



MIAMI BEACH

City Commission Meeting

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

March 18, 2009

Mayor Matti Herrera Bower
Vice-Mayor Edward L. Tobin
Commissioner Victor M. Diaz, Jr.
Commissioner Saul Gross
Commissioner Jerry Libbin
Commissioner Deede Weithorn
Commissioner Jonah Wolfson

City Manager Jorge M. Gonzalez
City Attorney Jose Smith
City Clerk Robert E. Parcher

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ATTENTION ALL LOBBYISTS

Chapter 2, Article VII, Division 3 of the City Code of Miami Beach entitled "Lobbyists" requires the registration of all lobbyists with the City Clerk prior to engaging in any lobbying activity with the City Commission, any City Board or Committee, or any personnel as defined in the subject Code sections. Copies of the City Code sections on lobbyists laws are available in the City Clerk's office. Questions regarding the provisions of the Ordinance should be directed to the Office of the City Attorney.

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

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 and Commission
R10 City Attorney Reports

Reports and Informational Items

Presentations and Awards

- PA1 Proclamation To Be Presented To The Saint Patrick Music Ministry. (Page 1)
(Requested by Mayor Matti Herrera Bower)
- PA2 Certificate Of Appreciation To Be Presented To The Property Management Division For Their
Outstanding Work And Contributions To The City.
(Requested by Commissioner Jonah Wolfson)
(Deferred from February 25, 2009)
- PA3 Proclamation To Be Presented In Honor Of World Water Week On March 22-28, 2009.
(Requested by Vice-Mayor Edward L. Tobin)
- PA4 Certificate Of Appreciation To Be Presented To Larry Marrero, Police Officer Of The Month.
(Requested by Vice-Mayor Edward L. Tobin)

CONSENT AGENDA

Action:
Moved:
Seconded:
Vote:

C2 - Competitive Bid Reports

- C2A Request For Approval To Purchase One (1) 2009 International 7400 Truck Chassis Model 7400 6X4
With A Vac-Con Model VPD4212LHA/1300 Combination Jet/Vacuum Sewer Cleaner, From Navistar,
Inc., Pursuant To Florida State Contract No. 08-16-0908, In The Amount Of \$266,780. (Page 3)
(Fleet Management)
- C2B Request For Approval To Purchase Six (6) Chevrolet Impalas, From Garber Chevrolet, Buick, Pontiac
& GMC Trucks, Pursuant To Florida State Contract No. 08-16-0908, In The Estimated Amount Of
\$111,794.00. (Page 8)
(Fleet Management)
- C2C Request For Approval To Issue A Request For Proposals (RFP) To Award A Concession Agreement
For The Management And Operation Of A Concession Facility Within The Structure Commonly
Referred To As The "Pavilion Building," Located In South Pointe Park. (Page 13)
(Real Estate, Housing & Community Development)

C4 - Commission Committee Assignments

- C4A Referral To The Land Use And Development Committee – Temporary Parking Lots – Amendment To The 10-Year Limit (Two Ordinances) - 1) An Ordinance Amending Section 130-70(7), To Allow For Additional Extensions Of Time For Temporary Parking Lots On Alton Road Between 5th Street And Lincoln Road; Or 2) Amending Chapter 130, "Off Street Parking," Article III, "Design Standards," By Amending Section 130-70(7), To Allow For Additional Extensions Of Time For Temporary Parking Lots. (Page 18)
(Planning Department)
- C4B Referral To The Land Use And Development Committee To Discuss How The City Can Effectively Minimize The Negative Impact Of Vacant Foreclosed Homes. (Page 28)
(Requested by Commissioner Jonah Wolfson)
- C4C Referral To The Planning Board For Consideration Of An Ordinance To Rezone The East Side Of Alton Road From 6th To 16th Streets. (Page 30)
(Planning Department)
- C4D Referral To The Neighborhood/Community Affairs Committee A Discussion Regarding Conducting The General Election And Run-Off Election A Minimum Of Three (3) Weeks Apart. (Page 32)
(City Clerk's Office)
- C4E Referral To The Finance And Citywide Committee - Presentation By TCBA Watson Rice LLP Regarding Building Department Organizational And Operational Review And Analysis. (Page 36)
(Building Department)

C6 - Commission Committee Reports

- C6A Report Of The Capital Improvement Projects Oversight Committee Meeting On February 2, 2009: **1)** Attendance; **2)** Review And Acceptance Of Minutes; **3)** Public Comments; **4)** Consent Agenda: Items For Commission: 4A. A Resolution Approving And Authorizing The Mayor And City Clerk To Execute Amendment No. 8 To The Agreement Between The City And Wolfberg Alvarez & Partners, Inc., Dated September 25, 2002, In The Amount Of \$422,658 For Resident Project Representative (RPR) And Construction Administration Services; \$29,800 For Additional Design Services; And \$40,000 For Reimbursable Expenses; For A Total Not-To-Exceed Sum Of \$492,458, For The South Pointe RDA Phase II Neighborhood 12C Right-Of-Way Infrastructure Improvements Project; With Funding Available From Previously Appropriated South Pointe Capital Fund 389 In The Amount Of \$342,174 From Design, And With \$150,284 To Be Reallocated From Contingency Funds; **5)** Old Business: 5A. Report On Flooding Conditions Survey Of 44th Street And Royal Palm Avenue; 5B. CIP Project Status Report; **6)** Sub-Committee Meeting Reports: 6A. Stillwater Drive; **7)** Construction Update: Normandy Shores Neighborhood Improvement Project; **8)** Overview Of Proposed Communications Plan For South Pointe Streetscape, Phase II; **9)** Discussion: Venetian Islands Row Project; **10)** Staff Action Report; **11)** Calendar; And **12)** Adjournment. (Page 38)

C6 - Commission Committee Reports (Continued)

- C6B Report Of The Neighborhoods/Community Affairs Committee On February 17, 2009: **1)** Selection Of A Chair And Vice-Chair For The Neighborhoods/Community Affairs Committee For A Term Of One Year; **2)** Discussion And Report Of The Art In Public Places Program; **3)** Discussion Regarding City Code Provisions Regarding Lobbyist Participation On City Boards; **4)** Discussion Regarding Installing A Stop Sign At The Intersection Of 11th Street And Jefferson Avenue; **5)** Discussion Regarding The Issue Of Dogs Off Leash In City Parks And Other Public Properties In General; **6)** Discussion Regarding The Potential Operational Issues Related To The Newly Reconstructed South Pointe Park; And **7)** Discussion Regarding A Resolution Adopted By The Orchard Park Neighborhood Association Requesting The Creation Of An Organic Community Garden In Pine Tree Park. (Page 42)
- C6C Report Of The Land Use And Development Committee On March 2, 2009: Administration: Election Of Chair And Vice-Chair Regular Agenda; **1)** Discussion Regarding Implementing A Requirement That When Property Owners Ask For Any Approval From The City They Must Provide A Linked Public Access Baywalk And That The City Identifies The Location; **2)** Discussion Regarding The Unwanted Distribution Of Literature, Newspapers In Particular, At Local Residences; **3)** Discussion Regarding A Lease Agreement With Moon Thai South Beach, Inc. For The Premises Located At 22 Washington Avenue; **4)** Discussion On Recommendations Of Flamingo Park Neighborhood Association For Alton Road Redevelopment; **5)** Discussion Regarding A Proposed Ordinance Dealing With Revisions To Single Family Ad Valorem Tax Exemptions An Ordinance Amending The Land Development Regulations Of The Code Of The City Of Miami Beach, By Amending Chapter 118, "Administration And Review Procedures," Article X, "Historic Preservation," Division 5, "Single Family Ad Valorem Tax Exemption", Modifying The Requirements And Procedures For City Ad Valorem Tax Exemptions For Single Family Homes; Providing For Repealer, Codification, Severability And An Effective Date; And **6)** Discussion Regarding Absences And Recusals For Land Use Board Members An Ordinance Amending The Land Development Regulations Of The City Code To Harmonize The Permitted Number Of Absences And Recusals For Land Use Board Members, By Amending Chapter 118, Administrative And Review Procedures, Article II, Boards, Division 2, Planning Board, Section 118-52, Meetings And Procedures; Division 3, Design Review Board, Section 118-74, Removal; Division 4, Historic Preservation Board, Section 118-105, Removal; Division 5, Board Of Adjustment, Section 118-133, Removal, Providing For Repealer; Codification; Severability And An Effective Date. (Page 52)

C7 - Resolutions

- C7A A Resolution Authorizing The City Manager Or His Designee Approval To Submit The Following American Recovery And Reinvestment Act Applications For Funding As Necessary: 1) Florida Department Of Transportation Highway Infrastructure Investment Funds For City's Right-Of-Way And Bridges Projects In The Amount Of \$2,128,921; 2) Florida Department Of Transportation For Federal Transit Administration Funds For City Transit Projects, In An Amount Not To Exceed \$1,900,000; 3) US Department Of Housing And Urban Development For Community Development Block Grant Funding In The Amount Of \$467,896; 4) US Department Of Housing And Urban Development For Homelessness Prevention Funds In The Amount Of \$715,418; 5) Byrne Justice Assistance Grant Program, For Funding In The Amount Of \$473,477 For The City's Public Safety Programs; 6) State And Tribal Assistance Grants Through The Florida Department Of Environmental Protection, Clean Water And Drinking Water State Revolving Loan Funds For The City's Drinking Water And Stormwater Projects, In A Total Amount Not To Exceed \$55,000,000; 7) State And Tribal Assistance Grants Through The Florida Department Of Environmental Protection, Non Point Source Program For The City's Drinking Water And Stormwater Projects In An Amount Not To Exceed \$33,000,000; Further Appropriating The Above Funds, If Approved And Accepted By The City; And Authorizing The Execution Of All Necessary Documents Related To These Applications. (Page 58)
(Budget and Performance Improvement)
- C7B A Resolution Authorizing The City Manager Or His Designee To Execute An Agreements With Miami-Dade County, For Funding From The Building Better Communities General Obligation Bond Program For The Renovation Of The Flagler Memorial Monument And Restoration Of Monument Island Project, In The Amount Of \$1,000,000; Further Authorizing The Execution Of All Other Necessary Documents Related To This Agreement. (Page 67)
(Budget & Performance Improvement)
- C7C A Resolution Approving And Authorizing The City Manager And City Clerk To Execute An Agreement With The Florida Department Of Children And Families And Its Access Florida Program Community Network Enabling The City To Serve As An Access Point For Residents Seeking Food Stamps, Temporary Cash Assistance, Refugee Assistance And Medicaid Programs. (Page 72)
(Community Services)
- C7D A Resolution Approving And Authorizing The City Manager And City Clerk To Execute An Agreement With The Alliance For Aging, Inc./Aging Resource Center To Serve As A Silver Level Community Partner Providing Referral Services For Eligible Elderly Clients. (Page 83)
(Community Services)
- C7E A Resolution Authorizing The Acceptance Of A Donation Of Approximately Fifty (50) 20'-25' CW (Clear Wood) Royal Palms Valued At Approximately \$1,350 Each, From Mr. Leo Schigiel Of The Coral Palms Nursery, To The City Of Miami Beach; Donated Palms Will Be Transported, Planted And Established On Public Property By The City's Parks And Recreation Department's Greenspace Management Team As A Component Of The City's Urban Reforestation Program. (Page 90)
(Parks & Recreation/City Attorney's Office)
- C7F A Resolution Adopting And Appropriating The Second Amendment To The Police Confiscation Trust Fund Budget For Fiscal Year 2008/09 In The Amount Of \$37,525 To Be Funded From The Proceeds Of State Confiscated Funds. (Page 97)
(Police Department)

C7- Resolutions (Continued)

- C7G A Resolution Accepting The Donation Of Four Intoxilyzer 400PA Portable Breath Alcohol Test Devices With An Estimated Value Of \$629 Each From The Florida Department Of Transportation For A Total Value Of \$2,516.00, To Be Utilized By The Miami Beach Police Department To Enforce State Driving Under The Influence Of Alcohol Traffic Statutes On The Roadways Of The City Of Miami Beach. (Page 102)
(Police Department)
- C7H A Resolution Approving And Authorizing The City Manager To Issue A Certification Of Consistency With The City's Consolidated Plan To The Housing Authority Of The City Of Miami Beach (HACMB), For Their Annual Plan For Fiscal Year 2009, To Be Submitted By HACMB To The U.S. Department Of Housing And Urban Development (U.S. HUD). (Page 105)
(Real Estate, Housing & Community Development)
- C7I A Resolution Authorizing The Mayor And City Clerk To Execute An Agreement With Chen & Associates For Re-Design, Bid And Award, And Construction Management Services, In The Not To Exceed Amount Of \$239,340, For The Sunset Islands I & II Neighborhood Right-Of-Way Improvement Project, To Include Additional Stormwater Infrastructure, Pursuant To The Request For Qualifications No. 05-08/09, With Funding From Previously Appropriated Funds. (Page 132)
(Capital Improvement Projects)
- C7J A Resolution Accepting The Recommendation Of The City Manager, Pursuant To Request For Qualifications (RFQ) No. 03-08/09, For Professional Construction Engineering And Inspection (CEI) Services Of The Water Mains, Sanitary Sewer Mains, And Milling And Resurfacing Improvements Along Indian Creek Drive Between 26th And 41st Streets; And Authorizing The Administration To Enter Into Negotiations With The Top-Ranked Firm, Parsons Brinckerhoff Americas; 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, Bermello Ajamil; 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, GBF Engineering. (Page 165)
(Public Works)

End of Consent Agenda

Presentations and Awards

- PA1 Proclamation To Be Presented To The Saint Patrick Music Ministry.
(Requested by Mayor Matti Herrera Bower)
- PA2 Certificate Of Appreciation To Be Presented To The Property Management Division For
Their Outstanding Work And Contributions To The City.
(Requested by Commissioner Jonah Wolfson)
(Deferred from February 25, 2009)
- PA3 Proclamation To Be Presented In Honor Of World Water Week On March 22-28, 2009.
(Requested by Vice-Mayor Edward L. Tobin)
- PA4 Certificate Of Appreciation To Be Presented To Larry Marrero, Police Officer Of The
Month.
(Requested by Vice-Mayor Edward L. Tobin)

AGENDA ITEM PA1-4
DATE 3-18-09

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Condensed Title:

Request For Approval To Purchase One (1), 2009 International 7400 Truck Chassis Model 7400 6x4 With A Vac-Con Model VPD4212LHA/1300 Combination Jet/Vacuum Sewer Cleaner, From Navistar, Inc., Pursuant To Florida State Contract No. 08-16-0908, In The Amount Of \$266,780.00.

Key Intended Outcome Supported:

Ensure well-maintained infrastructure.

Supporting Data (Surveys, Environmental Scan, etc.): In the 2007 Community Satisfaction Survey, 84% of residents and 86% of businesses rated capital projects as excellent or good.

Issue:

Shall the Mayor and City Commission approve the purchase?

Item Summary/Recommendation:

The International 7400 truck chassis model 7400 6x4 with a Vac-Con Model VPD4212LHA/1300 Combination Jet/Vacuum Sewer Cleaner is an approved budgeted **replacement** and will be funded by the Public Works Sewer Division Enterprise Fund Capital Account No. 425-420-000673. This equipment will be used by the Public Works Sewer Division for the cleaning of the sanitary sewer system of the City of Miami Beach.

The Administration recommends approving the purchase.

Advisory Board Recommendation:

n/a

Financial Information:

Source of Funds:	Amount	Account
1	\$266,780.00	425-0420-000673 Public Works Sewer Division Enterprise Fund Capital Account.
2		
3		
Total	\$266,780.00	



OBPI

Financial Impact Summary:

City Clerk's Office Legislative Tracking:

Andrew E. Terpak

Sign-Offs:

Department Director	Assistant City Manager	City Manager
AET _____ GL _____	RCM _____	JGM _____

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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: Jorge M. Gonzalez, City Manager

DATE: March 18, 2009

SUBJECT: **REQUEST FOR APPROVAL TO PURCHASE ONE (1), 2009 INTERNATIONAL 7400 TRUCK CHASSIS MODEL 7400 6X4 WITH A VAC-CON MODEL VPD4212LHA/1300 COMBINATION JET/VACUUM SEWER CLEANER, FROM NAVISTAR, INC., PURSUANT TO FLORIDA STATE CONTRACT NO. 08-16-0908, IN THE AMOUNT OF \$266,780.00.**

ADMINISTRATION RECOMMENDATION

Approve the purchase.

FUNDING

\$266,780.00 Funding is available from the Public Works Sewer Division Enterprise Fund Capital Account No. 425-0420-000673.

ANALYSIS

The International 7400 with a Vac-Con model VPD4212LHA/1300 combination jet/vacuum sewer cleaner is recommended to be purchased pursuant to Florida State Contract No. 08-16-0908.

This equipment is an approved budgeted replacement in fiscal year 08/09, will be funded by the Public Works Sewer Division Enterprise Fund Capital Account. This vehicle will be used by the Public Works Sewer Division for the cleaning of the sanitary sewer system of the City of Miami Beach and is an integral part of the City's maintenance program.

The Vac-Con model VPD4212LHA/1300 has a 10 ft. boom, 12 cubic yard capacity debris tank, and with the dual engine is considered an industry leading mid-range jet/vacuum sewer cleaner. The chassis engine operates the vacuum and hydraulics while the auxiliary engine drives the water pump. This equipment also uses a hydrostatic drive to power the blower which eliminates the need for high engine rpm's and the transmission to be engaged during operation. It is therefore safe, efficient and reliable for the operator.

BACKGROUND

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 the vehicle 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.

The vehicle to be replaced, as listed below, has met or exceeded the established criteria for replacement.

Veh#	Dept.	Year	Make/Model	Mileage	Life To Date Maintenance	Condition
6691	0427	2001	Sterling V312LHA	43,665	\$144,736.13	Poor

Criteria for replacement of vehicles are based on age, mileage, maintenance, engine hours (one engine hour idling = 35 miles), and overall condition of the vehicle. The life to date maintenance includes all costs associated with the vehicle, including, but not limited to, repairs, routine maintenance, accidents and other damage.

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. 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 Department.

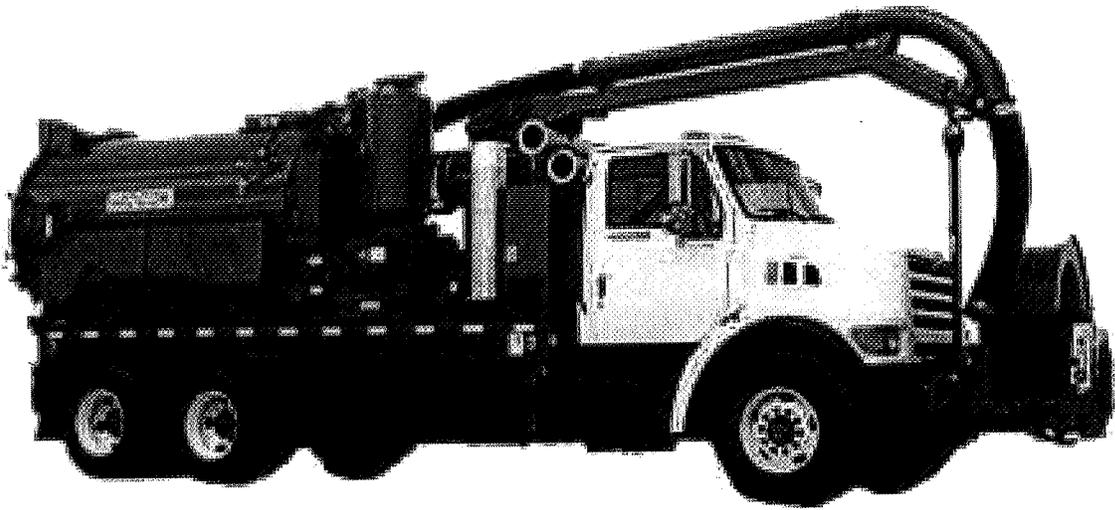
Currently active contracts are then compared and the base "Standard" vehicle/ equipment is identified. In many cases when comparing contracts, the specifications will not be consistent from contract to contract. Once the base vehicle/equipment specification has been established, the next process is to analyze and compare cost of any required options, accessories or up fitting to make them equal. An example would be: a compact car for a compact car. In this case, Freightliner does not engineer a chassis suitable for a sewer cleaner body, and Sterling has discontinued their production line, leaving International as the only viable alternative.

All deadlined vehicles and equipment are used as a trade-in or sold at public auction. This process effectively reduces our cost of ownership and completes the vehicle life cycle.

The purchase price of the new equipment is \$308,960.00, and based on the condition of the old equipment, the City received \$42,180.00 as a trade in toward the purchase of the new machine for a net cost of \$266,780.00

CONCLUSION

The Administration recommends that the City Commission approve the purchase one (1), 2009 International 7400 truck chassis model 7400 6x4 with a Vac-Con model VPD4212LHA/1300 combination jet/vacuum sewer cleaner, from Navistar, Inc., pursuant to Florida State Contract No. 08-16-0908, in the amount of \$266,780.00.



Condensed Title:

Request For Approval To Purchase Six (6) 2009 Chevrolet Impalas, From Garber Chevrolet, Buick, Pontiac & GMC Trucks Inc. Pursuant To Florida State Contract No. 08-16-0908, In The Amount Of \$111,794.00.

Key Intended Outcome Supported:

Increase resident ratings of Public Safety Services, Maintain crime rates at or below national trends.

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

90% of residents and 91% of businesses feel reasonably safe/very safe during the day.
72% of residents feel reasonably safe or very safe in neighborhood at night.

Issue:

Shall the Mayor and City Commission approve the purchase?

Item Summary/Recommendation:

The six (6) 2009 Chevrolet Impalas are approved budgeted **replacements** and will be funded by the Fleet Management Capital Replacement Account No. 510-1780-000673.

The Administration recommends the approval.

Advisory Board Recommendation:

Financial Information:

Source of Funds:		Amount	Account
 OBPI	1	\$111,794.00	510-1780-000673 Fleet Management Fund Capital Replacement Account.
	2		
	3		
	Total	\$111,794.00	

Financial Impact Summary:

City Clerk's Office Legislative Tracking:

Andrew E. Terpak

Sign-Offs:

Department Director	Assistant City Manager	City Manager
AET  GL  CN _____	RCM  _____	JMG  _____

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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: Jorge M. Gonzalez, City Manager

DATE: March 18, 2009

SUBJECT: **REQUEST FOR APPROVAL TO PURCHASE SIX (6) 2009 CHEVROLET IMPALAS, FROM GARBER CHEVROLET, BUICK, PONTIAC, & GMC TRUCKS PURSUANT TO FLORIDA STATE CONTRACT NO. 08-16-0908, IN THE AMOUNT OF \$111,794.00.**

ADMINISTRATION RECOMMENDATION

Approve the purchase.

FUNDING

\$111,794.00 Funding is available from the Fleet Management Fund Capital Account No. 510-1780-000673.

ANALYSIS

Six (6) 2009 Chevrolet Impalas are recommended to be purchased pursuant to Florida State contract No. 08-16-0908.

Base Model Cost Comparison

Florida State Contract No. 08-16-0908	MSRP
Police package (4) \$18,496.00	\$24,340.00
Administrative (2) \$15,926.00	\$21,400.00

* A difference of \$5,958.00 due to base cars cost plus upfitting.

The six (6) 2009 Chevrolet Impalas are budgeted replacements and will be funded by the Fleet Management Fund Capital Account No. 510-1780-000673. These vehicles will be used by the Police Department Patrol Division on a daily basis to perform routine patrols, and assist in emergencies as needed.

BACKGROUND

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.

Commission Memorandum

March 18, 2009

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Once the vehicle 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.

Impalas were introduced into the Fleet in 2002 originally to diversify the Fleet. A police package became available, which is more fuel efficient when compared to the Crown Victoria Police Interceptor and was a good fit for administrators and supervisors in the police department that were not required to transport prisoners.

In Fiscal Year 08-09, fifteen (15) Chevrolet Impalas were scheduled to be replaced in the normal process; however, only six (6) are being replaced due to the economic conditions. While not consistent with our normal replacement policies, extending the useful life of some of the vehicles is not expected to create safety issues. With higher than preferred mileage on these vehicles, it is expected to see an increase in repairs including transmissions, which is something we rarely have had to replace. Fleet Management will monitor the operation and maintenance cost. If any of the nine (9) vehicles remaining in the Fleet should become not cost effective or unsafe to operate, they will be removed from the Fleet.

The six (6) vehicles recommended are the minimum replacement to keep the police fleet safe and functional. The reduced purchase will also keep our inventory of large vehicles slightly reduced in the event newer more efficient models become available.

The vehicles to be replaced, as listed below, has met or exceeded the established criteria for replacement.

