



City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, [www.miamibeachfl.gov](http://www.miamibeachfl.gov)

## COMMITTEE MEMORANDUM

TO: Members of the Finance and Citywide Projects Committee  
FROM: Jimmy L. Morales, City Manager  
DATE: October 5, 2015

**This shall serve as an addendum to the meeting of the Finance and Citywide Projects Committee scheduled for October 5, 2015, at 2:00 P.M. in the Commission Chambers.**

The agenda is as follows:

### **NEW BUSINESS**

4. Discussion Regarding Biscayne Point Island Entrance Enhancement

David Martinez – CIP Director

5. Discussion On Establishment Of A Special Assessment District For Sunset Islands 3 And 4 For Conversion Of The Franchise Utilities From Above Ground To Underground

David Martinez – CIP Director

6. A Discussion Relating To A Ninety-Nine (99) Year Ground Lease Agreement Between The City And The Sabrina Cohen Foundation, Inc. (The Foundation), For Approximately 5,100 Square Feet Of City-Owned Land At Allison Park For The Proposed Wellness Center

John Rebar – Parks and Recreation Director

**Finance and Citywide Projects Committee Meetings for 2015:**  
**November 4, 2015**  
**December 7, 2015**

AW/rs/kd

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Cc. Mayor and Members of the City Commission  
Management Team

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OFFICE OF THE CITY MANAGER

## COMMITTEE MEMORANDUM

TO: Members of the Finance and Citywide Projects Committee

FROM: Jimmy L. Morales, City Manager

DATE: October 5, 2015

SUBJECT: **Biscayne Point Island Entrance Enhancement**

The Biscayne Point residents have requested enhancements to the Biscayne Point Entrance from Hawthorne Avenue to Noremac Avenue. The types of improvements being requested will complement the island and the nature of the City of Miami Beach. The requested modifications include, new entry monument, enhanced landscaping and up-lighting, modifications to existing columns, removal of existing Miami Beach red sidewalks and pavers and replacement with grey color, guardhouse improvements, and additional lighting. The estimated cost for all these improvements is \$614,400. There is \$250,000 available in the Biscayne Point Neighborhood project and approximately \$30,000 is available from the Bridge Lights at 77<sup>th</sup> Street and Hawthorne Avenue project. The total available funding is \$280,000.

At the estimated project cost of \$614,400 and the current available funding of \$280,000; there is a funding shortfall of approximately \$334,400.

The Biscayne Point Residents are requesting to add \$334,400 to the FY15/16 budget for the Biscayne Point Neighborhood Improvements in order to be able to proceed with the Biscayne Point Island Entrance Enhancement project.

