Marie Towers	
Prakash Kumar		Ryan Homan	

Board and Committees Current Members

Art in Public Places

Sec. 82-561

Composition:

Two (2) year term.

Appointed by a minimum of 4 votes.

Seven (7) members to be appointed by a majority of the entire City Commission, and who shall possess a high degree of competence in evaluation of art history and architectural history, art, architecture, sculpture, painting, artistic structure design and other appropriate art media for display or integration in public places.

City Clerk's Note: Please see the "Agenda - Agenda Archives" for the continuously updated Releases of City Commission At-Large Nominations listing current information about which applicants have actually been nominated. The Agenda-Agenda Archives is located on the website at <http://miamibeachfl.gov/cityclerk/scroll.aspx?=72497>. Alternatively, the Release can be found by going to the City's main portal located at <http://miamibeachfl.gov>; and under the CITY MEETINGS section, located on the right hand side of the webpage, click on the "Agenda - Agenda Archives" link; thereafter choose the first listed Commission meeting, and click on City Commission At-Large Nominations.

City Liaison : Dennis Leyva

Members:

Name	Last Name	Position/Title	Term Ends:	Appointed by:	Term Limit:
James	Lloyd		12/31/2014	City Commission	12/31/16
Janda	Wetherington		12/31/2014	City Commission	12/31/16
Lisa	Austin		12/31/2013	City Commission	12/31/17
Lisette	Olemberg-Goldstein		12/31/2013	City Commission	12/31/14
Megan	Riley		12/31/2014	City Commission	12/31/16
Patricia	Fuller		12/31/2013	City Commission	02/31/18
Susan	Caraballo		12/31/2014	City Commission	02/31/18

Applicants	Position/Title	Applicants	Position/Title
Adrian Gonzalez		Ana Cordero	
Annette Fromm		Antoinette Zel	
Christina LaBuzetta		Cindy Brown	
Claire Warren		Cyn Zarco	
Dale Stine		David Lombardi	
Elizabeth Schwartz		Emma DeAlbear	
Francis Trullenque		Jonathan Porcelli	
Kathleen Kowall		Leslie Tobin	
Lisa Austin		Maria Rodriguez	
Mark Alhadeff		Merri Mann	
Michelle Ricci		Molly Leis	
Nicole Doswell		Rosemarie Murillo Likens	
Silvia Ros		Zoila Datorre	

Board and Committees Current Members

Beautification Committee

Sec. 2-36

Composition:

Eight (8) members, seven (7) of whom shall be direct appointees by the Mayor and City Commissioners. The chairperson of the Mayor's Ad Hoc Garden Center and Conservatory Advisory Committee or designee who shall serve as a non-voting ex-officio member.

City Liaison: John Oldenburg

Appointments To Be Made :

Silvia Rotbart 12/31/2012 Mayor Matti Herrera Bower 12/31/14

Members:

Name	Last Name	Position/Title	Term Ends:	Appointed by:	Term Limit:
Daniel	Nixon		12/31/2013	Commissioner Deede Weithorn	12/31/15
Lidia	Resnick		12/31/2013	Commissioner Michael Góngora	12/31/17
Lucero	Levy		12/31/2013	Commissioner Jorge Exposito	12/31/17
Maria	Koller		12/31/2014	Commissioner Jonah M. Wolfson	12/31/15
Moni	Cohen		12/31/2014	Commissioner Jerry Libbin	12/31/18
Terry	Blechman		12/31/2013	Commissioner Ed Tobin	12/31/18

Ex-officio Chair of Mayor Ad-Hoc Garden Center

Applicants	Position/Title	Applicants	Position/Title
Ana Cordero		Christopher Todd	
Cindy Brown		Daniel Novela	
Darin Feldman		Dina Dissen	
Dr. Corey Narson		Flavia Lowenstein-Elortegui	
Francinelee Hand		Kay Coulter	
Lily Furst		Marina Novaes	
Marivi Iglesias		Michelle Ricci	
Mitchell Korus		Peter Vallis	
Rabbi Daniel Sherbill		Steven Gonzalez	
Tiva Leser			

Board and Committees Current Members

Board of Adjustment

RSA I-2 Sec 118-131

Composition:

Two (2) year term.

Appointed by a 5/7th vote.

Seven (7) voting members composed of two members appointed as citizens at-large and five members shall be appointed from each of the following categories (no more than one per category), namely: Law, Architecture, Engineering, Real Estate Development, Certified Public Accountant, Financial Consultation, and General Business. The members representing the professions of law, architecture, engineering and public accounting shall be duly licensed by the State of Florida; the member representing general business shall be of responsible standing in the community; the member representing the field of financial consultation shall be a Certified Public Accountant, Chartered Financial Analyst, Certified Financial Planner, a Chartered Financial Consultant or investment advisor registered with the Securities and Exchange Commission, or someone recognized as having similar credentials and duly licensed by the State of Florida.

Members shall be appointed for a term of two years by a five-seventh vote of the city commission. Members of the Board of Adjustment must be either residents of or have their principal place of business in Miami Beach; provided, however, that this amendment shall not affect the term of existing members of the Board of Adjustment.

Please see the "Agenda - Agenda Archives" for the continuously updated Releases of City Commission At-Large Nominations listing current information about which applicants have actually been nominated. The Agenda - Agenda Archives is located on the website at <http://miamibeachfl.gov/cityclerk/scroll.aspx?=72497>. Alternatively, the Releases can be found by going to the City's main portal located at <http://miamibeachfl.gov>; and under CITY MEETINGS section, located on the right hand side of the webpage, click on the "Agenda - Agenda Archives" link; thereafter choose the first listed Commission Meeting, and click on City Commission At-Large Nominations.

City Liaison: Antonietta Stohl

Members:

Name	Last Name	Position/Title	Term Ends:	Appointed by:	Term Limit:
Bryan	Rosenfeld	CPA	12/31/2013	City Commission	12/31/15
Elsa	Urquiza	At-Large	12/31/2013	City Commission	12/31/17
Joy	Malakoff	At-Large	12/31/2014	City Commission	12/31/16
Lior	Leser	Fin. Cons. TL 12/31/13	12/31/2013	City Commission	12/31/13
Noah	Fox	Real Estate Developer	12/31/2014	City Commission	12/31/18
Richard	Preira	Law	12/31/2014	City Commission	12/31/16
Sherry	Roberts	Gen. Business TL12/31/13	12/31/2013	City Commission	12/31/13

Applicants	Position/Title	Applicants	Position/Title
Alexander Annunziato		Anthony Atala	
Avi Ciment		Brian Ehrlich	
Dov Konetz		Gabriel Paez	
Gary Twist		Guy Simani	
Jessica Conn		Jonathan Beloff	

Board and Committees Current Members

Josh Gimmelstein
Micky Ross Steinberg
Robert Newman
Scott Needelman

Michael Bernstein
Muayad Abbas
Roberta Gould

Board and Committees Current Members

Budget Advisory Committee

Sec. 2-44

Composition:

Nine (9) members. Seven (7) direct appointments with Mayor and each Commissioner making one (1) appointment.

Two (2) at-large appointments:

- one (1) certified public accountant and
- one (1) for a financial advisor.

Please see the "Agenda - Agenda Archives" for the continuously updated Releases of City Commission At-Large Nominations listing current information about which applicants have actually been nominated. The Agenda - Agenda Archives website is located at <http://miamibeachfl.gov/cityclerk/scroll.aspx?id=72497>

Alternatively, the Releases can be found by going to the City's main portal located at <http://miamibeachfl.gov>; and under the CITY MEETINGS section, located on the right hand side of the webpage, click on the "Agenda - Agenda Archives" link; thereafter choose the first listed Commission meeting, and click on City Commission At-Large Nominations.

City Liaison: Kathie Brooks

Members:

Name	Last Name	Position/Title	Term Ends:	Appointed by:	Term Limit:
Antonio	Hernandez Sr.		12/31/2013	Commissioner Jorge Exposito	12/31/16
David	Lancz		12/31/2014	Commissioner Deede Weithorn	12/31/18
Dushan	Koller		12/31/2013	Commissioner Jonah M. Wolfson	12/31/15
Jack	Benveniste		12/31/2013	Mayor Matti Herrera Bower	12/31/15
Jacqueline	Lalonde	Financial Adv.	12/31/2014	City Commission	12/31/16
John	Gardiner		12/31/2014	Commissioner Jerry Libbin	12/31/16
Laurence	Herrup		12/31/2013	Commissioner Michael Góngora	12/31/17
Marc	Gidney	C. P. A.	12/31/2014	City Commission	12/31/14
Stephen	Hertz		12/31/2014	Commissioner Ed Tobin	12/31/16

Applicants	Position/Title	Applicants	Position/Title
David Richardson		Dwight Kraai	
Eric Lawrence		Gerhard Rima	
Gregory Carney		Jared Plitt	
John Bowes		Lance Richardson	
Lisa Ware		Noah Fox	
Oliver Oberhauser		Regina Suarez	
Rima Gerhard		Ronald Starkman	

Board and Committees Current Members

Capital Improvements Projects Oversight Committee

2-190-127

Composition:

The Capital improvement projects oversight committee shall consist of nine (9) voting members, eight (8) of whom shall be appointed by the city commission as a whole (at-large-appointees), and one (1) member appointed by the Mayor or designee, and one (1) non-voting ex-officio member selected from three nominees. The membership of the committee shall further be comprised as follows:

1. The mayor or his/her designee, who shall sit as a voting member of the committee, and shall also serve as chair person of the committee;
2. At least two (2) members shall be selected with experience in one of the following technical fields:
 - a. engineering;
 - b. architecture and/or landscape architecture; or historic preservation;
3. At least two (2) members shall be selected with experience in one of the following technical fields:
 - a. construction/general contractor; or
 - b. developer;
4. Two (2) members shall be selected with experience in the following technical field and/or the following category:
 - a. capital budgeting and/or finance; or
 - b. citizen-at-large; and
5. The remaining two (2) members shall be selected from any of the technical experience categories set forth in subsections (2) or (3) above.
6. One (1) non-voting ex-officio member shall be either a member of the disabled community or a person with special knowledge of Americans with Disabilities Acts (ADA) issues in order to provide accessibility-related input to the committee.

Please see the "Agenda - Agenda Archives" for the continuously updated Releases of City Commission At-Large Nominations listing current information about which applicants have actually been nominated. The Agenda - Agenda Archives is located at <http://miamibeachfl.gov/cityclerk/scroll.aspx?=72497>. Alternatively, the Releases can be found by going to the City's main portal located at <http://miamibeachfl.gov>; and under the CITY MEETINGS section, located on the right hand side of the webpage, click on the "Agenda - Agenda Archives" link; thereafter choose the first listed Commission meeting and click on City Commission At-Large Nominations.

City Liaison: Fernando Vazquez

Members:

Name	Last Name	Position/Title	Term Ends:	Appointed by:	Term Limit:
Brian	Ehrlich	(C3) Developer	12/31/2013	City Commission	12/31/14
Cheryl	Jacobs	(C4) At-large	12/31/2014	City Commission	12/31/18
Christina	Cuervo	(C5) Developer TL 12/31/13	12/31/2013	City Commission	12/31/13
Dwight	Kraai	(2) Engineer TL 12/31/13	12/31/2014	City Commission	12/31/13
Elizabeth	Camargo	(C2) Architect TL 12/31/13	12/31/2013	City Commission	12/31/13

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Board and Committees Current Members

Robert	Rabinowitz	(C5) Engineer	12/31/2014	City Commission	12/31/17
Saul	Gross	(1) Mayor Designee	12/31/2013	Mayor Matti Herrera Bower	12/31/15
Stacy	Kilroy	(C3) Const/G/ Cont.TL 12/1	12/31/2014	City Commission	12/31/13
Tony	Trujillo	(C4) Cap.Budg/Finance	12/31/2014	City Commission	12/31/16

Applicants	Position/Title	Applicants	Position/Title
Annsheila Turkel		Anthony Atala	
Christian Folland		Daniel Manichello	
Dominique Bailleul		Gerhard Rima	
Harold Foster		Ivette Isabel Borrello	
Jacobs Jacobs		James Lloyd	
Josh Gimelstein		Michael Laas	
Rima Gerhard		Ronald Starkman	

Board and Committees Current Members

Committee for Quality Education in MB

Sec. 2-190.134

Composition:

The committee shall consist of fifteen (15) voting members and three non-voting ex-officio members to be comprised as follows.

A representative from each of the following eight schools, selected by the Parent Teacher Association:

- North Beach Elementary,
- Biscayne Elementary,
- Feinberg-Fisher Elementary,
- South Pointe Elementary,
- Nautilus Middle School,
- Miami Beach High School,
- Ruth K. Broad Elementary School,
- Treasure Island Elementary School,

and seven (7) members of the public with knowledge or expertise with regard to education issues who shall be direct appointments by the mayor and city commissioner with no more than three who can be employed or contracted by Miami-Dade County public schools.

The City Commission shall designate two (2) of its members to serve as City Commission liaisons who shall report to the City Commission actions of the Committee for Quality Education; the City Manager shall further designate a member of city staff to serve as a liaison who shall report the Committee's actions to the City Manager.

City Liaison: Leslie Rosenfeld

Appointments To Be Made :

Tiffany	Heckler	12/31/2012	Commissioner Michael Góngora	12/31/18
Beverly	Heller	12/31/2012	Mayor Matti Herrera Bower	12/31/16

Members:

Name	Last Name	Position/Title	Term Ends:	Appointed by:	Term Limit:
Ivette Isabel	Borrello		12/31/2013	Commissioner Jonah M. Wolfson	12/31/17
Karen	Rivo		12/31/2013	Commissioner Deede Weithorn	12/31/15
Kay	Coulter	TL 12/31/13	12/31/2013	Commissioner Jerry Libbin	12/31/13
Keren	Bजारoff		12/31/2014	Commissioner Ed Tobin	12/31/15
Sheila	Duffy-Lehrman		12/31/2014	Commissioner Jorge Exposito	12/31/17
Elisa Leone		Rep. of the PTA for Biscayne Elementary	06/30/13		
Heidi Tandy		Rep. of PTA for Nautilus Middle School	06/30/13		
Ivette Birba		Rep. of the PTA for Feinberg Fisher Elem.	6/30/13		
Jill Swartz		Rep. of the PTA for MB Sr. High School	- 06/30/13		
Leslie Rosenfeld		ACM/City Manager designee			
Lisa Simon		Rep. PTA for Ruth K. Broad Elementary	- 6/30/13		
Matti Herrera-Bower		City Commission designee			
Rebeka Cohen		Rep. of the PTA North Beach Elem. School	-6/30/13		
Sofia Emuriel		Rep. of PTA for Treasure Island Elem.	06/30/13		
Vacant		City Commission designee			
vacant		Rep. of the PTA Sout Pointe Elementary	- 6/30/13		

Applicants	Position/Title	Applicants	Position/Title
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Board and Committees Current Members

Aida El-Matari

Elaine Litvak

Judith Berson-Levinson

Laura Cullen

Loren Pearson

Marina Aviles

Mia Glick

David Crystal

Jill Swartz

Kathleen Kowall

Laurie Kaye Davis

Maria Cifuentes Marrero

Marjorie York

Robert Fairless

Board and Committees Current Members

Sec. 2-161

Committee on the Homeless

Composition:

The committee shall consist of nine (9) members, three (3) to be appointed by the Mayor and each Commissioner to appoint one (1).

The chairperson of the Committee on the Homeless or his/her designee shall serve as a non-voting ex-officio member of the Community Relations Board.

Each member of the committee shall be selected from membership in an organization such as, but not limited to the following:

Service Providers:

- Douglas Gardens Community Mental Health,
- Salvation Army,
- Better Way,
- Miami Dade County Homeless Trust;

(Civic Representation: North Beach (North Beach Development Corp), 41st Street (Middle Beach Partnership), Lincoln Rd (Marketing Council), Washington Ave (Miami Beach Dev. Corp. and /or Washington Ave Task Force), Ocean Dr (Ocean Drive Improvement Association), Collins Ave (Hotel Association), South Pointe (South Pointe Advisory Board to the Red. Agency); member of the general public with personal experience with homeless issues CDBG Project Coordinator (ESG Emergency Shelter Grant Provider), city officials, representative from the Police Department and the City Attorney's Office as ex-officio members.

City Liaison: Katherine Martinez

Members:

Name	Last Name	Position/Title	Term Ends:	Appointed by:	Term Limit:
Annshela	Turkel		12/31/2013	Mayor Matti Herrera Bower	12/31/19
Cary	Yee Quee		12/31/2013	Mayor Matti Herrera Bower	12/31/19
Dale	Gratz		12/31/2013	Mayor Matti Herrera Bower	12/31/14
Gail	Harris		12/31/2014	Commissioner Ed Tobin	12/31/16
Jonathan	Kroner		12/31/2013	Commissioner Jorge Exposito	12/31/17
Lisa	Ware	TL 12/31/13	12/31/2014	Commissioner Jonah M. Wolfson	12/31/13
Prakash	Kumar		12/31/2014	Commissioner Jerry Libbin	12/31/16
Rabbi Daniel	Sherbill		12/31/2014	Commissioner Michael Góngora	12/31/19
Rachael	Zuckerman		12/31/2013	Commissioner Deede Weithorn	12/31/17

Applicants	Position/Title	Applicants	Position/Title
Debra (Debi) Quade		Eda Valero-Figueira	
Emma DeAlbear		Helen Swartz	
Kimberly Diehl		Leah Rey	
Luis Iglesias- Ramirez		Melissa Mokha	
Mitchell Korus		Muayad Abbas	
Rocio Sullivan		Rosalie Pincus	
Rosemarie Murillo Likens		Stephanie Berman	

Board and Committees Current Members

Community Development Advisory Committee

Sec. 2-190.110

Composition:

Committee shall be composed of fourteen (14) members.

The Mayor and City Commissioners shall each make two (2) direct appointments.

The fourteen (14) direct appointees shall fulfill the city affiliation requirement in either of the following ways:

- 1) At least seven (7) appointees shall either be:
 - (a) Miami Beach residents, for a minimum of six (6) months, in non-target areas or
 - (b) either city residents, or non-residents, who hold a leadership position in organizations that provide community development services to low and/or moderate-income people or neighborhoods, preferably within the city, provided, however, the organization that the appointee holds such position in cannot be a current or future recipient of city CDBG or HOME funds.
- 2) The remaining appointees shall either be:
 - a) A resident or a locally designated community development target area for a minimum of six (6) months; or,
 - b) Demonstrate ownership/interest for a minimum of six (6) months in a business established in a locally designated community development target area for a minimum of six (6) months.