Veh#	Dept.	Year	Make/Model	Mileage	Life To Date Maintenance	Condition
2585	1130	2003	Chev.Impala	109,506	\$ 4,523.01	Poor
2586	1140	2003	Chev.Impala	91,893	\$ 12,124.84	Poor
2590	1120	2003	Chev.Impala	95,875	\$ 5,994.73	Poor
2591	1120	2003	Chev.Impala	94,691	\$ 8,080.11	Poor
2595	1120	2003	Chev.Impala	98,115	\$ 7,064.06	Poor
2597	1120	2003	Chev.Impala	70,236	\$ 9,106.86	Poor

Criteria for replacement of vehicles are based on age, mileage, maintenance, engine hours (one engine hour idling = 35 miles), and overall condition of the vehicle. The life to date maintenance includes all costs associated with the vehicle, including, but not limited to, repairs, routine maintenance, accidents and other damage.

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. Fuel efficiency is included as part of this assessment and if vehicle requirements can be satisfied with a more fuel efficient replacement, it is pursued.

Commission Memorandum

March 18, 2009

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Research is conducted to identify if contract pricing is available and within the guidelines of the City Procurement Policy.

Contracts are then compared and the base "Standard" vehicle/ equipment is identified. In many cases when comparing contracts, the specifications will not be consistent from contract to contract. Once the base vehicle/equipment specification has been established, the next process is to analyze and compare cost of any required options, accessories or up fitting to make them equal. At this time the only active contract is the Florida State Contract No. 08-16-0908

This deadlined vehicle will be sold at public auction. This process effectively reduces our cost of ownership and completes the vehicle life cycle.

CONCLUSION

The Administration recommends that the City Commission approve the purchase of six (6) 2009 Chevrolet Impalas, from Garber Chevrolet, Buick, Pontiac & GMC Trucks, Inc. pursuant to Florida State Contract No. 08-16-0908 , representing the best and lowest price available in the amount of \$ 111,794.00.

JMG/RCM/CN/GL/AET/jt.

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Condensed Title:

Request for Approval to issue a Request for Proposals (RFP) for the Management and Operation of a Concession Facility within the Structure Commonly Referred to as the "Pavilion Building" Located in South Pointe Park.

Key Intended Outcome Supported:

Increase satisfaction with Recreational Programs; Increase resident satisfaction with availability of commercial service options

Supporting Data (Surveys, Environmental Scan, etc.): According to the 2007 Community Satisfaction Survey, 76% of residents rated South Pointe recreation facilities as "excellent" or "good." In addition, 41% of businesses rated South Beach as an "excellent" or "good" place to run a business.

Issue:

Shall the Mayor and City Commission approve the issuance of the RFP?

Item Summary/Recommendation:

It is the City's intent to enter into a concession agreement, by means of this RFP process, to grant to the successful proposer, the right during the term of the concession agreement, to manage and operate the concession facility within the structure commonly referred to as the "Pavilion Building", located in South Pointe Park (hereinafter referred to as the "Concession Area").

At the February 17, 2009 meeting of the Neighborhoods/Community Affairs Committee, the Committee unanimously voted to recommend that the Concession within the South Pointe Park Pavilion be provided for by a Request for Proposals. As tourism is vital to the economic well-being of the community and the availability of accessible restrooms and concession facilities is vital to tourism, the Administration initiated the design of concession and restroom facilities. During the November 19, 2004, City Commission meeting, the Mayor and City Commission adopted Resolution No. 2004-25741 approving the construction of a community room, public restrooms and concession facilities located in South Pointe Park. The construction of the park is complete and will open to the public at the end of March 2009.

Any agreement entered into by the City will be for an initial term of two (2) years, with an option to renew for three (3) additional one (1) year terms, with said renewal terms being at the City's sole option and discretion.

The successful proposer will be authorized to operate and manage the Concession Area seven (7) days a week, 365 days a year, which shall sell and/or provide the following:

- a) non-alcoholic beverages
- b) prepackaged and/or prepared foods with limited heating requirements will be negotiated based on the proposed menu. By way of example, the City has allowed the following in other concession agreements: the use of steamers, warmers, microwaves, sandwich press and coffee maker.

APPROVE THE ISSUANCE OF RFP.

Advisory Board Recommendation:

February 17, 2009 Neighborhoods/Community Affairs Committee

Financial Information:

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

Financial Impact Summary:

City Clerk's Office Legislative Tracking:

Gus Lopez extension 6641

Sign-Offs:

Department Director	Assistant City Manager	City Manager
AP <i>[Signature]</i> GL <i>[Signature]</i>	HE <i>[Signature]</i> PDW <i>[Signature]</i>	JMG <i>[Signature]</i>

T:\AGENDA\2009\March 18\Consent\RFP for Concession for Pavilion Building- summary.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: Jorge M. Gonzalez, City Manager

DATE: March 18, 2009

SUBJECT: **REQUEST FOR APPROVAL TO ISSUE A REQUEST FOR PROPOSALS (RFP) TO AWARD A CONCESSION AGREEMENT FOR THE MANAGEMENT AND OPERATION OF A CONCESSION FACILITY WITHIN THE STRUCTURE COMMONLY REFERRED TO AS THE "PAVILION BUILDING," LOCATED IN SOUTH POINTE PARK.**

ADMINISTRATION RECOMMENDATION

Approve issuance of the RFP.

ANALYSIS

It is the City's intent to enter into a concession agreement, by means of this RFP process, to grant to the successful proposer the right during the term of the concession agreement to manage and operate the concession facility within the structure commonly referred to as the "Pavilion Building", located in South Pointe Park (hereinafter referred to as the "Concession Area").

At the February 17, 2009, meeting of the Neighborhoods/Community Affairs Committee, the Committee unanimously voted to recommend that the concession within the South Pointe Park Pavilion be provided for by a Request for Proposals.

As tourism is vital to the economic well-being of the community and the availability of accessible restrooms and concession facilities is vital to tourism, the Administration initiated the design of concession and restroom facilities. During the November 19, 2004, City Commission meeting, the Mayor and City Commission adopted Resolution No. 2004-25741 approving the construction of a community room, public restrooms and concession facilities located in South Pointe Park. The construction of the park is complete and will open to the public at the end of March 2009.

The Pavilion includes a Community Room which will be available to the public to rent and will not be part of the concession agreement. City field offices, as well as the rooftop deck, will also be available to the public to rent and are not part of the concession agreement.

Any agreement entered into by the City will be for an initial term of two (2) years, with an option to renew for three (3) additional one (1) year terms, with said renewal terms being at the City's sole option and discretion.

Scope of Services

The successful proposer will be authorized to conduct the following kinds of business(es) within the concession area, as provided herein, all at its sole cost and expense:

PERMITTED USE(S):

Operate and manage the concession area, which shall sell and/or provide the following:

- a) non-alcoholic beverages
- b) prepackaged and/or prepared foods with limited heating requirements will be negotiated based on the proposed menu. By way of example, the City has allowed the following in other concession agreements: the use of steamers, warmers, microwaves, sandwich press and coffee maker.

MENUS:

Proposers shall develop menus for the following purposes:

- a) Park picnic menus
- b) Beachgoers menu of prepackaged items, and
- c) Party package menu for children

SCHEDULE OF OPERATION:

Successful proposer's operation shall be open in accordance with the schedule outlined below, weather and/or events of force Majeure permitting.

Days of Operation:	seven (7) days a week, 365 days a year
Hours of Operation:	opening shall occur no earlier than 7:00 a.m. and closing shall occur no later than 9:00 p.m.

Any changes to the days or hours of operation require the prior written consent of the City Manager.

CONCESSION FEES:

Performance Bond or Alternate Security:

The successful proposer shall furnish the City with a security deposit, as agreed to by the City. Said security shall serve to secure the successful proposer's performance in accordance with the provisions of the concession agreement. In the event the successful proposer fails to perform in accordance with said provisions, the City may retain said security, as well as pursue any and all other legal remedies provided in the concession agreement, or as may be provided by applicable law.

Minimum Guarantee (MG):

In consideration of the City executing a concession agreement and granting the rights provided in the agreement, the successful proposer shall guarantee and pay to the City an annual minimum concession fee.

Percentage of Gross (PG):

During the initial term and any approved renewal term, the successful proposer shall pay the City a percentage of its gross receipts. During any term of the concession agreement, if the

amount of the annual PG is greater than the annual MG, then the successful proposer shall pay to the City the difference between the PG amount and the MG amount. In the event that the City chooses to extend the term of the concession agreement for any renewal term(s), the renewal term(s) MG shall be increased by the Consumer Price Index.

Minimum Requirements

- Proposer will submit three (3) separate menus:
 - a) Park picnic menus
 - b) Beachgoers menu of prepackaged items, and
 - c) Party package menu for children
- Proposer will provide evidence of a minimum of three (3) years of experience operating a comparable concession operation of similar size.
- Proposer will provide evidence of financial stability by submitting the past three (3) years of financials reviewed by a Certified Public Accountant.

EVALUATION PROCESS

The procedure for response, evaluation and selection will be as follows:

- RFP issued
- Pre Proposal Meeting and Walk Thru of Pavilion Building – Date to be determined
- Receipt of responses
- Opening and listing of all responses received
- An Evaluation Committee, appointed by the City Manager, shall meet to evaluate each response in accordance with the requirements of this RFP. If further information is desired, respondents may be requested to make additional written submissions or oral presentations to the Evaluation Committee.

The Evaluation Committee will recommend to the City Manager the response(s) that the Evaluation Committee deems to be in the best interest of the City by using the following criteria for selection:

A) Experience and qualifications: (30%)

- Experience and qualifications of the Proposer in high-quality food/beverage operations pertaining to concessions, bar services, cafes, including other similar services;
- Experience and qualifications of the Proposer;
- Management team’s experience and qualifications; and
- Past performance.

B) Operational expertise and procedures: (20%)

- Staff training/manual procedures;
- Approach to customer service and maintenance of quality standards;
- Ability to provide back-up management expertise on short notice;
- Cash control computer system and interfaces to be provided; and
- Service Plan(s).

Commission Memorandum – Concession Facility within Pavilion Building RFP

March 18, 2009

Page 4 of 4

- C) Financial: (25%)**
- Financial capability to perform the services outlined in the RFP;
 - Minimum Guarantee (MG);and
 - Percentage of Gross (PG).
- D) Methodology and Approach: (25%)**
- Methodology and approach relative to ensuring successful concession operations;
 - Business and Marketing plans as presented for concession services; and
 - Type of concept proposed.

The following timeline is anticipated following the evaluation of proposals:

- The City Manager shall recommend to the City Commission the response or responses, acceptance of which the City Manager deems to be in the best interest of the City.
- The City Commission shall consider the City Manager's recommendation(s) in light of the recommendation(s) and evaluation of the Evaluation Committee and, if appropriate, approve the City Manager's recommendation(s). The City Commission may reject the City Manager's recommendation(s) and select another response or responses. In any case, the City Commission shall select the response or responses, acceptance of which the City Commission deems to be in the best interest of the City. The City Commission may also reject all proposals.
- Negotiations between the selected respondent and the City take place to arrive at agreement terms. If the City Commission has so directed, the City may proceed to negotiate an agreement with a respondent other than the top ranked respondent if the negotiations with the top ranked respondent fail to produce a mutually acceptable agreement within a reasonable period of time.
- A proposed contract or contracts are presented to the City Commission for approval, modification and approval, or rejection.
- If and when a contract or contracts acceptable to the respective parties is approved by the City Commission, the Mayor and City Clerk sign the contract(s) after the selected respondent(s) has (or have) done so.

Should the Mayor and Commission authorize the issuance of this RFP, all procurement rules (i.e. Cone of Silence, etc.) will apply.

CONCLUSION

The Administration recommends that the Mayor and the City Commission authorize the issuance of a Request for Proposals (RFP) for the management and operation of a concession facility within the structure commonly referred to as the "Pavilion Building" located in South Pointe Park.

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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: Jorge M. Gonzalez, City Manager 

DATE: March 18, 2009

SUBJECT: **Referral to the Land Use and Development Committee – Temporary parking lots – amendment to the 10-year limit (two ordinances)**

AN ORDINANCE AMENDING SECTION 130-70(7), TO ALLOW FOR ADDITIONAL EXTENSIONS OF TIME FOR TEMPORARY PARKING LOTS ON ALTON ROAD BETWEEN 5TH STREET AND LINCOLN ROAD;

or

AMENDING CHAPTER 130, "OFF STREET PARKING", ARTICLE III, "DESIGN STANDARDS", BY AMENDING SECTION 130-70(7), TO ALLOW FOR ADDITIONAL EXTENSIONS OF TIME FOR TEMPORARY PARKING LOTS;

ADMINISTRATION RECOMMENDATION

Refer to the Land Use and Development Committee.

BACKGROUND

At the January 27, 2009 meeting the Planning Board reviewed an application submitted by South Beach Heights I, LLC requesting to amend Section 130-70(8) of the Land Development Regulations of the City Code extending the maximum time period where a Temporary Parking Lot is permitted to exist in the CD-2, Commercial Medium Intensity Zoning District on Alton Road between 5th Street and Lincoln Road.

At the same meeting, the Board agreed with staff that the ordinance should be citywide and requested such an ordinance.

ANALYSIS

Currently the Land Development Regulations (LDRs) of the City Code permits temporary parking lots to exist for a period of time no greater than three years. At the end of this period, but prior to expiration, an applicant may request from the Planning Board, at a public hearing, one initial extension of time for a period not exceeding two years. In granting the initial extension of time, the board must consider, among other things, whether the applicant has complied with all of the applicable requirements of the LDRs during its period of operation, as well as any landscaping on the property that may not be in compliance with the requirements of the Code. After the initial extension of time by the Planning Board, and

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Date 3-18-09

prior to expiration, the applicant may request from the Planning Director not more than five extensions of time for periods not to exceed one year each. The total period of time a temporary parking lot can exist, including all extensions of time, is ten years.

An exception exists for existing temporary parking lots in the MXE district facing Collins Avenue. This exception allows an applicant to request from the Planning Board a further extension of time for a period not to exceed two years. The Planning Board, when reviewing the request for the extension of time, must consider the extent to which the existing or proposed landscaping on the property satisfies the landscaping review criteria. If existing or proposed landscaping is below the specified criteria, the Planning Board may determine whether such landscaping is sufficient based upon the characteristics of the property, and may impose conditions to satisfy the landscaping deficiencies. After this two-year extension, no more than three one-year extensions may be requested from the planning director. Pursuant to this exception, the total time of temporary parking lots including all extensions of time is 15 years.

The applicant is the owner of 650 Alton Road where the current temporary parking facility expired in 2008, after a ten-year existence. An affiliate of the applicant also owns the property across the street, 663 Alton Road, which was licensed as a temporary parking lot, but has since expired. There is one other temporary parking lot at 721 Alton Road that could potentially expire in 2011.

At the February 24, 2009 meeting, the Planning Board also reviewed an ordinance that would permit the proposed five-year exception on a citywide basis and recommended approval, but only for those temporary parking lots that currently exist.

The elimination of parking spaces is a concern because of the already existing shortage. As existing parking facilities come to an end after ten years of operation, the removal of these surface parking lots from the inventory creates a shortage of spaces. Although there is also a concern that proposed change may be a deterrent to the improvement or development of properties being used as temporary parking lots, the uncertainty of the economy at this time may delay construction of any new projects anyway.

The proposed amendment would extend the life of Temporary Parking Lots for five years beyond what is currently permitted. In this sense, staff believes the amendment balances the needs of the City as a whole and the needs of the property owner for a short period of time.

CONCLUSION

The Administration recommends that the City Commission refer the proposed ordinances to the Land Use and Development Committee.

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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 130, "OFF STREET PARKING", ARTICLE III, "DESIGN STANDARDS", BY AMENDING SECTION 130-70(7), TO ALLOW FOR ADDITIONAL EXTENSIONS OF TIME FOR TEMPORARY PARKING LOTS; PROVIDING FOR REPEALER, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the City of Miami Beach continually seeks to update the requirements of the Land Development Regulations of the Code of the City of Miami; and

WHEREAS, the City of Miami Beach has adopted regulations pertaining to the design and permitted duration of temporary parking lots; and

WHEREAS, the City of Miami Beach desires to refine, clarify, expand and enhance existing procedures and requirements to allow for the development of parking opportunities in those areas where public and private opportunities are hindered by existing conditions; and

WHEREAS, the amendments set forth below are 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 Section 130-70(7) of the Land Development Regulations of the Code of the City of Miami Beach, Florida is hereby amended as follows:

Sec. 130-70. Temporary parking lot standards.

* * *

- (7) Temporary parking lots shall not be permitted to exist for a period of time greater than three years from the date of certificate of occupancy or occupational license, whichever occurs first, regardless of ownership. At the end of this period, or such extensions that may be granted as contemplated herein, if the lot continues to be used for the purposes of parking, a permanent lot shall be constructed in conformity with these land development regulations; however, prior to expiration, an applicant may request from the planning board one initial extension of time for a period not exceeding two years. In granting the initial extension of time, or considering an appeal from the planning director's decision regarding an extension of time (as provided below), the board shall consider, among other things, whether the applicant has complied with all of the applicable requirements of these land development regulations, and any conditions imposed by the planning board, if any, during its

period of operation, as well as any landscaping on the property that may not be in compliance with the requirements listed below. The notice of public hearing requirements shall be as set forth in chapter 118, article IV.

~~After the initial extension of time, and prior to expiration, the applicant may request from the planning director not more than five extensions of time for periods not to exceed one year each. In considering a request for an extension of time, the director shall consider the same criteria considered by the planning board as specified above.~~ After the initial extension of time, and prior to expiration, the applicant may request from the planning director not more than five extensions of time for periods not to exceed one year each. In considering a request for an extension of time, the director shall consider the same criteria considered by the planning board as specified above. Except that in the MXE district, for approved temporary parking lots existing as of September 28, 2004, that face Collins Avenue, or in the CD-2 district, for approved temporary parking lots existing as of September 28, 2004, that face Alton Road between 5th Street and Lincoln Road, . Additionally, an applicant with a currently existing and licensed Temporary Parking Lot may request from the planning board, a further extension of time for a period not to exceed two years. After this two-year extension, no more than three one-year extensions may be requested from the planning director. The review by the planning board shall consider the extent to which the existing or proposed landscaping on the property satisfies the landscaping review criteria. If existing or proposed landscaping is below the specified criteria, the planning board may determine whether such landscaping is sufficient based upon the characteristics of the property. At the end of the potential 15-year life for a temporary parking lot, the lot shall cease to be used for parking and the asphalt and rock base shall be removed and replaced with soil and landscaping. The owner of the property shall be responsible for maintaining such property and landscaping. A plan for a recurring maintenance schedule that includes, but is not limited to, cleaning the lot, clipping of hedge material, removing and replacement of dead plant material, fertilization and irrigation. This maintenance plan shall be approved by the planning department.

The decision of the director with respect to an extension of time may be appealed by the applicant to the planning board. The appeal shall be in writing and shall be submitted to the planning director on or before the 20th day after the date of the decision of the planning director. Review of the decision of the planning board shall be to a court of competent jurisdiction by petition for writ of certiorari.

SECTION 2. 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. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section", "article", or other appropriate word.

SECTION 3. REPEALER.

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

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 _____, 2009.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

City Attorney
Date

First Reading:
Second Reading:

Verified by: _____
Jorge G. Gomez, AICP
Planning Director

Underscore denotes new language
~~Strikethrough~~ denotes deleted language

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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 130, "OFF STREET PARKING", ARTICLE III, "DESIGN STANDARDS", BY AMENDING SECTION 130-70(7), TO ALLOW FOR ADDITIONAL EXTENSIONS OF TIME FOR TEMPORARY PARKING LOTS ON ALTON ROAD BETWEEN 5TH STREET AND LINCOLN ROAD; PROVIDING FOR REPEALER, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the City of Miami Beach continually seeks to update the requirements of the Land Development Regulations of the Code of the City of Miami; and

WHEREAS, the City of Miami Beach has adopted regulations pertaining to the design and permitted duration of temporary parking lots; and

WHEREAS, the City of Miami Beach desires to refine, clarify, expand and enhance existing procedures and requirements to allow for the development of parking opportunities in those areas where public and private opportunities are hindered by existing conditions; and

WHEREAS, the amendments set forth below are 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.

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Sec. 130-70. Temporary parking lot standards.

* * *

- (7) Temporary parking lots shall not be permitted to exist for a period of time greater than three years from the date of certificate of occupancy or occupational license, whichever occurs first, regardless of ownership. At the end of this period, or such extensions that may be granted as contemplated herein, if the lot continues to be used for the purposes of parking, a permanent lot shall be constructed in conformity with these land development regulations; however, prior to expiration, an applicant may request from the planning board one initial extension of time for a period not

exceeding two years. In granting the initial extension of time, or considering an appeal from the planning director's decision regarding an extension of time (as provided below), the board shall consider, among other things, whether the applicant has complied with all of the applicable requirements of these land development regulations, and any conditions imposed by the planning board, if any, during its period of operation, as well as any landscaping on the property that may not be in compliance with the requirements listed below. The notice of public hearing requirements shall be as set forth in chapter 118, article IV.

~~After the initial extension of time, and prior to expiration, the applicant may request from the planning director not more than five extensions of time for periods not to exceed one year each. In considering a request for an extension of time, the director shall consider the same criteria considered by the planning board as specified above.~~ After the initial extension of time, and prior to expiration, the applicant may request from the planning director not more than five extensions of time for periods not to exceed one year each. In considering a request for an extension of time, the director shall consider the same criteria considered by the planning board as specified above. Except that in the MXE district, for approved temporary parking lots existing as of September 28, 2004, that face Collins Avenue, or in the CD-2 district, for approved temporary parking lots existing as of September 28, 2004, that face Alton Road between 5th Street and Lincoln Road, an applicant may request from the planning board, a further extension of time for a period not to exceed two years. After this two-year extension, no more than three one-year extensions may be requested from the planning director. The review by the planning board shall consider the extent to which the existing or proposed landscaping on the property satisfies the landscaping review criteria. If existing or proposed landscaping is below the specified criteria, the planning board may determine whether such landscaping is sufficient based upon the characteristics of the property.

The decision of the director with respect to an extension of time may be appealed by the applicant to the planning board. The appeal shall be in writing and shall be submitted to the planning director on or before the 20th day after the date of the decision of the planning director. Review of the decision of the planning board shall be to a court of competent jurisdiction by petition for writ of certiorari.

SECTION 2. 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. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section", "article", or other appropriate word.

SECTION 3. REPEALER.

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

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 _____, 2009.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

City Attorney

Date

First Reading:
Second Reading:

Verified by: _____
Jorge G. Gomez, AICP
Planning Director

Underscore denotes new language

Parking Lots – comparison table

	Provisional	Temporary*	Permanent
Districts	CD-1 through 3 CPS-1 and 2; I-1 and MXE	MR, GU, MXE, I-1 or in any commercial district.	RM-1, 2 & 3, and R-PS1, 2, 3 and 4 as Conditional Use, and all commercial districts.
Time frame	One year+	Three years+	Unlimited
Extension	6 months	2 years by the PB and 5 one-year by Planning Director; except in MXE, 2 more years by PB and 3 one-year by Planning Director	
Surface	Two inches of dust-free crushed rock.	No less than one inch of asphalt over a four-inch lime rock base; however, the public works director may require a six-inch lime rock base or thicker asphalt depending on conditions.	
Setbacks	Required side yard Setback: 2, 5, or 10 feet depending on lot width.	Required side yard Setback: 2, 5, or 10 feet depending on lot width.	Required side yard Setback: 2, 5, or 10 feet depending on lot width. Front and rear as follows: RM-1, 2 and 3 – 20 ft. front yard and 5 ft rear yard. CD-1, 2 and 3: five feet front and rear unless abutting an alley then 0' R-PS1, 2, 3 & 4 – 5 ft. front and rear
Landscape req.	2 1/2 feet wide landscaped area bordering the surfaced area along all property lines.	Minimum 5 feet wide area around property; 5% interior landscaping including trees and hedges	Required landscaped area not less than 20% of total area of lot. Interior landscaping areas that break up the expanse of the hard surface
Drainage	On site as may be required by Public Works and Building Code	On site as may be required by Public Works and Building Code	On site as may be required by Public Works and Building Code
Lighting	As may be required to illuminate the lot subject to Public Works and Building requirements. The light shall be contained on-site	As may be required to illuminate the lot subject to Public Works and Building requirements. The light shall be contained on-site	As may be required to illuminate the lot subject to Public Works and Building requirements. The light shall be contained on-site

*Existing regulations

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MIAMI BEACH

OFFICE OF THE MAYOR AND COMMISSION

MEMORANDUM

TO: Jorge M. Gonzalez, City Manager
FROM: Jonah Wolfson, Commissioner *JW*
DATE: March 5, 2009
SUBJECT: Agenda Item

Please place on the March 18, 2009 Commission meeting agenda a referral to the Land Use Committee to discuss how the City can effectively minimize the negative impact of vacant, foreclosed upon homes.