JLM/JMT/DM

**Biscayne Point Island Entrance Enhancement  
Construction Cost Estimate  
Summary of Items**

Revised Costs - August 27, 2015

Line Item	HOA Item	UNIT	QNTY	Unit Cost	TOTAL	ITEM DESCRIPTION
<b>Entrance Median</b>						
1	1, 28	LS	1.00	20,000.00	\$ 20,000	Demolition of existing neighborhood entry monument and construction of new entry monument with Biscayne Point marquee, including uplighting.
2	2	LS	1.00	3,115.00	\$ 3,115	Provide colorful plants on median around new monument.
3	3	EA	2.00	\$ 10,000.00	\$ 20,000	Install two (2) Medjool Palm Trees in entrance median.
4	N/A	LS	1.00	\$ 27,045.00	\$ 27,045	Provide new landscaping along S. Biscayne Point Rd. <b>from Hawthorne Ave. to the east end of the bridge.</b>
5	N/A	LS	1.00	\$ 5,000.00	\$ 5,000	Removal and replacement of existing vehicle loop at intersection of Hawthorne Ave. and 77th Street.
<b>SUBTOTAL</b>					<b>\$ 75,160</b>	
<b>Road and Bridge</b>						
Remove/Install Fence & Landscaping						
1	13	LF	60.00	\$ 10.00	\$ 600	Relocation of existing black aluminum fence along the Southwest property to the marked ROW line.
2	11, 13, 14	LS	1.00	\$ 2,000.00	\$ 2,000	Relocation of existing aluminum fence on the Northeast and Southeast corner of the bridge to the ROW line.
3	N/A	LS	1.00	\$ 7,250.00	\$ 7,250	Provide new landscaping at Northwest and Southwest corners of the bridge once fences are relocated to the ROW.
4	N/A	EA	1.00	\$ 750.00	\$ 750	Removal of existing sabal palm in conflict with overhead lines at the <b>Northwest corner of the bridge</b> , As noted by Planning schematic design.
<b>SUBTOTAL</b>					<b>\$ 10,600</b>	
Modifications to Columns						
1	9	EA	12.00	\$ 800.00	\$ 7,200	Modifications to columns along the entryway to provide a consistent elevation.
2	9	EA	12.00	\$ 700.00	\$ 8,400	Removal of existing brick and stone finishes from columns and place a new stucco façade.
3	10	EA	4.00	\$ 500.00	\$ 2,000	Provide new electrical service to existing columns without service.
4	10	EA	12.00	\$ 2,500.00	\$ 30,000	Install new decorative light fixture on each of the columns.
<b>SUBTOTAL</b>					<b>\$ 47,600</b>	
Road and Sidewalks						
1	20	LS	1	\$ 36,846.40	\$ 36,846	Removal and replacement of existing Miami Beach red sidewalks with 4-inch and 6-inch thick gray sidewalks.
2	24	SF	6,110	\$ 15.00	\$ 91,650	Removal and replacement of existing red concrete pavers along entryway at existing locations from Hawthorne Ave. and up to the guardhouse with grey concrete pavers.
<b>SUBTOTAL</b>					<b>\$ 128,496</b>	
<b>Guardhouse</b>						
1	18	LS	1.00	\$ 7,000.00	\$ 7,000	Replace guardhouse existing tile roof with standing-seam (approx. 170 SF) in a color to match aluminum fencing.
2	19	EA	2.00	\$ 800.00	\$ 1,600	Replace existing windows on guardhouse (without muntins) with impact-resistant windows to match aluminum fencing.
3	20	LF	210.00	\$ 14.00	\$ 2,940	Removal and replacement of existing Miami Beach red curb around the guardhouse island with gray concrete Type "D" Curb.
4	21	SF	120.00	\$ 10.00	\$ 1,200	Replacement of existing tile flooring outside of guardhouse
5	22	LS	1.00	\$ 2,500.00	\$ 2,500	Install new lights outside guardhouse

6	27	LF	189.00	\$ 14.00	\$ 2,646	Placement of new gray concrete Type "D" Curb around swale areas west of guardhouse.
7	27	LS	1.00	\$ 9,000.00	\$ 9,000	Provide new soil, sod, and landscaping for swales west of guardhouse.
8	15 18 23	LS	1.00	\$ 15,000.00	\$ 15,000	Plant different focal tree (Medjool Palm if approved by PW GS) in east median of guardhouse. Provide colorful plants on planter east of guardhouse.
9	N/A	SY	818.56	\$ 4.00	\$ 3,274	Milling of asphalt pavement in a section west of the guardhouse and up to the intersection of S. Biscayne Point Rd. and Noremac Ave.
10	N/A	TN	98.96	\$ 100.00	\$ 9,896	2-inch asphalt, including expansion over existing crosswalks, and swales.
11	N/A	LS	1.00	\$ 2,500.00	\$ 2,500	Pavement markings west of guardhouse, including relocation of an existing stop sign and placement of new "Right Turn Only" sign at intersection of Noremac Ave. and S. Biscayne Point Rd.
<b>SUBTOTAL</b>					<b>\$ 57,556</b>	
<b>Right Turn at the Intersection of Noremac Ave. &amp; S. Biscayne Point Rd.</b>						
1, 2	1, 25, 26	LS	1.00	\$ 81,485.00	\$ 81,485	Placement of new landscaping and irrigation to swale area and landscape island at the dedicated right turn lane at the intersection of S. Biscayne Point Rd. and Noremac Ave. Existing roadway/swale drainage configuration to be maintained at this intersection. The landscape island adjacent to the dedicated right turn lane is going to be enlarged for placement of additional landscaping. The existing crosswalks at the intersection of S. Biscayne Point Rd. are to be removed.
3	N/A	SY	50.33	\$ 31.50	\$ 1,585	Asphalt expansion over existing crosswalks and small swale area (12" subgrade & 8" base).
4	N/A	SF	260.00	\$ 1.00	\$ 260	Removal of existing Miami Beach red brick pavers over existing crosswalks.
5	N/A	LF	133.00	\$ 3.15	\$ 419	Removal of existing concrete header curb at existing crosswalks.
6	N/A	LF	75.00	\$ 3.00	\$ 225	Removal of existing concrete Type "D" curb at existing landscape island.
7	N/A	SF	197.00	\$ 1.00	\$ 197	Removal of existing sidewalk in landscape island and sidewalk ramps at existing crosswalks.
<b>SUBTOTAL</b>					<b>\$ 84,171</b>	
<b>TOTAL</b>					<b>\$ 403,584</b>	