City Liaison: Brian Gillis

Appointments To Be Made :

Dona	Zemo	12/31/2012	Mayor Matti Herrera Bower	12/31/17
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Vacancy:

To replace Rachel Umlas	12/31/2014	Commissioner Jorge Exposito
to replace Josh Gimelstein	12/31/2013	Commissioner Michael Góngora
To replace Aida El-Matari	12/31/2014	Commissioner Deede Weithorn

Members:

Name	Last Name	Position/Title	Term Ends:	Appointed by:	Term Limit:
Adam	Greenberg		12/31/2014	Commissioner Deede Weithorn	12/31/19
Andrew	Fuller		12/31/2013	Commissioner Jerry Libbin	12/31/20
Christina	LaBuzetta		12/31/2014	Commissioner Jonah M. Wolfson	12/31/19
Harvey	Burstein		12/31/2013	Commissioner Ed Tobin	12/31/14
James	Weingarten		12/31/2014	Commissioner Ed Tobin	12/31/18
Karen	Fryd		12/31/2013	Mayor Matti Herrera Bower	12/31/17
Marina	Aviles		12/31/2013	Commissioner Jorge Exposito	12/31/20
Mark	Hayes		12/31/2013	Commissioner Jonah M. Wolfson	12/31/15
Michael	Bernstein		12/31/2014	Commissioner Jerry Libbin	12/31/16
Zachary	Cohen		12/31/2013	Commissioner Michael Góngora	12/31/19

Applicants	Position/Title	Applicants	Position/Title
Alejandro Dominguez		Arian Adorno	
Bruce Klaiber		Christina Nicodemou	
Derrek Steele		Dr. Barry Ragone	
Jean Fils		Jeffrey Feldman	
Jeffrey Graff		Juan Rojas	
Kay Coulter		Mark Wohl	

Board and Committees Current Members

Michael Rotbart
Steve Berke

Russell Hartstein

Board and Committees Current Members

Community Relations Board

Sec. 2-190.11

Composition:

The board shall consist of seventeen (17) members.

Eleven (11) members shall be voting members to be appointed in the following manner: Seven (7) direct appointments, with the Mayor and each City Commissioner appointing a member.

Three (3) members shall be appointed by the City Manager and one

(1) ex-officio member shall be appointed by the Miami-Dade Community Relations Board from its membership.

Four (4) non-voting, ex-officio members shall be the chairpersons or designees of the following:

Commission on the Status for Women

Committee on the Homeless,

Hispanic Affairs Committee, and

Police/Citizen Relations Committee.

Two (2) non-Voting ex-officio,:

the police chief or his or her designee and

the director of the Bureau of Children's Affairs.

The composition of the board shall be reviewed every two (2) years.

City Liaison: Lynn Bernstein

Vacancy:

To replace Jacobo
Epelbaum

12/31/2014 Kathie G. Brooks, Int. City Manager

Members:

Name	Last Name	Position/Title	Term Ends:	Appointed by:	Term Limit:
Adam	Kravitz		12/31/2013	Commissioner Jonah M. Wolfson	12/31/19
Barbara	Montero		12/31/2014	Commissioner Jorge Exposito	12/31/15
Brad	Fleet	TL12/31/13	12/31/2013	Commissioner Deede Weithorn	12/31/13
Darin	Feldman		12/31/2013	Kathie G. Brooks, Int. City Manager	12/31/19
Debra	Schwartz		12/31/2014	Commissioner Ed Tobin	12/31/15
Laurie Kaye	Davis	TL12/31/13	12/31/2014	Kathie G. Brooks, Int. City Manager	12/31/13
Rabbi Solomon	Schiff		12/31/2013	Mayor Matti Herrera Bower	12/31/15
Robert	Sena		12/31/2013	Commissioner Michael Góngora	12/31/19
Seth	Feuer		12/31/2014	Commissioner Jerry Libbin	12/31/20
		ex-officio of Police Citizens Relations Committee			
		ex-officio of Miami-Dade Comm. Relation Board			
		ex-officio Police Chief Designee			
Lisa Ware		ex-officio of the Committee on the Homeless			
Maria Ruiz		ex-officio Director of the Bureau Childrens Affair			
Marjorie York		ex-officio of MB Commission for Women			
Patty Hernandez		ex-officio of Hispanic Affairs Committee			

Applicants	Position/Title	Applicants	Position/Title
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Board and Committees Current Members

Andres Asion
Dale Gratz
David Crystal
Eliane Soffer
Ivan Rusilko
Jean Fils
Luis Herrera
Peter Vallis
Troy Fabien

Claudia Moncarz
David Alschuler
Derrek Steele
Irene Valines
Jacobso Epelbaum
Lori Gold
Mia Glick
Sofia Emuriel

Board and Committees Current Members

Convention Center Advisory Board

Sec. 2-46

Composition:

The board shall consist of seven (7) voting members.

The Mayor and each Commissioner shall make one (1) direct appointment.

The chairperson of the board of directors of the Miami Beach Chamber of Commerce or his/her designee shall serve as a non voting ex-officio member.

The Chairperson of the board of directors of the Greater Miami Convention and Visitors Bureau or his designee shall serve as a non voting ex-officio member.

Administrative representatives from the management group,

Greater Miami Convention and Visitors Bureau, and

the city manager's office shall serve as non-voting ex-officio members.

City Liaison: Lenny Timor

Members:

Name	Last Name	Position/Title	Term Ends:	Appointed by:	Term Limit:
Alan	Lips		12/31/2014	Commissioner Jorge Exposito	12/31/19
Frank	Kruszewski		12/31/2013	Commissioner Jonah M. Wolfson	12/31/18
Joshua	Wallack		12/31/2014	Commissioner Ed Tobin	12/31/19
Leon	Manne	TL 12/31/13	12/31/2013	Commissioner Jerry Libbin	12/31/13
Roger	Abramson		12/31/2014	Commissioner Michael Góngora	12/31/16
Stuart	Blumberg		12/31/2013	Mayor Matti Herrera Bower	12/31/15
Tim	Nardi		12/31/2013	Commissioner Deede Weithorn	12/31/17
Bob Balsam		ex-off. Global Spectrum Adm Rep.			
Ita Moriarty		ex-officio, GMCVB Adm Rep			
Stephanie Ruiz		ex-officio, Chairperson Bd. Of Dir. MBCC			
Vacant		ex-officio member of the City Manager's Office			

Applicants	Position/Title	Applicants	Position/Title
Barbara Gotlinsky		Barbara (Bunny) Patchen	
David Lombardi		Eric Lawrence	
Gabrielle Redfern		Gayle Durham	
Gotlinsky Barbara		Liliam Lopez	
Mark Wohl		Michael Rotbart	
Michael Steffens		Robert Newman	
Rocio Sullivan			

Board and Committees Current Members

Debarment Committee

Sec. 2-190.128

Composition:

The committee shall consist of seven (7) voting members to be individually appointed by the Mayor and Commissioners. The committee's purpose is to evaluate and, if warranted, to impose debarment as provided in Sections 2-397 through 2-406 of the City Code to exclude a contractor (and, in limited instances, a bidder or proposer) from city contracting and city approved subcontracting.

City Liaison: Alex Denis

Vacancy:

To replace Stephen
Zack

12/31/2014 Commissioner Jorge Exposito

Members:

Name	Last Name	Position/Title	Term Ends:	Appointed by:	Term Limit:
Anthony	Broad		12/31/2014	Commissioner Ed Tobin	12/31/16
Antonio	Hernandez Jr.		12/31/2014	Commissioner Michael Góngora	12/31/18
Darius	Asly		12/31/2013	Commissioner Deede Weithorn	12/31/17
Dr. Ronald	Shane		12/31/2013	Commissioner Jerry Libbin	12/31/17
Joseph	Hagen		12/31/2013	Commissioner Jonah M. Wolfson	12/31/15
Stephen	Zack		12/31/2014	Mayor Matti Herrera Bower	

Applicants	Position/Title	Applicants	Position/Title
Brian Richard		John Bowes	
Lance Richardson		Michael Perlmutter	
Zachary Cohen			

Board and Committees Current Members

Design Review Board

Sec. 118.71

Composition:

Two (2) year term.

Appointed by a minimum of 4 votes.

Seven (7) regular members. The seven (7) regular members shall consist of:

- 1) two architects registered in the United States;
- 2) an architect registered in state of Florida or a member of the faculty of the school of architecture, urban planning, or urban design in the state, with practical or academic expertise in the field of design, planning, historic preservation or the history of architecture, or a professional practicing in the fields of architectural design, or urban planning;
- 3) one landscape architect registered in the state of Florida;
- 4) one architect registered in the United States, or a professional practicing in the fields of architectural or urban design, or urban planning, or a resident with demonstrated interest or background in design issues; or an attorney in good standing licensed to practice law within the United States; and
- 5) two citizens at large.

One person appointed by the City Manager from an eligibility list provided by the Disability Access Committee shall serve in an advisory capacity with no voting authority. The Planning Director, or designee and the City Attorney or designee shall serve in an advisory capacity.

Residency and place of business in the county. The two (2) citizen-at-large members and one of the registered landscape architects, registered architects, professional designer or professional urban planners shall be residents of the city.

Please see the "Agenda - Agenda Archives" for the continuously updated Releases of City Commission At-Large Nominations listing current information about which applicants have actually been nominated. The Agenda - Agenda Archives is located on the website at <http://miamibeachfl.gov/cityclerk/scroll.aspx?id=72497>. Alternatively, the Releases can be found by going to the City's main portal located at <http://miamibeachfl.gov>; and under the CITY MEETINGS section, located on the right hand side of the webpage, click on the "Agenda - Agenda Archives" link; thereafter, choose the first listed Commission meeting and click on City Commission At-Large Nominations.

City Liaison: Thomas Mooney

Members:

Name	Last Name	Position/Title	Term Ends:	Appointed by:	Term Limit:
Carol	Housen	At-large	12/31/2014	City Commission	12/31/16
Jason	Hagopian	Registered Architect	12/31/2013	City Commission	12/31/15
Leslie	Tobin	Registered Architect	12/31/2013	City Commission	12/31/16
Lilia	Medina	Urban Planner	12/31/2014	City Commission	12/31/15
Manuel	Minagori	At-large	12/31/2013	City Commission	12/31/17
Marilyn	Nepomechie	Architect	12/31/2014	City Commission	12/31/17
Seraj	Saba	Lands. Arch. TL12/31/13	12/31/2013	City Commission	12/31/13
Gary Held		advisory/City Attorney Designee			
Richard Lorber		advisory/Acting Planning Director			
Vacant		ex-officio/Disability Access Committee			

Board and Committees Current Members

Applicants	Position/Title	Applicants	Position/Title
Alexander Annunziato		Andres Asion	
Brian Ehrlich		Cyn Zarco	
Elizabeth Camargo		Elsa Urquiza	
Francis Steffens		Gary Twist	
Jean-Francois Lejeune		Jeffrey Cohen	
Jessica Conn		John Stuart	
Ryan Homan		Seth Wasserman	
Terry Bienstock			

Board and Committees Current Members

Disability Access Committee

2006-3500 S 2-31

Composition:

The Committee shall be composed of:

A board quorum of eight (8) members and requiring at least eight (8) votes for board action.

Fourteen (14) voting members who shall be direct appointees by the Mayor and City Commissioners.

- 1) persons having mobility impairments;
- 2) deaf and/or hard-of-hearing persons in the community; blind and/or vision impaired persons in the community;
- 3) mental, cognitive or developmental disabilities;
- 4) the industries of tourism and convention, retail, hospitality (restaurant or hotel), and health care (or rehabilitation).
- 5) One non-voting ex-officio member who is either a member of the disable community or has special knowledge of Americans with Disabilities Act (ADA) issues.

As per ordinance 2011-3731, in addition to other power and duties, the chairperson of the committee may designate a committee member to attend meetings of other city agencies, boards, or committees for the purpose of providing and obtaining input regarding accessibility related issues and reporting to the disability access committee on matters set forth in subsection (b) so that the disability access committee may provide recommendations to the city departments specified in subsection (b) or to the city commission.

As per Ordinance 2012-3757 amended Sec. 2-31(D) to increase the number of members from seven(7) to fourteen (14) and amended the quorum requirement

City Liaison: Vacant

Appointments To Be Made :

Wendy	Unger	12/31/2012	Mayor Matti Herrera Bower	12/31/16
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Vacancy:

To replace Andrew Feuerstein	12/31/2014	Commissioner Jerry Libbin
To replace Elaine Litvak	12/31/2014	Commissioner Michael Góngora
To replace John Bennet	12/31/2013	Commissioner Jonah M. Wolfson
To replace Lawrence Fuller	12/31/2013	Commissioner Jerry Libbin

Members:

Name	Last Name	Position/Title	Term Ends:	Appointed by:	Term Limit:
Andrea Lisa	Travaglia		12/31/2014	Commissioner Jorge Exposito	12/31/19
Barbara	Gotlinsky		12/31/2013	Commissioner Ed Tobin	12/31/19
David	New		12/31/2014	Commissioner Deede Weithorn	12/31/15
Dr. Susan	Solman		12/31/2013	Commissioner Deede Weithorn	12/31/19
Helen	Swartz		12/31/2013	Commissioner Michael Góngora	12/31/18
Lee	Weiss		12/31/2014	Commissioner Jonah M. Wolfson	12/31/19
Russell	Hartstein		12/31/2013	Mayor Matti Herrera Bower	12/31/19
Sabrina	Cohen		12/31/2014	Commissioner Ed Tobin	12/31/17

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Board and Committees Current Members

Susana	Maroder-Rivera	12/31/2013	Commissioner Jorge Exposito	12/31/19
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Ex-officio member

Applicants	Position/Title	Applicants	Position/Title
Ann Thomas		Britta Hanson	
Rabbi Solomon Schiff		Rafael Trevino	

Board and Committees Current Members

Fine Arts Board

Reso 2000-24216

Composition:

Fourteen (14) members with Mayor and City Commissioners appointing two (2) members each. The Miami Beach Fine Arts Board promotes the work of contemporary visual and cultural artists, enhances the appreciation for the arts in the community at large, and provides economic stimulation to under served neighborhoods.

City Liaison: Gary Farmer

Appointments To Be Made :

Jamie Dokovna 12/31/2012 Commissioner Michael Góngora 12/31/17

Members:

Name	Last Name	Position/Title	Term Ends:	Appointed by:	Term Limit:
Britta	Hanson		12/31/2013	Commissioner Jorge Exposito	12/31/19
Carmen (Maria)	Lopez		12/31/2013	Commissioner Michael Góngora	12/31/20
Carrie	Wiesenfeld		12/31/2013	Mayor Matti Herrera Bower	12/31/15
Deborah	Ruggiero		12/31/2014	Commissioner Jerry Libbin	12/31/18
Ellen	Brazer		12/31/2014	Commissioner Jorge Exposito	12/31/17
Judith	Berson-Levinson		12/31/2013	Commissioner Jerry Libbin	12/31/16
Lizette	Lopez		12/31/2013	Commissioner Deede Weithorn	12/31/20
Melissa	Broad		12/31/2013	Commissioner Ed Tobin	12/31/15
Michael	McManus		12/31/2014	Mayor Matti Herrera Bower	12/31/17
Michelle	Ricci		12/31/2014	Commissioner Ed Tobin	12/31/20
Nathaniel	Korn		12/31/2014	Commissioner Jonah M. Wolfson	12/31/15
Tamra	Sheffman		12/31/2014	Commissioner Deede Weithorn	12/31/15
Tiva	Leser		12/31/2013	Commissioner Jonah M. Wolfson	12/31/15

Applicants	Position/Title	Applicants	Position/Title
Allan Hall		Ana Kasdin	
Beverly Heller		Bradley Ugent	
Caroline Cardenas		Dale Stine	
David Lombardi		Dina Dissen	
Dorian Nicholson		Emma DeAlbear	
Flavia Lowenstein-Elortegui		Francinelee Hand	
Francis Trullenque		Gregory Carney	
James Weingarten		Janda Wetherington	
Jeffrey Feldman		Jenna Ward	
Josephine Pampanas		Liliam Lopez	
Marjorie O'Neill-Butler		Merri Mann	
Mia Glick		Nelida Barrios	
Nicole Doswell		Patti Hernandez	
Seth Feuer		Zahara Mossman	

Board and Committees Current Members

Gay, Lesbian, Bisexual and Transgender (GLBT)

Ord. 2009-3635

Composition:

The Committee shall consist of fifteen (15) voting members, with three (3) members to be directly appointed by the Mayor, and two (2) members to be directly appointed by each City Commissioner. Notwithstanding the preceding sentence, the initial membership of the Committee shall be comprised of those current members of the Mayor's Gay Business Development Committee, choosing to serve on the Committee, with any additional members (as required to complete the total number of members of the Committee) to be appointed at large by a majority vote of the City Commission.

City Liaison: Diana Fontani

Members:

Name	Last Name	Position/Title	Term Ends:	Appointed by:	Term Limit:
Billy	Kemp		12/31/2014	Mayor Matti Herrera Bower	12/31/16
Chad	Richter		12/31/2014	Commissioner Ed Tobin	12/31/16
Cindy	Brown		12/31/2013	Commissioner Jonah M. Wolfson	12/31/19
Dale	Stine		12/31/2014	Commissioner Michael Góngora	12/31/17
Daniel	Spring		12/31/2013	Commissioner Jorge Exposito	12/31/16
Edison	Farrow		12/31/2013	Commissioner Jerry Libbin	12/31/16
Ivan	Cano		12/31/2014	Commissioner Jonah M. Wolfson	12/31/17
Jorge	Richa		12/31/2013	Mayor Matti Herrera Bower	12/31/17
Karen	Brown		12/31/2013	Mayor Matti Herrera Bower	12/31/17
Laura	Veitia		12/31/2014	Commissioner Jorge Exposito	12/31/16
Marivi	Iglesias		12/31/2013	Commissioner Deede Weithorn	12/31/18
Michael	Bath		12/31/2014	Commissioner Jerry Libbin	12/31/17
Nelida	Barrios		12/31/2014	Commissioner Deede Weithorn	12/31/16
Thomas	Barker		12/31/2013	Commissioner Michael Góngora	12/31/16
Willis "Chip"	Arndt Jr.		12/31/2013	Commissioner Ed Tobin	12/31/16

Applicants	Position/Title	Applicants	Position/Title
Brian Richard		Christopher Amisano	
Dorian Nicholson		Elizabeth Schwartz	
Ivana Vento		Michael Andrews	
Rafael Trevino		Rebecca Boyce	
Richard Murry		Silvia Ros	
Steven Adkins		Walker Burttschell	

Board and Committees Current Members

Golf Advisory Committee

Sec. 2-76

Composition:

The committee shall be composed of twelve (12) members.

Consisting of eleven (11) voting members,

seven (7) by direct appointment by the mayor and city commissioners, and

four who shall be the presidents of the Bayshore and Normandy Shores Men's and Women's Golf Association.

The city manager or his designee shall serve as a non voting ex-officio member.

The chairperson of the Golf Advisory Committee or his designee shall serve as a non-voting, ex-officio member of the Recreational Centers and Parks Facilities Board, to be renamed the Parks and Recreational Facilities Board.