If you have any questions, please contact John Heffernan at extension 6457.

JW/jh

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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: Jorge M. Gonzalez, City Manager

DATE: March 18, 2009

SUBJECT: **REFERRAL TO THE PLANNING BOARD FOR CONSIDERATION OF AN ORDINANCE TO REZONE THE EAST SIDE OF ALTON ROAD FROM 6TH TO 16TH STREETS.**

EXCERPT FROM THE REPORT OF THE MARCH 2, 2009 LUDC MEETING

DISCUSSION ON RECOMMENDATIONS OF FLAMINGO PARK NEIGHBORHOOD ASSOCIATION FOR ALTON ROAD REDEVELOPMENT

AFTER-ACTION: Jorge Gomez updated the Committee on the recent workshops held with the Planning Board and the community regarding the Alton Road corridor. Commissioner Diaz expressed his desire to move forward on some of the initiatives suggested by the Flamingo Park Neighborhood Association in order to provide for a less intense commercial use development pattern that is more sensitive to the residential uses immediately abutting to the East. The Committee instructed the Administration to prepare an ordinance that would re-zone the East side of Alton Road between 6th and 16th Streets from the CD-2 District to the CD-1 District. Staff is to review the uses and to the extent that there is a floor area incentive for mixed use buildings, require that the additional FAR be set aside for affordable or Work Force Housing. The Committee also instructed the Administration to place this on the Planning Board's agenda as quickly as possible. Motion to refer item to the Planning Board Vote (3-0).

Attachment

JMG/TM/JGG

T:\AGENDA\2009\MARCH 18\CONSENT\REFERRAL TO THE PLANNING BOARD - ORDINACE RE-ZONING ALTON ROAD.DOC

Agenda Item C4C
Date 3-18-09



MIAMI BEACH

OFFICE OF THE MAYOR AND COMMISSION

MEMORANDUM

TO: Jorge M. Gonzalez, City Manager

FROM: Victor M. Diaz, Jr., Commissioner 

DATE: January 27, 2009

SUBJECT: Agenda item for Land Use Committee re recommendations of Flamingo Park Neighborhood Association for Alton Road redevelopment

Please refer to the Land Use committee a discussion on the following matters. These matters are recommendations made by the Flamingo Park Neighborhood Association in a resolution adopted by the Association on January 12, 2009:

1. Along the east side of Alton Road, zoning should be reduced from CD-2 (1.5 FAR, 50' height) to CD-1 (1.0 FAR, 40' height) to provide adequate buffer to all RM-1 (1.25 FAR plus form regulations, 35' height) and RS-4 (single family home) historic districts.
2. The current "bonus" FAR should be eliminated. A revised bonus for affordable housing should be considered for mixed-use projects if (a) the bonus is used 100% for affordable housing and (b) the underlying zoning is reduced in areas within or adjacent to low scale historic neighborhoods.

If you have any questions, please feel free to contact my Aide, Gary Cloutier at x6087.

VMD/gc



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: Jorge M. Gonzalez, City Manager

DATE: March 18, 2009

SUBJECT: **REFERRAL TO THE NEIGHBORHOODS/COMMUNITY AFFAIRS COMMITTEE - DISCUSSION REGARDING CONDUCTING THE GENERAL ELECTION AND RUN-OFF ELECTION A MINIMUM OF THREE (3) WEEKS APART.**

RECOMMENDATION

Refer the item.

BACKGROUND

Pursuant to the City Charter Section 2.01, "..... A candidate must receive a majority of the votes cast to be deemed elected. If no candidate receives a majority of the votes cast, there will be a runoff election between the two candidates in each group receiving the highest number of votes; should a tie result, the outcome shall be determined by lot. This runoff election shall occur two weeks from the date of general election."

In a special election held on November 4, 2003, 4,057 voters or 66.41% voted in favor of amending City Charter Section 2.01 to change the run-off election date from one (1) week after the general election to two (2) weeks after the general election.

ANALYSIS

Mr. Lester Sola, Supervisor of Elections, Miami-Dade County Elections Department, is strongly urging each municipality to conduct the general election and run-off election a minimum of three (3) weeks apart. In his February 11, 2009 letter to the City Clerk, see Attachment "A", Mr. Sola explains the reasoning for this change.

He also states in his letter that pursuant to F.S. 100.3605, municipalities have the authority to change the date of their elections.

Following the current election timeframe, the November 2009 general election would be held on Tuesday, November 3rd and the run-off election, if one is required, would be held on Tuesday, November 17th. Should the additional week be added, allowing for a three (3) week run-off period, the run-off election would be held on Tuesday, November 24th which is the week of Thanksgiving, November 26th.

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Date 3-18-09

CONCLUSION

It is requested that this issue be added to the next available Neighborhoods/Community Affairs Committee meeting for discussion and to provide direction. Mr. Sola will be invited to attend the meeting to answer any questions the Committee may have.

JMG/REP
Attachments (1)

T:\AGENDA\2009\March 18\Consent\c4 referral extend runoff election.CM.doc

ATTACHMENT "A"



Elections
2700 NW 87th Avenue
Miami, Florida 33172
T 305-499-VOTE F 305-499-8547
TTY: 305-499-8480

RECEIVED
2009 FEB 17 PM 12:32
CITY CLERK'S OFFICE

miamidade.gov

February 11, 2009

Robert Parcher
City of Miami Beach
1700 Convention Center Dr., Suite 200
Miami Beach, FL 33139

Dear Mr. Parcher:

With the 2008 election year behind us, the Elections Department is looking to refine our procedures based on the new optical scan voting system. What we have learned this past year is that this system requires much more preparation time than what was previously required. This, in turn, requires that your municipality reevaluate when you hold your run-off elections. In order to give this Department the time that is required to properly prepare for every election and in addition, give your voters the opportunity to take advantage of absentee voting, I strongly urge you to conduct your general and run-off elections a minimum of three weeks apart. As you know, there are many steps involved in preparing for a municipal election. This includes:

- Updating voter registration records
- Coding, proofing and testing two different voting systems (optical scan and electronic)
- Ordering, printing, processing and mailing absentee ballots
- Giving adequate time to voters to receive and return their absentee ballots
- Hiring and training personnel for early voting sites, if applicable, and for Election Day
- Delivering paper ballots and supplies to early voting sites and polling locations
- Resetting, reprogramming, and retesting all election equipment
- Preparing for the state-mandated Logic and Accuracy Test (L&A) and Post Election Audit

It is a tremendous challenge for this Department to perform all of the procedures stated above in the timeframe that currently exists between your general and runoff elections. The greatest concern is in regards to absentee voting. The short time period between elections may prevent voters from taking advantage of absentee voting and/or being able to successfully return the ballot to our office by the deadline.

I know we share a common goal to ensure that your elections are thorough, complete, and accurate. With this in mind, I hope you take this recommendation into consideration and allow a minimum of three weeks between your general and run-off elections. I would like to remind you that F.S. 100.3605 stipulates that municipalities have the authority to change the date of their elections, a right that many municipalities have exercised in the past.

Should you have any questions or require additional information, please feel free to contact me directly or Tara Smith, Chief Deputy Supervisor of Elections, at 305-499-8509.

Sincerely,

Lester Sola
Supervisor of Elections
Miami-Dade Elections Department

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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: Jorge M. Gonzalez, City Manager

DATE: March 18, 2009

SUBJECT: **REFERRAL TO THE FINANCE AND CITYWIDE COMMITTEE - PRESENTATION BY TCBA WATSON RICE LLP REGARDING BUILDING DEPARTMENT ORGANIZATIONAL AND OPERATIONAL REVIEW AND ANALYSIS.**

RECOMMENDATION

Refer the item.

BACKGROUND

On August 13, 2008, the City entered into a contractual agreement with TCBA Watson Rice to conduct a Building Department Organizational and Operational Review. Over the last seven months, the consultants have conducted their work and are prepared to present their report to the next Committee meeting.

ANALYSIS

Their report will provide a summary of the significant findings, observations, and recommendations developed as a result of a detailed review and analysis of the Building Department's organizations and operations. The three departments that work closely with the Building Department as part of the Building Development Process (Fire, Public Works, and Planning) have also been reviewed.

The consultant will be prepared to make a power point presentation of the executive summary of the report at the next Committee meeting. Staff will also be prepared to present the future initiatives in the Building Development Process.

CONCLUSION

It is requested that this issue be added to the next available Finance and Citywide Committee meeting for presentation and discussion.

JMG/AR

Agenda Item C4E
Date 3-18-09

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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: Jorge M. Gonzalez, City Manager

DATE: March 18, 2009

SUBJECT: **REPORT OF THE CAPITAL IMPROVEMENT PROJECTS OVERSIGHT COMMITTEE MEETING ON FEBRUARY 2, 2009**

The Capital Improvement Projects Oversight Committee ("Committee") met on February 2, 2009 at 5:30pm in Commission Chambers.

The meeting was called to order at 5:44 p.m.

ATTENDANCE – see attendance form at end of summary

REVIEW AND ACCEPTANCE OF MINUTES

MOTION: Acceptance of Minutes of the January 12, 2009 CIPOC Meeting

MOVED: Fred Karlton 2nd: Stacy Kilroy

PASSED

Full audio and visual records of the meetings held in the Commission Chambers are available online on the City's website <http://www.miamibeachfl.gov/video/video.asp>

Note: Meeting conducted out of order from agenda. Please note times alongside each item.

At the meeting, the Committee considered the following issues:

PUBLIC COMMENTS

See discussion of Venetian Islands item.

CONSENT AGENDA: ITEMS FOR COMMISSION

6:16p.m.

- a. 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. 8 TO THE AGREEMENT BETWEEN THE CITY AND WOLFBERG ALVAREZ & PARTNERS, INC., DATED SEPTEMBER 25, 2002, IN THE AMOUNT OF \$422,658 FOR RESIDENT PROJECT REPRESENTATIVE (RPR) AND CONSTRUCTION ADMINISTRATION SERVICES; \$29,800 FOR ADDITIONAL DESIGN SERVICES; AND \$40,000 FOR REIMBURSABLE EXPENSES; FOR A TOTAL NOT-TO-EXCEED SUM OF \$492,458, FOR THE SOUTH POINTE RDA PHASE II NEIGHBORHOOD 12C RIGHT-OF-WAY INFRASTRUCTURE IMPROVEMENTS PROJECT; WITH FUNDING AVAILABLE FROM PREVIOUSLY APPROPRIATED SOUTH POINTE CAPITAL FUND 389 IN THE AMOUNT OF \$342,174 FROM DESIGN, AND WITH \$150,284 TO BE REALLOCATED FROM CONTINGENCY FUNDS.

STAFF ACTION: Submit budget to CIPOC at next meeting of what was paid to Wolfberg Alvarez for the South Pointe Streetscape design.

MOTION: To recommend to City Commission that amendment No. 8 of the Wolfberg Alvarez Agreement for South Pointe Streetscape, Phase II pass with the inclusion of the special condition that the City measure and monitor the services of the RPR and to have the option to terminate these services at any time during the construction that is deemed necessary.

Agenda Item C6A
Date 3-18-09

Further discussion took place before the vote:

The Committee stated that the contract should include measuring and monitoring of the RPR services to insure that the City gets value for the dollars spent and to also include an out clause. (Motion as stated above includes this)

MOVED: Stacy Kilroy 2nd: Fred Karlton
PASSED

OLD BUSINESS

- a. **Report on Flooding Conditions Survey of 44th Street and Royal Palm Avenue Preliminary Findings From Milian Swain & Associates on Flooding Conditions Survey of 44th Street and Royal Palm Avenue** 7:34p.m.

STAFF ACTION: Bring costs-to-date information for this project (cost for Milian Swain modeling and consulting) to March 2 CIPOC meeting.

RECOMMENDATION TO STAFF: to proceed with Design/Build including fixed cost to do DCP for the flood mitigation solution at 44th Street and Royal Palm Avenue.

- b. **CIP Project Status Report** 7:58p.m.
Commissioner Weithorn asked the members of the CIPOC Committee to bring in a list of projects they are interested in seeing in-depth to future CIPOC meetings.

STAFF ACTION: Include all capital-funded projects in the status report.

SUB-COMMITTEE MEETING REPORTS

- a. **Stillwater Drive** 7:59p.m.
One additional meeting is required. The residents in attendance at the last sub-committee meeting pared down the options to two final options (presented at the meeting). The next Sub-committee meeting will be held on March 10, 2009 and a final vote will be held on the option the residents prefer.

CONSTRUCTION UPDATE: NORMANDY SHORES NEIGHBORHOOD IMPROVEMENT PROJECT 8:02p.m.

OVERVIEW: PROPOSED COMMUNICATIONS PLAN FOR SOUTH POINTE STREETScape PHASE II 8:04 p.m.

Staff has not yet met with the neighborhood associations.

STAFF ACTION: Bring information back to CIPOC after meeting with residents

DISCUSSION: VENETIAN ISLANDS ROW PROJECT 5:46p.m.

STAFF ACTION: Provide contact information for HOA for all entities involved.
STAFF ACTION: Provide monthly update on Venetian Islands in agenda packet.

FORMATION OF SUB-COMMITTEE: Venetian Islands Neighborhood. Chair: Fred Karlton.

STAFF ACTION: Notify the Venetian Island HOA when this sub-committee will be meeting.

STAFF ACTION: Bring list of projects that are at 100% design

STAFF ACTION REPORT

Included in agenda packet but not discussed.

ADJOURNMENT: The meeting was adjourned at 8:01pm

The next meeting of the Capital Improvement Projects Oversight Committee will be held at 5:30pm, Monday, March 2, 2009.

**ATTENDANCE REPORT FOR
 CIP OVERSIGHT COMMITTEE
 JANUARY THROUGH DECEMBER 2009**

	<u>LAST NAME</u>	<u>FIRST NAME</u>	<u>Jan</u>	<u>Feb.</u>	<u>March</u>	<u>April</u>	<u>May</u>	<u>June</u>	<u>July</u>	<u>Sept.</u>	<u>Oct.</u>	<u>Nov.</u>	<u>Dec.</u>	<u>Discipline</u>
1	Weithorn	Deede	P	P										Chair
2	Agazim	Erik	P	P										Developer
3	Camargo	Elizabeth	P	A										Architect
4	Cuervo	Christina	P	P										Developer/ Citizen-at-Large
5	Karlton	Fred	P	P										Developer
6	Kendle	Rick	P	P										Engineer/ Citizen-at-Large
7	Kilroy	Stacy	P	P										Construction
8	Kraai	Dwight	P	P										Engineer
9	Magrisso	Israel	P	P										Engineer/ Citizen-at-Large

A: Absent
 P: Present
 N/A: Not appointed yet


 JMG/PH/FHB/JCC/shl

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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: Jorge M. Gonzalez, City Manager

DATE: March 18, 2009

SUBJECT: **REPORT OF THE NEIGHBORHOODS/COMMUNITY AFFAIRS COMMITTEE MEETING HELD ON TUESDAY, FEBRUARY 17, 2009.**

A meeting of the Neighborhoods/Community Affairs Committee was held on Tuesday, February 17, 2009 in the City Manager's Large Conference Room, 4th Floor, City Hall. Commissioners in attendance: Mayor Matti H. Bower, Edward L. Tobin, Vice-Mayor Jonah Wolfson, Jerry Libbin, Saul Gross, Deede Weithorn, and Victor L. Diaz, Jr. City staff in attendance: Jorge M. Gonzalez, City Manager; Hilda M. Fernandez, Assistant City Manager; Robert C. Middaugh, Assistant City Manager; Raul Aguila, Deputy City Attorney; Max Sklar, Cultural Affairs and Tourism Development Director; Kevin Smith, Parks and Recreation Department Director; John Oldenberg, Parks and Recreation Department Assistant Director; Julio Magrisso, Parks and Recreation Assistant Director; Ana Cecilia Velasco, Asset Manager; Al Zamora, Sanitation Division Director; Fernando Vazquez, City Engineer; Michael Alvarez, Public Works Department Assistant Director; John Heffernan, Anne Swanson, Ben Torter, AC Weinstein, and Alex Fernandez of the Mayor and Commissioner's Office; and Randi MacBride, Code Compliance Division.

THE MEETING WAS OPENED AT 2:38 PM.

1. SELECTION OF A CHAIR AND VICE-CHAIR FOR THE NEIGHBORHOODS/COMMUNITY AFFAIRS COMMITTEE FOR A TERM OF ONE YEAR.

Commissioner Tobin made a motion to select Commissioner Libbin as the chairperson of this committee. Vice-Mayor Wolfson seconded. Commissioner Libbin made the motion for Commissioner Tobin to be the Vice-chairperson of the committee. Commissioner Tobin seconded.

ACTION: The committee selected Commissioner Libbin as the chairperson and Commissioner Tobin as the vice-chairperson of the Neighborhoods/Community Affairs Committee.

2. DISCUSSION AND REPORT OF THE ART IN PUBLIC PLACES PROGRAM.

Max Sklar, Cultural Affairs and Tourism Development Director, reviewed the history of the Art in Public Places (AiPP) program. He explained that there are a few outstanding items for which the AiPP committee is seeking direction, including the potential project at 3rd Street and Washington Avenue and South Pointe Park.

Ms. Hilda M. Fernandez, Assistant City Manager, added that the deaccessioning of two pieces of public art needs to be discussed and a clarification that not all public art on display was done through the AiPP committee.

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Date 3-18-09

James Weingarten introduced himself and expressed his concerns regarding the 3rd Street and Washington Avenue pump station.

Mariangela Capuzzo introduced herself and spoke on the 3rd Street and Washington Avenue pump station.

Claire Breukel introduced herself and spoke on the 3rd Street and Washington Avenue pump station.

Elizabeth Resnick introduced herself spoke on the selection of the artist and the maintenance of the art.

Commissioner Diaz expressed his concern that the sample of the tile that is to be used for the project at 3rd Street and Washington Avenue would not actually produce a result that will appear the same as pictured in the artist's rendering. He was also concerned with the maintenance of the tiles; how to prevent the tile from delaminating from the metal box and how to prevent the tile from being removed by someone. Ms. Capuzzo explained the process to adhere the tiles to the surface and the cleaning process.

Commissioner Libbin made a motion to reinstate and move ahead with the project for the pump station at 3rd Street and Washington Avenue. Commissioner Wolfson seconded.

Michael Alvarez, Public Works Department Assistant Director, suggested doing a pilot on one panel to assess the reflection for drivers for both day-time and night-time. Commissioner Libbin added that to the motion. Commissioner Wolfson seconded.

Ruth Remington spoke.

Commissioner Diaz added that he thinks this project is a mistake and not a prudent use of city funds.

Ms. Fernandez explained that the artist of "Speed Love Seat" piece that was removed from Lincoln Road because it was in need of repair and dangerous, has provided an estimate for replacement for \$26,500. Commissioner Tobin asked Bob Halfhill, Property Management Division Director, to provide an update to the commissioners confirming that he has advised everyone in his division that they had thrown away a piece of art that they should not have thrown away.

Motion made by Commissioner Libbin to deaccession the "Speed Love Seat". Commissioner Tobin seconded. Commissioner Wolfson asked if the committee wants to replace the piece to which the committee referred the discussion of replacement of the "Speed Love Seat" to the AiPP committee asking them to report back to the committee with a recommendation.

Commissioner Diaz suggested deferring the discussion on the Red Sea Road to the next meeting as Mr. Peter Saile has offered to contact the artist. Commissioner Diaz stated that his view was that if Mr. Saile is willing to pay for it or have the artist do it for less money, rather than just deaccessioning the piece, donating it to the creation of the Altos del Mar Sculpture Park as the first piece is a better choice than selling it for a low price.

Ms. Fernandez spoke on the subject of the art piece in South Pointe Park. She explained that the AiPP committee has recommended doing a call to artists for multiple pieces using the allocated funds rather than a single art piece. Commissioner Gross suggested purchasing pieces if it is decided to have several art pieces, rather than commissioning.

Commissioner Diaz expressed his support of a single piece for this park. He suggested having the Director of the Bass Museum involved in this process.

Rhonda Mitrani spoke.

Commissioner Weithorn stated that she believes that, given the layout of the park, she believes that one signature piece in the place where it was designed to go makes sense.

Ruth Remington spoke.
David Kelsey spoke.

Mayor Bower reminded the committee to be aware of maintenance and potential graffiti issues as it relates to any piece selected.

Commissioner Tobin asked for the status of the default letter that was sent to the artist Paul Fullerton to be provided to the next meeting of the Neighborhoods/Community Affairs Committee.

Ms. Fernandez advised the committee of the administration's recommendation to reengage the original artist of the lifeguard stands to see if there is a way we can discuss the possibility of him doing some design work as the City begins the replacement cycle for lifeguard stands. Commissioner Gross added that the artist had already submitted a proposal some time ago so he believes he is interested.

The committee moved to defer discussion regarding pump stations to a future meeting of the Neighborhoods/Community Affairs Committee.

Ms. Fernandez clarified that the previous discussion was regarding the electrical boxes located in a plaza at 3rd Street and Washington Avenue for a pump station, not an actual pump station.

Commissioner Gross asked for the AiPP to begin making recommendations for use of the \$1M in the AiPP fund.

Commissioner Diaz stated he would like to see Silvia Cubina, Bass Museum Director, have a position on the AiPP committee. Commissioner Gross and Commissioner Weithorn suggested her position be ex-officio.

Commissioner Libbin asked for more information on insuring the art collection.

ACTION: The committee moved the following:

- Reinststate the project for the electrical boxes in the plaza at 3rd Street and Washington Avenue and to first do one panel to test the reflection for drivers during both day-time and night-time.
- Deaccession the "Speed Love Seat" and have the AiPP Committee report back to the Neighborhoods/Community Affairs Committee their suggestion as to whether to spend the \$26,500 to replace it.
- Defer the discussion of the deaccession of the "Red Sea Road" sculpture until Mr. Peter Saile has made an effort to reach out to the artist.
- Administration to report back to the Neighborhoods/Community Affairs Committee on the status of the default letter that was sent to the artist Paul Fullerton.
- Defer discussion regarding pump stations to a future meeting of the Neighborhoods/Community Affairs Committee.

3. DISCUSSION REGARDING CITY CODE PROVISIONS REGARDING LOBBYIST PARTICIPATION ON CITY BOARDS.

After a lengthy discussion, the committee moved to defer this item to discuss further at the next meeting of the Neighborhoods/Community Affairs Committee.

Prior to deferral, the committee discussed narrowing the exception for non-profit lobbying by board members to "managerial/non-managerial employees", to be developed more fully by the City Attorney's Office in conjunction with Commissioner Diaz, and presented to the committee at its March 11, 2009 meeting.

David Kelsey spoke.

ACTION: The committee moved to defer this item to discuss further at the next meeting of the Neighborhoods/Community Affairs Committee.

4. DISCUSSION REGARDING INSTALLING A STOP SIGN AT THE INTERSECTION OF 11TH STREET AND JEFFERSON AVENUE.

Robert Middaugh, Assistant City Manager, explained that the County recommended against the stop sign requested by the residents in the neighborhood. The County did recommend a more fully developed pedestrian crossing which will involve some concrete bulb-outs as well as solar powered flashing warning signs activated by the pedestrian.

Fernando Vazquez, City Engineer, explained the criteria used by the County to determine what warrants the installation of a pedestrian signal and that the device being presented, required a lower criteria and was currently being used in Coral Gables.

Kimberly Lake spoke.
David Kelsey spoke.

ACTION: The committee made no motion on this item.

5. DISCUSSION REGARDING THE ISSUE OF DOGS OFF LEASH IN CITY PARKS AND OTHER PUBLIC PROPERTIES IN GENERAL.

Hilda M. Fernandez, Assistant City Manager, explained that the administration was not able to contact the representative from the Responsible Dog Owners (RDO) to attend so she requested to defer this item to the next meeting.

Commissioner Libbin expressed his concern of reports of people being bothered by dogs off-leash and that he believes it is a problem having dogs off-leash in public spaces, other than in dog parks. He added that it is a big problem when dogs intimidate residents and visitors and he does not think it should be allowed.

There was some discussion regarding enforcement. Ms. Fernandez explained that Code Compliance does have a leash patrol along with several other patrols and they have issued, since last June, twelve violations of which two were for failure to pick up after your dog and ten were for no leash.

Ruth Remington spoke.

Ms. Fernandez advised that administration is not recommending amending the ordinance to allow dogs off-leash. Vice-Mayor Wolfson asked if someone from code can go to each park several times per week during the hours of 5:30pm and 8:00pm. Ms. Fernandez advised that is being done in Belle Isle and in Pinetree Park. The detail that handles this also handles artist vendors, litter, monitoring tennis pros on the public courts, and handbills. There is a problem with resources however we can arrange to rotate the parks they visit and add to the locations they visit.