MOBILIZATION & GNRL.  
CNDTNS \$ 69,286

**SUBTOTAL \$ 69,286**

**TOTAL ESTIMATED \$ 472,870**

PROFESSIONAL SERVICES 12.00% \$ 56,744

OWNER'S CONTINGENCY 10.00% \$ 47,287

**GRAND TOTAL PRIOR TO \$ 576,901**

CMB FEES (CIP) 6.50% \$ 37,499

**GRAND TOTAL WITH \$ 614,400**

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# MIAMIBEACH

OFFICE OF THE CITY MANAGER

## COMMITTEE MEMORANDUM

TO: Members of the Finance and Citywide Projects Committee

FROM: Jimmy L. Morales, City Manager 

DATE: October 5, 2015

SUBJECT: **DISCUSSION ON ESTABLISHMENT OF A SPECIAL ASSESSMENT DISTRICT FOR SUNSET ISLANDS 3 & 4 FOR CONVERSION OF THE FRANCHISE UTILITIES FROM OVERHEAD TO UNDERGROUND.**

### BACKGROUND

On February 20, 2002 the Mayor and City Commission approved Resolution No. 2002-24761 for the creation of a Special Assessment Area, also known as a Special Assessment District, pursuant to the provisions provided in Chapter 170, Florida Statutes, for the purpose of funding the undergrounding of franchise utility lines for Sunset Islands 3 & 4.

On February 8, 2012 the Mayor and City Commission adopted Resolution No. 2012-27842, approving and allowing the Sunset Islands 3 & 4 Homeowners' Association (HOA) to conduct an election to determine whether a majority of the affected property owners approved the creation of a special assessment district to fund the undergrounding of the utilities.

A majority of the homeowners have elected to fund the conversion of overhead utilities to underground via the creation, by the City Commission, of a Special Assessment District, pursuant to the Chapter 170, Florida Statutes. This Statute authorizes the City to create a special assessment district to fund the undergrounding of electrical (FPL), telephone (ATT), and cable television (ABB) services, pursuant to voluntary agreement with the utilities. The City will provide advanced funding for the undergrounding work and execute agreements with each utility company based on their binding estimates, which have been approved by the HOA, and will be reimbursed, by executing an agreement with the HOA, in the form of a Special Assessment District.

On September 10, 2014, the Mayor and City Commission adopted Resolution No. 2014-28749, pursuant to Request for Proposals No. 2014-051-SR, authorizing the Mayor and City Clerk to execute an agreement with Ric-Man International, Inc., for design/build services for the Neighborhood No. 8: Sunset Islands 3 & 4 Right-of-Way Infrastructure Improvements Project. The scope of services consists of right of way improvements, as well as installation of conduits and related components for the future undergrounding of franchise utilities.

The City intends to perform the conversion of the franchise utilities from overhead to underground in conjunction with the neighborhood improvements project. The conduits and related components for the undergrounding will be installed as part of this Project, after which the respective utility will install their wiring and system.

**COSTS**

The cost of the undergrounding conversion project is based on the binding estimates from the respective utility companies (FPL, ATT, and ABB). The total cost associated with the undergrounding of the franchise utilities includes the binding estimates, cost to install the conduits and related components by the City’s contractor, project management fees, financing costs and City of Miami Beach Administration fees. Moneys previously paid by the HOA will be credited. The expenses are broken down as follows:

Utility Company	Construction Cost	Design Deposit paid by HOA	Remaining
FPL	\$ 939,915.00	(\$ 9,020.00)	\$ 930,895.00
ATT	\$ 169,056.00	(\$ 8,000.00)	\$ 161,056.00
ABB	<u>\$ 82,626.00</u>		\$ 82,626.00
	\$1,191,597.00	<u>(\$17,020.00)</u>	\$1,174,577.00
City’s Cost to Install Conduits			\$ 335,675.00
Project Management Fees			\$ 21,750.00
Financing Costs			\$ 774,714.00
CMB Administration Costs			\$ 135,681.70
<b>Total Cost</b>			<b>\$2,412,397.70</b>

The City will obtain a loan to fund this project. No general fund revenues or reserves will be used for this project.