City Liaison: Kevin Smith

Vacancy:

To replace Gregory Carney

12/31/2014 Commissioner Michael Góngora

Members:

Name	Last Name	Position/Title	Term Ends:	Appointed by:	Term Limit:
Jeff	Blumenthal		12/31/2014	Commissioner Deede Weithorn	12/31/15
Jeffrey	Cohen		12/31/2013	Commissioner Jerry Libbin	12/31/16
Jenifer	Caplan		12/31/2013	Commissioner Jorge Exposito	12/31/17
John	Barker		12/31/2014	Commissioner Ed Tobin	12/31/15
Joseph	Conway		12/31/2013	Mayor Matti Herrera Bower	12/31/18
Michael	Piazza		12/31/2014	Commissioner Jonah M. Wolfson	12/31/17
		President for Women's Golf Assoc. MB Golf Assoc.			
		President of the MB Golf Club Members Assoc.			
		President, Normandy Shore's Men's Golf Assoc.			
		President, Normandy Shore's Women's Golf Assoc.			
Kevin Smith		ex-officio, designee of the City Manager			

Applicants	Position/Title	Applicants	Position/Title
Daniel Novela		Jane Hayes	
Mitchell Korus		Robert Sena	
Ronald Starkman		Zachary Cohen	

Board and Committees Current Members

Health Advisory Committee

Sec. 2-81 2002-
2362

Composition:

Eleven (11) voting members. Appointed by the City Commission at-large, upon recommendations of the City Manager:

One (1) member shall be the chief executive officer (CEO's) or a designated administrator from Mount Sinai Medical Center,

One (1) member shall be the Chief Executive Officer (CEO) from Stanley C. Myers Community Health Center or his/her designee administrator;

Two (2) member shall be an administrator from an Adult Congregate Living Facility (ACLF). And/or an Assisted Living Facility (ALF);

One (1) member shall be a representative from the nursing profession;

One (1) member shall be a health benefits provider;

Two (2) members shall be physicians.;

Two (2) members shall be consumers consisting of:

- 1) one (1) individual from the corporate level and ;
- 2) one (1) private individual.

One member shall be a physician or an individual with medical training or experience.

There shall be one (1) non-voting ex-officio representative from each of the following: The Miami Dade County Health Department, the Health Council of South Florida, and the Fire Rescue Department. The director of the Office of the Children's Affairs shall be added as a non-voting ex-officio member of the board.

City Clerk's Note: Please see the "Agenda - Agenda Archives" for the continuously Releases of City Commission At-Large Nominations listing current information about which applicants have actually been nominated. The Agenda - Agend Archives website is located at <http://miamibeachfl.gov/cityclerk/scroll.aspx?id=72497>.

Alternatively, the Releases can be found by going to the City's main portal located at <http://miamibeachfl.gov>; and under the CITY MEETINGS section, located on the right hand side of the webpage, click on the "Agenda - Agenda Archives" link; thereafter, choose the first listed Commission meeting and click on the City Commission At-Large Nominations.

City Liaison: Sonia Bridges

Vacancy:

To replace Harold Foster	Private Individual	12/31/2013	City Commission
To replace Jacobs Baruch MD	Health Provider	12/31/2013	City Commission

Members:

Name	Last Name	Position/Title	Term Ends:	Appointed by:	Term Limit:
Anthony	Japour	ACLF	12/31/2014	City Commission	12/31/16
Dr. Andrew	Nullman	Physician	12/31/2014	City Commission	12/31/14
Dr. Jay	Reinberg	Physician	12/31/2014	City Commission	12/31/16
Dr. Stacey	Kruger	Physician	12/31/2014	City Commission	12/31/16
Rachel	Schuster	ACLF	12/31/2014	City Commission	12/31/16
Shaheen	Wirk	Private Individual	12/31/2013	City Commission	12/31/15
Steven	Sonenreich	CEO/Mt. Sinai/MH (NTL)	12/31/2014	City Commission	

Board and Committees Current Members

Tobi	Ash	Nursing Profession	12/31/2013	City Commission	12/31/15
Todd	Narson	CEO MB Community Health	12/31/2014	City Commission	

Julie Zaharatos Rep. from the Health Council of South Fla
 Maria Ruiz ex-officio, Director of Children's Affairs

Applicants	Position/Title	Applicants	Position/Title
Caroline Cardenas		Ivan Rusilko	
Jared Plitt		Leah Rey	
Lisa Ware		Michael Steffens	

Board and Committees Current Members

Health Facilities Authority Board

Sec. 2-111

Composition:

Four (4) year terms.

Five (5) members shall consist of;

two (2) health providers,

one (1) individual in the field of general business who possesses good standing in the community;

one (1) accountant and;

one (1) attorney.

The chairperson of the Health Advisory Board shall serve as a non-voting advisor to the Authority.

Members shall be residents of the City.

Florida Statute 154.207 No term Limits.

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City Liaison: Patricia Walker

Members:

Name	Last Name	Position/Title	Term Ends:	Appointed by:	Term Limit:
Allison	Stone	Attorney	06/19/2013	City Commission	FS-154-207
Arthur	Unger	Accountant	06/19/2016	City Commission	FS 154-207
Marc	Umlas	Health Provider	06/19/2014	City Commission	FS-154-207
Mark	Sinnreich	Health Provider	06/19/2015	City Commission	FS 154-207
Sidney	Goldin	General Business	06/19/2014	City Commission	FS 154-207
vacant	Chairperson, Health Advisory Board				

Applicants	Position/Title	Applicants	Position/Title
Miguel Antonio Aviles		Rachel Schuster	
Rosalie Pincus		Shaheen Wirk	

Board and Committees Current Members

Hispanic Affairs Committee

Sec. 2-190.21

Composition:

The committee shall consist of seven (7) members, with the Mayor and each Commissioner making one (1) appointment.

The chairperson of the Hispanic Affairs Committee or his/her designee shall serve as a non-voting ex-officio member of the Community Relations Board.

City Liaison: Nannette Rodriguez

Appointments To Be Made :

Luz Rojas 12/31/2012 Mayor Matti Herrera Bower 12/31/19

Members:

Name	Last Name	Position/Title	Term Ends:	Appointed by:	Term Limit:
Ana Cecilia	Velasco		12/31/2013	Commissioner Michael Góngora	12/31/18
Antonio	Purrinos		12/31/2014	Commissioner Jonah M. Wolfson	12/31/17
Eliane	Soffer		12/31/2014	Commissioner Jorge Exposito	12/31/17
Francis	Trullenque		12/31/2013	Commissioner Ed Tobin	12/31/15
Ida	Percal		12/31/2014	Commissioner Jerry Libbin	12/31/16
Patti	Hernandez		12/31/2013	Commissioner Deede Weithorn	12/31/15

Applicants	Position/Title	Applicants	Position/Title
Israel Sands		Jeffrey Cohen	
Luis Herrera		Luis Iglesias- Ramirez	
Rafael Trevino		Regina Suarez	

Board and Committees Current Members

Historic Preservation Board

Sec. 118-101

Composition:

Two (2) year term. Appointed by a minimum of 4 votes.

Seven (7) members. There shall be a member from each of the following categories:

- 1) A representative from the Miami Design Preservation League (MDPL);
Selected from three names nominated by the League.
- 2) A representative from Dade Heritage Trust (DHT);
Selected from three names nominated by the Trust.
- 3) Two at-large member who have resided in one of the City's historic districts for at least one year, and have demonstrated interest and knowledge in architectural or urban design and the preservation of historic buildings.
- 4) An architect registered in the state of Florida with practical experience in the rehabilitation of historic structures;
- 5) An architect registered in the United States, a landscape architect registered in the state of Florida, a professional practicing in the field of architectural or urban design or urban planning, each of the foregoing with practical experience in the rehabilitation of historic structures; or an attorney at law licensed to practice in the United States, or an engineer licensed in the state of Florida, each of the foregoing with professional experience and demonstrated interest in historic preservation.
- 6) A member of the faculty of a school of architecture in the state of Florida, with academic expertise in the field of design and historic preservation or the history of architecture, with a preference for an individual with practical experience in architecture and the preservation of historic structures.

All members of the board except the architect, engineer, landscape architect, professional practicing in the field of architectural or urban design or urban planning and university faculty member of the board shall be residents of , the city, provided, however, that the city commission may waive this requirement by a 5/7ths vote in the event a person not meeting these residency requirements is available to serve on the board and is exceptionally qualified by training and/or experience in historic preservation matters.

City Clerk's Note: Please see the "Agenda - Agenda Archives" for the continuously updated Releases of City Commission At-Large Nominations listing current information about which applicants have actually been nominated. The Agenda - Agenda Archives website is located at <http://miamibeachfl.gov/cityclerk/scroll.aspx?id=72497>.

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City Liaison: Thomas Mooney

Members:

Name	Last Name	Position/Title	Term Ends:	Appointed by:	Term Limit:
David	Wieder	Attorney	12/31/2013	City Commission	12/31/15
Dominique	Bailleul	At-large	12/31/2014	City Commission	12/31/16
Henry	Lares	Faculty Mem. TL 12/31/13	12/31/2013	City Commission	12/31/13
Herb	Sosa	MDPL	12/31/2014	City Commission	12/31/15
Ira	Giller	Reg. Architect	12/31/2013	City Commission	12/31/17
Jane	Gross	Dade Heritage	12/31/2014	City Commission	12/31/16
Josephine	Manning	At-large	12/31/2014	City Commission	12/31/14

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Board and Committees Current Members

Applicants	Position/Title	Applicants	Position/Title
Albert Mertz		Alejandro Dominguez	
Andrew Fischer		Elizabeth Camargo	
Elizabeth Pines		Francis Steffens	
Guy Simani		Jean-Francois Lejeune	
Jessica Jacobs		John Stuart	
Josh Gimelstein		Marilys Nepomechie	
Marina Novaes		Morris Sunshine	
Raymond Adrian			

Board and Committees Current Members

Housing Authority

Reso 7031 421.05
ES

Composition:

Four year appointment.

Five (5) members, appointed by the Mayor.

Appointments must be confirmed by the City Commission.

At least one (1) member who shall be a resident who is current in rent in a housing project or a person of low or very low income who resides within the housing authority's jurisdiction and is receiving rent subsidy through a program administered by the authority or public housing agency that has jurisdiction for the same locality served by the housing authority, which member shall be appointed at the time a vacancy exists.

City Liaison: Anna Parekh

Vacancy:

To replace Eugenio Cabreja Tenant Commissioner 10/11/2016 Mayor Matti Herrera Bower

Members:

Name	Last Name	Position/Title	Term Ends:	Appointed by:	Term Limit:
Emilio DeJesus	Fernandez	HA Commissioner	10/11/2013	Mayor Matti Herrera Bower	10/11/17
Michael	Band	HA Commissioner	10/11/2013	Mayor Matti Herrera Bower	10/11/16
Peter	Chavelier	HA Commissioner	10/11/2015	Mayor Matti Herrera Bower	10/11/19
Raymond	Adrian	HA Commissioner	10/11/2014	Mayor Matti Herrera Bower	10/11/18

Applicants	Position/Title	Applicants	Position/Title
Adrian Gonzalez		Allan Hall	
Barbara Gotlinsky		Christian Folland	
Damian Gallo		Gotlinsky Barbara	
Julio Lora		Prakash Kumar	

Board and Committees Current Members

Loan Review Committee

Sec. 2-166

Composition:

The committee shall consist of seven (7) voting members whom shall be direct appointments by the Mayor and City Commissioners. The finance director or his/her designee and the city manager or his/her designee shall serve as non-voting ex-officio members

A member of the Community Development Advisory Committee (CDAC) shall be designated to serve as a non-voting ex-officio member of the LRC in order to facilitate communications between the LRC and CDAC.

City Liaison: Rocio Soto

Members:

Name	Last Name	Position/Title	Term Ends:	Appointed by:	Term Limit:
Eric	Lawrence		12/31/2014	Commissioner Michael Góngora	12/31/17
Jay	Dermer		12/31/2014	Commissioner Jonah M. Wolfson	12/31/18
Juan	Torres		12/31/2013	Mayor Matti Herrera Bower	12/31/15
Mario	Coryell		12/31/2014	Commissioner Jorge Exposito	12/31/17
Mayra	Diaz Buttacavoli		12/31/2013	Commissioner Ed Tobin	12/31/17
Michael	Rotbart	TL 12/31/13	12/31/2013	Commissioner Deede Weithorn	12/31/13
Steve	Zuckerman		12/31/2014	Commissioner Jerry Libbin	12/31/14
		ex-officio member of the CDAC			
Patricia Walker		ex-officio Finance director or his/her designee			

Applicants	Position/Title	Applicants	Position/Title
Allan Hall		Lance Richardson	
Stephanie Berman			

Board and Committees Current Members

Marine Authority

Sec. 2-190.46

Composition:

The marine authority shall consist of seven (7) voting members, who shall be direct appointments by the mayor and city commissioners, and one non voting, ex-officio member of the authority, who shall be a representative of the city marine patrol.

Appointments to the authority shall consist of individuals who have had previous experience in the operation of or inspection of either marine vessels or marine facilities including experience in various types of boat activities, including fishing in the waterways of the city. The members of the marine authority shall have the right and duty to consult with any member of the city administration for technical or other information pertaining to the matters before them.

City Liaison: Mercedes Carcasses

Appointments To Be Made :

Antonio Maldonado 12/31/2012 Commissioner Michael Góngora 12/31/17

Vacancy:

To replace Joel Aberbach 12/31/2013 Mayor Matti Herrera Bower

Members:

Name	Last Name	Position/Title	Term Ends:	Appointed by:	Term Limit:
Christopher	Todd		12/31/2013	Commissioner Jorge Exposito	12/31/14
Daniel	Kipnis		12/31/2013	Commissioner Jonah M. Wolfson	12/31/16
Maurice	Goodbeer		12/31/2014	Commissioner Jerry Libbin	12/31/19
Sasha	Boulanger		12/31/2013	Commissioner Ed Tobin	12/31/18
Stephen	Bernstein		12/31/2014	Commissioner Deede Weithorn	12/31/18
Michael	George	ex-officio MB Marine Patrol			

Applicants	Position/Title	Applicants	Position/Title
Alex Espenkotter		Christian Folland	
Elaine Roden		Jacobo Epelbaum	
Joel Aberbach		Jonathan Beloff	
Matthew Paulini		Paul Friedman	
Robert Glick		William Cahill	

Board and Committees Current Members

Miami Beach Commission For Women

2007-3570 S 2190-
1

Composition:

Twenty-one (21) members.

Each of the seven (7) members of the commission shall appoint three (3) members.

The chairperson of the Commission on the Status of Women or its designee shall serve as a non-voting ex-officio member of the Community Relations Board.

City Liaison: Wanda Geist

Appointments To Be Made :

Claudia	Moncarz	12/31/2012	Mayor Matti Herrera Bower	12/31/17
Regina	Berman	12/31/2012	Mayor Matti Herrera Bower	12/31/17

Vacancy:

To replace Tiffany Lapciuc	12/31/2013	Commissioner Deede Weithorn
To replace Ana Kasdin	12/31/2013	Commissioner Ed Tobin

Members:

Name	Last Name	Position/Title	Term Ends:	Appointed by:	Term Limit:
Debra (Debi)	Quade		12/31/2013	Commissioner Jerry Libbin	12/31/19
Elsa	Orlandini	(TL 12/31/13)	12/31/2013	Commissioner Jonah M. Wolfson	12/31/13
Francinelee	Hand		12/31/2013	Commissioner Jerry Libbin	12/31/16
Gertrude	Arfa		12/31/2014	Commissioner Ed Tobin	12/31/14
Jessica	Conn		12/31/2014	Commissioner Jonah M. Wolfson	12/31/19
Karen	Edelstein		12/31/2014	Commissioner Jerry Libbin	12/31/15
Laura	Cullen		12/31/2013	Commissioner Michael Góngora	12/31/19
Laura	Bruney	(TL 12/31/13)	12/31/2014	Commissioner Jorge Exposito	12/31/13
Leslie	Coller		12/31/2013	Commissioner Deede Weithorn	12/31/15
Maribel	Quiala		12/31/2014	Commissioner Jorge Exposito	12/31/16
Marjorie	York	(TL 12/31/13)	12/31/2013	Mayor Matti Herrera Bower	12/31/13
Mercedes	Carlson		12/31/2013	Commissioner Jorge Exposito	12/31/18
Nikki	Weisburd		12/31/2014	Commissioner Ed Tobin	12/31/15
Regina	Suarez		12/31/2014	Commissioner Michael Góngora	12/31/17
Roberta	Gould		12/31/2013	Commissioner Deede Weithorn	12/31/15
Rocio	Sullivan		12/31/2014	Commissioner Michael Góngora	12/31/19

Applicants	Position/Title	Applicants	Position/Title
Britta Hanson		Dale Gratz	
Diana Fontani Martinez		Eda Valero-Figueira	
Jennifer Diaz		Judith Berson-Levinson	
Maria Begonia Calcerrada		Marie Towers	
Marjorie O'Neill-Butler		Merle Weiss	
Molly Leis		Natalia Datorre	
Rebecca Boyce		Wendy Kallergis	

Board and Committees Current Members

Miami Beach Cultural Arts Council

Sec. 2-51

Composition:

Three (3) years term.

Vacancies submitted by slate of candidates provided by the council.

Eleven (11) members to be appointed at-large by a majority vote of the Mayor and City Commission. Effective December 31, 2001, concurrent with the expiration of the terms of six (6) members of the council, and the resulting vacancies thereon, three (3) members shall be appointed for three (3) year terms each, provided that one of those appointments shall be to fill the vacancy of the one (1) year term expiring on December 31, 2001, and three (3) members shall be appointed for two (2) year terms each. Additionally, effective December 31, 2002, no council member may serve more than six (6) consecutive years.

City Clerk's Note: Please see the "Agenda - Agenda Archives" for the continuously updated Releases of City Commission At-Large Nominations listing current information about which applicants have actually been nominated. The Agenda - Agenda Archives website is located at <http://miamibeachfl.gov/cityclerk/scroll.aspx?id=72497>.

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City Liaison: Gary Farmer

Vacancy:

To replace Ileana
Bravo-Gordon

12/31/2015 City Commission

Members:

Name	Last Name	Position/Title	Term Ends:	Appointed by:	Term Limit:
Beatrice	Hornstein		12/31/2015	City Commission	12/31/15
Charles	Million		12/31/2013	City Commission	12/31/17
Daniel	Novela		12/31/2015	City Commission	12/31/15
Eda	Valero-Figueira		12/31/2014	City Commission	12/31/14
Gregory	Melvin		12/31/2014	City Commission	12/31/15
Isadore	Havenick	TL 12/31/13	12/31/2013	City Commission	12/31/13
Marjorie	O'Neill-Butler		12/31/2015	City Commission	12/31/15
Merle	Weiss		12/31/2013	City Commission	12/31/17
Nina	Duval	TL 12/31/13	12/31/2013	City Commission	12/31/13
Zoila	Datorre		12/31/2014	City Commission	12/31/14

Applicants	Position/Title	Applicants	Position/Title
Annette Fromm		Antoinette Zel	
Bradley Ugent		Calvin Kohli	
Christina LaBuzetta		Cyn Zarco	
Elizabeth Pines		Eugenio Cabreja	
George Durham		Janda Wetherington	
Jason Witrock		Jean Fils	
Jenna Ward		Karlene Mcleod	

Board and Committees Current Members

Maria Cifuentes Marrero

Michael McManus

Monica Harvey

Nathaniel Korn

Oliver Oberhauser

Rebecca Diaz

Steve Berke

Mark Alhadeff

Molly Leis

Monica Minagorri

Nicole Doswell

Patti Hernandez

Robert Newman

Tamra Sheffman

Board and Committees Current Members

Miami Beach Human Rights Committee

2010-3669

Composition:

The committee shall consist of a minimum of five (5) and a maximum of eleven (11) members, with one (1) out of every five (5) members, to be a direct appointment by the Mayor, and with the remaining members to be at-large appointments of the City Commission.