Commissioner Libbin reminded the committee that the ordinance allows security guards to enforce the dog issues. Ms. Fernandez agreed and added that the parks that are a problem do not have the security guards. Commissioner Tobin asked to prioritize this issue for some period of time before somebody gets bitten and come back to the next Neighborhoods meeting and see what happens. Vice-Mayor Wolfson suggested going out once a week, alternating the day and you will catch the offenders.

Commissioner Tobin made the motion to have administration reprioritize for the next two months and then see where we are. Vice-Mayor Wolfson seconded.

Commissioner Gross stated that the committee had already approved the dog beach over a year ago with direction to administration to write the rules and regulations. Commissioner Libbin stated that he would be against the dog beach if there is no one there to supervise it. Vice-Mayor Wolfson and Commissioner Weithorn expressed their concern with the proposed location of the dog beach because they would have to walk through the park to reach the beach and this has the potential to be dangerous with the now heavy use of the park.

Jorge M. Gonzalez, City Manager, stated that in light of the current economic situation he cannot recommend putting somebody out there to regulate this.

Commissioner Weithorn asked if an alternate location can be looked into for the dog beach so that users of the beach do not have to walk through a green space or an alternate entry that is not through the Open Space park.

ACTION: The committee deferred the beach component of this discussion to the next meeting of the Neighborhoods/Community Affairs Committee.

6. DISCUSSION REGARDING THE POTENTIAL OPERATIONAL ISSUES RELATED TO THE NEWLY RECONSTRUCTED SOUTH POINTE PARK.

Kevin Smith, Parks and Recreation Department Director, opened the discussion by reviewing the management plan for South Pointe Park. He explained that prior to the closing of the park, the operational hours were sunrise to midnight and they are proposing the same hours when the park re-opens. He added that the restaurant, Smith and Wollensky is open until 2:00am on Friday and Saturday and visitors to the restaurant may want to walk the cutwalk to enjoy the lights. Commissioner Tobin asked if the restaurant could help with security after midnight on those nights. Mr. Smith explained that security is planned for 24 hours daily and that they are advocating closing the park sections at midnight with the exception of south of the restaurant, namely the cutwalk area until 2:00am with security in force to ensure the other areas are closed.

Commissioner Libbin asked why not close the park at 2:00am on Friday and Saturday so it would be consistent with the hours of the restaurant. Jorge M. Gonzalez, City Manager

explained that "closing" the park, does not mean the park is physically closed however it allows security to move people out.

John Oldenberg, Parks and Recreation Assistant Director, explained that one of the reasons that midnight was chosen was that sanitation services are budgeted until 11:30pm so it is a matter of keeping the area clean as well as a security issue. Commissioner Weithorn suggested closing the park earlier than suggested since this is in the middle of a residential area.

Ruth Remington spoke.

A lengthy discussion ensued regarding the hours. Mr. Gonzalez explained, from an operational perspective, closing earlier is better.

Commissioner Gross suggested establishing hours and revisit the issue in six months after the opening of the park. Commissioner Libbin made a motion to close the park daily at 10:00pm and the hours of the cutwalk would mirror the hours of operation of Smith and Wollensky. Vice-Mayor Wolfson seconded.

Hilda M. Fernandez, Assistant City Manager, requested direction from the committee regarding programming in the park.

Kimberly Lake spoke.

A lengthy discussion ensued regarding special events, their intensity and frequency. Commissioner Tobin asked for agreement to direct the City Manager to look into managing the frequency of events at the park. Ms. Fernandez added that Smith and Wollensky had asked for the use of park greens for special events associated with their restaurant. The committee determined to have the restaurant go through the same special event process as any other person or group with the same limitations per year.

There was some discussion on limiting the total number of events in the park and Mr. Gonzalez added that the city is creating a new venue that it has never owned before and to limit ourselves right now is probably not wise. We should grow into it and eventually we will get to a limited number of events. Commissioner Wolfson requested a monthly report at each commission agenda as to the number of events.

The committee agreed with the administration's recommendation for no dogs off-leash, no fishing until the pier is opened, and no swimming in the park. The committee determined to not allow bicycles, skateboards, rollerblades on elevated pathways (pedestrians only) and no skateboards on the cutwalk.

Kevin Smith reviewed the rental rates. Mayor Bower expressed her concern with commercial events and noise on the rooftop in the park. Commissioner Weithorn added that no commercial banners should be allowed. The committee asked that Ms. Fernandez come back with ideas for guidelines on the use of the rooftop.

Note: Recording of the meeting ended due to technical difficulties at approximately 5:32pm.

With regard to direction on the handling of the concession area, the committee recommended to move forward with a Request for Proposals (RFP). The committee asked the administration to work with the Legal department to eliminate artist vendors and street performers from the park.

ACTION: The committee made the following recommendations/requests:

- The park will close daily at 10:00pm and the hours of the cutwalk will mirror the hours of the restaurant, Smith and Wollensky.
- Parks programming should be developed for the park
- Special events (via special events permits) to be allowed in the park however the administration is to report to the commission monthly on the number of events that are occurring for possible limits to be considered if necessary
- Smith and Wollensky is to request use of the park for special events via the special event permit process as any other person or group
- Dogs are not to be permitted off-leash in the park
- No fishing allowed in the park
- Do not allow bicycles, skateboards, rollerblades on elevated pathways (make pedestrians only) and no skateboards on the cutwalk.
- No swimming from the park allowed
- The concession shall go through the RFP process.
- Administration is to work with the legal department to eliminate artist vendors and street performers from the park.

7. DISCUSSION REGARDING A RESOLUTION ADOPTED BY THE ORCHARD PARK NEIGHBORHOOD ASSOCIATION REQUESTING THE CREATION OF AN ORGANIC COMMUNITY GARDEN IN PINE TREE PARK.

Commissioner Libbin advised that the community is aware that is no funding at this time for this project.

Janna Whitley spoke.

ACTION: The committee moved to allow this project to go through the regular Capital Improvements process.

THE MEETING ADJOURNED AT 5:52 PM.

JMG/HMF/rfm



MIAMI BEACH

NEIGHBORHOODS/COMMUNITY AFFAIRS COMMITTEE

February 17, 2009

SIGN-IN SHEET

PLEASE PRINT LEGIBLY

NAME	ORGANIZATION / DEPT.	PHONE NO.	FAX / EMAIL
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Ruth Remington	South Pointe resident	305 695-1711	RemingtonMizumi@gmail.com
David Delaney	SP Neib Assn + Wood, Ave		
Claire Breutel	AIPP / Locust Projects	786 785 7280	clairebreutel@gmail.com
Max Sklar	CMB / TCD	305-673-7577	
James Weingarten	AIPP	305 632-9255	Jim@jstremco-lux.com
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MIAMI BEACH

NEIGHBORHOODS/COMMUNITY AFFAIRS COMMITTEE

February 17, 2009

SIGN-IN SHEET

PLEASE PRINT LEGIBLY

NAME	ORGANIZATION / DEPT.	PHONE NO.	FAX / EMAIL
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AL ZAMORA	CMB PW/ST	7611	ALZAMORA@miamibeach.fl.gov
JOHN HEFFERMAN	CMB / MAYOR'S OFFICE	7030	"@miamibeach.fl.gov
MIKE ALVAREZ	CMB / Public Works	X 6629	MIKEALVAREZ@MIAMI.BEACH.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: Jorge M. Gonzalez, City Manager 

DATE: March 18, 2009

SUBJECT: **REPORT OF THE MARCH 2, 2009 LAND USE AND DEVELOPMENT COMMITTEE MEETING**

A meeting of the Land Use and Development Committee was held on March 2, 2009. Mayor Matti Herrera Bower and Commissioners Wolfson (Chair), Gross and Diaz, were in attendance. 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 5:30 pm.

OLD BUSINESS

Administration:

1. ELECTION OF CHAIR AND VICE-CHAIR

AFTER-ACTION: Motion to select Commissioner Wolfson as Chair (Diaz/Gross) Vote: 3-0. Motion to select Commissioner Diaz as Vice-Chair (Gross/Wolfson) Vote: 3-0.

Regular Agenda:

1. DISCUSSION REGARDING IMPLEMENTING A REQUIREMENT THAT WHEN PROPERTY OWNERS ASK FOR ANY APPROVAL FROM THE CITY THEY MUST PROVIDE A LINKED PUBLIC ACCESS BAYWALK AND THAT THE CITY IDENTIFIES THE LOCATION

AFTER-ACTION: Commissioner Diaz outlined the issue. Gary Held gave an overview of the concept. The City policy should provide a public Baywalk or at a minimum a mechanism should be created for enforcement of the existing ordinance from the Shoreline Review Committee. Motion to adopt an ordinance to provide for a public Baywalk and Shoreline Review criteria. Vote (3-0).

2. DISCUSSION REGARDING THE UNWANTED DISTRIBUTION OF LITERATURE, NEWSPAPERS IN PARTICULAR, AT LOCAL RESIDENCES

AFTER-ACTION: Item withdrawn. No further action required.

3. DISCUSSION REGARDING A LEASE AGREEMENT WITH MOON THAI SOUTH BEACH, INC. FOR THE PREMISES LOCATED AT 22 WASHINGTON AVENUE

Agenda Item CGC
Date 3-18-09

AFTER-ACTION: Hilda Fernandez introduced the item and gave an overview of the proposed lease. The Committee passed a motion to include changes to the lease Vote (2-0). Several operational and use limitations were identified including the following:

- There shall not be any valet operation on Washington Avenue; the ramp must be on Commerce Street
- There shall not be any taxi stand on Washington Avenue, or drop off and pick up
- Do not restrict their ability to apply for a liquor license in the future. Allow them to count the outdoor tables for any liquor license application
- Sidewalk café: None on Washington Ave., may be located on Commerce Street
- No TV on the outside
- Restrict to prohibit special events
- No loud speakers located on the outdoor area or mounted on the building
- Hours: 11pm Sunday – Thursday, Midnight on Friday and Saturday
- No café operation outside can occur independent of restaurant operating inside
- Alcoholic beverages can be served as long as the kitchen is open
- All tables and chairs to be properly stored inside
- All delivery take out business to be handled through the Commerce Street side of the business
- No bar counter to be placed on leased premises (only inside)

4. DISCUSSION ON RECOMMENDATIONS OF FLAMINGO PARK NEIGHBORHOOD ASSOCIATION FOR ALTON ROAD REDEVELOPMENT

AFTER-ACTION: Jorge Gomez updated the Committee on the recent workshops held with the Planning Board and the community regarding the Alton Road corridor. Commissioner Diaz expressed his desire to move forward on some of the initiatives suggested by the Flamingo Park Neighborhood Association in order to provide for a less intense commercial use development pattern that is more sensitive to the residential uses immediately abutting to the East. The Committee instructed the Administration to prepare an ordinance that would re-zone the East side of Alton Road between 6th and 16th Streets from the CD-2 District to the CD-1 District. Staff is to review the uses and to the extent that there is a floor area incentive for mixed use buildings, require that the additional FAR be set aside for affordable or Work Force Housing. The Committee also instructed the Administration to place this on the Planning Board's agenda as quickly as possible. Motion to refer item to the Planning Board Vote (3-0).

5. DISCUSSION REGARDING A PROPOSED ORDINANCE DEALING WITH REVISIONS TO SINGLE FAMILY AD VALOREM TAX EXEMPTIONS

An Ordinance Amending The Land Development Regulations Of The Code Of The City Of Miami Beach, By Amending Chapter 118, "Administration And Review Procedures," Article X, "Historic Preservation," Division 5, "Single Family Ad Valorem Tax Exemption", Modifying The Requirements And Procedures For City Ad Valorem Tax Exemptions For Single Family Homes; Providing For Repealer, Codification, Severability And An Effective Date.

AFTER-ACTION: Tom Mooney explained the item and outlined the need to allow more time for the applicants to complete the work associated with restoration or additions to Single Family Homes. The Committee adopted a motion to refer the proposed ordinance for full Commission consideration. Vote (2-0).

6. DISCUSSION REGARDING ABSENCES AND RECUSALS FOR LAND USE BOARD MEMBERS

An Ordinance Amending The Land Development Regulations Of The City Code To Harmonize The Permitted Number Of Absences And Recusals For Land Use Board Members, By Amending Chapter 118, Administrative And Review Procedures, Article II, Boards, Division 2, Planning Board, Section 118-52, Meetings And Procedures; Division 3, Design Review Board, Section 118-74, Removal; Division 4, Historic Preservation Board, Section 118-105, Removal; Division 5, Board Of Adjustment, Section 118-133, Removal, Providing For Repealer; Codification; Severability And An Effective Date.

AFTER-ACTION: The Committee reviewed the proposed ordinance as suggested by the Planning Board and made the following changes: the number of recusals be three per year for all four Land Use Boards, absences are to be defined as missing more than 50% of scheduled items (instead of 30%) unless the member attended 70% of the duration of time of the meeting's agenda. Referred the item for full Commission action. Vote (2-0).

Attachment 
JMG/RY/JGG

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LAND USE AND DEVELOPMENT COMMITTEE MEETING
 March 2, 2009 @ 4:00 pm
 City Manager's Large Conference Room

Attendance Sheet

NAME	E-MAIL ADDRESS	CONTACT NUMBERS
1. Mona Sunahine	noisecentral@thebeach.net	305 772 9000
2. Beverly James	@	305 376 8800
3. Cooper Abrams	@ bellsouth.net	305 861-5227
4. Jo Manning	@ juno.com	305-538-3270
5. Heidi Calvert	@ YAHOO.COM	305 695 1826
6. ED CAVIN	@	"
7. Comm. Wolfson	@	
8. Comm. Gross	@	
9. Comm. Diaz	@	
10. Shelley Roberts	(Resident) stump@shelleyrobert.com	305-205-2030
11. Richard Lorber	CMB Planning Dept	7550
12. Mike Burke	Mike.BURKE@yaho.com	780-269-7380
13. JEFF DONNELLY	JEFFDONN@AOL.COM	305-530-1441
14. Jack Johnson	jjsobe@gmail.com	305-673-1267
15. Joyce News	jnewsers@miamibeachfl.gov	305 673-7550
16. G. Cloutier	garclo@miamicbeachfl.gov	
17. Anna Parekh	amb	x6174
18. Al Velasco	avelasco@miamibeachfl.gov	x6727
19. Rebecca Dellagloria	@	376-2284
20. JACK PUNNA	@	405 909 9775

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LAND USE AND DEVELOPMENT COMMITTEE MEETING

March 2, 2009 @ 4:00 pm

City Manager's Large Conference Room

Attendance Sheet

NAME	E-MAIL ADDRESS	CONTACT NUMBERS
21. DAVID H. NEVE L	DHNEVE L @ YAHOO . COM	cell: 305 794 7120
22.	@	
23.	@	
24.	@	
25.	@	
26.	@	
27.	@	
28.	@	
29.	@	
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Condensed Title:

A Resolution authorizing the City Manager to apply for and accept American Recovery and Reinvestment Act of 2009 funds from seven (7) programs and execute all the documents related to these grants.

Key Intended Outcome Supported:

1), 2), 6) and 7) Ensure well-maintained infrastructure and enhance mobility throughout the city; 3) Increase access to workforce or affordable housing; 4) Reduce the number of homeless; 5) Increase resident ratings of public safety services;

Supporting Data – 2007 Survey: 1), 2), 6) and 7) conditions of roads and sidewalks are key negative drivers for residents or businesses for value of city services for tax dollars paid; 38% of residents and 39% of businesses rate traffic flow as poor, it is a key negative driver for resident perception of Miami Beach as a place to live and whether the city is better or worse than a few years ago; storm drainage remains a concern with 26% of residents and 39% of businesses rating as poor and a key negative driver of resident perceptions regarding value of city services for tax dollars paid; the federal standard for bridge repair is usually based on a sufficiency rating of close to 50 and the recommended bridges for funding have sufficiency ratings close to 50 out of a possible 100; 3) and 4) Residents stated that the most important area for the city to spend tax dollars is in housing and 72% of residents identified housing for elderly/seniors and less than \$50,000 income as the primary areas; and 68% of residents and 72% of businesses stated that the city’s ability to address homelessness was either fair or poor; 5) Safety (crime, police) was rated as the number one change that would make Miami Beach a better place to live, work, play or visit; although 78% of residents rated overall quality of City Police as excellent or good.

Issue: Shall the City support the following funding requests and execute the related agreements?

Item Summary/Recommendation: Approval to submit the following American Recovery and Reinvestment Act of 2009 applications as necessary: 1) Florida Department of Transportation (FDOT) Highway Infrastructure Investment Funds for the city’s right-of-way and bridges projects in the amount of \$2,128,921; 2) Federal Transit Administration funds for city transit projects in an amount not to exceed \$1,900,000; 3) US Department of Housing and Urban Development (HUD) funds for Community Development Block Grant funding in the amount of \$467,896; 4) HUD funds for homelessness prevention in the amount of \$715,418; 5) Byrne Justice Assistance Grant Program for funding in the amount of \$473,477 for the city’s public safety programs; 6) State and Tribal Assistance Grants through the Florida Department of Environmental Protection, State Clean Water and Drinking Water Revolving Loan Funds for the city’s drinking water and stormwater projects in an amount not to exceed \$55,000,000; 7) State and Tribal Assistance Grants through the Florida Department of Environmental Protection, Non Point Source Program in an amount not to exceed \$33,000,000, for the city’s drinking water and stormwater projects; further appropriating the above funds, if approved and accepted by the City; and authorizing the execution of all necessary documents related to these applications. In addition to the programs listed above, the Administration intends to apply for funding to all programs for which the city is eligible. The following funds and grant guidelines are anticipated to be released in the upcoming months and will be considered for applications; Energy Efficiency and Conservation Block Grant program in an estimated amount of \$800,000 for city energy conservation projects; Grants for Victims of Violence Against Women; Weatherization Assistance Program funds; State Energy Program grants; Economic Development Assistance grants; Community Oriented Policing grants; Internet Crimes against Children grants; Neighborhood Stabilization Program funds; Lead Hazard Reduction Program funds; State and Tribal Assistance grants for leaking underground storage tanks; National Endowment for the Arts funds; South Florida Water Management District funding.

Advisory Board Recommendation: N/A

Financial Information:

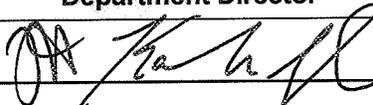
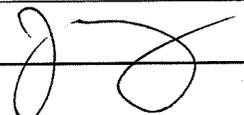
Source of funds	#	Grant Name/Project	Match Amount	Match Source
		Various Grants	No match	N/A

Financial Impact Summary:

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 Herrera Bower and Members of the City Commission

FROM: Jorge M. Gonzalez, City Manager

DATE: March 18, 2009

SUBJECT: A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE APPROVAL TO SUBMIT THE FOLLOWING AMERICAN RECOVERY AND REINVESTMENT ACT APPLICATIONS FOR FUNDING AS NECESSARY: 1) FLORIDA DEPARTMENT OF TRANSPORTATION HIGHWAY INFRASTRUCTURE INVESTMENT FUNDS FOR THE CITY'S RIGHT-OF-WAY AND BRIDGES PROJECTS IN THE AMOUNT OF \$2,128,921; 2) FLORIDA DEPARTMENT OF TRANSPORTATION FOR FEDERAL TRANSIT ADMINISTRATION FUNDS FOR CITY TRANSIT PROJECTS, IN AN AMOUNT NOT TO EXCEED \$1,900,000; 3) US DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT FOR COMMUNITY DEVELOPMENT BLOCK GRANT FUNDING IN THE AMOUNT OF \$467,896; 4) US DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT FOR HOMELESSNESS PREVENTION FUNDS IN THE AMOUNT OF \$715,418; 5) BYRNE JUSTICE ASSISTANCE GRANT PROGRAM, FOR FUNDING IN THE AMOUNT OF \$473,477 FOR THE CITY'S PUBLIC SAFETY PROGRAMS; 6) STATE AND TRIBAL ASSISTANCE GRANTS THROUGH THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION, CLEAN WATER AND DRINKING WATER STATE REVOLVING LOAN FUNDS FOR THE CITY'S DRINKING WATER AND STORMWATER PROJECTS, IN A TOTAL AMOUNT NOT TO EXCEED \$55,000,000; 7) STATE AND TRIBAL ASSISTANCE GRANTS THROUGH THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION, NON POINT SOURCE PROGRAM FOR THE CITY'S DRINKING WATER AND STORMWATER PROJECTS IN AN AMOUNT NOT TO EXCEED \$33,000,000; FURTHER 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

The American Recovery and Reinvestment Act of 2009 (Recovery Act) was signed into law by President Obama on February 17, 2009. The purpose of the Recovery Act is to create and save jobs, jumpstart the economy, and lay the foundation for a robust and sustainable 21st century economy. The Act includes measures to modernize the nation's infrastructure, enhance America's energy independence, expand educational opportunities, increase access to health care, provide tax relief, and protect those in greatest need.

Federal Stimulus funds are being distributed through existing funding programs through the following three categories:

1. Funds allocated as formula grants directly to local or regional entities;
2. Funds allocated to the states for discretionary pass-through or competitive grants;
3. Funds to be distributed at the Federal level through a grant competitive process.

The Administration has acted quickly to apply for funding as announcements are made by the different federal agencies and departments. Funding announcements and guidelines will continue to be released over the next few months, and the Administration will continue to pursue additional programs under the Recovery Act. At this time, the Administration has identified and is in the process of applying for the following Recovery Act funds:

1. Highway Infrastructure Investment in the amount of \$2,128,921

These are Department of Transportation funds through the Metropolitan Planning Organization (MPO) process. The MPO Board decided to award their \$56 million allocation based on population. The City was provided one day to submit full information on which projects the funds will be used for. These funds will provide bridge repairs on Henedon, Sunset 1, and Sunset 2 bridges, as well as milling and resurfacing on Indian Creek Drive and Dickens Avenue. The federal standard for bridge repair is usually based on a sufficiency rating of close to 50. The recommended bridges for funding have sufficiency ratings close to 50 out of a possible 100.

2. Transit in an amount not to exceed \$1,900,000

Department of Transportation for Federal Transit Administration funds were allocated through Miami Dade County and the MPO process. 20% of the transit funds are to be distributed to the municipalities. The Administration estimates that the allocation will be in an amount not to exceed \$1,900,000 based on a population distribution.

3. Community Development Block Grants in the amount of \$467,896

US Department of Housing and Urban Development funds through the Community Development Block Grant Program (CDBG). CDBG funding will be distributed using the existing statutory formula. The CDBG program provides funds to create suitable living environments, provide decent affordable housing, and create economic opportunities, primarily for persons of low and moderate income.

4. Homelessness Prevention Funds in the amount of \$715,418

US Department of Housing and Urban Development funds through the Homelessness Prevention Fund. HUD's Homelessness Prevention fund will provide financial assistance and services to prevent individuals and families from becoming homeless and help those experiencing homelessness to be quickly re-housed and stabilized.

5. Byrne Justice Assistance Grants in the amount of \$473,477

US Department of Justice funds through the Justice Assistance Grant (JAG) program. JAG funds may be used for state and local initiatives, technical assistance, training, personnel, equipment, supplies, contractual support, information systems for criminal justice and criminal justice-related research.

6. State and Tribal Assistance Grants: State Clean Water and Drinking Water Revolving Loan Funds in an amount not to exceed \$55,000,000

Funding is provided to the state in the form of capitalization grants for the State's Clean Water and Drinking Water State Revolving Funds (SRF). At this time, Recovery Act funds will be sub-allocated to municipalities by the state using existing SRF guidelines. The Administration will continue all efforts to access drinking water and stormwater project funds through these programs; however, these program are weighted heavily in favor of small cities (less than 10,000), and communities with documented acute public health risks. Short of a solution by the Florida Legislature, and that body's budgetary authority, it is unlikely the City will receive funds.

7. State and Tribal Assistance Grants: 319 Non Point Source Grant Program in an amount not to exceed \$33,000,000

The City has also submitted stormwater infrastructure projects to the 319 Non Point Source grant program, which will also receive a limited amount of Recovery Act funds.

In addition to the programs listed above, the Administration intends to apply for funding to all programs for which the city is eligible. The following funds and grant guidelines are anticipated to be released in the upcoming months and will be considered for applications:

- Energy Efficiency and Conservation Block Grant Program – The city's estimated allocation for this program is approximately \$800,000, to be used for city energy conservation projects
- Victims of Violence Against Women Grants – The state must suballocate a portion of the funds; the state's distribution process and method has not yet been announced.
- Weatherization Assistance Program – Intended for energy efficiency improvement in low income housing. These funds are provided to the states, but are intended to be suballocates to local agencies. Funds are intended to reduce energy costs for low-income households by increasing the energy efficiency of their homes while ensuring their health and safety.
- State Energy Program – Funds are used to address energy priorities to adopt emerging renewable energy and energy efficiency technologies. The state will fund ongoing initiatives, in addition to state and local utilities.
- Economic Development Assistance (EDA) Grants - EDA's mission is to lead the federal economic development agenda by promoting innovation and competitiveness, preparing American regions for growth and success in the world economy.
- Community Oriented Policing Services (COPS) - COPS is a competitive grant program that provides funding directly to law enforcement agencies for the hiring and rehiring of additional career law enforcement officers.
- Internet Crimes Against Children - Funds help state and local law enforcement agencies develop an effective response to cyber enticement and child pornography cases.
- Neighborhood Stabilization Program - Neighborhood Stabilization Program will provide emergency assistance to state and local governments to acquire and redevelop foreclosed properties that might otherwise become sources of abandonment and blight within their communities.