Additional costs associated with the connection of the undergrounded system to each private property is not included. The cost of this connection is to be borne by each property owner during the system conversion by the respective utilities.

All the utilities have submitted their design documents including plans, specifications, binding cost estimates and agreements. The agreements must be executed and utilities must be paid by the City prior to February 28, 2016.

**Recommendation**

The HOA is prepared to incur the cost of funding the undergrounding of electrical, telephone, and cable television utilities on Sunset Islands 3 and 4, which cost is estimated at \$2,412,397.70. Staff recommends that the Finance and Citywide Projects Committee refer this item to the City Commission to adopt the first resolution to create the special assessment district. Once the City Commission has adopted the first Resolution, City Staff can begin securing financing for the Project.

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# MIAMI BEACH

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## COMMITTEE MEMORANDUM

TO: Members of the Finance and Citywide Projects Committee

FROM: Jimmy L. Morales, City Manager 

DATE: October 5, 2015

SUBJECT: **A DISCUSSION RELATING TO A NINETY-NINE (99) YEAR GROUND LEASE AGREEMENT BETWEEN THE CITY AND THE SABRINA COHEN FOUNDATION, INC (THE FOUNDATION), FOR APPROXIMATELY 5,100 SQUARE FEET OF CITY-OWNED LAND AT ALLISON PARK FOR THE PROPOSED WELLNESS CENTER.**

### BACKGROUND

At the July 8, 2015 City Commission Meeting, the Sabrina Cohen Foundation (the "Foundation") requested that the City grant the Foundation a lease for the use of City-owned land, in Allison Park (the "Park"), to develop, construct, maintain and manage a Wellness Center at the Foundation's sole cost and expense.

At the September 2, 2015 City Commission meeting, three (3) concepts, as reflected in the attached Exhibit B, were presented by the Foundation, proposing to utilize the center, the southern portion of the Park or a combination of both locations, as follows: Option A proposed a circular shaped building, located at the center of the Park; Option B consisted of the conceptual plan proposed for Option A plus reserving the southern portion of the Park for future expansion; and Option C proposed a rectangular building to be constructed at the southern portion of the Park.

At the September 30, 2015 City Commission meeting, the Mayor and City Commission approved Option A, which covers approximately 5,100 square feet of City-owned land in the Park, as it is the concept which preserves the most of the natural greenspace and allows for the relocation of the tree canopy currently at the Park, and which is the least obstructive of the proposed concepts.

Additionally, at the September 30, 2015 meeting, the City Commission approved the expansion of the parking lot, increasing the standard parking spaces to 103 plus the Proposed ADA spaces, for a total of 120 parking spaces, by demolishing the existing restrooms, and requiring the Foundation to construct public restrooms, having approximately 500 sq. ft., on the 1<sup>st</sup> Floor of the Wellness Center, by expanding approximately 21,000 sq. ft. into the West area adjacent to the existing parking lot and requiring the relocation of mature existing trees to the south end of the Park, approving said expansion at the expense of the City.

Finally, at the September 30, 2015 meeting, the City Commission authorized the City Manager to negotiate a ground lease for the use of the City-owned land for the development of the Wellness Center, based upon the essential terms set forth in the Term Sheet attached and incorporated herein as Exhibit "A" hereto, which final negotiated ground lease shall be subject to approval by the City Commission and by a majority of the voters in a City-wide referendum, pursuant to Section 1.03(b) of the City's Charter.

### **ANALYSIS**

The Administration seeks the consideration and approval of the Finance and Citywide Projects Commission Committee of the attached essential terms, in connection with said lease.

GNT/JLM

Enclosures:

- Term Sheet – Exhibit A
- Conceptual Plan Option A
- Parking Option

**TERM SHEET**

**GROUND LEASE**

**BETWEEN THE CITY OF MIAMI BACH (LESSOR OR THE CITY) AND  
THE SABRINA COHEN FOUNDATION, INC. (LESSEE OR THE FOUNDATION)**