The members of the committee shall reflect as nearly as possible, the diversity of individuals protected under the City's Human Rights Ordinance. In keeping with this policy, not less than two (2) months prior to making appointments or re-appointments to the committee, the City Manager shall solicit nominations from as many public service groups and other sources, which he/she deems appropriate, as possible.

At least one (1) of the committee members shall possess, in addition to the general qualifications set forth herein for members, a license to practice law in the State of Florida; be an active member of and in good standing with the Florida Bar, and have experience in civil rights law. The attorney member shall also serve as chair of the committee.

City Clerk's Note: Please see the "Agenda - Agenda Archives" for the continuously updated Releases of City Commission At-Large Nominations listing current information about which applicants have actually been nominated. The Agenda - Agenda Archives website is located at <http://miamibeachfl.gov/cityclerk/scroll.aspx?id=72497>.

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City Liaison: Ralph Granado

Members:

Name	Last Name	Position/Title	Term Ends:	Appointed by:	Term Limit:
Alan	Fishman	Law	12/31/2013	City Commission	12/31/16
Bradley	Ugent		12/31/2013	City Commission	12/31/18
Carlos J	Ortuno		12/31/2014	City Commission	12/31/16
Dr. Barry	Ragone		12/31/2014	City Commission	12/31/16
Elizabeth	Schwartz		12/31/2013	City Commission	12/31/16
Monica	Harvey		12/31/2014	City Commission	12/31/18
Rachel	Umlas		12/31/2014	City Commission	12/31/18
Rafael	Trevino		12/31/2014	City Commission	12/31/16
Walker	Burttschell		12/31/2013	City Commission	12/31/16
William	Warren Jr.		12/31/2013	Mayor Matti Herrera Bower	12/31/19

Applicants	Position/Title	Applicants	Position/Title
Andrea Lisa Travaglia		Christopher Amisano	
Ivana Vento		Lori Gold	
Luis Herrera		Prakash Kumar	

Board and Committees Current Members

Miami Beach Sister Cities Program

Sec. 2-181

Composition:

The Coordinating Council is the governing body of the overall Sister Cities Program. The council shall consist of;

one (1) representatives per Sister City affiliation and ,
 nine (9) other members. All of these members are appointed by the mayor. The members of the coordinating council shall be persons who are interested in furthering the purpose of the program. Any person interested in furthering the purpose of the program may become a member of an individual sister city committee upon approval by the coordinating council. To qualify, the person shall present a resume and a letter of interest to the committee chairperson.

These members are appointed by the Mayor of the City of Miami Beach for two (2) years. City Liaison: Diana Fontani

Appointments To Be Made :

Bruce	Reich	Nahariya, Israel TL	12/31/13	12/31/2012	Mayor Matti Herrera Bower	12/31/13
Gary	Twist	Fortaleza Brazil		12/31/2012	Mayor Matti Herrera Bower	12/31/17
Stephanie	Trinidad	other		12/31/2012	Mayor Matti Herrera Bower	12/31/16
George	Neary	other		12/31/2012	Mayor Matti Herrera Bower	12/31/16
Jessica	Londono	Ica, Peru		12/31/2012	Mayor Matti Herrera Bower	12/31/17
Faye	Goldin	other		12/31/2012	Mayor Matti Herrera Bower	12/31/18
Zeiven	Beitchman	other		12/31/2012	Mayor Matti Herrera Bower	12/31/14
Ileana	Bravo-Gordon	Rio de Janeiro, Brazil		12/31/2012	Mayor Matti Herrera Bower	12/31/19
Annette	Fromm	other		12/31/2012	Mayor Matti Herrera Bower	12/31/19
Jennifer	Diaz	Santa Marta, Colombia		12/31/2012	Mayor Matti Herrera Bower	12/31/19

Vacancy:

To replace Veronika Pozmentier	other	12/31/2013	Mayor Matti Herrera Bower
To replace Daniela Linden-Retkova	Krumlov, Czeck Rep.	12/31/2013	Mayor Matti Herrera Bower
To replace Michael McNamee	Fujisawa, Japan	12/31/2013	Mayor Matti Herrera Bower

Members:

Name	Last Name	Position/Title	Term Ends:	Appointed by:	Term Limit:
Elaine	Roden	other	12/31/2013	Mayor Matti Herrera Bower	12/31/17
Jacobo	Epelbaum	other	12/31/2013	Mayor Matti Herrera Bower	12/31/19
Jenna	Ward	Almonte, Spain	12/31/2013	Mayor Matti Herrera Bower	12/31/19
Nuccio	Nobel	Cozumel, Mexico	12/31/2013	Mayor Matti Herrera Bower	12/31/16
Ray	Breslin	Brampton, Canada	12/31/2013	Mayor Matti Herrera Bower	12/31/16
Roberto	DaTorre	other	12/31/2013	Mayor Matti Herrera Bower	12/31/16
Wendy	Kallergis	Pescara, Italy	12/31/2013	Mayor Matti Herrera Bower	12/31/19

Applicants	Position/Title	Applicants	Position/Title
Ana Kasdin		Ann Thomas	
Bruce Klaiber		Charles Million	
Claudia Moncarz		Darin Feldman	
Francesco Stipo		Gabriel Paez	
Gregory Carney		Israel Sands	

Board and Committees Current Members

Ivan Rusilko
Luis Giraldo-De la hoz
Marcella Paz Cohen
Michael Rotbart
Rabbi Daniel Sherbill
Tamra Sheffman

Josephine Pampanas
Luis Iglesias- Ramirez
Maria Rodriguez
Michael Tichacek
Raymond Adrian
Walter Lucero

Board and Committees Current Members

Normandy Shores Local Gov. Neighborhood Impv.

Sec 34-175

Composition:

The Advisory Council shall be appointed by the Board of Directors (City Commission) and composed of three members of the Executive Committee of the Normandy Shores Homeowner Association. On behalf of the Board of Directors, the City Clerk shall solicit from the Executive Committee the eligibility list of its members for appointment consideration. The Advisory Council shall be composed of the three members of the Executive Committee of the Normandy Shores Homeowners Association as per Resolution No. 97-22449 adopted July 2, 1997.

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City Liaison: Ronald Loring

Members:

Name	Last Name	Position/Title	Term Ends:	Appointed by:	Term Limit:
John	Hughes		12/31/2014	City Commission	12/31/18
Mark	Wojak		12/31/2014	City Commission	12/31/18
Ronald	Loring		12/31/2014	City Commission	12/31/14

Applicants	Position/Title	Applicants	Position/Title
Andrew Fuller		David Alschuler	
John Bowes		Jonathan Porcelli	
Marie Towers		Miguel Antonio Aviles	
Monica Minagorri		Sofia Emuriel	
Tegan Eve			

Board and Committees Current Members

Parks and Recreational Facilities Board

Sec. 2-171

Composition:

The board shall be comprised of ten (10) members.

Seven (7) direct appointments made by the mayor and each commissioner.

The chairperson of the following boards/committees or their designees shall serve as nonvoting ex-officio members of the Parks and Recreational Facilities Board:

- 1) Beautification Committee,
- 2) Golf Advisory Committee, and
- 3) Youth Center Advisory Board (See Beach Preservation, ex-officio member.)

Members of the board shall demonstrate interest in the City's Parks and Recreational Facilities and programs through their own participation or the participation of a member of their immediate family.

City Liaison: Kevin Smith

Vacancy:

To replace Jeffrey Forster	12/31/2013	Commissioner Michael Góngora
To replace Lizette Lopez	12/31/2013	Commissioner Jerry Libbin

Members:

Name	Last Name	Position/Title	Term Ends:	Appointed by:	Term Limit:
Amy	Rabin	(TL 12/31/13)	12/31/2014	Mayor Matti Herrera Bower	12/31/13
Harriet	Halpryn		12/31/2014	Commissioner Jonah M. Wolfson	12/31/15
Jonathan	Groff		12/31/2014	Commissioner Deede Weithorn	12/31/17
Leslie	Graff		12/31/2014	Commissioner Ed Tobin	12/31/15
Meryl	Wolfson	TL 12/31/13	12/31/2013	Commissioner Jorge Exposito	12/31/13
Daniel Nixon		Ex-Officio member Beautification Committee			
vacant		Ex-Officio member of the Youth Center Adv. Board			
vacant		Ex-Officio member of Golf Advisory Committee			

Applicants	Position/Title	Applicants	Position/Title
Annette Cannon		Christina Nicodemou	
Dana Turken		Dolores Hirsh	
Eleanor Carney		George Castillo	
George Durham		Jason Witrock	
Maria Cifuentes Marrero		Maria Rodriguez	
Michael Steffens		Miguel Antonio Aviles	
Mojdeh Khaghan		Moni Cohen	
Paul Stein		Peter Vallis	
Walter Lucero			

Board and Committees Current Members

Personnel Board

Sec. 2-190.66

Composition:

Ten (10) members appointed by a 5/7 vote.

Six (6) of which shall be citizens of Miami Beach not in the employment of the city, each having a different vocation;

and three (3) regular employees of the City of Miami Beach, to be elected by the probationary and regular employees of the city and who shall be elected from the employees of regular status in the respective groups:

Group I shall consist of the employees of the Police Department, Fire Department and Beach Patrol Department,

Group II shall consist of employees who are in clerical and executive positions,

Group III shall consist of all other employees,

The Personnel Director is a non-voting member.

City Clerk's Note: Please see the "Agenda - Agenda Archives" for the continuously updated Releases of City Commission At-Large Nominations listing current information about which applicants have actually been nominated. The Agenda - Agenda Archives website is located at <http://miamibeachfl.gov/cityclerk/scroll.aspx?id=72497>.

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City Liaison: Carla Gomez

Vacancy:

To replace David Richardson	12/31/2013	City Commission
To replace David Alschuler	12/31/2014	City Commission
To replace Michael Perlmutter	12/31/2013	City Commission

Members:

Name	Last Name	Position/Title	Term Ends:	Appointed by:	Term Limit:
Gabriel	Paez		12/31/2014	City Commission	12/31/15
Mojdeh	Khaghan		12/31/2014	City Commission	12/31/16
Rosalie	Pincus		12/31/2013	City Commission	12/31/15
Christopher Diaz		elected 07/20/2011 exp. 7/31/2014- Group I			
Evette Phillips		elected 07/09/2012 exp. 7/31/2015 Group III			
George Castell		elected 07/23/2010 exp. 7/31/2013 Group II			
Vacant		Human Resources Director			

Applicants	Position/Title	Applicants	Position/Title
Elsa Orlandini		Gail Harris	
Harold Foster		Laurie Kaye Davis	
Lori Gold		Richard Preira	

Board and Committees Current Members

Sec. 118-51

Planning Board

Composition:

Two (2) year term. Appointed by a minimum of 4 votes.

Seven (7) regular voting members. The voting members shall have considerable experience in general business, land development, land development practices or land use issues; however, the board shall at a minimum be comprised of:

- 1) one architect registered in the state of Florida; or a member of the faculty of a school of architecture in the state, with practical or academic expertise in the field of design, planning, historic preservation or the history of architecture; or a landscape architect registered in the state of Florida; or a professional practicing in the fields of architectural or urban design, or urban planning;
- 2) one developer who has experience in developing real property; or an attorney in good standing licensed to practice law within the United States.
- 3) one attorney licensed to practice law in the state of Florida who has considerable experience in land use and zoning issues;
- 4) one person who has education and/or experience in historic preservation issues. For purposes of this section, the term "education and/or experience in historic preservation issues" shall be a person who meets one or more of the following criteria:
 - A) Has earned a college degree in historic preservation;
 - B) Is responsible for the preservation, revitalization or adaptive reuse of historic buildings; or
 - C) Is recognized by the city commission for contributions to historic preservation, education or planning; and
- 5) three persons who are citizens at large or engaged in general business in the city

No person except a resident of the city, who has resided in the city for at least one year shall be eligible for appointment to the planning board. The City Commission may waive the residency requirements by a 5/7ths vote in the event a person not meeting these requirements is available to serve on the board and is exceptionally qualified by training and/or experience.

City Clerk's Note: Please see the "Agenda - Agenda Archives" for the continuously updated Releases of City Commission At-Large Nominations listing current information about which applicants have actually been nominated. The Agenda - Agenda Archives website is located at <http://miamibeachfl.gov/cityclerk/scroll.aspx?id=72497>.

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City Liaison: Katia Hirsh.

Members:

Name	Last Name	Position/Title	Term Ends:	Appointed by:	Term Limit:
Charles	Urstadt	General Business	12/31/2013	City Commission	12/31/17
Frank	Kruszewski	General Business	12/31/2014	City Commission	12/31/18
Henry	Stolar	Gen. Bus. TL 12/31/13	12/31/2013	City Commission	12/31/13
Jack	Johnson	Historic Preservation	12/31/2014	City Commission	12/31/18
Jean-Francois	Lejeune	Architect	12/31/2014	City Commission	12/31/17
Jonathan	Beloff	Attorney	12/31/2013	City Commission	12/31/15
Robert	Wolfarth	Developer	12/31/2013	City Commission	12/31/17

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Board and Committees Current Members

Applicants	Position/Title	Applicants	Position/Title
Albert Mertz		Alex Espenkotter	
Alexander Annunziato		Andres Asion	
Anthony Atala		Avi Ciment	
Brian Ehrlich		Dominique Bailleul	
Elizabeth Camargo		Francis Steffens	
Gary Twist		Guy Simani	
Jeffrey Cohen		Jessica Conn	
Joshua Wallack		Joy Malakoff	
Marina Novaes		Mark Alhadeff	
Marlo Courtney		Muayad Abbas	
Noah Fox		Robert Sena	
Ryan Homan			

Board and Committees Current Members

Police Citizens Relations Committee

Sec. 2-190.36

Composition:

The committee shall consist of seventeen (17) members, fourteen (14) of whom shall be voting members.

The members shall be direct appointments with the Mayor and City Commissioners, each making two (2) individual appointments.

One (1) non-voting ex-officio member shall be from the non-administrative personnel of the police department selected by a majority vote of the non administrative personnel.

Two (2) additional non-voting ex-officio members shall be the police chief (or a designee) and the city attorney (or a designee).

The chairperson of the committee or his/her designee shall serve as a non-voting ex-officio member of the Community Relations Board.

The Police/Citizen Relations Committee shall be assigned to the Police Department.

Recommendations for appointment to all voting and non-voting membership selected by the Mayor and Commission shall be obtained from;

the Spanish American League Against Discrimination (S.A.L.A.D.); the League of United Latin American Citizens (L.U.L.A.,C.); The Anti-Defamation League, (A.D.L.);

The Dade Action Pac; the National Association for the Advancement of Colored People (NAACP);

the League of Women's Voters,

and any other organizations deemed appropriate.

The voting members of the committee shall have knowledge of and interest in Police Community Relations and their impact on the City of Miami Beach.

City Liaison: Chief Raymond Martinez

Vacancy:

To replace Michael Grieco

12/31/2014 Commissioner Michael Góngora

Members:

Name	Last Name	Position/Title	Term Ends:	Appointed by:	Term Limit:
Beverly	Aberbach	(TL 12/31/13)	12/31/2014	Commissioner Jorge Exposito	12/31/13
Claire	Warren		12/31/2013	Mayor Matti Herrera Bower	12/31/18
Dina	Dissen		12/31/2014	Commissioner Jerry Libbin	12/31/14
Gianluca	Fontani		12/31/2014	Commissioner Jorge Exposito	12/31/18
Glenda	Krongold		12/31/2014	Commissioner Ed Tobin	12/31/15
Hope	Fuller		12/31/2013	Commissioner Jerry Libbin	12/31/16
Jared	Plitt		12/31/2013	Commissioner Deede Weithorn	12/31/15
Jonathan	Parker		12/31/2013	Commissioner Jonah M. Wolfson	12/31/19
Michael	Perlmutter		12/31/2014	Commissioner Michael Góngora	12/31/20
Mitchell	Korus		12/31/2013	Mayor Matti Herrera Bower	12/31/18
Nelson	Gonzalez		12/31/2013	Commissioner Ed Tobin	12/31/15
Steven	Oppenheimer		12/31/2014	Commissioner Jonah M. Wolfson	12/31/17
Walter	Lucero		12/31/2013	Commissioner Deede Weithorn	12/31/19
Alex Bello		Non-adm. Personnel of the PD			
R. Martinez		Police Chief			
Steve Rothstein		City Attorney Designee			

Board and Committees Current Members

Applicants	Position/Title	Applicants	Position/Title
Alejandro Dominguez		Alex Espenkotter	
Barbara (Bunny) Patchen		Bruce Klaiber	
Christina LaBuzetta		David Crystal	
Erik Goldman		Eugenio Cabreja	
Irene Valines		Irene Valines	
Jessica Jacobs		Kimberly Diehl	
Laura Cullen		Laura Morilla	
Maria Begonia Calcerrada		Marina Aviles	
Melissa Mokha		Rachel Schuster	
Richard Preira		Rosemarie Murillo Likens	
Steven Gonzalez		Tegan Eve	

Board and Committees Current Members

Production Industry Council

Sec. 2-71

Composition:

The council shall consist of seven (7) voting members, the Mayor and each Commissioner shall make one direct appointment.

All regular members shall have knowledge of the fashion, film, new media, production, television and or recording industries of the city.

Each of the six (6) industries shall be represented by at least one member, but no more than three (3) members, who are directly involved with that industry.

City Liaison: Graham Winick

Vacancy:

To replace Joyce Galbut Production 12/31/2014 Mayor Matti Herrera Bower

Members:

Name	Last Name	Position/Title	Term Ends:	Appointed by:	Term Limit:
Albert	Mertz	Recording Industry	12/31/2013	Commissioner Jerry Libbin	12/31/20
Allee	Newhoff	Fashion (TL 12/31/13)	12/31/2014	Commissioner Jorge Exposito	12/31/13
Belkys	Nerey	Production	12/31/2013	Commissioner Deede Weithorn	12/31/18
Bruce	Orosz	Fashion	12/31/2014	Commissioner Ed Tobin	12/31/15
Ivan	Parron	News Media	12/31/2014	Commissioner Michael Góngora	12/31/16
Noreen	Legault-Mendoza	TV/Film	12/31/2013	Commissioner Jonah M. Wolfson	12/31/17

Applicants	Position/Title	Applicants	Position/Title
Christina Nicodemou		Irene Valines	
Karlene Mcleod		Lisa Ware	
Natalia Datorre		Paul Friedman	

Board and Committees Current Members

Safety Committee

Sec. 2-176

Composition:

Committee consists of fourteen (14) members who shall be direct appointments, two (2) appointments shall be made by the Mayor and each Commissioner.
The members shall have knowledge of and interest in the safety of the citizens of the city.

Ordinance 2010-3710 requires that one of the two direct appointments by the Mayor and each of the City Commissioners be Citizen Emergency Response Team (CERT) certified.