- Lead Hazard Reduction Program – Funds address housing-related health hazards
- State and Tribal Assistance Grants -These include funds for Brownfields, diesel emissions and leaking underground storage tanks.
- National Endowment for the Arts - The state will receive a formula grant, a portion of which will be suballocated.
- South Florida Water Management District - Funds to help with water savings programs.

The Administration continues to monitor daily the grant announcements for each of the following programs, and is already working to determine the City's eligibility for participation in each of these programs, in preparation of the official agency notice.

Conclusion

The Administration requests approval to authorize the City Manager or his designee approval to submit the following American Recovery and Reinvestment Act applications for funding as necessary: 1) Florida Department of Transportation Highway Infrastructure Investment Funds for the city's right-of-way and bridges projects in the amount of \$2,128,921; 2) Florida Department of Transportation for Federal Transit Administration funds for city transit projects, in an amount not to exceed \$1,900,000; 3) US Department of Housing and Urban Development for Community Development Block Grant funding in the amount of \$467,896; 4) US Department of Housing and Urban Development for homelessness prevention funds in the amount of \$715,418; 5) Byrne Justice Assistance Grant Program, for funding in the amount of \$473,477 for the city's public safety programs; 6) State and Tribal Assistance Grants through the Florida Department of Environmental Protection, Clean Water and Drinking Water State Revolving Loan Fund for the city's drinking water and stormwater projects, in an amount not to exceed \$55,000,000; 7) State and Tribal Assistance Grants through the Florida Department of Environmental Protection, Non Point Source Program in an amount not to exceed \$33,000,000 for the city's drinking water and stormwater projects; further 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

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE APPROVAL TO SUBMIT THE FOLLOWING AMERICAN RECOVERY AND REINVESTMENT ACT APPLICATIONS FOR FUNDING AS NECESSARY: 1) FLORIDA DEPARTMENT OF TRANSPORTATION HIGHWAY INFRASTRUCTURE INVESTMENT FUNDS FOR CITY'S RIGHT-OF-WAY AND BRIDGES PROJECTS IN THE AMOUNT OF \$2,128,921; 2) FLORIDA DEPARTMENT OF TRANSPORTATION FOR FEDERAL TRANSIT ADMINISTRATION FUNDS FOR CITY TRANSIT PROJECTS, IN AN AMOUNT NOT TO EXCEED \$1,900,000; 3) US DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT FOR COMMUNITY DEVELOPMENT BLOCK GRANT FUNDING IN THE AMOUNT OF \$467,896; 4) US DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT FOR HOMELESSNESS PREVENTION FUNDS IN THE AMOUNT OF \$715,418; 5) BYRNE JUSTICE ASSISTANCE GRANT PROGRAM, FOR FUNDING IN THE AMOUNT OF \$473,477 FOR THE CITY'S PUBLIC SAFETY PROGRAMS; 6) STATE AND TRIBAL ASSISTANCE GRANTS THROUGH THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION, CLEAN WATER AND DRINKING WATER STATE REVOLVING LOAN FUNDS FOR THE CITY'S DRINKING WATER AND STORMWATER PROJECTS, IN A TOTAL AMOUNT NOT TO EXCEED \$55,000,000; 7) STATE AND TRIBAL ASSISTANCE GRANTS THROUGH THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION, NON POINT SOURCE PROGRAM FOR THE CITY'S DRINKING WATER AND STORMWATER PROJECTS IN AN AMOUNT NOT TO EXCEED \$33,000,000; FURTHER 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 American Recovery and Reinvestment Act of 2009 (Recovery Act) was signed into law by President Obama on February 17, 2009 with the purpose of creating and saving jobs, jumpstarting the economy, and laying the foundation for a robust and sustainable 21st century economy; and

WHEREAS, the Act includes measures to modernize the nation's infrastructure, enhance America's energy independence, expand educational opportunities, increase access to health care, provide tax relief, and protect those in greatest need; and

WHEREAS, Recover Act funds are being distributed through existing funding programs through the following three categories: funds allocated as formula grants directly to local or regional entities; funds allocated to the states for discretionary pass-through or competitive grants; funds to be distributed at the Federal level through a grant competitive process; and

WHEREAS, the Administration has acted quickly to apply for funding as announcements are made by the different federal agencies and departments, and funding announcements and guidelines will continue to be released over the next few months; and

WHEREAS, the Administration will continue to pursue additional programs under the Recovery Act as funding and guidelines are released; and

WHEREAS, at this time, the Administration has identified and is in the process of applying for the following Recovery Act funds:

1. Highway Infrastructure Investment in the amount of \$2,128,921 - Department of Transportation funds through the Metropolitan Planning Organization (MPO) process for bridge repairs on Henedon, Sunset 1, and Sunset 2 bridges, as well as milling and resurfacing on Indian Creek Drive and Dickens Avenue.
2. Transit in an amount not to exceed \$1,900,000 - Department of Transportation for Federal Transit Administration funds for the City's transit projects.
3. Community Development Block Grants in the amount of \$467,896 - US Department of Housing and Urban Development funds through the Community Development Block Grant Program (CDBG) to create suitable living environments, provide decent affordable housing, and create economic opportunities, primarily for persons of low and moderate income.
4. Homelessness Prevention Funds in the amount of \$715,418
US Department of Housing and Urban Development funds have been announced through the Homelessness Prevention Fund to prevent individuals and families from becoming homeless and help those experiencing homelessness to be quickly re-housed and stabilized.
5. Byrne Justice Assistance Grants in the amount of \$473,477
US Department of Justice funds through the Justice Assistance Grant (JAG) funds have been announced for state and local initiatives, technical assistance, training, personnel, equipment, supplies, contractual support, information systems for criminal justice and criminal justice-related research.
6. State and Tribal Assistance Grants: State Clean Water and Drinking Water Revolving Loan Funds (SRLF) in an amount not to exceed \$55,000,000 -
Recovery Act funds will be sub-allocated to municipalities by the state using existing SRLF guidelines. The Administration will continue all efforts to access drinking water and Stormwater project funds through these programs; however, these program are weighted heavily in favor of small cities (less than 10,000), and communities with documented acute public health risks.
7. Sate and Tribal Assistance Grants: 319 Non Point Source Grant Program in an amount not to exceed \$33,000,000 - The City has also submitted stormwater infrastructure projects to the 319 Non Point Source grant program, which will also receive a limited amount of Recovery Act funds.

WHEREAS, in addition to the programs listed above, the Administration intends to apply for funding to all programs for which the city is eligible; and

WHEREAS, the following funds and grant guidelines are anticipated to be released in the upcoming months and will be considered for applications: Energy Efficiency and Conservation Block Grant Program in an estimated amount of \$800,000 for city energy conservation projects; Victims of Violence against Women grants; Weatherization Assistance Program; State Energy Program; Economic Development Assistance (EDA) grants; Community Oriented Policing Services; Internet Crimes against Children; Neighborhood Stabilization Program; Lead Hazard Reduction Program; State and Tribal Assistance Grants including funds for brownfields, diesel emissions and leaking underground storage tanks; National Endowment for the Arts; and, South Florida Water Management District funds; and

WHEREAS, the Administration continues to monitor daily the grant announcements for each of the following programs, and is already working to determine the City's eligibility for participation in each of these programs, in preparation of the official agency notice; and

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 his designee to submit the following American Recovery and Reinvestment Act applications for funding as necessary: 1) Florida Department of Transportation Highway Infrastructure Investment Funds for the city's right-of-way and bridges projects in the amount of \$2,128,921; 2) Florida Department of Transportation for Federal Transit Administration funds for city transit projects, in an amount not to exceed \$1,900,000; 3) US Department of Housing and Urban Development for Community Development Block Grant funding in the amount of \$467,896; 4) US Department of Housing and Urban Development for homelessness prevention funds in the amount of \$715,418; 5) Byrne Justice Assistance Grant Program, for funding in the amount of \$473,477 for the city's public safety programs; 6) State and Tribal Assistance Grants through the Florida Department of Environmental Protection, Clean Water and Drinking Water State Revolving Loan Fund for the city's drinking water and stormwater projects, in an amount not to exceed \$55,000,000; 7) State and Tribal Assistance Grants through the Florida Department of Environmental Protection, Non Point Source Program in an amount not to exceed \$33,000,000 for the city's drinking water and stormwater projects; further appropriating the above funds, if approved and accepted by the City; and authorizing the execution of all necessary documents related to these applications.

PASSED and ADOPTED this _____ day of _____, 2009

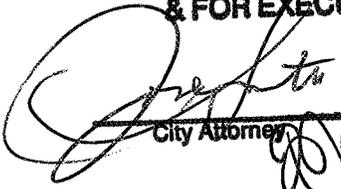
ATTEST:

CITY CLERK

JMG/KGB/JMH
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MAYOR

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



City Attorney

3/11/09

Date

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Condensed Title:

A Resolution authorizing the City Manager or his designee to execute an agreement with Miami-Dade County, for funding, in the amount of \$1,000,000 from the Building Better Communities General Obligation Bond program, for the renovation of Flagler Memorial Monument and the restoration of Monument Island, as approved by the voters in the November 2, 2004 countywide referendum.

Key Intended Outcomes Supported:

Ensure well designed quality capital projects.

Issue:

Shall the city execute an agreement with Miami-Dade County, for funding from the Building Better Communities General Obligation Bond program, for the renovation of Flagler Memorial Monument and restoration of Monument Island Project.

Item Summary/Recommendation:

On November 2, 2004, the voters of Miami-Dade County overwhelmingly supported and approved a referendum supporting the Building Better Communities General Obligation Bond program (GOB) To provide \$2.9 billion to fund more than 300 capital improvements throughout the County.

This agreement provides funding in the amount of \$1,000,000 for the renovation of Flagler Memorial Monument and the restoration of Monument Island. This agreement, in the amount of \$1,000,000, provides funding the renovation of Flagler Memorial Monument and for the Restoration of Monument Island. The County has advised that a minimum of \$250,000 must be spent on the monument, and the balance can be spent on either the monument or the island. The Administration desires to move forward and execute this agreement in order to start requesting reimbursement of these funds.

Two documents guide the GOB program: the Administrative Rules and The Interlocal Agreements. Both documents were developed after the city's agreement with the county as to which projects to include and after approval by the voters. The city has worked with the county on certain language contained in both documents, and, much of the language has been amended. however, two (2) issues remain outstanding, they include the county's requirement that: 1) the city not discriminate when charging facility admission fees based on where a resident resides in the county; 2) in the event that any naming rights or advertisement space is offered on a facility constructed or improved with GOB program funds, then Miami-Dade county's name, logo and slogan shall appear on the facility. It is not anticipated that these requirements are a significant concern for this project.

The administration requests approval to execute an interlocal agreement with Miami -Dade County for the renovation of Flagler Memorial Monument and restoration of Monument Island project in the amount of \$1,000,000; and approval to execute of all necessary documents related to this agreement.

Advisory Board Recommendation:

N/A

Financial Information:

Source of Funds:	#	Project	BBC GOB Amount	Match Amount/Source
	1	Flagler Memorial Monument and Monument Island	\$ 1,000,000	No Matching Funds Required
	Total		\$ 1,000,000	N/A

Financial Impact Summary:

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: Jorge M. Gonzalez, City Manager

DATE: March 18, 2009

SUBJECT **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE AN AGREEMENT WITH MIAMI-DADE COUNTY, FOR FUNDING FROM THE BUILDING BETTER COMMUNITIES GENERAL OBLIGATION BOND PROGRAM FOR THE RENOVATION OF THE FLAGLER MEMORIAL MONUMENT AND RESTORATION OF MONUMENT ISLAND PROJECT IN THE AMOUNT OF \$1,000,000; FURTHER AUTHORIZING THE EXECUTION OF ALL OTHER NECESSARY DOCUMENTS RELATED TO THIS AGREEMENT.**

ADMINISTRATION RECOMMENDATION

Adopt the Resolution.

ANALYSIS

On November 2, 2004, the voters of Miami Dade County overwhelmingly supported and approved a referendum supporting the Building Better Communities General Obligation Bond Program (GOB) to provide \$2.9 billion to fund more than 300 capital improvements throughout the County over the next 15 to 20 years. As part of the Building Better Communities Bond Program, the Miami-Dade County Board of County Commissioners reviewed and approved allocations to municipalities throughout the County, including the City of Miami Beach. The City of Miami Beach is constructing and/or renovating facilities throughout the city with Building Better Communities General Obligation Bond funds.

This agreement, in the amount of \$1,000,000, provides funding the renovation of Flagler Memorial Monument and for the Restoration of Monument Island. The County has advised that a minimum of \$250,000 must be spent on the monument, and the balance can be spent on either the monument or the island. The Administration desires to move forward and execute this agreement in order to start requesting reimbursement of these funds.

Two documents guide the BBC GOB program: the Administrative Rules, which govern the implementation by Miami-Dade County of the Building Better Communities General Obligation Bond Program; and the Interlocal Agreements, which are the executed grant agreements between Miami-Dade County and the City setting forth mutual obligations regarding funding cycle allocations for each project. The Administrative Rule and Interlocal Agreement were developed after the City's agreement with the County as to which projects to include, and after approval by the voters. The City has worked with Miami-Dade County on certain language contained in both the Administrative Rule and the Interlocal Agreement.

Much of the language contained in these documents has been resolved, however, two (2) issues in the Administrative Rule and/or Interlocal Agreements remain outstanding, and they include:

1. Fees/Pricing Policy

The County requires that the City not discriminate when charging facility admission fees based on where a resident resides in the County.

Currently the City uses General Fund revenues to subsidize facility entrance fees and programs, including parks programs, to Miami Beach residents.

2. Naming Rights and Advertisement Space Offered on a Facility

The County requires that, in the event that any naming rights or advertisement space is offered on a facility constructed or improved with GOB Program funds, then Miami-Dade County's name, logo and slogan shall appear on the facility not less than once and equal to half the number of times the most frequent sponsor or advertiser is named, whichever is greater.

It is not anticipated that these two requirements are a significant concern for this project.

Matching funds are not required from the City to support this funding. This project supports the key intended outcome: ensure well designed quality capital projects.

CONCLUSION

The Administration requests approval to authorize the City Manager to execute agreements with Miami-Dade County, in the total amount of \$1,000,000, for funding from the Building Better Communities General Obligation Bond Program for the Flagler Memorial Monument and Monument Island project; as approved by the voters in the November 2, 2004 countywide referendum; further authorizing the execution of all necessary documents related to these agreements.

JMG/KGB/JMH

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RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE INTERLOCAL AGREEMENTS WITH MIAMI-DADE COUNTY FOR FUNDING, FROM THE BUILDING BETTER COMMUNITIES GENERAL OBLIGATION BOND PROGRAM FOR THE RENOVATION OF THE FLAGLER MEMORIAL MONUMENT AND RESTORATION OF MONUMENT ISLAND PROJECT, IN THE AMOUNT OF \$1,000,000; FURTHER AUTHORIZING THE EXECUTION OF ALL OTHER NECESSARY DOCUMENTS RELATED TO THIS AGREEMENT

WHEREAS, on November 2, 2004, the voters of Miami Dade County overwhelmingly supported and approved a referendum supporting the Building Better Communities General Obligation Bond Program (GOB) to provide \$2.9 billion to fund more than 300 capital improvements throughout the County, including City of Miami Beach projects; and

WHEREAS, the City will be constructing and/or renovating various facilities throughout the City, financed partially with GOB funds, and some of these projects are already in advanced stages of renovation; and

WHEREAS, the County has advised that a minimum of \$250,000 must be spent on the monument, and the balance can be spent on either the monument or the island; and

WHEREAS, the Administration now requests approval to execute the GOB agreement for the renovation of Flagler Memorial Monument and restoration of Monument Island project, in the amount of \$1,000,000; and

WHEREAS, these projects support the key intended outcome: ensure well designed quality capital projects; and

WHEREAS, matching funds are not required from the City to support the BBC GOB funding.

NOW THEREFORE, BE IT DULY RESOLVED THAT THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH that the Mayor and City Commission hereby authorize the City Manager or his designee to execute Interlocal Agreements with Miami-Dade County for funding from the Building Better Communities General Obligation Bond Program for the Renovation of the Flagler Memorial Monument and the Restoration of Monument Island project In the amount of \$1,000,000; further authorize the execution of all other necessary documents related to this Agreement.

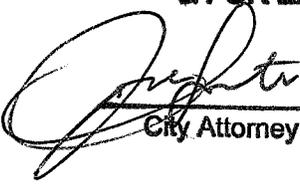
PASSED and ADOPTED this _____ day of _____, 2009

ATTEST:

CITY CLERK

JMG/KGB/JMH
T:\AGENDA\2009\March 18\Consent\Grants GOB Reso.doc

MAYOR
APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION



City Attorney
3/12/09
Date

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Condensed Title:

A Resolution Approving The Agreement With The Florida Department Of Children And Families Access Florida Program.

Key Intended Outcome Supported:

Improve the lives of elderly residents

Supporting Data (Surveys, Environmental Scan, etc.): According to the *Projected Unmet Need and Profile of Elder Populations in Miami-Dade and Monroe Counties*, a report published by the Alliance for Aging/Aging Resource Center, our City's greatest need is serving residents aged 75 or older who are living alone and are not getting services, those aged 85 or older who have at least one risk factor and are not receiving services, and residents aged 65 or older with at least two disabilities.

Issue:

Shall the City Commission approve the agreement with the Florida Department of Children and Families?

Item Summary/Recommendation:

The City Commission has recognized the need to address the issues impacting our elderly residents especially as it relates to their quality of life. Through this partnership with the Florida Department of Children and Families, the City will be able to directly submit applications for Food Stamps and Temporary Cash Assistance, as well as check on the status of other Medicaid entitlements, on behalf of our community's residents. By providing this service in-house, residents can obtain entitlement services as well as referral and information through one location, reducing the need to visit multiple community-based agencies for assistance.

While initially focused on our elder residents, all residents seeking entitlement services will benefit from the City's ability to serve as an ACCESS Florida Program site. Other resident populations that will benefit from this accessibility to services include families, the homeless and individual adults.

THE ADMINISTRATION RECOMMENDS APPROVAL OF THE RESOLUTION.

Advisory Board Recommendation:

N/A

Financial Information:

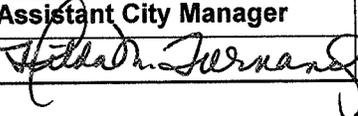
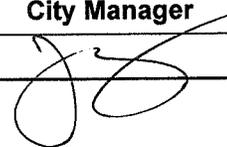
Source of Funds:		Amount	Account
<div style="border: 1px solid black; padding: 5px; width: fit-content;">N/A</div> OBPI	1		
	2		
	3		
	Total		

Financial Impact Summary: N/A – Services provided by existing staff

City Clerk's Office Legislative Tracking:

Maria Ruiz, Office of Community Services

Sign-Offs:

Department Director	Assistant City Manager	City Manager
MLR	HF 	JMG 





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: Jorge M. Gonzalez, City Manager

DATE: March 18, 2009

SUBJECT: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING AND AUTHORIZING THE CITY MANAGER AND CITY CLERK TO EXECUTE AN AGREEMENT WITH THE FLORIDA DEPARTMENT OF CHILDREN AND FAMILIES AND ITS ACCESS FLORIDA PROGRAM COMMUNITY NETWORK ENABLING THE CITY TO SERVE AS AN ACCESS POINT FOR RESIDENTS SEEKING FOOD STAMPS, TEMPORARY CASH ASSISTANCE, REFUGEE ASSISTANCE AND MEDICAID PROGRAMS.**

ADMINISTRATION RECOMMENDATION

Adopt the Resolution.

ANALYSIS

On December 31, 2007, the Alliance for Aging published the *Projected Unmet Need and Profile of the Elder Populations in Miami-Dade and Monroe Counties*. According to this report, our City's greatest needs include:

- Residents aged 75 or older who are living alone and are not getting services
- Residents aged 85 or older who have at least one risk factor and are not receiving services
- Residents aged 75 or older who have income at 125% or less of Federal Poverty Level
- Residents aged 65 or older with at least two disabilities

The Alliance for Aging noted that "the patterns of distribution of the elder population ... indicate a need for well-coordinated plans for programs and services, and strong cooperation between the Alliance for Aging, Miami-Dade County, and the City."

Through this agreement with the Florida Department of Children and Families, the City will become part of the ACCESS Florida Community Network. As a network member, the City will serve as a conduit for residents to make a direct application for Food Stamps, Temporary Cash Assistance, Refugee Assistance and Medicaid programs. In addition, City staff can access Medicaid files and check on the status or reason for delay for these programs improving information and communication with our residents needing these services. In conjunction with the City's partnership with the Alliance for Aging/Aging Resource Center, the City will now be a full-service site for all elder residents seeking to obtain services funded by the State of Florida and Social Security Administration.

The City will provide informational handouts provided by the Department of Children and Families, assist clients with the online application for services, and provide case status information and outstanding information needed to determine eligibility for elder services.

As an ACCESS Florida Program Community Network site, the City will also be able to serve other residents needing to access these programs and services, including families and the homeless.

These services will be provided by existing City staff, who will be trained by the Department of Children and Families.

CONCLUSION

Execution of the agreement with the Florida Department of Children and Families and its ACCESS Florida Program Community Network will improve the City's ability to respond to resident needs by expediting access to Food Stamps, Temporary Cash Assistance, Refugee Assistance and Medicaid programs.

JMG/HMF/MLR

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RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING AND AUTHORIZING THE CITY MANAGER AND CITY CLERK TO EXECUTE AN AGREEMENT WITH THE FLORIDA DEPARTMENT OF CHILDREN AND FAMILIES AND ITS ACCESS FLORIDA PROGRAM COMMUNITY NETWORK ENABLING THE CITY TO SERVE AS AN ACCESS POINT FOR RESIDENTS SEEKING FOOD STAMPS, TEMPORARY CASH ASSISTANCE, REFUGEE ASSISTANCE AND MEDICAID PROGRAMS.

WHEREAS, economic constraints have placed low-income and isolated elder residents and families at risk for hunger, homelessness and medical neglect; and

WHEREAS, elder residents and at-risk families are in need of a variety of specialized services in order to keep them stable and safe; and

WHEREAS, the Florida Department of Children and Families has established the ACCESS Florida Community Network as a tool to partner with community partners to increase the accessibility of services to needed residents; and

WHEREAS, the City's Office of Community Services serves as a conduit between residents and community-based providers and will augment its capacity to holistically serve residents by joining the ACCESS Florida Community Network.

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 approve and authorize the City Manager and City Clerk to execute an agreement with the Florida Department of Children and Families and its ACCESS Florida Community Network enabling the City to serve as an ACCESS Point for residents seeking Food Stamps, Temporary Cash Assistance, Refugee Assistance and Medicaid Programs.

PASSED and ADOPTED this _____ day of _____, 2009.

ATTEST:

MAYOR

CITY CLERK

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



City Attorney

3/9/09
Date



ACCESS Florida Community Network Agreement

(Replace with complete name of Organization) located at, **(replace with organization's site physical address)**, agrees to serve as an access point for applicants and recipients of ACCESS Florida services. For purposes of this agreement ACCESS¹ Florida services are Food Stamps, Temporary Cash Assistance, Refugee Assistance, and Medicaid programs administered by the Department of Children and Families.

As a member of the ACCESS Florida Community Network our organization will be available to:

- Serve our current client population
- Serve the general public in our community.

Our name and street address information as listed above may be advertised as an ACCESS Florida Community Network site and listed on the ACCESS Florida public Internet web page at <http://www.dcf.state.fl.us/ess/>.

Yes No If access to the Customer Look-up system is desired, we request the partner is listed on the ACCESS Community Network site.

Our telephone number may be included with this advertisement.

Yes No Phone Number: _____

All ACCESS Community Network Partners will display ACCESS signage, required informational posters and ACCESS brochures to support customer education and support and will notify the Department of any established partner site closures.