<b>LEASED PREMISES</b>	Approximately 5,100 square feet of land, located at Allison Park, 6475 Collins Avenue, plus an easement for any cantilevered elements, if approved as part of the regulatory design review board process.
<b>DURATION AND TERM</b>	99 years, no renewal options
<b>AMOUNT OF RENT</b>	\$18.00 per year
<b>USE OF LEASED PREMISES</b>	(a) a state of the art public health and Wellness Center catering primarily for individuals living with physical and cognitive disabilities, seniors, and able bodied individuals with temporary injuries; and including a physical therapy room, aqua-therapy room, adaptive gym, treadmill training, research & product testing room, Office of the Foundation, conference room, library, and healing room, for yoga, meditation, and art therapy; (b) any revenue-generating uses conducted from the premises must be in accordance with the approved uses; revenue-generating uses shall be used to fund the maintenance, management and operation of the Wellness Center.
<b>HOURS OF OPERATION</b>	8:00 A.M. to 8:00 P.M. Monday through Sundays
<b>NET LEASE</b>	the Foundation shall be responsible for all expenses relating to the operation and maintenance of the Wellness Center including, without limitation, utilities, any applicable taxes (personal and ad valorem).
<b>INSURANCE</b>	The Foundation, at its sole expense, shall maintain any insurance which may be required by the City including, without limitation, General Liability Property All Risk Coverage, Workers' Compensation required

by Florida law; any construction work will additionally require a Work Letter and Escrow Agreement for the value of the construction work; Payment and Performance Bond (City as additional obligee); Builder's Risk Insurance; and Automobile Liability Insurance.

**IMPROVEMENTS**

The Foundation accepts the Leased Premises in "As Is" condition. The Foundation shall be responsible for the design, permitting and construction of the Wellness Center at its sole cost and expense, subject to City's approval of the concept, design and plans and specifications, and pursuant to all requisite governmental approvals (including without limitation, any City regulatory boards and departments, the Florida Department of Environmental Protection and Florida Fish and Wildlife Conservation Commission). The contractor shall be subject to approval by the City. The Foundation shall be responsible for any site and underground studies and remediation which may be needed in connection with the development of the Wellness Center at the Leased Premises. The Development of the Wellness Center shall neither impact the surrounding areas nor compromise or modify access to the beach from its current condition. As part of the development of the Wellness Center at the Park, the Foundation shall be also be responsible for the design, permitting, development and construction costs related to the following: the construction of the public showers and restrooms, similar in quality and size to the existing ones at the Park.

**FOUNDATION RIGHT TO TERMINATE**

The Foundation shall have the right to terminate the Lease without cause at any time prior to obtaining the full building permit for the construction of the Wellness Center, each party to bear their own costs and fees. Following termination, the City shall have no further obligation and/or liability to Foundation with regard to the Lease.

**DEED RESTRICTIONS CONCERNING THE USE OF THE PROPERTY**

(a) The Foundation shall remain a not-for-profit

corporation; (b) the Foundation shall not discriminate; (c) no assignment, transfer, sublease, subconcession or license agreement shall be valid without the City's consent (at City's sole discretion), which consent, if given, may require the lessee to pay fair market rent/value for the Leased Premises (the Foundation will be permitted to subcontract for services consistent with the permitted uses, subject to approval by the City Manager, which approval shall not be unreasonably withheld); (d) all property insurance and maintenance costs shall be the responsibility of the Foundation; (e) Security must be maintained at the Foundation's expense; (f) all signage shall be subject to approval by the City and applicable governmental approvals; and (g) any violation of the restrictive covenants shall be an event of default.

#### **SIGNAGE/NAMING RIGHTS**

**Interior/Exterior Signage/Sponsorship:** the Foundation shall have the right to erect interior signage, including, without limitation, temporary banners (temporary signage is subject to City Manager's approval) and exterior signage; provided, however, that the names affixed thereon (including, without limitation, any sponsorship names) shall be subject to approval as required by the City's Naming Ordinance, as codified in Chapter 82, Article VI, Sections 82-501 through 82-505 of the City Code, as shall be amended from time to time. If approved, any exterior or interior signage shall be subject to review by the City.

In no event may any approved interior or exterior signage include the names of any company selling the following types of products ("Prohibited Names"): guns, tobacco or sexual products.