City Liaison: Sonia Bridges

Appointments To Be Made :

Jerry Marsch (TL 12/31/13) 12/31/2012 Mayor Matti Herrera Bower 12/31/13

Vacancy:

To replace Baruch Sandhaus 12/31/2013 Commissioner Jorge Exposito

Members:

Name	Last Name	Position/Title	Term Ends:	Appointed by:	Term Limit:
Alfredo	Rey		12/31/2014	Commissioner Deede Weithorn	12/31/17
Barbara	Gillman	(TL 12/31/13)	12/31/2014	Commissioner Jonah M. Wolfson	12/31/13
Calvin	Kohli		12/31/2014	Commissioner Jerry Libbin	12/31/16
Irene	Valines		12/31/2014	Commissioner Ed Tobin	12/31/19
Jane	Hayes		12/31/2013	Commissioner Jerry Libbin	12/31/17
Jason	Witrock		12/31/2014	Commissioner Jorge Exposito	12/31/19
Jeannette	Egozi		12/31/2013	Commissioner Michael Góngora	12/31/17
Jeff	Gordon		12/31/2013	Commissioner Jonah M. Wolfson	12/31/19
Joel	Aberbach		12/31/2013	Mayor Matti Herrera Bower	12/31/19
Marcella	Paz Cohen		12/31/2013	Commissioner Deede Weithorn	12/31/16
Michelle	Green		12/31/2013	Commissioner Michael Góngora	12/31/19
Oren	Lieber		12/31/2014	Commissioner Ed Tobin	12/31/14

Applicants	Position/Title	Applicants	Position/Title
Jonathan Parker		Leah Rey	
Michael Perlmutter		Michael Tichacek	
Michelle Green		Orlinda Perez Perez	
Robert Blumenthal		Silvia Rotbart	
William Cahill			

Board and Committees Current Members

Single Family Residential Review Panel

2006-3529

Composition:

The panel shall be composed of three (3) members, two of whom shall be architects an/or other registered design professionals, and one shall be a resident of the City, each to serve for a term of one (1) year. Panel members shall not deliberate in more than four (4) meetings per calendar year unless required due to inability to satisfy the quorum requirement.

Panel members shall be chosen by the City Manager or designee on a rotating basis or as available from a list of not more than 20 architects and/or other registered design professionals, as well as a list of residents of the City. In developing the list of registered professionals, names should be submitted from the following associations:

- (1) American Institute of Architects, local chapter
- (2) American Society of Landscape Architects, local chapter
- (3) American Planning Association, local section
- (4) The Miami Design Preservation League
- (5) Dade Heritage Trust -

Liaison: Thomas Mooney

Vacancy:

To replace Daniel Vietia	Registered Design Prof.	12/31/2013	Kathie G. Brooks, Int. City Manager
Jorge Gutierrez (TL12/31/14)	Registered Design Prof.	12/31/2013	Kathie G. Brooks, Int. City Manager
Rafael Sixto (TL12/31/14)	Registered Design Prof.	12/31/2013	Kathie G. Brooks, Int. City Manager

Members:

Name	Last Name	Position/Title	Term Ends:	Appointed by:	Term Limit:
new	member		12/31/2013		

Applicants	Position/Title	Applicants	Position/Title
Oliver Oberhauser			

Board and Committees Current Members

Sustainability Committee

2008-3618

Composition:

The Committee shall consist of seven (7) voting members, one each to be directly appointed by the Mayor and each City Commissioner. A Commissioner, appointed by the Mayor, shall serve as a non-voting member and shall serve as the chairperson of the Committee.

The purpose of the Committee is to provide guidance and advice with regard to the City's efforts to provide and promote general environmental improvement trends, or "Green Initiatives," and "Sustainable Development", which is herein defined as a pattern of resource use that aims to meet community needs while preserving the environment so that these needs can be met, not only in the present, but in the indefinite future.

The Committee shall make advisory recommendations to the City Commission and the City Manager to promote Citywide Green Initiatives and to promote and provide plans for Sustainable Development in the City of Miami Beach.

City Liaison: Elizabeth Wheaton

Members:

Name	Last Name	Position/Title	Term Ends:	Appointed by:	Term Limit:
Commissioner	Góngora		12/31/2013	Mayor Matti Herrera Bower	
David	Doebler		12/31/2013	Commissioner Jerry Libbin	12/31/20
Debra	Leibowitz		12/31/2013	Commissioner Deede Weithorn	12/31/15
Gabriole	Van Bryce		12/31/2014	Commissioner Michael Góngora	12/31/17
Lanette	Sobel		12/31/2014	Commissioner Jorge Exposito	12/31/17
Lily	Furst		12/31/2013	Commissioner Jonah M. Wolfson	12/31/16
Luiz	Rodrigues		12/31/2014	Commissioner Ed Tobin	12/31/15
Mitch	Novick		12/31/2013	Mayor Matti Herrera Bower	12/31/16

Applicants	Position/Title	Applicants	Position/Title
Amy Tancing		Andrea Lisa Travaglia	
Daniel Manichello		Elizabeth Pines	
George Durham		Kimberly Eve	
Marivi Iglesias		Michael Laas	
Russell Hartstein		Walker Burttschell	

Board and Committees Current Members

Tennis Advisory Committee

2012-3773

Composition:

The Committee shall be composed of seven (7) members, each of whom shall be a voting member who has demonstrated a high degree of interest, participation, and/or expertise in the sport of tennis. The Mayor and City Commissioners shall each make one direct appointment to the committee.

The Mission of the Tennis Committee is to improve the lives of residents by promoting the development and sound management of public facilities dedicated to the sport of tennis in the City of Miami Beach and to make recommendations, as appropriate, to the City Commission and the City Administration.

The powers and duties of the Committee shall be to provide advisory recommendations regarding the use, operation, management, and development of public tennis facilities to the City Commission and the City Administration for such action as the City Commission and the City Administration may deem appropriate.

Two years after the September 12, 2012 effective date of this Ordinance, the City Manager shall bring the provisions of this section before the City Commission for its review and consideration.

City Liaison: Julio Magrisso

Vacancy:

To replace Lizette Lopez

12/31/2013 Mayor Matti Herrera Bower

Members:

Name	Last Name	Position/Title	Term Ends:	Appointed by:	Term Limit:
Carrie	Johnson		12/31/2014	Commissioner Deede Weithorn	12/31/20
David	Berger		12/31/2013	Commissioner Jorge Exposito	12/31/19
Dolores	Hirsh		12/31/2013	Commissioner Jonah M. Wolfson	12/31/19
Gayle	Durham		12/31/2014	Commissioner Ed Tobin	12/31/20
Jeffrey	Forster		12/31/2013	Commissioner Jerry Libbin	12/31/19
Tegan	Eve		12/31/2014	Commissioner Michael Góngora	12/31/20

Applicants	Position/Title	Applicants	Position/Title
Kimberly Diehl		Laure Mckay	
Marlene Pross		Melissa Mokha	
Michael Tichacek		Stephen Donnelly	
Steve Berke		Vicki Petruzzelli	

Board and Committees Current Members

Transportation and Parking Committee

Sec. 2-190.91

Composition:

Committee shall consist of fourteen (14) members.

The Mayor and City Commissioners shall each make one (1) appointment, with the other members of the committee to be composed of members from the following community organizations, each of which must designate a permanent coordinating representative:

- 1) Miami Beach Chamber of Commerce's Transportation and Parking Committee,
- 2) Miami Beach Community Development Corporation,
- 3) Ocean Dr. Association,
- 4) Miami Design Preservation League,
- 5) North Beach Development Corporation,
- 6) Mid-Beach Community Association,
- 7) Lincoln Rd Marketing, Inc.,

On an annual basis, the members of the committee shall elect a chairman and such other officers as may be deemed necessary or desirable, who shall serve at the will of the committee. Seven members of the committee shall consist of a quorum of the committee and shall be necessary in order to take any action.

The members of the voting committee shall have knowledge of and interest in Transportation and Parking and their impact on the City of Miami Beach.

The members of the board shall be officially designated by their respective organization, and letters certifying that designation shall be forwarded to the Miami Beach City Clerk.

City Liaison: Saul Frances

Appointments To Be Made :

Josephine Pampanas	12/31/2012	Mayor Matti Herrera Bower	12/31/14
--------------------	------------	---------------------------	----------

Members:

Name	Last Name	Position/Title	Term Ends:	Appointed by:	Term Limit:
Dr. Corey	Narson		12/31/2014	Commissioner Jerry Libbin	12/31/18
Eric	Ostroff		12/31/2014	Commissioner Deede Weithorn	12/31/18
J.P.	Morgan		12/31/2013	Commissioner Michael Góngora	12/31/14
Maria	Mayer		12/31/2013	Commissioner Ed Tobin	12/31/16
Scott	Diffenderfer		12/31/2013	Commissioner Jonah M. Wolfson	12/31/15
Seth	Wasserman		12/31/2013	Commissioner Jorge Exposito	12/31/16

Al Feola	Rep. for the Ocean Dr. Imp. Assoc. 12/31/12
Delvin Fruit	Rep. for Mid-Beach Community Assoc. - 12/31/12
Jo Asmundsson	Rep. for MBCDC 12/31/12
Mark Weithorn	Rep. for NBDC 12/31/13
vacant	Rep. for Lincoln Road Marketing
vacant	Rep. for MBCC 12/31/12
William "Bill" Hahne	Rep. for MDPL 12/31/13

Applicants	Position/Title	Applicants	Position/Title
Cheryl Jacobs		Daniel Manichello	
David Alschuler		Dorian Nicholson	
Eleanor Carney		Gerhard Rima	

Board and Committees Current Members

Gianluca Fontani
Jacobs Jacobs
Julio Lora
Orlinda Perez Perez
Sasha Boulanger

Ivana Vento
Jeffrey Feldman
Laure Mckay
Rima Gerhard
Steven Oppenheimer

Board and Committees Current Members

Visitor and Convention Authority

Sec. 102-246

Composition:

Two (2) year term. Appointed by a minimum of 4 votes.

Seven (7) member who shall be permanent residents of Miami-Dade County.

The seven (7) members of the authority shall be representative of the community as follows:

- 1) Not less than two (2) nor more than three (3) members shall be representative of the hotel industry;
- 2) and the remaining members none of whom shall be representative of the hotel industry, shall represent the community at-large. Any member of the authority or employee therefore violating or failing to comply with provisions of this article shall be deem to have vacated his office or position.

City Clerk's Note: Please see the "Agenda - Agenda Archives" for the continuously updated Releases of City Commission At-Large Nominations listing current information about which applicants have actually been nominated. The Agenda - Agenda Archives website is located at <http://miamibeachfl.gov/cityclerk/scroll.aspx?id=72497>.

Alternatively, the Releases can be found by going to the City's main portal located at <http://miamibeachfl.gov>; and under the CITY MEETINGS section, located on the right hand side of the webpage, click on the "Agenda - Agenda Archives" link; thereafter, choose the first listed Commission meeting and click on City Commission At-Large Nominations.

City Liaison: Grisette Roque.

Members:

Name	Last Name	Position/Title	Term Ends:	Appointed by:	Term Limit:
Aaron	Perry	At- Large	12/31/2014	City Commission	12/31/16
Jaqueline	Hertz	At-large TL 12/31/13	12/31/2013	City Commission	12/31/13
Jeff	Lehman	Hotel Industry TL12/31/13	12/31/2013	City Commission	12/31/13
Keith	Menin	Hotel Industry	12/31/2013	City Commission	12/31/15
Margaret (Peggy)	Benua	At-Large	12/31/2014	City Commission	12/31/17
Micky	Ross Steinberg	At-large	12/31/2013	City Commission	12/31/15
Steven	Adkins	At-large	12/31/2014	City Commission	12/31/14

Applicants	Position/Title	Applicants	Position/Title
Albert Mertz		Antoinette Zel	
Brian Richard		Calvin Kohli	
Charles Million		Christine Taplin	
Christopher Amisano		Christopher Todd	
Diana Fontani Martinez		Eric Lawrence	
George Castillo		Harold Foster	
Israel Sands		James Lloyd	
Jeffrey Graff		Jennifer Diaz	
Jonathan Porcelli		Joshua Wallack	
Karen Brown		Karlene Mcleod	
Laure Mckay		Natalia Datorre	
Seth Feuer		Steven Gonzalez	
Zahara Mossman			

Board and Committees Current Members

Waterfront Protection Committee

Sec. 2-190.122

Composition:

The committee shall consist of: seven (7) voting members, one appointed by the Mayor and each Commissioner, and three (3) non-voting ex-officio members to be comprised as follows:

- 1) Seven (7) citizens having an interest in the preservation of the city's beaches and the purposes of the committee,
- 2) The city's environmental specialist as an ex-officio member,
- 3) An individual appointed by the Miami Dade County Department of Environmental Resources Management (DERM), Natural Resources Division who holds the position of Special Projects Administrator II as an ex-officio member and,
- 4) A member of the city's Beach Patrol.

City Liaison: Elizabeth Wheaton

Appointments To Be Made :

Matthew	Krieger	(TL 12/31/13)	12/31/2012	Commissioner Michael Góngora	12/31/13
Charles	Fisher		12/31/2012	Commissioner Deede Weithorn	12/31/18

Members:

Name	Last Name	Position/Title	Term Ends:	Appointed by:	Term Limit:
Barbara	Hershkowitz		12/31/2014	Commissioner Jerry Libbin	12/31/14
Jeffrey	Feldman		12/31/2013	Mayor Matti Herrera Bower	12/31/19
Morris	Sunshine		12/31/2013	Commissioner Jorge Exposito	12/31/15
Robert	Kraft		12/31/2013	Commissioner Jonah M. Wolfson	12/31/16
William	Cahill		12/31/2013	Commissioner Ed Tobin	12/31/20
Brian Flynn		ex-officio, Miami-Dade Co. Dept of Env. Res. Mgmt.			
Joe Fisher		ex-officio, City's Beach Patrol Lifeguard II			
Lisa Botero		ex-officio, City's Environmental Specialist			

Applicants	Position/Title	Applicants	Position/Title
Alan Fishman		Andrew Fuller	
James Weingarten		Kimberly Eve	
Luiz Rodrigues		Silvia Rotbart	

Board and Committees Current Members

Youth Center Advisory Board

Sec. 2-186

Composition:

The board shall consist of ten (10) members, seven (7) of whom shall be voting members affiliated with the Scott Rakow Youth Center. Two (2) student resident users of the facility shall serve as non-voting ex-officio members; one (1) of these student users must attend a middle school, and the other must attend a high school.

The director of the office of children's affairs shall serve as a non-voting ex-officio member. The chairperson of the Youth Center Advisory Board or his designee shall serve as a non-voting, ex-officio member of the Recreational Centers and Parks Facilities Board, to be renamed the Parks and Recreational Facilities Board.

City Liaison: Ellen Vargas

Appointments To Be Made :

Paul Stein 12/31/2012 Mayor Matti Herrera Bower 12/31/16

Vacancy:

Members:

Name	Last Name	Position/Title	Term Ends:	Appointed by:	Term Limit:
Annette	Cannon		12/31/2014	Commissioner Ed Tobin	12/31/18
Dana	Turken		12/31/2013	Commissioner Jorge Exposito	12/31/15
Esther	Egozi Choukroun		12/31/2014	Commissioner Michael Góngora	12/31/17
Jeffrey	Graff		12/31/2014	Commissioner Jerry Libbin	12/31/16
Michael	Burnstine		12/31/2013	Commissioner Jonah M. Wolfson	12/31/19
Stephanie	Rosen		12/31/2013	Commissioner Deede Weithorn	12/31/15
		ex-officio student rep. of a Middle School			
		ex-officio student rep. of a High School			
Maria Ruiz		ex-officio Dir. of Children's Affairs			

Applicants	Position/Title	Applicants	Position/Title
Aida El-Matari		Andrea Lisa Travaglia	
Rebecca Diaz			

City Commission Committees

Committee	Position	First Name	Appointed by
-----------	----------	------------	--------------

Finance & Citywide Projects Committee

Chairperson	Commissioner Deede Weithorn	Mayor Bower
Vice-Chair	Commissioner Jorge Exposito	Mayor Bower
Member	Commissioner Michael Góngora	Mayor Bower
Alternate	Commissioner Jerry Libbin	Mayor Bower
Liaison	Patricia Walker, Chief Financial Offi	

Land Use & Development Committee

Chairperson	Commissioner Michael Góngora	Mayor Bower
Vice-Chair	Commissioner Jonah Wolfson	Mayor Bower
Member	Commissioner Jerry Libbin	Mayor Bower
Alternate	Commissioner Edward L. Tobin	Mayor Bower
Liaison	Richard Lorber, Acting Planning Dir	

Neighborhood/Community Affairs Committee

Chairperson	Commissioner Edward L. Tobin	Mayor Bower
Vice-Chair	Commissioner Jerry Libbin	Mayor Bower
Member	Commissioner Jorge Exposito	Mayor Bower
Alternate	Commissioner Jonah Wolfson	Mayor Bower
Liaison	Barbara Hawayek, Building Depart	

Tuesday, February 26, 2013

NON-CITY COMMISSION COMMITTEES

Mayor Herrera Bower

- South Florida East Coast Corridor Coalition
- U.S. Conference of Mayors
- National League of Cities
- Florida League of Cities
- International Hispanic Network
- International Women's Forum - Arva Moore Parks
- FIU Wolfsonian Advisory Board
- Greater Miami Convention and Visitors Bureau Executive Committee
- Girl Power Honorary Member
- Miami-Dade Metropolitan Planning Organization
- Miami-Dade County Tourist Development Council
- Citizens' Oversight Committee/Interlocal Agreement for Public School Facility Planning MDC

Commissioner Michael Góngora

- Miami-Dade County League of Cities

Commissioner Deede Weithorn

- Miami-Dade County Homeless Trust Board

Ricky Arriola

- The Adrienne Arsht Center for the Performing Arts Center Trust

Victor Diaz

- Miami-Dade County Charter Review Task Force

Mitchell Kaplan

- The Adrienne Arsht Center for the Performing Arts Center Trust

Richard Milstein

- The Adrienne Arsht Center for the Performing Arts Center Trust



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: March 13, 2013

SUBJECT: **BOARD AND COMMITTEE APPOINTMENTS – CITY COMMISSION APPOINTMENTS**

ADMINISTRATION RECOMMENDATION

Make appointments as indicated.

BOARDS AND COMMITTEES

1. Affordable Housing Advisory Committee (2 vacancies)
2. Health Advisory Committee (2 vacancies)
3. Miami Beach Cultural Arts Council (1 vacancy)
4. Personnel Board (3 vacancies)

Please see the "Agenda - Agenda Archives" for the continuously updated Releases of City Commission At-Large Nominations listing current information about which applicants have actually been nominated. The Agenda-Agenda Archives website is located at:

<http://miamibeachfl.gov/cityclerk/scroll.aspx?id=72497>

Alternatively, the Releases can be found by going to the City's main portal located at <http://miamibeachfl.gov>; and under the CITY MEETINGS section, located on the right hand side of the webpage, click on the "Agenda – Agenda Archives" link; thereafter choose the first listed Commission meeting and click on City Commission At-Large Nominations.

KGB/REG

Agenda Item R9A1

Date 3-13-13

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R9 - New Business and Commission Requests

R9B1 Dr. Stanley Sutnick Citizen's Forum. (12:30 p.m.)
R9B2 Dr. Stanley Sutnick Citizen's Forum. (5:30 p.m.)

AGENDA ITEM: R9B1-2
DATE: 3-13-13

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R9 - New Business and Commission Requests

R9C Update On The Miami Beach Convention Center Project.
(City Manager's Office)

Agenda Item R9C
Date 3-13-13

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MIAMI BEACH

OFFICE OF THE MAYOR AND COMMISSION

MEMORANDUM

TO: Kathie Brooks, Interim City Manager
FROM: Jerry Libbin, Commissioner 
DATE: February 19, 2013
SUBJECT: Agenda item for the March 13, 2013 Commission meeting;

Please place on the March 13, 2013 Commission meeting agenda, a discussion of providing reserved parking for monthly permit holders on lower floors in our garages to alleviate inconvenience experienced by permit holders during major events such as the Boat Show.