The access level of our organization is:

Choose one:

- Self-Service Site Assisted Service Site Information Site

Service Type: _____

Services offered at Our Organization's Site(s):

- Provide informational handouts
- Provide paper applications as requested by customers
- Provide access to telephone to call DCF Customer Call Center/Automated ACCESS Response Unit: 1-866-76ACCES / 1-866-762-2237
- Provide computer to apply for assistance on-line
- Provide printer for ACCESS documents
- Provide fax machine to fax application and other documents to DCF
- Provide copy machine to copy application related documents
- Provide ability to explain application process
- Provide assistance to customers to submit their application, verification information and/or documentation
- Provide ability to assist customers to complete the ACCESS Florida Application
- Provide case status information and outstanding information needed to determine eligibility.

¹ Automated Community Connection to Economic Self-Sufficiency

COMMUNITY PARTNER ASSURANCES

Civil Rights Compliance

The Community Partner shall ensure that all civil rights requirements are met. All applicants and recipients are granted civil rights in accordance with Federal laws and US Department of Agriculture, Food and Nutrition Services (USDA) policy that services will be provided without discrimination on the basis of race, color, national origin, age, sex, disability, political beliefs or religion. The nondiscrimination poster, "And Justice for All", is posted on the ACCESS Florida internet page at <http://www.myflorida.com/accessflorida/>. If this web page is not accessible to customers, the "And Justice for All" poster shall be posted in a lobby area for customers to read.

Confidentiality of Client Information.

Community Partner will only use confidential customer case file information to assist the applicant, the recipient, or Department or their respective duly authorized representatives, with the completion of the application process for ACCESS Florida benefits or services, conducting an investigation into performance of this agreement or the administration of ACCESS Florida programs. Community Partner will only disclose confidential customer case file information to the applicant, the recipient, or Department, or their respective duly authorized representatives only for those purposes set forth in this section. If Community Partner has questions or concerns about safeguarding of confidential case file information or an intended use or disclosure of such information, Community Partner must contact the appropriate local DCF office Contact Person, or their designee. Community Partner agrees not to implement an intended use or disclosure unless approved by DCF. Community Partner agrees to notify the appropriate local DCF contact person within 48 hours of the receipt of verbal or written requests for case file information. No information obtained from a customer's records may be shared with individuals or organizations. All such requests should be referred to DCF for review and action.

Health Insurance Portability and Accountability Act

Where applicable, community partners agree to comply with the Health Insurance Portability and Accountability Act (42 U. S. C. 1320d.) as well as all regulations promulgated thereunder (45 CFR Parts 160, 162, and 164).

Brochures, ACCESS Materials and Signage

Community Partner shall ensure that customers are aware that they are an ACCESS Partner by displaying an ACCESS Sign in their store front window or other appropriate area as agreed upon between the Department and the Community Partner. Brochures, paper applications and other informational ACCESS materials shall be made available to customers.

Training and Site Visits

The Community Partner shall participate in training provided by Department in the following areas: (1) the use or disclosure of confidential case file information, including information governed by the Health Insurance Portability and Accountability Act of 1996 and its implementing federal regulations; (2) the availability of public assistance benefits and services administered by Department; (3) the application process for public assistance programs; (4) Department's ACCESS Florida initiative and Community Partner's role in the initiative, and (5) for those partners using the Customer Look-up System only, Department's Security Awareness training. The Community Partner agrees to on-site visits as established by the Department.

Information Security Obligations

The Partner shall be held responsible for information security, especially involving the access, transport or storing of sensitive and confidential information. Fulfillment of security responsibilities shall be mandatory and violations may be cause for action, up to and including civil penalties or criminal penalties under chapters 119, 812, 815, 817, 839, or 877, Florida Statutes, or similar laws.

Client Risk Prevention and Incident Reporting

The Community Partner must immediately report knowledge or reasonable suspicion of abuse, neglect, or exploitation of a child, aged person, or disabled adult to the Florida Abuse Hotline on the statewide toll-free telephone number (1-800-96ABUSE). This requirement is binding upon Community Partner and its officers, agents, and employees, as required by chapters 39 and 415, Florida Statutes.

ADDITIONAL ASSURANCES FOR PARTNERS UTILIZING THE CUSTOMER LOOK-UP SYSTEM

There is a Level of Community Partnership that allows limited access to customer information to certain personnel who are actively participating in assisting the customer in establishing eligibility for ACCESS programs. Partners designated at this level shall perform the following:

- Assist customers in completing the web application as requested. Partners that assist the customer completing screens on the web application shall have the customer submit the electronic application themselves unless the Community Partner is acting as the authorized representative and has all required documentation verifying their designation as the authorized representative.
- Assist customers to understand what verifications are outstanding and necessary in order for Department to determine eligibility for the Medicaid, Food Stamp or Temporary Cash Assistance programs.
- Assist customers with verifying case status and eligibility information.
- Assist customers with understanding the availability of public assistance benefits and services administered by Department
- Notify Department if Partner has case information in its possession, custody, or control concerning a customer that is inconsistent with Department's information.
- Follow Department policies regarding obtaining information not available on the Customer Look-Up system

Prior to viewing customer case file information, a Partner using the Customer Look-up System will obtain written consent or authorization from the applicant or recipient authorizing Department to share confidential public assistance case file information related to eligibility determination with the Community Partner organization. The consent or authorization shall comply with Department policies and must be available to Department or its designated representatives, as necessary, during normal business hours for review and comparison against inquiries made on the ACCESS system for a period of three years from the date such consent or authorization is received from the applicant, recipient, or authorized household representative.

Community Partners must complete and submit all designated security forms for each individual allowed access to confidential customer case file information as required by Department. Community Partner must notify Department's liaison of termination of any Community Partner employees that have or had access to confidential customer case file information.

DEPARTMENT ASSURANCES

Training

Department will offer training to Community Partner in the following areas: (1) the use or disclosure of confidential customer case file information, including information governed by the Health Insurance Portability and Accountability Act of 1996 and its implementing federal regulations; (2) an overview of the available public assistance benefits and services offered by Department; (3) the application process for public assistance programs; (4) Department's ACCESS Florida initiative and Community Partner's role in the initiative; and (5)) for a Partner using the Customer Look-up System only, training in the use of the confidential customer information through the ACCESS system and the information contained therein: and (6) Annual Security Awareness Training.

Supplies and Materials

Department will supply and replenish ACCESS signage, paper applications and public assistance programs literature as needed at no cost to Community Partner. Community Partner must notify Department of the need for additional literature in a timely manner based on its local demand levels.

Eligibility Determination

Department will complete the eligibility determination process on completed applications received from Community Partner site(s), including timely notifying applicants of the eligibility decision, the availability of hearing rights, and how fair hearings may be requested.

For Partner using the Customer Look-up System

Department will provide limited access to confidential customer case file information. This access will be granted solely to assist the Community Partner in their limited role of assisting with the administration of ACCESS Florida services. The department will monitor Community Partner's compliance with the terms and conditions of customer consent or authorization relating to information concerning applicant and recipient households and assistance groups. Monitoring will occur using on-site visits, computerized surveillance, desk reviews and by other means deemed necessary by Department.

MUTUAL AGREEMENT

Start Date and End Date

- This agreement shall begin on _____, or on the date on which it is signed by the last party required to sign it, whichever is latest. It shall end at midnight, local time in (location), Florida, on _____.
- This agreement will remain in effect unless terminated by either party with proper notice.

Termination

1. This agreement can be terminated by either party without cause upon no less than 30 calendar days notice in writing to the other party, unless an earlier time is mutually agreed upon in writing.
2. This agreement may be terminated for Community Partner's non-performance upon no less than 24 hours notice in writing by Department. Department may exercise the provisions of Rule 60A-1.006(3), Florida Administrative Code, if this agreement is terminated for nonperformance. Waiver of any breach of this agreement shall not be deemed a waiver of any other breach and shall not be construed to be a modification of this agreement. Department may exercise all other rights and remedies at law or in equity to redress a breach of this agreement
3. Community Partner's failure to perform any obligation required by this agreement in a manner satisfactory to Department will be sufficient cause to terminate this agreement. To be terminated as a partner under this subparagraph, Community Partner must have: (1) previously failed to satisfactorily perform in a contract with Department, been notified by Department of the unsatisfactory performance, and failed to correct the unsatisfactory performance to Department's satisfaction; or (2) had a contract terminated by Department for cause.

The contact person, or their designee, shall be responsible for informing the appropriate local Department of Children and Families office of performance concerns of which the Community Partner becomes aware in the performance of its duties and responsibilities, and be responsible for providing in a timely manner the appropriate local Department of Children and Families office with original or copies of documentation required by this agreement, and for being available to Department for consultation and assistance, as requested by Department or as agreed by Community Partner, during Community Partner's normal business hours and days of operation.

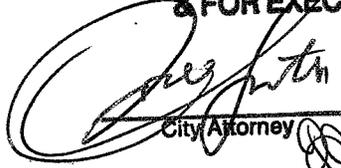
1. Community Partner's name, as shown on page 1, mailing address, telephone number and e-mail address is:

2. The name, address, telephone number and e-mail address of Department of Children and Families ACCESS Program contact person is:

Department's contact person will be available to assist Community Partner in its performance of this agreement on an "as needed" basis during Department's normal business hours and days of operation. All contact with Department by the Community Partner must be through Department's local contact person.

SIGNATURES	
Signature of Community Agency Executive or Designee	<hr style="display: inline-block; width: 45%; vertical-align: middle;"/> <hr style="display: inline-block; width: 45%; vertical-align: middle;"/> Date
Printed Name of the Executive or Designee	<hr style="display: inline-block; width: 45%; vertical-align: middle;"/> <hr style="display: inline-block; width: 45%; vertical-align: middle;"/> Date
Signature of DCF Regional Director, Circuit Administrator or Designee	<hr style="display: inline-block; width: 45%; vertical-align: middle;"/> <hr style="display: inline-block; width: 45%; vertical-align: middle;"/> Date
Printed Name of the Regional Director, Circuit Administrator or Designee	<hr style="display: inline-block; width: 45%; vertical-align: middle;"/> <hr style="display: inline-block; width: 45%; vertical-align: middle;"/> Date

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


 City Attorney 3/9/02
Date



COMMUNITY PARTNER INFORMATION SHEET

Community Partner _____ Date: _____
Address: _____ Phone: _____
City: _____ State: _____ Zip Code : _____
C. P. Contact Person: _____
C. P. Contact Person: _____
E-Mail Address: _____
E-Mail Address: _____

DCF Contact Person _____ Phone _____
E-Mail Address _____

Equipment available on site:
Yes No Yes No Yes No
Computer Printer Scanner
Expected volume of applications: _____ # of computers needed for expected volume: _____
Community Partner staff identified to be trained:
NAME Already Trained NAME Already Trained
Yes No Yes No
COMMENTS: _____

THIS SECTION COMPLETED BY DEPARTMENT OF CHILDREN AND FAMILIES:

Potential Community Partner: Yes [] No []
If yes, which ACCESS Level has the Community Partner committed to :
Assisted Site [] Self Service Site [] Information Site []
Route Web Application to County Number/Administrative Unit Number: _____
Partner will serve? General Public _____ Traditional Base _____
Has the Community Partner requested funding? Yes _____ No _____
If yes, how much has been requested? _____

ACCESS Program Office/SHSPS Daisy Bermudez/_____

Condensed Title:

A Resolution Approving The Agreement With Alliance For Aging/Aging Resource Center

Key Intended Outcome Supported:

Improve the lives of elderly residents

Supporting Data (Surveys, Environmental Scan, etc.): According to the *Projected Unmet Need and Profile of Elder Populations in Miami-Dade and Monroe Counties*, a report published by the Alliance for Aging/Aging Resource Center, our City's greatest need is serving residents aged 75 or older who are living alone and are not getting services, those aged 85 or older who have at least one risk factor and are not receiving services, and residents aged 65 or older with at least two disabilities.

Issue:

Shall the City Commission approve the agreement with the Alliance for Aging/Aging Resource Center?

Item Summary/Recommendation:

The City Commission has recognized the need to address the issues impacting our elderly residents especially as it relates to their quality of life. Through this partnership with the Alliance for Aging/Aging Resource Center, the City can serve as a one-stop center providing our elderly residents with the assessment necessary to access services enabling independent living as well as a variety of recreational and support services including congregate and delivered meals, chore services, companionship and financial assistance.

By providing this service in-house, residents can obtain entitlement services as well as referral and information through one location reducing the need to visit multiple community-based agencies for assistance.

The Administration recommends approval of the resolution.

Advisory Board Recommendation:

N/A

Financial Information:

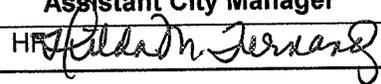
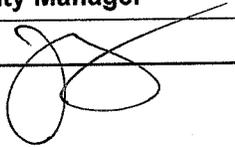
Source of Funds:		Amount	Account
<div style="border: 1px solid black; padding: 5px; width: fit-content;">N/A</div> OBPI	1		
	2		
	3		
	Total		

Financial Impact Summary: N/A - Services provided by existing staff.

City Clerk's Office Legislative Tracking:

Maria Ruiz, Office of Community Services

Sign-Offs:

Department Director	Assistant City Manager	City Manager
MLR	HA 	JMG 





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: Jorge M. Gonzalez, City Manager

DATE: March 18, 2009

SUBJECT: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING AND AUTHORIZING THE CITY MANAGER AND CITY CLERK TO EXECUTE AN AGREEMENT WITH THE ALLIANCE FOR AGING, INC./AGING RESOURCE CENTER TO SERVE AS A SILVER LEVEL COMMUNITY PARTNER PROVIDING REFERRAL SERVICES TO ELIGIBLE ELDERLY CLIENTS.**

ADMINISTRATION RECOMMENDATION

Adopt the Resolution.

ANALYSIS

On December 31, 2007, the Alliance for Aging published the *Projected Unmet Need and Profile of the Elder Populations in Miami-Dade and Monroe Counties*. According to this report, our City's greatest needs among its elder residents include:

- Residents aged 75 or older who are living alone and are not getting services
- Residents aged 85 or older who have at least one risk factor and are not receiving services
- Residents aged 75 or older who have income at 125% or less of Federal Poverty Level
- Residents aged 65 or older with at least two disabilities

The Alliance for Aging noted that "the patterns of distribution of the elder population ... indicate a need for well-coordinated plans for programs and services, and strong cooperation between the Alliance for Aging, Miami-Dade County, and the City."

Through this agreement with the Alliance for Aging/Aging Resource Center, the City will help to promote the development of a coordinated service delivery system to meet the needs of our elder residents and promote programs and activities designed to prevent the premature institutionalization of elder residents, thereby improving their quality of life. The City will provide informational handouts provided by the Alliance, assist elder clients with the online application for services, and provide case status information and outstanding information needed to determine eligibility for elder services. Services we will assist seniors in accessing include delivered and congregate meals, homemaker and chore services, and financial assistance. Existing staff will be used for this program.

CONCLUSION

Execution of the agreement with the Alliance for Aging/Aging Resource Center will improve the City's ability to respond to elder resident needs by expediting access to a variety of services intended to maintain resident independence and quality of life.

JMG/HMF/MLR

T:\AGENDA\2009\March 18\Consent\Alliance Memo 03182009.doc

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING AND AUTHORIZING THE CITY MANAGER AND CITY CLERK TO EXECUTE AN AGREEMENT WITH THE ALLIANCE FOR AGING, INC./AGING RESOURCE CENTER TO SERVE AS A SILVER LEVEL COMMUNITY PARTNER PROVIDING REFERRAL SERVICES TO ELIGIBLE ELDERLY CLIENTS.

WHEREAS, elder residents face greater challenges to maintain living independently while sustaining a good quality of life; and

WHEREAS, elder residents have limited resources and thereby require more community-based supports; and

WHEREAS, the services needed by elders to maintain independence are oftentimes subject to Medicaid and other regulatory rules; and

WHEREAS, the Alliance for Aging, Inc./Aging Resource Center is the primary conduit for all elder services in Miami-Dade County; and

WHEREAS, the City's Office of Community Services serves as a conduit between residents and community-based providers and will augment its capacity to holistically serve residents by becoming a Silver Level Community Partner of the Alliance for Aging, Inc./Aging Resource Center.

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 approve and authorize the City Manager and City Clerk to execute an agreement with the Alliance for Aging/Aging Resource Center enabling the City to serve as Silver Level Community Partner.

PASSED and ADOPTED this _____ day of _____, 2009.

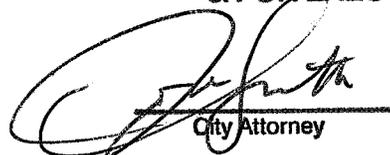
ATTEST:

MAYOR

CITY CLERK

T:\AGENDA\2009\March 18\Consent\Agreement with Alliance RESO 03182009.doc

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION



City Attorney 3/10/09
Date



Alliance for Aging, Inc.
Answers on Aging.

Aging Resource Center Miami-Dade and Monroe Counties Collaborative Agreement



This agreement outlines the collaboration between the Alliance for Aging/Aging Resource Center (ARC) and _____ in establishing a framework for assisting elders and their families. This collaboration will promote the development of a shared network of providers and resources.

The Alliance for Aging has been designated by the Florida Department of Elder Affairs as the Aging Resource Center for Planning and Service Area (PSA) 11, serving Miami-Dade and Monroe Counties.

The purposes of an Aging Resource Center are to enhance ease of access and utilization of aging and long-term care services, reduce system fragmentation and offer a supported decision making process for consumers. The ARC will provide a locally focused, coordinated approach to integrating information and referral for all available services for elders.

Under this Agreement, both parties agree to the following:

- A. To promote the development of a coordinated service delivery system to meet the needs of elders.
- B. To maintain a climate of cooperation and consultation with and between agencies, in order to achieve maximum efficiency and effectiveness.
- C. To promote programs and activities designed to prevent premature institutionalization of elders.
- D. To provide cross-training and/or collaboration of agency staff for the purposes of coordination, communication, and appropriate referrals between agencies.
- E. To refer, and to accept as appropriate, seniors and/or their caregivers for assistance through programs and services as available and appropriate.

This agreement will remain in effect until terminated by one or both parties.

Signature ARC Designee

Signature Agency Designee

Printed Name

Printed Name

Title

Title

Date

Date

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

City Attorney 3/9/09
Date



Alliance for Aging, Inc.
Answers on Aging.

Aging Resource Center Miami-Dade and Monroe Counties Access Point Referral Agreement



This Referral Agreement between the Alliance for Aging, Aging Resource Center (ARC) for Planning and Service Area (PSA) 11 and _____ otherwise known as the Access Point, shall begin on the date the agreement has been signed by both parties. The name and street address may be advertised as an ARC Access Point on the Alliance for Aging Internet web page at www.allianceforaging.org and other materials as may be produced by the Aging Resource Center. This agreement will remain in effect until terminated by one or both parties.

I. Objectives

- A. To promote the development of a coordinated service delivery system to meet the needs of elders.
- B. To enable elders and their caregivers access to information and services in the most efficient and least cumbersome manner possible.
- C. To maintain a climate of cooperation and consultation with and between agencies, in order to achieve maximum efficiency and effectiveness.
- D. To promote programs and activities designed to prevent premature institutionalization of elders.

II. Under this Agreement, the Access Point agrees to the following:

- A. To assist elders and their caregivers by providing consistent and uniform information about community resources regardless of geographical location.
- B. To provide quality service(s) to inquiries in a manner that is both ADA compliant and culturally sensitive.
- C. To safeguard consumer confidentiality and comply with HIPPA requirements.
- D. To ensure that elders and their families are able to access information and services in the most efficient and least cumbersome manner.

III. Under this Agreement, the ARC agrees to the following:

- A. To promote "no wrong door" access to information and services for elders and their families
- B. To provide technical assistance and training to Access Points.
- C. To monitor Access Points having a direct funding agreement with the AAA/ARC in accordance with Florida Rule Chapter 58B-1.

<p>Platinum Level</p> <p>CCE Lead Agency</p>	<p>Gold Level, plus the following:</p> <p>User access to Refer for activation of wait listed consumers</p> <p>Enter data in Refer, as appropriate</p>	<p><input type="checkbox"/></p>
<p>Gold Level</p> <p>Provider Agency</p>	<p>Silver Level, plus the following:</p> <p>Perform approved outsourced ARC functions</p> <p>Maintain and update wait lists in CIRTS in accordance with DOEA requirements</p> <p>Provide, through Refer, information regarding the most appropriate and cost efficient service alternatives, including private pay and other community organizations</p> <p>Report number of client contacts to the Aging Resource Center</p>	<p><input type="checkbox"/></p>
<p>Silver Level</p> <p>Community Partner</p> <p>(Please indicate the services you are able to provide with a check mark in the appropriate box)</p>	<p>Use of a computer for elders and/or caregivers to access Refer, the statewide web-based Information and Referral database through the Aging Resource Center website</p> <p>Assist elders and/or caregivers with accessing Refer through the Aging Resource Center website</p> <p>Access to a printer to print information from the ARC website</p> <p>Access to telephones for elders and/or caregivers to contact the Aging Resource Center</p> <p>Refer elders and caregivers to the Aging Resource Center</p> <p>Provide literature to elders and/or caregivers</p> <p>Post the Access Point seal (must provide at least one service)</p>	<p><input type="checkbox"/></p>

Agency Name _____

Contact Name _____

Address _____

Email Address _____

Phone Number _____

Fax Number _____

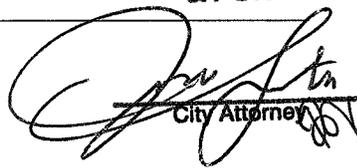
Authorized Signature _____

Date _____

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

Authorized Signature of ARC _____

Date _____


City Attorney _____
Date 3/9/09

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Condensed Title:

Request the approval to accept a donation of approximately fifty (50) 20 –25' CW (clear wood) royal palms valued at approximately \$1,350 each, from Mr. Leo Schigieli of the Coral Palms Nursery. The donated palms will be transported, planted and established on public property by city staff as a component of the city's Urban Reforestation Program

Key Intended Outcome Supported:

Maintain Miami Beach public areas & rights of way, especially in business districts.

Supporting Data (Surveys, Environmental Scan, etc.): Miami Beach Customer Survey indicates 81% of residents rated the appearance and maintenance of the City's public right-of-way as either excellent or good.

Issue:

Shall the Mayor and City Commission accept the donation?

Item Summary/Recommendation:

Mr. Leo Schigieli, the proprietor of Coral Palms Nursery, contacted our City Attorney Mr. Jose Smith to offer the donation of approximately fifty (50) field grown royal palms that range from 20'-25' CW (Clear Wood) to the City of Miami Beach for installation on public properties. Mr. Smith contacted the Parks and Recreation Department to forward the offer to the Administration. Based on current market value, the average cost per field grown palm if purchased from local nurseries is approximately \$1,350 each.

Locations currently being considered as planting sites include the Sunset Islands, Collins Avenue, Alton Road, the Julia Tuttle interchange, Washington Avenue and 71st Street. Others may be identified in the future. The palms will be received at the Coral Palms Nursery by city staff, the installation will be completed utilizing a combination of city staff, and contract provided labor. The associated costs to transport, install and establish these palms is estimated to be \$10,000 -\$13,000, which will be expended from the City's Urban Reforestation Program.

The Administration recommends the adoption of the resolution accepting this generous donation which would benefit the community by enhancing the beauty of our city and contribute to our urban forest.

Advisory Board Recommendation:

Financial Information:

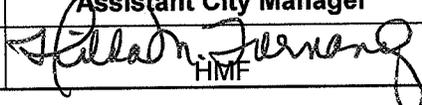
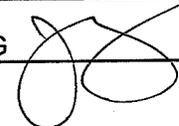
Source of Funds:		Amount	Account
<div style="border: 1px solid black; width: 40px; height: 40px; display: flex; align-items: center; justify-content: center;">  </div> OBPI	1		
	2		
	3		
	Total		

Financial Impact Summary:

City Clerk's Office Legislative Tracking:

Kevin Smith, Parks & Recreation Director

Sign-Offs:

Department Director	Assistant City Manager	City Manager
KS	 HMF	JMG 

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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 H. Bower and Members of the City Commission

FROM: Jorge M. Gonzalez, City Manager

DATE: March 18, 2009

SUBJECT: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AUTHORIZING THE ACCEPTANCE OF A DONATION OF APPROXIMATELY FIFTY (50) 20'- 25' CW (CLEAR WOOD) ROYAL PALMS VALUED AT APPROXIMATELY \$1,350 EACH, FROM MR. LEO SCHIGIEL OF THE CORAL PALMS NURSERY, TO THE CITY OF MIAMI BEACH; DONATED PALMS WILL BE TRANSPORTED, PLANTED AND ESTABLISHED ON PUBLIC PROPERTY BY THE CITY'S PARKS AND RECREATION DEPARTMENT'S GREENSPACE MANAGEMENT TEAM AS A COMPONENT OF THE CITY'S URBAN REFORESTATION PROGRAM.**

ADMINISTRATION RECOMMENDATION

Adopt the resolution.

KEY INTENDED OUTCOME SUPPORTED

Maintain Miami Beach public areas & rights of way, especially in business districts.