#### **LESSEE'S DUTY TO KEEP PREMISES IN GOOD REPAIR**

the Foundation shall be responsible for the operation, maintenance and repair of the Wellness Center, including roof, structure, mechanical, plumbing, electrical, and general

**maintenance and upkeep, as well as all utilities.**

**AUDIT AND FINANCIAL RECORDS**

**the Foundation shall be required to maintain financial records and records of the services and programs it provides to the general public; said records shall be subject to audit by the City; within one hundred twenty (120) days from the end of each calendar year, the Foundation shall provide audited financial statements for the previous year.**

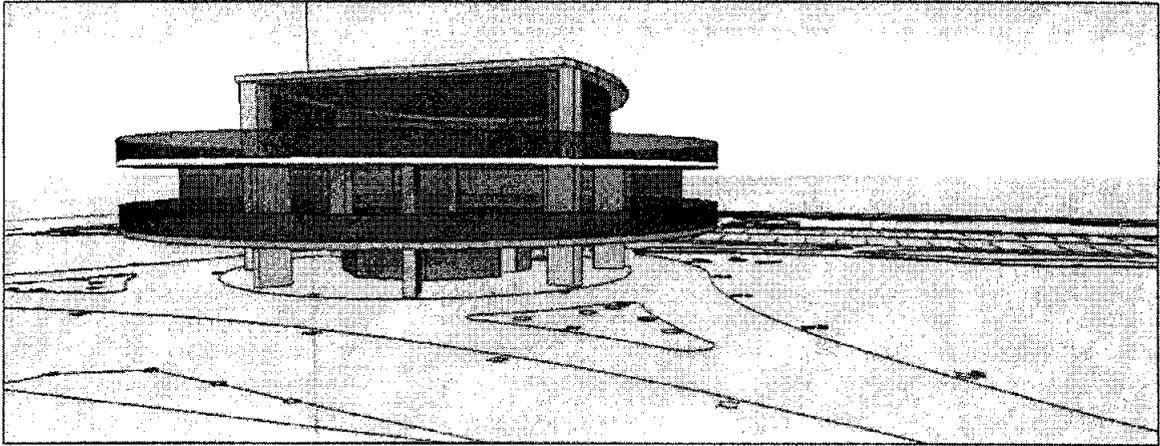
**DELIVERABLES**

**within sixty days from the end of each calendar year, the Foundation shall provide the City with the following deliverables: (a) annual budget for previous year; (b) proposed budget for the following year; (c) annual report with respect to the program and services provided at the Wellness Center and the number of people who participated or received assistance for each program or service; and (d) programmatic plan for the upcoming year. The programmatic plan shall include discounted rates for Miami Beach residents, as well as a preference for veterans and Miami Beach residents.**

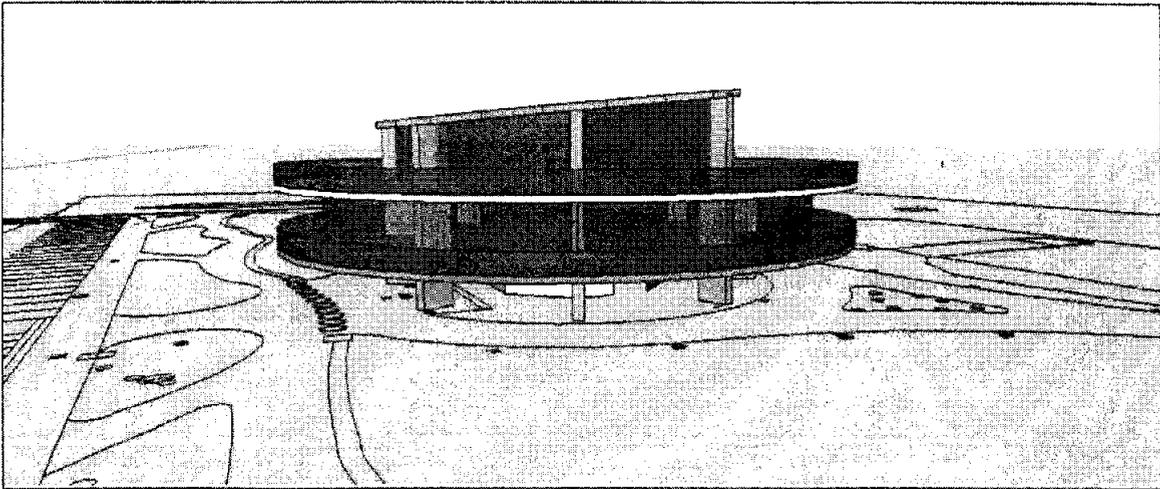
**OTHER PROVISIONS**

**additional provisions including, without limitation, default clause, indemnification clause, and other typical provisions contained in the City's ground leases.**

**EXHIBIT A**



PERSPECTIVE FROM BEACH



PERSPECTIVE FROM PARKING



## A-CENTRAL CIRCULAR/VIEWS

SEPTEMBER 2015