Please see the attached email with valid concerns expressed by Ms. Olivia Benson.

You may contact my office at ext. 7106 if you have any questions.

Attachment

JL/er

Rodriguez, Enid

From: Olivia S. Benson [oliviasb@bellsouth.net]
Sent: Tuesday, February 19, 2013 4:00 PM
To: Libbin, Jerry
Cc: Gilbert K. Squires, Esq. gilbertsquires@squiresbenson.com
Subject: Management of Sheridan Street Garage

The list is quite simple:

The elevators are out of service regularly. Please fix them and keep them in service.

When the elevators are out of service post appropriate notices indicating their status.

When there are major/special events in the area parking for monthly parkers is difficult, time consuming, and cumbersome. Monthly parkers should have their parking guaranteed in the lower levels and special/major event parking should be directed to the upper levels. Not be subject to driving around to hopefully find a space. This is worse when there may only be one space available somewhere in the entire garage.

When these major events happen there is usually no additional cashier to handle the additional volume of customers. While there is some times someone screening the entrances, there needs to be someone to handle questions and direct traffic, especially at the end of the day when people are leaving the event and people are leaving their offices.

The garage has leaks and the stairs are frequently wet making them slippery.

Be Well!

O.I

Think Green-Please don't print unless you must!



Miami-Dade Office:
HSBC Bank Building
301 West 41st Street, Ste. 502
Miami Beach, FL 33140-3609
Tel: (305) 575-2400

Broward Office:
Huntington Square III
3350 SW 148th Ave., Ste. 110
Miramar, FL 33027-3237
Tel: (954) 874-1736

2400

Facsimile: (305) 575-

Toll Free: (877) 281-7269

E-mail:

oliviabenson@squirebenson



MIAMI BEACH

OFFICE OF THE MAYOR AND COMMISSION

MEMORANDUM

To: Kathie G. Brooks, Interim City Manager

From: Jonah Wolfson, Commissioner

Date: February 28th, 2013

Re: **Commission Agenda Discussion Item**

Please place on the March 13th, 2013, Commission Agenda a Discussion Item to discuss putting out to bid the commercial waste hauling franchises as there has been further consolidation.

Should you have any questions, please contact Leonor Hernandez at Extension 6437.

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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

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

FROM: Rafael E. Granado, City Clerk



DATE: March 13, 2013

SUBJECT: Discussion Item – The Office of the City Clerk is seeking direction as to the usage of pre-paid return postage envelopes or regular envelopes, where voters must provide their own postage, to return absentee ballots in the upcoming November 2013 City Elections.

The Miami-Dade County Board of County Commissioners passed a resolution on September 18, 2012, to provide pre-paid return postage envelopes for absentee ballots in all countywide elections (see Exhibit A). Municipalities conducting stand-alone elections, such as Miami Beach in November 2013, are afforded the choice of using pre-paid return postage envelopes, or regular envelopes, where voters must provide their own postage, to return the absentee ballots.

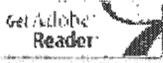
The Miami-Dade County Elections Department is in the process of ordering absentee ballot envelopes. Therefore, I am hereby seeking direction as to how to proceed, in order to properly prepare the election budget and the necessary election resolutions. As of today, Miami Beach has 5,003 permanent absentee ballot requests. The additional cost of pre-paid return envelopes for Miami Beach, based on 100% return of the 5,003 absentee ballot requests on file as of today, would be approximately \$2,501.50 (or \$0.50 per envelope). If the City chooses to provide pre-paid return envelopes for absentee ballots, it will only pay postage on those absentee ballots returned by mail. Note, this estimate will increase if additional absentee ballot requests are received.

T:\AGENDA\2013\March 13\Absentee Ballot Elections - Discussion Item.doc

Agenda Item R9F
Date 3-13-13



Miami-Dade Legislative Item File Number: 121687

Printable PDF Format 

File Number: 121687 **File Type:** Resolution **Status:** Amended
Version: 0 **Reference:** **Control:** Board of County Commissioners
File Name: PRE-PAID RETURN ENVELOPES FOR ABSENTEE **Introduced:**
 BALLOTS 8/24/2012
Requester: NONE **Cost:** **Final Action:**
Agenda Date: 9/18/2012 **Agenda Item Number:** 11A1
Notes: **Title:** RESOLUTION DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR'S
 DESIGNEE TO PROVIDE PRE-PAID RETURN ENVELOPES FOR
 ABSENTEE BALLOTS
Indexes: ABSENTEE BALLOT **Sponsors:** Esteban L. Bovo, Jr., Prime Sponsor
 ELECTION ISSUES Audrey M. Edmonson, Co-Sponsor
 Rebeca Sosa, Co-Sponsor
Sunset Provision: No **Effective Date:** **Expiration Date:**
Registered Lobbyist: None Listed

Legislative History

Acting Body	Date	Agenda Item	Action	Sent To	Due Date Returned	Pass/Fail
Board of County Commissioners	9/18/2012	11A1	Amended			P
REPORT:	The foregoing resolution was amended to add the word "countywide" before the word election. The amended version of the foregoing resolution would be assigned Resolution Number R-739-12.					
Board of County Commissioners	9/6/2012	14A3	4 Day Rule invoked			
REPORT:	Commissioner Jordan invoked the 4-Day Rule on the foregoing proposed resolution.					
Office of the Chairperson	9/4/2012		Additions		9/4/2012	

County Attorney	9/4/2012	Assigned	Infrastructure and Land Use Committee
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County Attorney	8/24/2012	Assigned	Oren Rosenthal
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Legislative Text

TITLE

RESOLUTION DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO PROVIDE PRE-PAID RETURN ENVELOPES FOR ABSENTEE BALLOTS

BODY

WHEREAS, Miami-Dade County recently has experienced examples of alleged absentee ballot fraud; and

WHEREAS, absentee ballot fraud is typically associated with ballot brokers who seek to influence absentee voters by, among other methods, offering to pay the cost of postage for the return of absentee ballots to the Supervisor of Elections; and

WHEREAS, providing postage pre-paid return envelopes for absentee ballots will decrease the ability of ballot brokers to illegally influence voters in Miami-Dade County; and

WHEREAS, the right to vote is a fundamental right in a democracy and should not be impeded by the payment of any costs such as postage; and

WHEREAS, the cost for providing pre-paid return envelopes would not exceed one hundred and seventy thousand dollars (\$170,000.00) in any county-wide election,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that:

Section 1. It shall be the policy of this Board to provide postage pre-paid return envelopes for all absentee ballots sent out by the Supervisor of Elections. The County Mayor or County Mayor's designee is hereby directed to provide postage pre-paid return envelopes for domestic absentee voters in all elections in Miami-Dade County commencing with the November 6, 2012 general election.

Section 2. In the event that there are insufficient funds in the budget for the Department of Elections, the County Mayor or County Mayor's designee is directed to provide the necessary funding to the Department of Elections for all costs of providing pre-paid return envelopes for domestic absentee ballots through the mid-year budget amendment.

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MEMORANDUM

Agenda Item No. 11(A)(1)

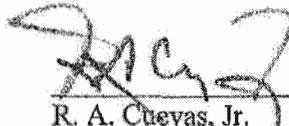
TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: September 18, 2012

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Resolution directing the County
Mayor to provide pre-paid return
envelopes for absentee ballots

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Esteban L. Bovo, Jr. and Co-Sponsor Vice Chairwoman Audrey M. Edmonson.



R. A. Cuevas, Jr.
County Attorney

RAC/smm



MEMORANDUM

(Revised)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: September 18, 2012

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Agenda Item No. 11(A)(1)

Please note any items checked.

- "3-Day Rule" for committees applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- No committee review
- Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous ____) to approve
- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 11(A)(1)
9-18-12

RESOLUTION NO. _____

RESOLUTION DIRECTING THE COUNTY MAYOR OR
COUNTY MAYOR'S DESIGNEE TO PROVIDE PRE-PAID
RETURN ENVELOPES FOR ABSENTEE BALLOTS

WHEREAS, Miami-Dade County recently has experienced examples of alleged absentee ballot fraud; and

WHEREAS, absentee ballot fraud is typically associated with ballot brokers who seek to influence absentee voters by, among other methods, offering to pay the cost of postage for the return of absentee ballots to the Supervisor of Elections; and

WHEREAS, providing postage pre-paid return envelopes for absentee ballots will decrease the ability of ballot brokers to illegally influence voters in Miami-Dade County; and

WHEREAS, the right to vote is a fundamental right in a democracy and should not be impeded by the payment of any costs such as postage; and

WHEREAS, the cost for providing pre-paid return envelopes would not exceed one hundred and seventy thousand dollars (\$170,000.00) in any county-wide election,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that:

Section 1. It shall be the policy of this Board to provide postage pre-paid return envelopes for all absentee ballots sent out by the Supervisor of Elections. The County Mayor or County Mayor's designee is hereby directed to provide postage pre-paid return envelopes for domestic absentee voters in all elections in Miami-Dade County commencing with the November 6, 2012 general election.

Section 2. In the event that there are insufficient funds in the budget for the Department of Elections, the County Mayor or County Mayor's designee is directed to provide the necessary funding to the Department of Elections for all costs of providing pre-paid return envelopes for domestic absentee ballots through the mid-year budget amendment.

The Prime Sponsor of the foregoing resolution is Commissioner Esteban L. Bovo, Jr. and the Co-Sponsor is Vice Chairwoman Audrey M. Edmonson. It was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a vote, the vote was as follows:

- | | |
|-------------------------------------|----------------------|
| Joe A. Martinez, Chairman | |
| Audrey M. Edmonson, Vice Chairwoman | |
| Bruno A. Barreiro | Lynda Bell |
| Esteban L. Bovo, Jr. | Jose "Pepe" Diaz |
| Sally A. Heyman | Barbara J. Jordan |
| Jean Monestime | Dennis C. Moss |
| Rebeca Sosa | Sen. Javier D. Souto |
| Xavier L. Suarez | |

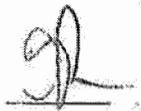
The Chairperson thereupon declared the resolution duly passed and adopted this 18th day of September, 2012. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.



Oren Rosenthal

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MIAMI BEACH

OFFICE OF THE MAYOR AND COMMISSION

MEMORANDUM

TO: Kathie Brooks, Interim City Manager

FROM: Michael Góngora, Commissioner

DATE: March 5, 2013

SUBJECT: Discussion Item for Commission Meeting

Please place on the March Commission a discussion item regarding prohibiting Capital Improvement Projects or County Capital Improvements Projects during the Miami International Boat Show and Art Basel. If you have any questions please feel free to contact my aide Diana Fontani at ext 6087.

MG/df

Agenda Item R9G
Date 3-13-13

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MIAMI BEACH

OFFICE OF THE MAYOR AND COMMISSION

MEMORANDUM

TO: Kathy Brooks, Interim-City Manager

FROM: Jonah Wolfson, Vice-Mayor

DATE: March 5th, 2013

SUBJECT: **Discussion Item for March 13th, 2013 Commission Meeting**

Please place on the March 13th, 2013, Commission Agenda a discussion to withdraw from the Planning Board's consideration the proposed Ordinance "Revising the Year of Review for Architectural Significance of Single Family Homes From the Current 1942 to the Year 1966, and by Modifying the Procedures for the Review and Approval of Demolition Requests for Single Family Homes Determined to be Architecturally Significant and not Located Within a Designated Historic District" (Planning Board File No. 2098), and to refer the matter back to the Land Use and Development Committee for further discussion and evaluation.

If you have any questions, please contact Leonor Hernandez at extension 6437.

JM/lh

JW/lh

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MIAMI BEACH

Office of the Mayor and City Commission

MEMORANDUM

To: Kathie G. Brooks, Interim City Manager

From: Matti Herrera Bower, Mayor

Date: March 6, 2013

Re: **Commission Agenda Item**

Please place on the March 13th, 2013 Commission Agenda an item to select the city manager. This item should be provided a time immediately following the conclusion of the Consent Agenda.

Should you have any questions, please contact Gabrielle Redfern at Extension 6157.

Thank you.

MHB/fg

Agenda Item R9I
Date 3-13-13

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R10

CITY ATTORNEY REPORTS

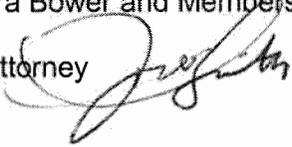


MIAMI BEACH

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: Jose Smith, City Attorney 

DATE: March 13, 2013

SUBJECT: **City Attorney's Status Report**

LAWSUITS FILED BY OR AGAINST THE CITY OF MIAMI BEACH SINCE THE LAST REPORT

1. West Coast Associates of Tampa v. City of Miami Beach, Case No. 13-1627 CC 05 (County Court – in and for Miami-Dade County, Florida)

This is an action to foreclose a mechanic's lien on real property located at 4221 Pine Tree Drive, Miami Beach, Florida. The Summons and Complaint were served on the City on January 29, 2013.

The City's Motion to Quash Service of Process and Motion to Dismiss was filed on February 4, 2013.

2. Green Tree Servicing, LLC vs. Oscar Rodriguez, et al., Case No. 13-2595 CA 42 (Circuit Court – 11th Judicial Circuit in and for Miami-Dade County, Florida)

This is an action to foreclose a mortgage on real property located at 11801 SW 24 Terrace, Miami, Florida. The Summons and Complaint were served on the City on January 17, 2013.

The City's Answer and Affirmative Defense, asserting priority for any special assessments, including, but not limited to, utility water and sewer services, demolition or board-up liens, and resort taxes was filed on January 29, 2013.

3. JPMorgan Chase Bank, N.A. vs. Lorena P. Sanchez, et al., Case No. 13-2595 CA 42 (Circuit Court – 11th Judicial Circuit in and for Miami-Dade County, Florida)

This is an action to foreclose a mortgage on real property located at 7125 Bay Drive, Unit 406, Miami Beach, Florida. The Summons and Verified Complaint were served on the City on January 29, 2013.

The City's Answer and Affirmative Defense, asserting priority for any special assessments, including, but not limited to, utility water and sewer services, demolition or board-up liens, and resort taxes was filed on February 4, 2013.

Agenda Item R10A
Date 3-13-13

4. JPMorgan Chase Bank, N.A. vs. Vaerus Sizovs, et al., Case No. 13-3617 CA 32 (Circuit Court – 11th Judicial Circuit in and for Miami-Dade County, Florida)

This is an action to foreclose a mortgage on real property located at 16850 S. Glades Drive, Unit 8C, North Miami Beach, Florida. The Summons and Complaint were served on the City on February 4, 2013.

The City's Answer and Affirmative Defense, asserting priority for any special assessments, including, but not limited to, utility water and sewer services, demolition or board-up liens, and resort taxes was filed on February 5, 2013.

5. The 5838 Condominium, Inc. vs. Mercy Llanes, et al., Case No. 13-24442 CC 05 (Circuit Court – 11th Judicial Circuit in and for Miami-Dade County, Florida)

This is an action to foreclose a condominium lien on real property located at 5838 Collins Avenue, PH-C, Miami Beach, Florida. The Summons and Complaint were served on the City on February 11, 2013.

The City's Answer and Affirmative Defense, asserting priority for any special assessments, including, but not limited to, utility water and sewer services, demolition or board-up liens, and resort taxes will be timely filed.

6. JPMorgan Chase Bank, N.A. vs. Aldolfo Lengyel, et al., Case No. 13-5708 CA 08 (Circuit Court – 11th Judicial Circuit in and for Miami-Dade County, Florida)

This is an action to foreclose a mortgage on real property located at 2231 Calais Drive, Miami Beach, Florida. The Summons and Complaint were served on the City on February 21, 2013.

The City's Answer and Affirmative Defense, asserting priority for any special assessments, including, but not limited to, utility water and sewer services, demolition or board-up liens, and resort taxes will be timely filed.

7. JPMorgan Chase Bank, N.A. vs. Eduardo Gonzalez, et al., Case No. 13-5351 CA 42 (Circuit Court – 11th Judicial Circuit in and for Miami-Dade County, Florida)

This is an action to foreclose a mortgage on real property located at 1530 NE 191 Street, Unit 101, North Miami Beach, Florida. The Summons and Complaint were served on the City on February 21, 2013.

The City's Answer and Affirmative Defense, asserting priority for any special assessments, including, but not limited to, utility water and sewer services, demolition or board-up liens, and resort taxes will be timely filed.

REPORTS AND INFORMATIONAL ITEMS

1. Reports and Informational Items (see LTC No. 073-2013)

Agenda Item 1
Date 3-13-13

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MIAMI BEACH

OFFICE OF THE CITY MANAGER

NO. LTC # 064-2013

LETTER TO COMMISSION

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

From: Kathie G. Brooks
Interim City Manager

Date: February 25, 2013

Subject: List of Projects Covered by the Cone of Silence Ordinance

RECEIVED
2013 FEB 27 PM 3:32
CITY CLERK'S OFFICE

In an effort to disseminate information to elected officials and City staff relative to projects that are covered by the requirements of the City's Cone of Silence Ordinance, following please find a list of all current solicitations (i.e., Invitation for Bids ("Bids"), Request for Proposals (RFPs), and Request for Qualifications (RFQs), that to date are covered by said ordinance. Please note that the Cone of Silence is in effect from the date the solicitation is advertised as indicated below, through date of award by City Commission.

Document Number	Date Advertised and Issued	Document Title	Department
ITB-08-11/12	8/17/2012	Printing Services	Citywide
RFP-14-11/12	1/17/2012	For A Public-Private Development In Miami Beach On North Lincoln Lane, Between Alton Road And Meridian Avenue, Including City-Owned Parking Lot #25 On 17 th Street And Lenox Avenue, Parking Lot #26 On North Lincoln Lane, Between Lenox Avenue And Michigan Avenue, And Parking Lot #27 On North Lincoln Lane Between Jefferson Avenue And Meridian Avenue	City Manager's Office
ITB-49-11/2	6/8/2012	City of Miami Beach Right-Of-Way Infrastructure Improvement Program – Venetian Islands Bid Package 13C	CIP
RFQ-52-11/12	8/14/2012	For the Establishment of a Pre-Approved List of Professional Construction Engineering and Inspection (CEI) Firms to Provide Various CEI Services On "As-Need" Basis	CIP
RFP-54-11/12	9/12/2012	For The Provisions of Credit Card Merchant Processing Services to The City of Miami Beach, For Five-Year Period with Five One-Year Options	Finance
ITB-66-11/12	9/24/2012	General Building and Specialty Trades Services	Citywide
RFP-01-013ME	12/24/2012	For Unarmed Security Guard Services	Citywide

Agenda Item 2
Date 3-13-13

Document Number	Date Advertised and Issued	Document Title	Department
RFQ-56-11/12	9/21/2012	For the Purpose of Conducting and Documenting a Detailed Facilities Condition Assessment of Various Building/Asset Owned by The City of Miami Beach, and to Top Develop a Schedule For Assets and Equipment Replacement Within the Building to Include Current and Project Future Replacement Costs	Public Works
RFP-06-2013TC	12/24/2012	For Maintenance and Security Services (Optional) at the Lincoln Road Mall	Public Works
RFP-022-2013ME	12/24/2012	For Call Center Services	Citywide
RFQ-022-2013TC	12/14/2012	For A Construction Manager At Risk Firm To Provide Pre-Construction Services And Construction Phase Services Via A Guaranteed Maximum Price (Gmp) Amendment For The Scott Rakow Youth Center Ice Skating Rink, Mechanical Repairs, And Building Renovations	CIP
ITN-059-2013ME	1/2/2013	MBCC Food and Beverage Services	Tourism
ITB-060-2013TC	Estimated Issuance 3/01/2013	Sunset Harbour Pump Stations Retrofit and Drainage Improvements	CIP
RFP-065-2013LR	2/22/2013	For Audit Services For An Audit of The City's Capital Improvement Projects Administered By the City's Capital Improvement Projects Office And Other City Departments	OBPI
RFP-065-2013TC	Estimated Issuance 3/01/2013	For Emergency Management Administrative Support Services	OBPI
ITB-075-2013LR	2/15/2013	Two-Way Radio Subscriber Maintenance Services	IT
RFP-095-2013ME	2/14/2013	Comprehensive Professional Tennis Management and Operation Services at the City's Flamingo and North Shore Park Tennis Center	Parks and Recreation

Please note that Bids, RFPs, and RFQs are being issued on a daily basis. Therefore, it is recommended that you or your staff view the list of projects on a regular basis.