BACKGROUND

With the assistance of our City Attorney, Jose Smith, Mr. Leo Schigiell the proprietor of Coral Palms Nursery has generously offered to donate approximately fifty (50) Royal Palms that range from 20'-25' CW (Clear Wood) to the City of Miami Beach for installation on public properties. Mr. Smith contacted the Parks and Recreation Department to forward the offer to the City.

Upon receipt of this information, the City's Urban Forester, Dr. Christopher Latt, conducted a field inspection of the palms. Dr. Latt visited the nursery, confirmed the quality of the palms offered is acceptable for installation within public right a ways and requested the written offer addressed to the City Manager (please see the attached letter from Mr. Leo Schigiell proffering the donation). As you will note, the offer is being made to allow the nursery to reallocate some planting space. Based on current market value as established in the February 15, 2009, Betrock's Plant Finder, the cost per field grown palm if purchased from local nurseries is approximately \$1,200 - \$1,500 each.

It has been determined by our Urban Forester that the palms are Florida #1 grade, the same standard we would specify in our RFP (Requests for Purchase) if we were to buy them on the market. The planting process will be completed by City staff or a contractor under the supervision of the City's Urban Forester. We anticipate a high survival rate. Upon acceptance, the transplanting process will begin within 14 days or less and should be completed within two weeks after the first palms are planted.

Following the site visit, the Greenspace Management Division team reviewed the citywide planting needs and concluded that there are potential planting spaces throughout our community that would benefit from this generous donation. Planting sites being considered include the Sunset Islands, Collins Avenue, Alton Road, the Julia Tuttle interchange, Washington Avenue and 71st Street. Others may be identified in the future.

At this time Greenspace Management staff is checking for possible utility conflicts in order to finalize the planting locations. After all planting sites are confirmed, the palms will be received at the Coral Palms Nursery by city staff and the installation will be completed utilizing a combination of city staff, and contract provided labor. The associated costs to transport the palms from the Coral Palms Nursery, install and establish these palms is estimated to be \$10,000 - \$13,000, which will be expended from the City's Urban Reforestation Program.

CONCLUSION

The Administration recognizes the City Attorney, Jose Smith for his participation in securing this donation and recommends the approval of this resolution.

JMG/HMF/KS/JO

T:\AGENDA\2009\March 18\Consent\Palm Donations Commission Memo.doc

February 4, 2009

Jorge M. Gonzalez – City Manager
City of Miami Beach
1700 Convention Center Drive
Miami Beach, FL 33139

Re: Coral Palms Nursery – Royal Palm donation to the City of Miami Beach

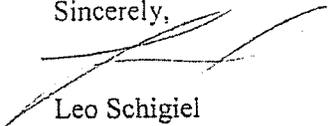
Dear Mr. Gonzalez:

Coral Palms Nursery is in the process of reallocating planting spaces in the nursery, so we must remove a number of 20- to 25-foot cw Royal Palms that are in good condition. We would like to donate a number of these palms to the City of Miami Beach for planting on public properties. Chris Latt, the city's urban forester, has visited the nursery and confirmed the quality of the palms. City staff are now identifying planting locations, but estimate that the city will be able to accept forty to fifty royal palms. According to our discussions, city staff will meet with Victor Rezindez, the nursery manager, to flag palms to be included in the donation. Victor will dig the palms and load them on a city truck. The city will be responsible for transporting and planting the palms.

It is our understanding that to comply with the city's ethics rules, we need to send a letter to you making the donation offer, and this request will then be presented to the City Commission for approval.

We look forward to your acceptance of this donation, and to our contribution to beautifying Miami Beach's public landscaping.

Sincerely,



Leo Schigiel
Coral Palms, LLC
25405 SW 111th Ave.
Princeton, FL 33032

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AUTHORIZING THE ACCEPTANCE OF A DONATION OF APPROXIMATELY FIFTY (50) 20'- 25' CW (CLEAR WOOD) ROYAL PALMS VALUED AT APPROXIMATELY \$1,350 EACH, FROM MR. LEO SCHIGIEL OF THE CORAL PALMS NURSERY, TO THE CITY OF MIAMI BEACH; DONATED PALMS WILL BE TRANSPORTED, PLANTED AND ESTABLISHED ON PUBLIC PROPERTY BY THE CITY'S PARKS AND RECREATION DEPARTMENT'S GREENSPACE MANAGEMENT TEAM AS A COMPONENT OF THE CITY'S URBAN REFORESTATION PROGRAM.

WHEREAS, recently Mr. Leo Schigiel the proprietor of Coral Palms Nursery contacted our City Attorney, Mr. Jose Smith, to offer the donation of approximately fifty (50) field grown Royal Palms that range from 20'-25' CW (Clear Wood) to the City of Miami Beach for installation on public properties; and

WHEREAS, Mr. Smith contacted the Parks and Recreation Department to forward the offer to the Administration; and

WHEREAS, the City's Urban Forester, Dr. Christopher Latt visited the nursery, confirmed the quality of the palms offered is acceptable for installation within public property; and

WHEREAS, a letter dated February 4, 2009, proffering the donation was sent by Mr. Schigiel to the attention of the City Manager (see attached copy); and

WHEREAS, based on current market value as established in the February 15, 2009, Betrocks Plant Finder, the cost per field grown palm if purchased from local nurseries is approximately \$1,200 - \$1,500 each; and

WHEREAS, the Greenspace Management Division reviewed the citywide planting needs and concluded that there are public planting spaces throughout our community that would benefit from this generous donation; and

WHEREAS, locations currently being considered include, but are not limited to the Sunset Islands, Collins Avenue, Alton Road, the Julia Tuttle interchange, Washington Avenue and 71st Street; and

WHEREAS, the palms will be received at the Coral Palms Nursery by city staff, the installation will be completed utilizing a combination of city staff, and contract provided labor; and

WHEREAS, the associated costs to transport, install and establish these palms is estimated to be \$10,000-13,000 which will be expended from the City's Urban Reforestation Program.

NOW, THEREFORE, BE IT DULY RESOLVED THAT THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA that the Mayor and City Commission hereby accept the donation of approximately fifty (50), 20'-25' CW (clear wood) royal palms, valued at approximately \$1,350 each, from Mr. Leo Schigiel, of Coral Palms Nursery, to the City of Miami Beach; donated palms will be transported, planted and established on public property by the City's Parks and Recreation Department's Greenspace Management team as a component of the City's Urban Reforestation Program.

PASSED and ADOPTED this 18th day of March, 2009.

MAYOR

ATTEST:

CITY CLERK

T:\AGENDA\2009\March 18\Consent\Palm Donation Reso.doc

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



City Attorney

3/9/09

Date

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Condensed Title:

A Resolution of the Mayor and City Commission of the City of Miami Beach, Florida, Adopting and Appropriating the Second Amendment to the Police Confiscation Trust Fund Budget for Fiscal Year 2008/09 in the amount of \$37,525 to be funded from the proceeds of State Confiscated Funds.

Key Intended Outcome Supported:

Increase Resident and Business ratings of Public Safety.

Supporting Data (Surveys, Environmental Scan, etc.): Safety across the City appeared as one of the most important areas affecting resident's quality of life; Safety was ranked #1 by residents as one of the changes that would make Miami Beach a better place to live, work, play or visit.

Issue:

Shall the Mayor and City Commission adopt and appropriate the second amendment to the Police Confiscation Trust Fund Budget for Fiscal Year 2008/09?

Item Summary/Recommendation:

The Chief of Police has reviewed and identified the needs for the appropriation and has established that the expenditures of forfeiture funds are in compliance with Section 932.7055, Florida State Statutes and the Guide to Equitable Sharing of Federally Forfeited Property for Local Law Enforcement Agencies.

The Administration recommends that the Mayor and City Commission adopt the second amendment to the Police Confiscation Trust Fund Budget for Fiscal Year 2008/09 in the amount of \$37,525.

Advisory Board Recommendation:

N/A

Financial Information:

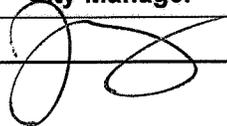
Source of Funds:		Amount	Account
 OBPI	1		Confiscation Funds:
	2	\$ 37,525	607-8000-351210 State funds
	3		
	4		
	Total	\$ 37,525	

Financial Impact Summary:

City Clerk's Office Legislative Tracking:

William Gonzalez, Miami Beach Police Department

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 Mattie Herrera Bower and Members of the City Commission

FROM: Jorge M. Gonzalez, City Manager

DATE: March 18, 2009

SUBJECT: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ADOPTING AND APPROPRIATING THE SECOND AMENDMENT TO THE POLICE CONFISCATION TRUST FUND BUDGET FOR FISCAL YEAR 2008/09 IN THE AMOUNT OF \$37,525 TO BE FUNDED FROM THE PROCEEDS OF STATE CONFISCATED FUNDS.**

ADMINISTRATION RECOMMENDATION

Adopt the Resolution.

ANALYSIS

Florida Statute 932.7055 provides for expenditures of forfeiture funds for law enforcement purposes.

The Miami Beach Chief of Police, Carlos Noriega, has reviewed and identified the need for the appropriation and has established that the expenditures of forfeiture funds are in compliance with Section 932.7055, Florida State Statutes, and the Guide to Equitable Sharing of Federally Forfeited Property for Local Law Enforcement Agencies. These forfeiture funds have been deposited in the Police Confiscation Trust Fund. The City has complied with all statutory procedures involved in the transaction of these funds.

CONCLUSION

The Administration recommends that the Mayor and City Commission adopt the Second Amendment to the Operating Budget for the Police Confiscation Trust Fund for Fiscal Year 2008/09 in the amount of \$37,525, to provide for the expenses listed in Exhibit "A".

JMG/CN/bg

T:\AGENDA\2009\March 18\Consent\POLICE COMMISSION MEMOS\09- Police-Confiscations 03-18-09\POLICE Confiscation BUDGET 09- memo.doc

RESOLUTION No. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ADOPTING AND APPROPRIATING THE SECOND AMENDMENT TO THE POLICE CONFISCATION TRUST FUND BUDGET FOR FISCAL YEAR 2008/09 IN THE AMOUNT OF \$37,525 TO BE FUNDED FROM THE PROCEEDS OF STATE CONFISCATED FUNDS.

WHEREAS, Section 932.7055, Florida Statutes, addresses the purpose and procedures to be utilized for the appropriation and expenditures of the Police Confiscation Trust Fund; and

WHEREAS, the Chief of Police of the City of Miami Beach has determined that the need for appropriation and expenditures exist and the appropriation and expenditure of forfeiture funds is in compliance with Section 932.7055, Florida Statutes, and the Guide to Equitable Sharing of Federally Forfeited Property for Local Law Enforcement Agencies; and

WHEREAS, funds in the amount of \$37,525 are available in the Police State Confiscation Trust Fund.

	CURRENT BUDGET	INCREASE	AMENDED BUDGET
STATE-	\$ 23,000	\$ 37,525	\$ 60,525
FEDERAL-	<u>305,245</u>	<u>0</u>	<u>305,245</u>
TOTAL-	\$328,245	\$ 37,525	\$ 365,770

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 for the City of Miami Beach hereby adopt the Second Amendment to the Fiscal Year 2008/09 Police Confiscation Trust Fund Budget in the amount of \$37,525, to be funded from the proceeds of State Confiscated Funds as reflected in the attached Exhibit "A".

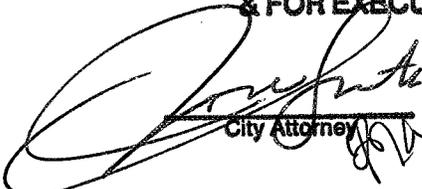
PASSED and ADOPTED this _____ day of March, 2009.

Mayor

ATTEST BY:

City Clerk

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION



City Attorney

3/12/09

Date

EXHIBIT "A"

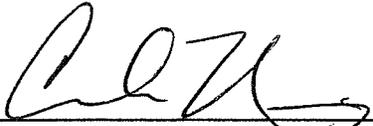
MIAMI BEACH POLICE DEPARTMENT
CONFISCATION TRUST FUND BUDGET
SECOND AMENDMENT
FISCAL YEAR 2008/09

STATE FUNDS:

VERIPIC PHOTO MANAGEMENT SOFTWARE	\$ 29,000
Software for the management and storage of digital photos. This is a third-party software application needed to fulfill the legal requirements for G52 retention and evidentiary chain of custody. The FY 2008/09 Budget was already reduced by \$35,000 in anticipation of purchase of this Veripic software.	
CRIME SCENE DIGITAL CAMERA EQUIPMENT	6,000
Digital wide-angle lens for crime scene investigators to properly photograph crime scenes.	
Re-appropriation of Confiscated Funds	2,525
Final payment related to the \$45,000 adopted and appropriated on 09/26/07 for installation of surveillance equipment in Police Headquarters Building.	
TOTAL STATE FUNDS:	\$ 37,525

AFFIDAVIT

I, Carlos Noriega, Chief of Police, City of Miami Beach, do hereby certify that the aforementioned proposed request for expenditures from the City of Miami Beach Police Confiscation Trust Fund, for the 2008/09 fiscal year providing funds for expenditures as indicated on Exhibit "A", complies with the provisions of Section 932.7055(4)(a), Florida Statutes, and the Guide to Equitable Sharing of Federally Forfeited Property for Local Law Enforcement Agencies.



Carlos Noriega
Chief of Police
Miami Beach Police Department

3/9/09
Date

Condensed Title:

A resolution of the Mayor and City Commission of the City of Miami Beach, Florida, accepting the donation of four intoxilyzer 400PA portable breath alcohol test devices with an estimated value of \$629 each from the Florida Department of Transportation for a total value of \$2516. These devices will be utilized by the Miami Beach Police Department to enforce State driving under the influence of alcohol traffic statutes on the roadways of the City of Miami Beach.

Key Intended Outcome Supported:

Maintain crime rates at or below national trends.

Supporting Data (Surveys, Environmental Scan, etc.): .): Safety was ranked No. 1 by residents as one of the changes that will make Miami Beach a better place; safety across the City was one of the most important areas affecting the quality of life; and 78% of residents rated quality of services provided by City Police as excellent or good.

Issue:

Shall the City adopt the resolution authorizing the donation of four portable breath alcohol test devices?

Item Summary/Recommendation:

The Miami Beach Police Department is a participating agency in the Florida Department of Transportation's Driving Under the Influence (DUI) Sustained Enforcement Program. The goal of the program is to reduce the number of alcohol related crashes and fatalities that occur in Florida by conducting high visibility DUI enforcement operations and increasing public awareness of alcohol related crashes. The Miami Beach Police Department has conducted saturation patrols and DUI checkpoints on a regular basis. As part of this program, there are incentives which include the donation of equipment utilized in traffic enforcement to participating agencies. In this instance the Miami Beach Police Department qualifies for four (4) Intoxilyzer 400PA portable breath alcohol test devices for a total value of \$2516 to be utilized primarily for the enforcement of alcohol impairment in juveniles.

Advisory Board Recommendation:

NA

Financial Information:

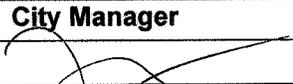
Source of Funds:		Amount	Account
<div style="border: 1px solid black; width: 40px; height: 40px; margin-bottom: 5px;"></div> OBPI	1		
	2		
	3		
	Total		

Financial Impact Summary:

City Clerk's Office Legislative Tracking:

Manager Michael Gruen

Sign-Offs:

Department Director	Assistant City Manager	City Manager
Carlos Noriega, Chief 		





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: Jorge M. Gonzalez, City Manager

DATE: March 18, 2009

SUBJECT: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ACCEPTING THE DONATION OF FOUR INTOXILYZER 400PA PORTABLE BREATH ALCOHOL TEST DEVICES WITH AN ESTIMATED VALUE OF \$629 EACH FROM THE FLORIDA DEPARTMENT OF TRANSPORTATION FOR A TOTAL VALUE OF \$2516. THESE DEVICES WILL BE UTILIZED BY THE MIAMI BEACH POLICE DEPARTMENT TO ENFORCE STATE DRIVING UNDER THE INFLUENCE OF ALCOHOL TRAFFIC STATUTES ON THE ROADWAYS OF THE CITY OF MIAMI BEACH.**

ADMINISTRATION RECOMMENDATION

Adopt the Resolution

ANALYSIS

The Miami Beach Police Department is a participating Agency in the Florida Department of Transportation's Driving Under the Influence (DUI) Sustained Enforcement Program. The goal of the program is to reduce the number of alcohol related crashes and fatalities that occur in Florida by conducting high visibility DUI enforcement operations and increasing public awareness of alcohol related crashes. The Miami Beach Police Department has conducted saturation patrols and DUI checkpoints on a regular basis. As part of this program, there are incentives which include the donation of equipment utilized in traffic enforcement to participating Agencies. In this instance, the Miami Beach Police Department qualifies for four (4) Intoxilyzer 400PA portable breath alcohol test devices for a total value of \$2,516.00 to be utilized primarily for the enforcement of alcohol impairment in juveniles.


JMG/CN/RAM/MG

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ACCEPTING THE DONATION OF FOUR INTOXILYZER 400PA PORTABLE BREATH ALCOHOL TEST DEVICES WITH AN ESTIMATED VALUE OF \$629 EACH FROM THE FLORIDA DEPARTMENT OF TRANSPORTATION FOR A TOTAL VALUE OF \$2516. THESE DEVICES WILL BE UTILIZED BY THE MIAMI BEACH POLICE DEPARTMENT TO ENFORCE STATE DRIVING UNDER THE INFLUENCE OF ALCOHOL TRAFFIC STATUTES ON THE ROADWAYS OF THE CITY OF MIAMI BEACH.

WHEREAS, the Miami Beach Police Department is responsible for enforcing traffic laws, including driving under the influence of alcohol traffic violations in the City of Miami Beach; and

WHEREAS, pre-arrest breath alcohol devices are a tool utilized to measure unlawful breath alcohol content and is recognized by the Miami-Dade County Traffic Courts as a true indicator of impairment levels for juveniles; and

WHEREAS, the Florida Department of Transportation coordinates with local law enforcement agencies in state wide traffic enforcement initiatives to include the Driving Under the Influence (DUI) Sustained Enforcement Program; and

WHEREAS, the Miami Beach Police Department is an active participant in the Florida Department of Transportation's DUI Sustained Enforcement Program which has incentives for agencies who participate in high visibility DUI enforcement operations; and

WHEREAS, the Miami Beach Police Department conducts saturation patrols and DUI checkpoints in the City of Miami Beach on a regular basis and as a result is entitled to qualify to receive the donation of four portable breath alcohol test devices valued at \$629 to be utilized primarily for the enforcement of alcohol impairment in juveniles.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the donation of four portable breath alcohol test devices from the Florida Department of Transportation, for a total of \$2516, to be utilized by Miami Beach Police Officers to enforce driving under the influence of alcohol violations on the roadways of the City of Miami Beach, is hereby accepted.

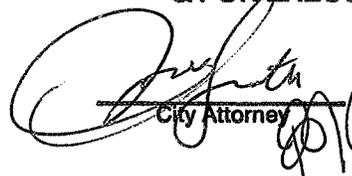
PASSED and ADOPTED this _____ day of _____, 2009

ATTEST:

CITY CLERK

MAYOR

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION



City Attorney

3/3/09

Date

Condensed Title:

A resolution authorizing the City Manager to issue a Certification of Consistency with the City's Consolidated Plan to the Housing Authority of the City of Miami Beach (HACMB), for their Annual Plan for fiscal Year 2009 to be submitted to the U.S. Department of Housing and Urban Development.

Key Intended Outcome Supported:

Increase access to affordable housing.

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

Based on the 2007 Customer Satisfaction Survey, affordable housing was a concern for 82% of those surveyed.

Issue:

Shall the City authorize the City Manager to issue a Certification of Consistency Consolidated Plan HACMB for their Annual Plan for Fiscal Year 2009?

Item Summary/Recommendation:

HACMB requested a Certification of Consistency with the Consolidated Plan as part of their Annual Plan for Fiscal Year 2009. HACMB is required by the Public Housing Reform Act of 1998 to submit an Annual Plan and obtain a Certification of Consistency with the Consolidated Plan from the entitlement jurisdiction where they operate. In accordance with the Consolidated Plan adopted by the City, each request for a Certification of Consistency with the Consolidated Plan requires City Commission review and approval. It is recommended that the City Commission approve and authorize the City Manager to issue a Certification of Consistency with the City's Consolidated Plan.

Advisory Board Recommendation:

N/A

Financial Information:

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

OBPI

Financial Impact Summary:

City Clerk's Office Legislative Tracking:

Anna Parekh, Director, Office of Real Estate, Housing and Community Development

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: Jorge M. Gonzalez, City Manager

DATE: March 18, 2009

SUBJECT: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING AND AUTHORIZING THE CITY MANAGER TO ISSUE A CERTIFICATION OF CONSISTENCY WITH THE CITY'S CONSOLIDATED PLAN TO THE HOUSING AUTHORITY OF THE CITY OF MIAMI BEACH (HACMB) FOR THEIR ANNUAL PLAN FOR FISCAL YEAR 2009, TO BE SUBMITTED BY HACMB TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (U.S. HUD).**

ADMINISTRATION RECOMMENDATION

Adopt the Resolution.

ANALYSIS

On January 9, 2009, the Housing Authority of the City of Miami Beach (HACMB) requested a Certification of Consistency with the Consolidated Plan as part of their Annual Plan for Fiscal Year 2009. HACMB submits documents to U.S. HUD annually to enable them to continue receiving federal funding for their housing programs. HACMB is required by the Public Housing Reform Act of 1998, to submit a Five Year Plan and Annual Plan.

As part of the Annual Plan, U.S. HUD requires that housing authorities obtain and submit a Certification of Consistency with the Consolidated Plan from the entitlement jurisdiction where they operate. In accordance with the Consolidated Plan adopted by the City, each request for a Certification of Consistency with the Consolidated Plan requires City Commission review and approval.

The Housing Authority's Annual Plan for Fiscal Year 2009 includes a Capital Fund Program Statement, and delineates the main goals to be implemented by HACMB. The Plan identifies an estimated \$247,606 in Capital Fund repairs and enumerates key programs and activities for HACMB, including:

- Continue to work with the Miami Beach Community Development Corporation (MBCDC) to provide numerous homebuyer counseling programs including: pre-occupancy, mortgage default and rent delinquency, post occupancy, home improvement and rehabilitation, pre-foreclosure sale, displacement and relocation, first time homebuyer and home equity conversion mortgage.
- Continue, in conjunction with MBCDC, to work with various mortgage lenders in order to provide a broader spectrum of financial assistance options for qualified homebuyers.

A copy of the Housing Authority's Annual Plan for Fiscal Year 2009 is attached.

The City's Consolidated Plan identifies long term objectives ("Improvements to Housing Authority") and a 5-year strategic plan where key goals are identified. These include the expansion of the supply of assisted housing, improving the quality of facilities, increasing assisted housing choices, promoting self-sufficiency and ensuring equal opportunities. Under the Public Housing Strategy, the Consolidated Plan identifies HACMB as providing assistance to the lowest income segment of the population through initiatives such as operating buildings designated for the elderly and administering portable rental certificates and vouchers. HACMB is currently involved in the construction of additional, new affordable housing for the elderly and the rehabilitation of an existing multi-family dwelling. In 2010, HACMB plans to develop 200 affordable rental or homeownership units and to engage in joint ventures or partnerships with both for-profit and not-for-profit entities to create additional affordable housing opportunities.

CONCLUSION

The Administration recommends adoption of the attached Resolution of the Mayor and City Commission of the City of Miami Beach, Florida, approving and authorizing the City Manager to issue a Certification of Consistency with the City's Consolidated Plan to the Housing Authority of the City of Miami Beach (HACMB) for their Annual Plan for Fiscal Year 2009 to be submitted by HACMB to U.S. HUD.

JMG/HMF/AP/mar

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RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING AND AUTHORIZING THE CITY MANAGER TO ISSUE A CERTIFICATION OF CONSISTENCY WITH THE CITY'S CONSOLIDATED PLAN TO THE HOUSING AUTHORITY OF THE CITY OF MIAMI BEACH (HACMB) FOR THEIR ANNUAL PLAN FOR FISCAL YEAR 2009, TO BE SUBMITTED BY HACMB TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (U.S. HUD).