Should you have any questions, or need additional information, please feel free to contact me.

C: Executive Staff and Management Team

KGB:PDW:AD 

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Miami Beach Redevelopment Agency

**City Hall, Commission Chambers, 3rd Floor, 1700 Convention Center Drive
March 13, 2013**

Chairperson of the Board Matti Herrera Bower
Member of the Board Jorge Exposito
Member of the Board Michael Góngora
Member of the Board Jerry Libbin
Member of the Board Edward L. Tobin
Member of the Board Deede Weithorn
Member of the Board Jonah Wolfson

Interim Executive Director Kathie G. Brooks
Assistant Director Jorge Gomez
General Counsel Jose Smith
Secretary Rafael E. Granado

AGENDA

1. NEW BUSINESS

- A A Resolution Of The Of The Chairperson And Members Of The Miami Beach Redevelopment Agency (RDA), Accepting The Recommendation Of The City's Finance And Citywide Projects Committee Pertaining To A Proposed Amendment No. 3 To That Certain Retail Lease Agreement By And Between The City Of Miami Beach, The Miami Beach Redevelopment Agency, (Collectively, Lessor) And Penn 17, LLC (Lessee), Dated September 16, 2011, Involving The Lease Of Approximately 7,655 Square Feet Of Ground Floor Retail Space At The Pennsylvania Avenue Garage, 1661 Pennsylvania Avenue, Miami Beach, Florida; Recommending That, As Part Of Said Amendment, The Chairperson And Members Of The RDA Approve The Following Amended Schedule Of Rent: 1) Applying One Third (1/3) Of The Lessee's Existing Security Deposit, Representing \$47,844, Toward Base Rent Owed For The Month Of November 2012; 2) Deferring \$8,474 For Common Area Maintenance (CAM) For November 2012, And Base Rent, Plus CAM, For December 2012, In The Total Amount Of \$64,792 (Hereinafter Referred To As The Back-Due Rent); 3) Approving An Abatement Of Fifty Percent (50%) Of The Base Rent And CAM Due For The Six (6) Month Period Commencing January 13, 2013 Through July 12, 2013; 4) Deferring Fifty Percent (50%) Of The Base Rent And Cam For The Six (6) Month Period Commencing July 13, 2013 Through January 12, 2014; And, 5) Providing For Re-Payment By Lessee Of The One Third Security Deposit And Re-Payment Of The Back-Due Rent For November And December, 2012; All In Accordance With The Payment Schedule Attached As Exhibit "A" Hereto; Further Ratifying The Setting Of A Public Hearing By The City For April 17, 2013, Regarding Lessee's Proposal To Add An Entertainment Component As A New Proposed Use On The Lease Premises (And As Part Of Lessee's Proposal To "Re-Brand" And Re-Open The Premises), And As Required By Section 142-362 Of The City Code. **Joint City Commission and Redevelopment Agency**
(Real Estate, Housing & Community Development)



MIAMI BEACH

Miami Beach Redevelopment Agency

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

HOW A PERSON MAY APPEAR BEFORE THE REDEVELOPMENT AGENCY OF THE CITY OF MIAMI BEACH, FLORIDA

The regularly scheduled meetings of the Redevelopment Agency are established by Resolution and are generally held on the same day the Miami Beach City Commission holds their regularly scheduled meetings. The Redevelopment Agency meetings commence at 10:00 a.m.

1. Jorge M. Gonzalez has been designated as the Agency's Executive Director.
Robert Parcher has been designated as the Agency's Secretary.
2. Person requesting placement of an item on the agenda must provide a written statement to the Agency Executive Director, 4th Floor, City Hall, 1700 Convention Center Drive, telephone 673-7285, outlining the subject matter of the proposed presentation. In order to determine whether or not the request can be handled administratively, an appointment will be set up to discuss the matter with a member of the Executive Director's staff. Procedurally, "Request for Agenda Consideration" will not be placed upon the Agency agenda until after Administrative staff review. Such review will ensure that the issue has been addressed in sufficient detail so that the Agency members may be fully apprised of the matter to be presented. Persons will be allowed three (3) minutes to make their presentation and will be limited to those subjects included in their written request. Such written requests must be received in the Executive Director's office no later than noon on Tuesday of the week prior to the scheduled Agency meeting to allow time for processing and inclusion in the agenda package.
3. Once an agenda for the Redevelopment Agency meeting is published, and a person wishes to speak on items listed on the agenda, he/she may call or come to the Agency Secretary's Office, 1st floor, City Hall, 1700 Convention Center Drive, telephone 673-7411, before 5:00 p.m., on the Tuesday prior to the Agency meeting and give their name, the agenda item to be discussed and, where known, the agenda item number.

The Agency agenda is available via the City's website, (www.miamibeachfl.gov) on the Friday prior to the Agency meeting or may be reviewed at the Agency's Secretary Office (City Clerk's Office) on the Monday prior to the Agency's regular meeting.

4. All persons who have been listed by the Agency Secretary to speak on the agenda item in which they are specifically interested, will be allowed up to three (3) minutes to present their views.

Robert Parcher
Agency Secretary

March 5, 2007

Condensed Title:

A Resolution approving the recommendation of the Finance and Citywide Projects Committee pertaining to a proposed Amendment No. 3 to that certain Retail Lease Agreement by and between the City of Miami Beach, the Miami Beach Redevelopment Agency, and Penn 17, LLC. (Lessee), dated September 16, 2011, involving the lease of approximately 7,655 square feet of ground floor retail space at the Pennsylvania Avenue Garage, 1661 Pennsylvania Avenue, Miami Beach, Florida; recommending that, as part of said Amendment, the Chairperson and Members of the RDA approve the following amended schedule of rent: 1) applying one third (1/3) of the Lessee's security deposit in the amount of \$47,844 towards back-due rent amounts owed for the month of November, 2012; 2) deferring of \$8,474 for Common Area Maintenance (CAM) for November, 2012, and Base Rent, plus CAM, for December, 2012, in the amount of \$64,792 (Back-Due Rent); 3) approving an abatement of fifty percent (50%) of the Base Rent and Common Area Maintenance (CAM) for the six-month period commencing January 13 through July 12, 2013; 4) deferring fifty percent (50%) of the Base Rent and CAM for the six-month period commencing July 13 through January 12, 2014; and 5) providing for repayment by Lessee of the one-third security deposit and Back-Due Rent for November and December, 2012, in the manner outlined in Schedule "A" attached to the Resolution; further setting a Public Hearing for April 17, 2013, regarding Lessee's proposal to add an entertainment component to the use, as required by Section 142-362 of the City Code.

Key Intended Outcome Supported:

Increase resident satisfaction with the level of services and facilities.

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

Approximately 40% of retail businesses surveyed, rank Miami Beach as one of the best places to do business and 61% of the same group would recommend Miami Beach as a place to do business.

Issue:

Shall the City Commission authorize the Administration to finalize for execution Amendment No. 3 to the Lease Agreement?

Item Summary/Recommendation:

The Tenant is requesting rent relief in connection with operational complications resulting from the failure of its air conditioning system. The Tenant alleges that the current location of its air conditioning compressors located between the first and second floor of the garage alongside the entrance ramp, is inadequate to support the size units required to cool a restaurant operation of the scale involved in Cooper Avenue. As a solution, Tenant seeks to relocate all eight compressors to the roof of the garage, (which relocation, if accomplished, will occupy five roof-top parking spaces). On December 20, 2012, and January 24, 2013, the Finance & Citywide Projects Committee (FCWPC) considered proposed terms and conditions for restructuring the Tenant's rent payments. The FCWPC expressed support for providing some level of relief to the Tenant, but not at the risk of turning the City's position upside down and subject to the inclusion of specific release language absolving the City of any liability regarding Tenant's cost overruns and claims related to loss of business. The FCWPC further recommended in favor of modifying the Lessee's rent schedule as delineated in the above title section. Additionally, the Tenant has provided the Administration with a preliminary business plan which proposes that the restaurant, when re-opened by July 2013, will house three individual concepts: an anchor restaurant facing 17th Street, involving the Tenant's relocation of its Bond Street Restaurant; a celebrity chef late-night fast casual eatery in the center section of the space, and a lounge/bar in the existing bar area (The lounge bar). Since the lounge bar is being proposed to include entertainment, which is not a permitted use in the CCC civic and convention center district, a public hearing is required under Section 142-362 of the City Code to approve such use. Considering that Penn 17, LLC has paid 50% of the January and February 2013 Base Rent and CAM, and given the length of time required to re-lease the space to a new tenant, the Administration recommends that the City Commission accept the recommendation of the FCWPC pertaining to the amended rent schedule in the manner outlined on the schedule attached as Exhibit "A" hereto, and further setting a public hearing for April 17, 2013, regarding Lessee's proposal to add an entertainment component to the use, as required by Section 142-362 of the City Code.

Advisory Board Recommendation:

Finance & Citywide Projects Committee approved on January 24, 2013

Financial Information:

Source of Funds:	Amount	Account
1		

Financial Impact Summary:

City Clerk's Office Legislative Tracking:

Anna Parekh, ext. 6471

Sign-Offs:

RHCD Director AP	Acting Assistant Director MAS	Interim Executive Director KGB
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KGB/MAS/AP//KOB



REDEVELOPMENT AGENCY MEMORANDUM

TO: Chairperson and Members of the Miami Beach Redevelopment Agency

FROM: Kathie G. Brooks, Interim Executive Director

DATE: March 13, 2013

SUBJECT: **A RESOLUTION OF THE CHAIRPERSON AND MEMBERS OF THE MIAMI BEACH REDEVELOPMENT AGENCY (RDA), ACCEPTING THE RECOMMENDATION OF THE CITY'S FINANCE AND CITYWIDE PROJECTS COMMITTEE PERTAINING TO A PROPOSED AMENDMENT NO. 3 TO THAT CERTAIN RETAIL LEASE AGREEMENT BY AND BETWEEN THE CITY OF MIAMI BEACH, THE MIAMI BEACH REDEVELOPMENT AGENCY, (COLLECTIVELY, LESSOR) AND PENN 17, LLC (LESSEE), DATED SEPTEMBER 16, 2011, INVOLVING THE LEASE OF APPROXIMATELY 7,655 SQUARE FEET OF GROUND FLOOR RETAIL SPACE AT THE PENNSYLVANIA AVENUE GARAGE, 1661 PENNSYLVANIA AVENUE, MIAMI BEACH, FLORIDA; RECOMMENDING THAT, AS PART OF SAID AMENDMENT, THE CHAIRPERSON AND MEMBERS APPROVE THE FOLLOWING AMENDED SCHEDULE OF RENT: 1) APPLYING ONE THIRD (1/3) OF THE LESSEE'S EXISTING SECURITY DEPOSIT, REPRESENTING \$47,844, TOWARD BASE RENT OWED FOR THE MONTH OF NOVEMBER 2012; 2) DEFERRING \$8,474 FOR COMMON AREA MAINTENANCE (CAM) FOR NOVEMBER 2012, AND BASE RENT, PLUS CAM, FOR DECEMBER 2012, IN THE TOTAL AMOUNT OF \$64,792 (HEREINAFTER REFERRED TO AS THE BACK-DUE RENT); 3) APPROVING AN ABATEMENT OF FIFTY PERCENT (50%) OF THE BASE RENT AND CAM DUE FOR THE SIX (6) MONTH PERIOD COMMENCING JANUARY 13, 2013 THROUGH JULY 12, 2013; 4) DEFERRING FIFTY PERCENT (50%) OF THE BASE RENT AND CAM FOR THE SIX (6) MONTH PERIOD COMMENCING JULY 13, 2013 THROUGH JANUARY 12, 2014; AND, 5) PROVIDING FOR RE-PAYMENT BY LESSEE OF THE ONE THIRD SECURITY DEPOSIT AND RE-PAYMENT OF THE BACK-DUE RENT FOR NOVEMBER AND DECEMBER, 2012; ALL IN ACCORDANCE WITH THE PAYMENT SCHEDULE ATTACHED AS EXHIBIT "A" HERETO; FURTHER RATIFYING THE SETTING OF A PUBLIC HEARING BY THE CITY FOR APRIL 17, 2013, REGARDING LESSEE'S PROPOSAL TO ADD AN ENTERTAINMENT COMPONENT AS A NEW PROPOSED USE ON THE LEASE PREMISES (AND AS PART OF LESSEE'S PROPOSAL TO "RE-BRAND" AND RE-OPEN THE PREMISES), AND AS REQUIRED BY SECTION 142-362 OF THE CITY CODE.**

ADMINISTRATION RECOMMENDATION

Adopt the Resolution.

BACKGROUND

On April 13, 2011, the Mayor and City Commission adopted 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 RDA (collectively, the Lessor)

and Penn 17, LLC. (Lessee or Tenant), 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 space currently houses the former Cooper Avenue Restaurant, which has been closed since December 17, 2012.

On November 15, 2012, the City issued a letter putting the Tenant on notice of certain compliance-related issues, including non-payment of rent for the months of October and November.

On November 21, 2012, the City received a letter in response to its 11/15/12 letter from Tenant's legal counsel, Jeffrey Rynor, requesting rent relief in connection with operational complications resulting from the failure of the air conditioning system on the Leased Premises. The Tenant alleged that the current location of the air conditioning compressors, located between the first and second floor of the garage alongside the entrance ramp, was inadequate to support the size units required to cool a restaurant operation of the scale involved in Cooper Avenue. As a solution, Tenant requested to relocating all eight compressors to the roof of the garage, (which relocation, if accomplished, will occupy five roof-top parking spaces).

On December 12, 2012, the City Commission referred the Tenant's request to the City's Finance and Citywide Projects Committee (FCWPC) for discussion, subject to the Tenant remitting all outstanding rent amounts due for October, November and December. Subsequent to the City Commission meeting, the Tenant informed staff that it wasn't in a position to remit rent for the three-month period, and instead remitted a wire transfer for the October, 2012 rent.

On December 17, 2012, the Tenant informed staff that it had closed Cooper Avenue Restaurant, with the intent of re-opening in February, 2012 under a new name and concept.

ANALYSIS

The issue was addressed at the December 20, 2012 FCWPC, during which the Tenant presented its request to reduce its rent payments by 50% over the next twelve (12) months; apply two months of the three-month security deposit it had paid at Lease execution towards the back rent due for November and December's rent; and have the City share in the cost of relocating the compressors to the roof of the garage, (the cost of which was estimated to be approximately \$65,000). The Tenant also indicated that it would prefer to address the relocation of the compressors as well as the kitchen exhaust venting (as was requested by the New World Symphony) at the same time and under one engineering contract.

The FCWPC was in favor of entertaining a deferral of the Tenant's rent, but for period of less than twelve months. It was not in favor of a rent abatement or on relinquishing a portion of the requested security deposit, unless the Tenant could provide a Letter of Credit or performance bond. The FCWPC directed staff to negotiate terms for a rent deferral to present to the City Commission, and to also incorporate release language absolving the City of any liability with regards to any claims made by the Tenant concerning construction delays and/or issues concerning the relocation of the HVAC compressors, as well as the kitchen exhaust venting. The FCWPC also recommended staving off further legal action, including proceeding to default the Tenant under the Lease and commencing eviction proceedings, pending the outcome of negotiations. The Tenant was also asked to provide an estimated time frame for re-opening the restaurant.

On January 2nd, staff proposed the following rent payment plan:

- November and December 2012 rent payments be deferred until year three of the Lease;

- commencing on January 14, 2013 and through June 14, 2013, City will abate 50% of rents due. This results in a rent abatement equivalent to three full month's rent;
- in the meantime, all outstanding sidewalk café fees, concurrency fees, and Resort Tax fees, will be due and payable by January 8, 2013;
- Tenant was informed that due dates for the initial payments were important because the January 16th City Commission agenda would be printed on January 9th and, in an effort to demonstrate good faith, the City should receive the outstanding sidewalk café, concurrency, and Resort Tax fees by January 8th. Tenant was further informed that the first 50% rent payment must be received timely on January 14th so that the City Commission can be informed on January 16th when the matter is discussed.

On January 3rd, Tenant rejected the above-stated proposal, stating that it had shown good faith by paying October rent, and counter-proposed the following:

- reduce the security deposit by two months due to the major improvements made and the value it has contributed to the building, and in light of the high rent for the space;
- as to concurrency fees, Tenant requested that amounts paid to date remain on account pending a revision of the concept;
- as to the rent for 2013, the Tenant wished to pay 50% for 12 months at 50%, however, "for the sake of finding a fast and manageable solution it would accept the following:
 - first 6 months at 50% and the balance is permanently abated;
 - second 6 months are also billed at 50% but the balance gets paid over year 5-6 as rent additions, so the balance of 180K gets paid over 24 months, at approximately \$7500 per month."

After further negotiations, on January 9th, staff proposed:

- applying fifty percent (50%) of the security deposit, in the amount of \$71,765 towards back-due rent amounts owed for November and December 2012, totaling \$112,635; leaving a balance of \$40,870 (Back Rent) to be repaid in six (6) equal monthly installments commencing on July 13, 2013 and ending on January 14, 2014;
- granting an abatement of fifty percent (50%) of the Base Rent and Common Area Maintenance (CAM) due for the six (6) month period commencing January 13, 2013 through July 12, 2013;
- reimbursement of that portion of the security deposit applied to the Back Rent, in the amount of \$71,765, to be repaid in twelve (12) equal monthly installments commencing in the fifth year of the Lease Term and ending on the last day of the fifth year of the Lease Term;
- granting a deferral of fifty percent (50%) of the Base Rent and CAM for the six (6) month period, commencing July 13, 2013 through January 14, 2014 ("Deferral Period"), to be repaid by the Tenant in twenty four (24) equal monthly installments, commencing in the sixth year of the Lease Term and ending on the last day of the seventh year of the Lease Term.

It should be noted that the repayment provisions proposed by staff for the replenishment of the security deposit and the deferred rent were structured in a manner to mitigate any overlap in the Tenant's pre-existing obligation to begin repaying the two-month rent deferral granted as part of Amendment No. 2 to the Lease Agreement, which becomes effective commencing in Year 3 of the Lease.

The Tenant responded to the January 9th proposal by saying that "what we truly need is to start the repayment schedule in 2014 and concentrate on building the business in 2013." During further discussions, the Tenant expressed:

- that given the fact that it doesn't anticipate being back in operation and generating cash flow until at least mid-2013, a nine (9)-month abatement of its rent be granted, from January until September, 2013;
- remittance of the balance of the Back Rent owed, commencing in January, 2014.

Given the impasse on the negotiations, the Administration was unable to present a recommendation to the City Commission, and instead reported back to the FCWPC on January 24, 2013, to request further direction on how to proceed. It should be noted that ahead of the meeting, on January 16, 2013, staff sent a letter to the Tenant, demanding payment of outstanding Resort Tax, in the amount of \$9,295.43 (based on the Tenant's own reconciliation dated January 8, 2013), as well as half of January's rent, in the amount of \$28,158.87, plus applicable sales tax, as a condition precedent to the matter being re-discussed at FCWPC on January 24, 2013. On January 18, 2013, Tenant hand-delivered two checks: one in the amount of \$9,295.43 representing payment of the outstanding Resort Tax; and one in the amount of \$30,003.20 representing 50% of the January rent plus sales tax.

The FCWPC expressed support for providing some level of relief to the Tenant, but not at the risk of turning the City's position upside down. The FCWPC was against allocating 50% of the security deposit toward the outstanding rent due for November and December, 2012, and instead only recommended releasing one-third of the security deposit, in the amount of \$47,844, leaving a balance of \$64,791, to be repaid commencing in January, 2014 (as requested by the Tenant). The FCWPC further recommended in favor of the terms, as proposed by staff, including:

- 1) applying one-third (1/3) of the Lessee's existing security deposit, representing \$47,844, towards Base Rent owed for the month of November, 2012;
- 2) deferring \$8,474 for Common Area Maintenance (CAM) for November, 2012, and Base Rent plus CAM for December 2012, in the total amount of \$64,792 (Back-Due Rent);
- 3) granting an abatement of 50% of the base rent and Common Area Maintenance (CAM) due for the six (6) month period commencing January 13, 2013 through July 12, 2013;
- 4) granting a deferral of fifty percent (50%) of the Base Rent and CAM for the six (6) month period, commencing July 13, 2013 through January 14, 2014 ("Deferral Period"), to be repaid by the Tenant in twenty four (24) equal monthly installments, commencing in the sixth year of the Lease Term and ending on the last day of the seventh year of the Lease Term;
- 5) reimbursement of the security deposit amount applied to back rent in the amount of \$47,844, to be repaid in twelve (12) equal monthly installments commencing in the fifth year of the Lease Term and ending on the last day of the fifth year of the Lease Term

A schedule reflecting the revised rent schedule, as proposed, is included as Exhibit "A" to this memorandum. Tenant has paid 50% of the January and February 2013 Base Rent and CAM.

The FCWPC again insisted that any agreement with the Tenant be subject to the inclusion of release language absolving the City of any liability. Commissioners Weithorn and Exposito voted in favor of the recommendation, while Commissioner Libbin withheld voting in favor of the recommendation until such time the Tenant was able to provide a business plan for the re-opening of the restaurant.

In the meantime, the Tenant is working on addressing final comments from the Building Department to obtain approval of its plans to relocate the air conditioning units, which it hopes to be able to coordinate in conjunction with the reconfiguration and relocation of the kitchen exhaust.

At the request of the FCWPC, Tenant has provided the Administration with a preliminary business

plan which proposes that the Leased Premises, when re-opened by July 2013, will house three individual concepts: an anchor restaurant facing 17th Street, involving the Tenant's relocation of its Bond Street Restaurant; a celebrity chef late-night fast casual eatery in the center section of the space; and a lounge/bar in the existing bar area. Since the lounge/bar component is being proposed to include entertainment, which is not listed main permitted use in the Civic and Convention Center (CCC) zoning district, a public hearing is required under Section 142-362 of the City Code to approve such use.

The Administration has reviewed and analyzed the business plan provided by Penn 17, LLC and based on experience with other restaurant operations in the City and, the tenant's prior experience with Cooper Avenue, believe the revenue projections may be optimistic.

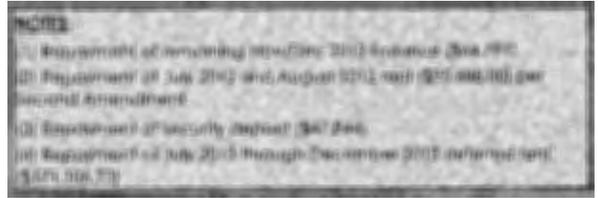
CONCLUSION AND RECOMMENDATION

Considering that Penn 17, LLC has paid 50% of the January and February 2013 Base Rent and CAM, and given the length of time required to re-lease the space to a new tenant, the Administration recommends that the City Commission accept the recommendation of the FCWPC pertaining to the amended rent schedule (in the manner outlined on the schedule attached as Exhibit "A" hereto), and further set a public hearing for April 17, 2013, regarding Lessee's proposal to add an entertainment component to the Leased Premises, and as required by Section 142-362 of the City Code. The Administration will also continue to closely monitor the lease

KGBMS\AP\KOB
Attachments

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EXHIBIT A



Penn 17, LLC Rent Schedule
Lease Commencement: October 13, 2011 Rent Commencement: April 14, 2012

Lease Year: 2

	Base Rent	Repayment	CAM	Rent Abatement	Rent Deferment	Current Total Monthly Payment	Proposed Total Monthly Payment
01/13/13	\$ 47,843.75	\$ -	\$ 8,474.00	\$ (28,158.88)	\$ -	\$ 56,317.75	\$ 28,158.87
02/13/13	\$ 47,843.75	\$ -	\$ 8,474.00	\$ (28,158.88)	\$ -	\$ 56,317.75	\$ 28,158.87
03/13/13	\$ 47,843.75	\$ -	\$ 8,474.00	\$ (28,158.88)	\$ -	\$ 56,317.75	\$ 28,158.87
04/13/13	\$ 47,843.75	\$ -	\$ 8,474.00	\$ (28,158.88)	\$ -	\$ 56,317.75	\$ 28,158.87
05/13/13	\$ 47,843.75	\$ -	\$ 8,474.00	\$ (28,158.88)	\$ -	\$ 56,317.75	\$ 28,158.87
06/13/13	\$ 47,843.75	\$ -	\$ 8,474.00	\$ (28,158.88)	\$ -	\$ 56,317.75	\$ 28,158.87
07/13/13	\$ 47,843.75	\$ -	\$ 8,474.00	\$ -	\$ (28,158.88)	\$ 56,317.75	\$ 28,158.87
08/13/13	\$ 47,843.75	\$ -	\$ 8,474.00	\$ -	\$ (28,158.88)	\$ 56,317.75	\$ 28,158.87
09/13/13	\$ 47,843.75	\$ -	\$ 8,474.00	\$ -	\$ (28,158.88)	\$ 56,317.75	\$ 28,158.87
Total:	\$ 430,593.75	\$ -	\$ 76,266.00	\$ (168,953.28)	\$ (84,476.64)	\$ 506,859.75	\$ 253,429.83

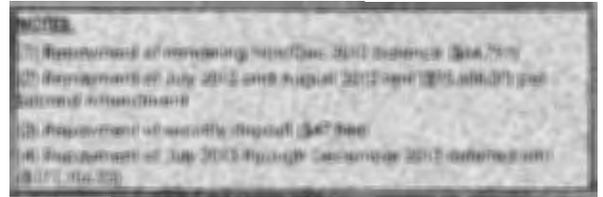
Lease Year: 3

	Base Rent	Repayment (1 and 2)	CAM	Rent Abatement	Rent Deferment	Current Total Monthly Payment	Proposed Total Monthly Payment
10/13/13	\$ 49,279.06	\$ 2,658.00	\$ 8,474.00	\$ -	\$ (28,876.53)	\$ 60,411.06	\$ 31,534.53
11/13/13	\$ 49,279.06	\$ 2,658.00	\$ 8,474.00	\$ -	\$ (28,876.53)	\$ 60,411.06	\$ 31,534.53
12/13/13	\$ 49,279.06	\$ 2,658.00	\$ 8,474.00	\$ -	\$ (28,876.53)	\$ 60,411.06	\$ 31,534.53
01/13/14	\$ 49,279.06	\$ 8,057.00	\$ 8,474.00	\$ -	\$ -	\$ 65,810.06	\$ 65,810.06
02/13/14	\$ 49,279.06	\$ 8,057.00	\$ 8,474.00	\$ -	\$ -	\$ 65,810.06	\$ 65,810.06
03/13/14	\$ 49,279.06	\$ 8,057.00	\$ 8,474.00	\$ -	\$ -	\$ 65,810.06	\$ 65,810.06
04/13/14	\$ 49,279.06	\$ 8,057.00	\$ 8,474.00	\$ -	\$ -	\$ 65,810.06	\$ 65,810.06
05/13/14	\$ 49,279.06	\$ 8,057.00	\$ 8,474.00	\$ -	\$ -	\$ 65,810.06	\$ 65,810.06
06/13/14	\$ 49,279.06	\$ 8,057.00	\$ 8,474.00	\$ -	\$ -	\$ 65,810.06	\$ 65,810.06
07/13/14	\$ 49,279.06	\$ 8,057.00	\$ 8,474.00	\$ -	\$ -	\$ 65,810.06	\$ 65,810.06
08/13/14	\$ 49,279.06	\$ 8,057.00	\$ 8,474.00	\$ -	\$ -	\$ 65,810.06	\$ 65,810.06
09/13/14	\$ 49,279.06	\$ 8,057.00	\$ 8,474.00	\$ -	\$ -	\$ 65,810.06	\$ 65,810.06
Total:	\$ 591,348.72	\$ 80,487.00	\$ 101,688.00	\$ -	\$ (86,629.59)	\$ 773,523.72	\$ 686,894.13

Lease Year: 4

	Base Rent	Repayment (1 and 2)	CAM	Rent Abatement	Rent Deferment	Current Total Monthly Payment	Proposed Total Monthly Payment
10/13/14	\$ 50,757.43	\$ 8,057.00	\$ 8,474.00	\$ -	\$ -	\$ 67,288.43	\$ 67,288.43
11/13/14	\$ 50,757.43	\$ 8,057.00	\$ 8,474.00	\$ -	\$ -	\$ 67,288.43	\$ 67,288.43
12/13/14	\$ 50,757.43	\$ 8,057.00	\$ 8,474.00	\$ -	\$ -	\$ 67,288.43	\$ 67,288.43
01/13/15	\$ 50,757.43	\$ 2,658.00	\$ 8,474.00	\$ -	\$ -	\$ 61,889.43	\$ 61,889.43
02/13/15	\$ 50,757.43	\$ 2,658.00	\$ 8,474.00	\$ -	\$ -	\$ 61,889.43	\$ 61,889.43
03/13/15	\$ 50,757.43	\$ 2,658.00	\$ 8,474.00	\$ -	\$ -	\$ 61,889.43	\$ 61,889.43
04/13/15	\$ 50,757.43	\$ 2,658.00	\$ 8,474.00	\$ -	\$ -	\$ 61,889.43	\$ 61,889.43
05/13/15	\$ 50,757.43	\$ 2,658.00	\$ 8,474.00	\$ -	\$ -	\$ 61,889.43	\$ 61,889.43
06/13/15	\$ 50,757.43	\$ 2,658.00	\$ 8,474.00	\$ -	\$ -	\$ 61,889.43	\$ 61,889.43
07/13/15	\$ 50,757.43	\$ 2,658.00	\$ 8,474.00	\$ -	\$ -	\$ 61,889.43	\$ 61,889.43
08/13/15	\$ 50,757.43	\$ 2,658.00	\$ 8,474.00	\$ -	\$ -	\$ 61,889.43	\$ 61,889.43
09/13/15	\$ 50,757.43	\$ 2,658.00	\$ 8,474.00	\$ -	\$ -	\$ 61,889.43	\$ 61,889.43
Total:	\$ 609,089.16	\$ 48,093.00	\$ 101,688.00	\$ -	\$ -	\$ 758,870.16	\$ 758,870.16

EXHIBIT A



Penn 17, LLC Rent Schedule

Lease Commencement: October 13, 2011

Rent Commencement: April 14, 2012

Lease Year: 5

	Base Rent	Repayment (2 and 3)	CAM	Rent Abatement	Rent Deferment	Current Total Monthly Payment	Proposed Total Monthly Payment
10/13/15	\$ 52,280.15	\$ 6,645.00	\$ 8,474.00	\$ -	\$ -	\$ 63,412.15	\$ 67,399.15
11/13/15	\$ 52,280.15	\$ 6,645.00	\$ 8,474.00	\$ -	\$ -	\$ 63,412.15	\$ 67,399.15
12/13/15	\$ 52,280.15	\$ 6,645.00	\$ 8,474.00	\$ -	\$ -	\$ 63,412.15	\$ 67,399.15
01/13/16	\$ 52,280.15	\$ 6,645.00	\$ 8,474.00	\$ -	\$ -	\$ 63,412.15	\$ 67,399.15
02/13/16	\$ 52,280.15	\$ 6,645.00	\$ 8,474.00	\$ -	\$ -	\$ 63,412.15	\$ 67,399.15
03/13/16	\$ 52,280.15	\$ 6,645.00	\$ 8,474.00	\$ -	\$ -	\$ 63,412.15	\$ 67,399.15
04/13/16	\$ 52,280.15	\$ 6,645.00	\$ 8,474.00	\$ -	\$ -	\$ 63,412.15	\$ 67,399.15
05/13/16	\$ 52,280.15	\$ 6,645.00	\$ 8,474.00	\$ -	\$ -	\$ 63,412.15	\$ 67,399.15
06/13/16	\$ 52,280.15	\$ 6,645.00	\$ 8,474.00	\$ -	\$ -	\$ 63,412.15	\$ 67,399.15
07/13/16	\$ 52,280.15	\$ 6,645.00	\$ 8,474.00	\$ -	\$ -	\$ 63,412.15	\$ 67,399.15
08/13/16	\$ 52,280.15	\$ 6,645.00	\$ 8,474.00	\$ -	\$ -	\$ 63,412.15	\$ 67,399.15
09/13/16	\$ 52,280.15	\$ 6,645.00	\$ 8,474.00	\$ -	\$ -	\$ 63,412.15	\$ 67,399.15
Total:	\$ 627,361.80	\$ 79,740.00	\$ 101,688.00	\$ -	\$ -	\$ 760,945.80	\$ 808,789.80

Lease Year: 6

	Base Rent	Repayment (4)	CAM	Rent Abatement	Rent Deferment	Current Total Monthly Payment	Proposed Total Monthly Payment
10/13/16	\$ 53,848.56	\$ 7,129.43	\$ 8,474.00	\$ -	\$ -	\$ 62,322.56	\$ 69,451.99
11/13/16	\$ 53,848.56	\$ 7,129.43	\$ 8,474.00	\$ -	\$ -	\$ 62,322.56	\$ 69,451.99
12/13/16	\$ 53,848.56	\$ 7,129.43	\$ 8,474.00	\$ -	\$ -	\$ 62,322.56	\$ 69,451.99
01/13/17	\$ 53,848.56	\$ 7,129.43	\$ 8,474.00	\$ -	\$ -	\$ 62,322.56	\$ 69,451.99
02/13/17	\$ 53,848.56	\$ 7,129.43	\$ 8,474.00	\$ -	\$ -	\$ 62,322.56	\$ 69,451.99
03/13/17	\$ 53,848.56	\$ 7,129.43	\$ 8,474.00	\$ -	\$ -	\$ 62,322.56	\$ 69,451.99
04/13/17	\$ 53,848.56	\$ 7,129.43	\$ 8,474.00	\$ -	\$ -	\$ 62,322.56	\$ 69,451.99
05/13/17	\$ 53,848.56	\$ 7,129.43	\$ 8,474.00	\$ -	\$ -	\$ 62,322.56	\$ 69,451.99
06/13/17	\$ 53,848.56	\$ 7,129.43	\$ 8,474.00	\$ -	\$ -	\$ 62,322.56	\$ 69,451.99
07/13/17	\$ 53,848.56	\$ 7,129.43	\$ 8,474.00	\$ -	\$ -	\$ 62,322.56	\$ 69,451.99
08/13/17	\$ 53,848.56	\$ 7,129.43	\$ 8,474.00	\$ -	\$ -	\$ 62,322.56	\$ 69,451.99
09/13/17	\$ 53,848.56	\$ 7,129.43	\$ 8,474.00	\$ -	\$ -	\$ 62,322.56	\$ 69,451.99
Total:	\$ 646,182.72	\$ 85,553.16	\$ 101,688.00	\$ -	\$ -	\$ 747,870.72	\$ 833,423.88

Lease Year: 7

	Base Rent	Repayment (4)	CAM	Rent Abatement	Rent Deferment	Current Total Monthly Payment	Proposed Total Monthly Payment
10/13/17	\$ 55,464.02	\$ 7,129.43	\$ 8,474.00	\$ -	\$ -	\$ 63,938.02	\$ 71,067.45
11/13/17	\$ 55,464.02	\$ 7,129.43	\$ 8,474.00	\$ -	\$ -	\$ 63,938.02	\$ 71,067.45
12/13/17	\$ 55,464.02	\$ 7,129.43	\$ 8,474.00	\$ -	\$ -	\$ 63,938.02	\$ 71,067.45
01/13/18	\$ 55,464.02	\$ 7,129.43	\$ 8,474.00	\$ -	\$ -	\$ 63,938.02	\$ 71,067.45
02/13/18	\$ 55,464.02	\$ 7,129.43	\$ 8,474.00	\$ -	\$ -	\$ 63,938.02	\$ 71,067.45
03/13/18	\$ 55,464.02	\$ 7,129.43	\$ 8,474.00	\$ -	\$ -	\$ 63,938.02	\$ 71,067.45
04/13/18	\$ 55,464.02	\$ 7,129.43	\$ 8,474.00	\$ -	\$ -	\$ 63,938.02	\$ 71,067.45
05/13/18	\$ 55,464.02	\$ 7,129.43	\$ 8,474.00	\$ -	\$ -	\$ 63,938.02	\$ 71,067.45
06/13/18	\$ 55,464.02	\$ 7,129.43	\$ 8,474.00	\$ -	\$ -	\$ 63,938.02	\$ 71,067.45
07/13/18	\$ 55,464.02	\$ 7,129.43	\$ 8,474.00	\$ -	\$ -	\$ 63,938.02	\$ 71,067.45
08/13/18	\$ 55,464.02	\$ 7,129.43	\$ 8,474.00	\$ -	\$ -	\$ 63,938.02	\$ 71,067.45
09/13/18	\$ 55,464.02	\$ 7,129.43	\$ 8,474.00	\$ -	\$ -	\$ 63,938.02	\$ 71,067.45
Total:	\$ 665,568.24	\$ 85,553.16	\$ 101,688.00	\$ -	\$ -	\$ 767,256.24	\$ 852,809.40

RESOLUTION TO BE SUBMITTED

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