WHEREAS, on July 16, 2008, the Mayor and City Commission approved the City's Consolidated Plan; and

WHEREAS, the Housing Authority of the City of Miami Beach (HACMB) is proposing to submit an Annual Plan to the U.S. Department of Housing and Urban Development (U.S. HUD) as part of the documentation for continued funding for the operation of and subsidies for rental housing programs administered by HACMB; and

WHEREAS, U.S. HUD requires that local housing authorities obtain and submit a Certification of Consistency with the Consolidated Plan from the entitlement jurisdiction where the proposed activity is located; and

WHEREAS, HACMB has submitted to the City its Annual Plan for Fiscal Year 2009; and

WHEREAS, HACMB has requested that the City issue the required Certification of Consistency with the Consolidated Plan; and

WHEREAS, in accordance with the City's adopted Consolidated Plan, each request for a Certification of Consistency with the Consolidated Plan requires City Commission review and approval; and

WHEREAS, HACMB's Annual Plan for Fiscal Years 2009 includes a Capital Fund Program Statement, and delineates the main goals to be implemented by HACMB; and

WHEREAS, the Administration has reviewed the proposed activities of the HACMB's Annual Plan and found them to be consistent with the City's Consolidated Plan;

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 authorize the City Manager to issue a Certification of Consistency with the City's Consolidated Plan to the Housing Authority of the City of Miami Beach (HACMB) for its Annual Plan for Fiscal Year 2009, to be submitted by the HACMB to the U.S. Department of Housing and Urban Development (U.S. HUD).

PASSED AND ADOPTED this _____ day of _____, 2009.

ATTEST:

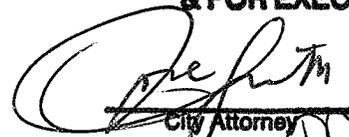
CITY CLERK

MAYOR

JMG/HMF/AP/mar

T:\AGENDA\2009\March 18\Consent\HACMB Certificate of Consistency Annual Plan Reso.doc

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION



City Attorney

3/9/09

Date

PHA Plans
Streamlined Annual
Version

U.S. Department of Housing and
Urban Development
Office of Public and Indian
Housing

OMB No. 2577-
0226
(exp. 05/31/2006)

This information collection is authorized by Section 511 of the Quality Housing and Work Responsibility Act, which added a new section 5A to the U.S. Housing Act of 1937 that introduced 5-year and annual PHA Plans. The full PHA plan provides a ready source for interested parties to locate basic PHA policies, rules, and requirements concerning the PHA's operations, programs, and services, and informs HUD, families served by the PHA, and members of the public of the PHA's mission and strategies for serving the needs of low-income and very low-income families. This form allows eligible PHAs to make a streamlined annual Plan submission to HUD consistent with HUD's efforts to provide regulatory relief for certain types of PHAs. Public reporting burden for this information collection is estimated to average 11.7 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. HUD may not collect this information and respondents are not required to complete this form, unless it displays a currently valid OMB Control Number.

Privacy Act Notice. The United States Department of Housing and Urban Development, Federal Housing Administration, is authorized to solicit the information requested in this form by virtue of Title 12, U.S. Code, Section 1701 et seq., and regulations promulgated thereunder at Title 12, Code of Federal Regulations. Information in PHA plans is publicly available.

Streamlined Annual PHA Plan
For Fiscal Year: 2009
PHA Name: Housing Authority of the
City of Miami Beach

NOTE: This PHA Plan template (HUD-50075-SA) is to be completed in accordance with instructions contained in previous Notices PIH 99-33 (HA), 99-51 (HA), 2000-22 (HA), 2000-36 (HA), 2000-43 (HA), 2001-4 (HA), 2001-26 (HA), 2003-7 (HA), and any related notices HUD may subsequently issue.

Streamlined Annual PHA Plan Agency Identification

PHA Name: The Housing Authority of the City of Miami Beach
PHA Number: FL017

PHA Fiscal Year Beginning: (07/2009)

PHA Programs Administered:

Public Housing and Section 8 **Section 8 Only** **Public Housing Only**
 Number of public housing units: 200 Number of S8 units: Number of public housing units:
 Number of S8 units: 2844

PHA Consortia: (check box if submitting a joint PHA Plan and complete table)

Participating PHAs	PHA Code	Program(s) Included in the Consortium	Programs Not in the Consortium	# of Units Each Program
Participating PHA 1:				
Participating PHA 2:				
Participating PHA 3:				

PHA Plan Contact Information:

Name: Miguell Del Campillo
 TDD: (305) 672-5501

Phone: (305) 532-6401
 Email mdelcampillo@mbha.org

Public Access to Information

Information regarding any activities outlined in this plan can be obtained by contacting:
 (select all that apply)

PHA's main administrative office PHA's development management offices

Display Locations For PHA Plans and Supporting Documents

The PHA Plan revised policies or program changes (including attachments) are available for public review and inspection. Yes No.

If yes, select all that apply:

- Main administrative office of the PHA
- PHA development management offices
- Main administrative office of the local, county or State government
- Public library PHA website Other (list below)

PHA Plan Supporting Documents are available for inspection at: (select all that apply)

- Main business office of the PHA PHA development management offices
 Other (list below)

Streamlined Annual PHA Plan

Fiscal Year 2009

[24 CFR Part 903.12(c)]

Table of Contents

[24 CFR 903.7(r)]

Provide a table of contents for the Plan, including applicable additional requirements, and a list of supporting documents available for public inspection.

A. PHA PLAN COMPONENTS

1. Site-Based Waiting List Policies
903.7(b)(2) Policies on Eligibility, Selection, and Admissions
2. Capital Improvement Needs
903.7(g) Statement of Capital Improvements Needed
3. Section 8(y) Homeownership
903.7(k)(1)(i) Statement of Homeownership Programs
4. Project-Based Voucher Programs
5. PHA Statement of Consistency with Consolidated Plan. Complete only if PHA has changed any policies, programs, or plan components from its last Annual Plan.
6. Supporting Documents Available for Review
7. Capital Fund Program and Capital Fund Program Replacement Housing Factor, Annual Statement/Performance and Evaluation Report
8. Capital Fund Program 5-Year Action Plan

B. SEPARATE HARD COPY SUBMISSIONS TO LOCAL HUD FIELD OFFICE

Form HUD-50076, PHA Certifications of Compliance with the PHA Plans and Related Regulations: Board Resolution to Accompany the Streamlined Annual Plan identifying policies or programs the PHA has revised since submission of its last Annual Plan, and including Civil Rights certifications and assurances the changed policies were presented to the Resident Advisory Board for review and comment, approved by the PHA governing board, and made available for review and inspection at the PHA's principal office;

For PHAs Applying for Formula Capital Fund Program (CFP) Grants:

Form HUD-50070, Certification for a Drug-Free Workplace;

Form HUD-50071, Certification of Payments to Influence Federal Transactions; and

Form SF-LLL & SF-LLL a, Disclosure of Lobbying Activities.

1. Site-Based Waiting Lists (Eligibility, Selection, Admissions Policies)

[24 CFR Part 903.12(c), 903.7(b)(2)]

Exemptions: Section 8 only PHAs are not required to complete this component.

A. Site-Based Waiting Lists-Previous Year

1. Has the PHA operated one or more site-based waiting lists in the previous year? If yes, complete the following table; if not skip to B.

Site-Based Waiting Lists				
Development Information: (Name, number, location)	Date Initiated	Initial mix of Racial, Ethnic or Disability Demographics	Current mix of Racial, Ethnic or Disability Demographics since Initiation of SBWL	Percent change between initial and current mix of Racial, Ethnic, or Disability demographics

2. What is the number of site based waiting list developments to which families may apply at one time?
3. How many unit offers may an applicant turn down before being removed from the site-based waiting list?
4. Yes No: Is the PHA the subject of any pending fair housing complaint by HUD or any court order or settlement agreement? If yes, describe the order, agreement or complaint and describe how use of a site-based waiting list will not violate or be inconsistent with the order, agreement or complaint below:

B. Site-Based Waiting Lists – Coming Year

If the PHA plans to operate one or more site-based waiting lists in the coming year, answer each of the following questions; if not, skip to next component.

1. How many site-based waiting lists will the PHA operate in the coming year?
2. Yes No: Are any or all of the PHA's site-based waiting lists new for the upcoming year (that is, they are not part of a previously-HUD-approved site based waiting list plan)?
If yes, how many lists? 2
3. Yes No: May families be on more than one list simultaneously?
If yes, how many lists? 5
4. Where can interested persons obtain more information about and sign up to be on the site-based waiting lists (select all that apply)?
 - PHA main administrative office (Section 8 offices)
 - All PHA development management offices
 - Management offices at developments with site-based waiting lists
 - At the development to which they would like to apply
 - Other (list below)

2. Capital Improvement Needs

[24 CFR Part 903.12 (c), 903.7 (g)]

Exemptions: Section 8 only PHAs are not required to complete this component.

A. Capital Fund Program

1. Yes No Does the PHA plan to participate in the Capital Fund Program in the upcoming year? If yes, complete items 7 and 8 of this template (Capital Fund Program tables). If no, skip to B.
2. Yes No: Does the PHA propose to use any portion of its CFP funds to repay debt incurred to finance capital improvements? If so, the PHA must identify in its annual and 5-year capital plans the development(s) where such improvements will be made and show both how the proceeds of the financing will be used and the amount of the annual payments required to service the debt. (Note that separate HUD approval is required for such financing activities.).

B. HOPE VI and Public Housing Development and Replacement Activities (Non-Capital Fund)

Applicability: All PHAs administering public housing. Identify any approved HOPE VI and/or public housing development or replacement activities not described in the Capital Fund Program Annual Statement.

1. Yes No: Has the PHA received a HOPE VI revitalization grant? (if no, skip to #3; if yes, provide responses to the items on the chart located on the next page, copying and completing as many times as necessary).

1. Status of HOPE VI revitalization grant(s):

HOPE VI Revitalization Grant Status	
a. Development Name:	
b. Development Number:	
c. Status of Grant:	
<input type="checkbox"/>	Revitalization Plan under development
<input type="checkbox"/>	Revitalization Plan submitted, pending approval
<input type="checkbox"/>	Revitalization Plan approved
<input type="checkbox"/>	Activities pursuant to an approved Revitalization Plan underway

3. Yes No: Does the PHA expect to apply for a HOPE VI Revitalization grant in the Plan year?
If yes, list development name(s) below:

4. Yes No: Will the PHA be engaging in any mixed-finance development activities for public housing in the Plan year? If yes, list developments or activities below:

5. Yes No: Will the PHA be conducting any other public housing development or replacement activities not discussed in the Capital Fund Program Annual Statement? If yes, list developments or activities below:

3. Section 8 Tenant Based Assistance--Section 8(y) Homeownership Program
(if applicable) [24 CFR Part 903.12(c), 903.7(k)(1)(i)]

1. Yes No: Does the PHA plan to administer a Section 8 Homeownership program pursuant to Section 8(y) of the U.S.H.A. of 1937, as implemented by 24 CFR part 982 ? (If "No", skip to the next component; if "yes", complete each program description below (copy and complete questions for each program identified.)

2. Program Description:

a. Size of Program

Yes No: Will the PHA limit the number of families participating in the Section 8 homeownership option?

If the answer to the question above was yes, what is the maximum number of participants this fiscal year? 26

b. PHA-established eligibility criteria

Yes No: Will the PHA's program have eligibility criteria for participation in its Section 8 Homeownership Option program in addition to HUD criteria?

If yes, list criteria:

- **Family must be a first time homeowner or have a member who is a person with disabilities.**
- **Family must meet a minimum income requirement without counting income from welfare assistance sources (excluding elderly and disabled households).**
- **Family must meet the requisite employment criteria (excluding elderly and disabled households).**
- **Family must have completed an initial lease term in the HACMB's Section 8 Housing Choice Voucher program.**
- **Family must have fully repaid any outstanding debt to the HACMB or any other Housing Authority.**
- **Family can not have defaulted on a mortgage security debt to purchase a home under the home ownership option.**
- **Family can not have any member who has a present ownership interest in a residence at the commencement of home ownership assistance.**

c. What actions will the PHA undertake to implement the program this year (list)?

- **The HACMB in conjunction with Miami Beach Community Development Corporation (MBCDC) will provide the following counseling programs: Pre-occupancy, Mortgage default and rent delinquency, post occupancy, home improvement and rehabilitation, pre-foreclosure sale, displacement and relocation, first time homebuyer, home equity conversion mortgage.**
- **The HACMB in conjunction with MBCDC will work with various Mortgage lenders in order to provide a broader spectrum of financial assistance options.**

3. Capacity of the PHA to Administer a Section 8 Homeownership Program:

The PHA has demonstrated its capacity to administer the program by (select all that apply):

- Establishing a minimum homeowner down payment requirement of at least 3 percent of purchase price and requiring that at least 1 percent of the purchase price comes from the family's resources.
- Requiring that financing for purchase of a home under its Section 8 homeownership will be provided, insured or guaranteed by the state or Federal government; comply with secondary mortgage market underwriting requirements; or comply with generally accepted private sector underwriting standards.
- Partnering with a qualified agency or agencies to administer the program (list name(s) and years of experience below):

The HACMB is working in conjunction with Miami Beach Community Development Corporation (MBCDC) which has had a homeownership program since 1989.

Demonstrating that it has other relevant experience (list experience below):

4. Use of the Project-Based Voucher Program

Intent to Use Project-Based Assistance

Yes No: Does the PHA plan to "project-base" any tenant-based Section 8 vouchers in the coming year? If the answer is "no," go to the next component. If yes, answer the following questions.

1. Yes No: Are there circumstances indicating that the project basing of the units, rather than tenant-basing of the same amount of assistance is an appropriate option? If yes, check which circumstances apply:

- low utilization rate for vouchers due to lack of suitable rental units
- access to neighborhoods outside of high poverty areas
- other (describe below:) to provide additional affordable housing in the City of Miami Beach

2. Indicate the number of units and general location of units (e.g. eligible census tracts or smaller areas within eligible census tracts): 50 Units in the City of Miami Beach

5. PHA Statement of Consistency with the Consolidated Plan

[24 CFR Part 903.15]

For each applicable Consolidated Plan, make the following statement (copy questions as many times as necessary) only if the PHA has provided a certification listing program or policy changes from its last Annual Plan submission.

1. Consolidated Plan jurisdiction: (provide name here)

The City of Miami Beach

2. The PHA has taken the following steps to ensure consistency of this PHA Plan with the Consolidated Plan for the jurisdiction: (select all that apply)

The PHA has based its statement of needs of families on its waiting lists on the needs expressed in the Consolidated Plan/s.

- The PHA has participated in any consultation process organized and offered by the Consolidated Plan agency in the development of the Consolidated Plan.
- The PHA has consulted with the Consolidated Plan agency during the development of this PHA Plan.
- Activities to be undertaken by the PHA in the coming year are consistent with the initiatives contained in the Consolidated Plan.
- Other:

3. The Consolidated Plan of the jurisdiction supports the PHA Plan with the following actions and commitments: (describe below)

The Consolidated Plan identifies the needs and commits the funds to assist the elderly, disabled, low and moderate-income families by promoting development and retention of affordable housing in the City of Miami Beach.

6. Supporting Documents Available for Review for Streamlined Annual PHA Plans

PHAs are to indicate which documents are available for public review by placing a mark in the "Applicable & on Display" column in the appropriate rows. All listed documents must be on display if applicable to the program activities conducted by the PHA.

List of Supporting Documents Available for Review		
Applicable & On Display	Supporting Document	Related Plan Component
X	<i>PHA Certifications of Compliance with the PHA Plans and Related Regulations and Board Resolution to Accompany the Standard Annual, Standard Five-Year, and Streamlined Five-Year/Annual Plans;</i>	5 Year and Annual Plans
X	<i>PHA Certifications of Compliance with the PHA Plans and Related Regulations and Board Resolution to Accompany the Streamlined Annual Plan</i>	Streamlined Annual Plans
X	<i>Certification by State or Local Official of PHA Plan Consistency with Consolidated Plan.</i>	5 Year and standard Annual Plans
X	Fair Housing Documentation Supporting Fair Housing Certifications: Records reflecting that the PHA has examined its programs or proposed programs, identified any impediments to fair housing choice in those programs, addressed or is addressing those impediments in a reasonable fashion in view of the resources available, and worked or is working with local jurisdictions to implement any of the jurisdictions' initiatives to affirmatively further fair housing that require the PHA's involvement.	5 Year and Annual Plans
X	Housing Needs Statement of the Consolidated Plan for the jurisdiction(s) in which the PHA is located and any additional backup data to support statement of housing needs for families on the PHA's public housing and Section 8 tenant-based waiting lists.	Annual Plan: Housing Needs
X	Most recent board-approved operating budget for the public housing program	Annual Plan: Financial Resources
X	Public Housing Admissions and (Continued) Occupancy Policy (A&O/ACOP), which includes the Tenant Selection and Assignment Plan [TSAP] and the Site-Based Waiting List Procedure.	Annual Plan: Eligibility, Selection, and Admissions Policies
X	Deconcentration Income Analysis	Annual Plan: Eligibility, Selection, and Admissions Policies

List of Supporting Documents Available for Review		
Applicable & On Display	Supporting Document	Related Plan Component
X	Any policy governing occupancy of Police Officers and Over-Income Tenants in Public Housing. <input checked="" type="checkbox"/> Check here if included in the public housing A&O Policy.	Annual Plan: Eligibility, Selection, and Admissions Policies
X	Section 8 Administrative Plan	Annual Plan: Eligibility, Selection, and Admissions Policies
X	Public housing rent determination policies, including the method for setting public housing flat rents. <input checked="" type="checkbox"/> Check here if included in the public housing A & O Policy.	Annual Plan: Rent Determination
X	Schedule of flat rents offered at each public housing development. <input checked="" type="checkbox"/> Check here if included in the public housing A & O Policy.	Annual Plan: Rent Determination
X	Section 8 rent determination (payment standard) policies (if included in plan, not necessary as a supporting document) and written analysis of Section 8 payment standard policies. <input checked="" type="checkbox"/> Check here if included in Section 8 Administrative Plan.	Annual Plan: Rent Determination
X	Public housing management and maintenance policy documents, including policies for the prevention or eradication of pest infestation (including cockroach infestation).	Annual Plan: Operations and Maintenance
X	Results of latest Public Housing Assessment System (PHAS) Assessment (or other applicable assessment).	Annual Plan: Management and Operations
X	Follow-up Plan to Results of the PHAS Resident Satisfaction Survey (if necessary)	Annual Plan: Operations and Maintenance and Community Service & Self-Sufficiency
X	Results of latest Section 8 Management Assessment System (SEMAP)	Annual Plan: Management and Operations
X	Any policies governing any Section 8 special housing types <input checked="" type="checkbox"/> Check here if included in Section 8 Administrative Plan	Annual Plan: Operations and Maintenance
X	Public housing grievance procedures <input checked="" type="checkbox"/> Check here if included in the public housing A & O Policy	Annual Plan: Grievance Procedures
X	Section 8 informal review and hearing procedures. <input checked="" type="checkbox"/> Check here if included in Section 8 Administrative Plan.	Annual Plan: Grievance Procedures
X	The Capital Fund/Comprehensive Grant Program Annual Statement /Performance and Evaluation Report for any active grant year.	Annual Plan: Capital Needs
	Most recent CIAP Budget/Progress Report (HUD 52825) for any active CIAP grants.	Annual Plan: Capital Needs
	Approved HOPE VI applications or, if more recent, approved or submitted HOPE VI Revitalization Plans, or any other approved proposal for development of public housing.	Annual Plan: Capital Needs
	Self-evaluation, Needs Assessment and Transition Plan required by regulations implementing Section 504 of the Rehabilitation Act and the Americans with Disabilities Act. See PIH Notice 99-52 (HA).	Annual Plan: Capital Needs
	Approved or submitted applications for demolition and/or disposition of public housing.	Annual Plan: Demolition and Disposition
X	Approved or submitted applications for designation of public housing (Designated Housing Plans).	Annual Plan: Designation of Public Housing
	Approved or submitted assessments of reasonable revitalization of public housing and approved or submitted conversion plans prepared pursuant to section 202 of the 1996 HUD Appropriations Act, Section 22 of the US Housing Act of 1937, or Section 33 of the US Housing Act of 1937.	Annual Plan: Conversion of Public Housing
	Documentation for required Initial Assessment and any additional information required by HUD for Voluntary Conversion.	Annual Plan: Voluntary Conversion of Public Housing

List of Supporting Documents Available for Review		
Applicable & On Display	Supporting Document	Related Plan Component
X	Approved or submitted public housing homeownership programs/plans.	Annual Plan: Homeownership
X	Policies governing any Section 8 Homeownership program (Section _____ of the Section 8 Administrative Plan)	Annual Plan: Homeownership
	Public Housing Community Service Policy/Programs <input checked="" type="checkbox"/> Check here if included in Public Housing A & O Policy	Annual Plan: Community Service & Self-Sufficiency
	Cooperative agreement between the PHA and the TANF agency and between the PHA and local employment and training service agencies.	Annual Plan: Community Service & Self-Sufficiency
X	FSS Action Plan(s) for public housing and/or Section 8.	Annual Plan: Community Service & Self-Sufficiency
X	Section 3 documentation required by 24 CFR Part 135, Subpart E for public housing.	Annual Plan: Community Service & Self-Sufficiency
	Most recent self-sufficiency (ED/SS, TOP or ROSS or other resident services grant) grant program reports for public housing.	Annual Plan: Community Service & Self-Sufficiency
X	Policy on Ownership of Pets in Public Housing Family Developments (as required by regulation at 24 CFR Part 960, Subpart G). <input checked="" type="checkbox"/> Check here if included in the public housing A & O Policy.	Annual Plan: Pet Policy
X	The results of the most recent fiscal year audit of the PHA conducted under the Single Audit Act as implemented by OMB Circular A-133, the results of that audit and the PHA's response to any findings.	Annual Plan: Annual Audit
	Other supporting documents (optional) (list individually; use as many lines as necessary)	(specify as needed)
	Consortium agreement(s) and for Consortium Joint PHA Plans <u>Only</u> : Certification that consortium agreement is in compliance with 24 CFR Part 943 pursuant to an opinion of counsel on file and available for inspection.	Joint Annual PHA Plan for Consortia: Agency Identification and Annual Management and Operations

7. Capital Fund Program Annual Statement/Performance and Evaluation Report and Replacement Housing Factor

Annual Statement/Performance and Evaluation Report Capital Fund Program and Capital Fund Program Replacement Housing Factor (CFP/CFPRHF) Part I: Summary		Grant Type and Number Capital Fund Program Grant No: FL14P017501-09 Replacement Housing Factor Grant No:	Federal FY of Grant: 2009		
PHA Name: The Housing Authority of the City of Miami Beach					
<input checked="" type="checkbox"/> Original Annual Statement <input type="checkbox"/> Reserve for Disasters/ Emergencies <input type="checkbox"/> Revised Annual Statement (revision no:) <input type="checkbox"/> Performance and Evaluation Report for Period Ending: 2008 <input type="checkbox"/> Final Performance and Evaluation Report					
Line No.	Summary by Development Account	Total Estimated Cost	Revised	Obligated	Total Actual Cost Expended
1	Total non-CFP Funds				
2	1406 Operations				
3	1408 Management Improvements				
4	1410 Administration				
5	1411 Audit				
6	1415 Liquidated Damages				
7	1430 Fees and Costs				
8	1440 Site Acquisition				
9	1450 Site Improvement				
10	1460 Dwelling Structures	65,294			
11	1465.1 Dwelling Equipment—Nonexpendable				
12	1470 Nondwelling Structures	182,312			
13	1475 Nondwelling Equipment				
14	1485 Demolition				
15	1490 Replacement Reserve				
16	1492 Moving to Work Demonstration				
17	1495.1 Relocation Costs				
18	1499 Development Activities				
19	1501 Collateralization or Debt Service				
20	1502 Contingency				
21	Amount of Annual Grant: (sum of lines 2 – 20)	247,606			
22	Amount of line 21 Related to LBP Activities				
23	Amount of line 21 Related to Section 504 compliance				
24	Amount of line 21 Related to Security – Soft Costs				

7. Capital Fund Program Annual Statement/Performance and Evaluation Report and Replacement Housing Factor

**Annual Statement/Performance and Evaluation Report
Capital Fund Program and Capital Fund Program Replacement Housing Factor (CFP/CFPRHF) Part I: Summary**

PHA Name: The Housing Authority of the City of Miami Beach
 Grant Type and Number: Capital Fund Program Grant No: FL14P017501-09
 Replacement Housing Factor Grant No:

Original Annual Statement Reserve for Disasters/ Emergencies Revised Annual Statement (revision no:)
 Performance and Evaluation Report for Period Ending: 2008 Final Performance and Evaluation Report

Line No.	Summary by Development Account	Total Estimated Cost		Total Actual Cost	
		Original	Revised	Obligated	Expended
25	Amount of Line 21 Related to Security - Hard Costs				
26	Amount of line 21 Related to Energy Conservation Measures				

**Annual Statement/Performance and Evaluation Report
Capital Fund Program and Capital Fund Program Replacement Housing Factor (CFP/CFPRHF)
Part II: Supporting Pages**

PHA Name: The Housing Authority of the city of Miami Beach
 Grant Type and Number: Capital Fund Program Grant No: FL14P017501-09
 Replacement Housing Factor Grant No:

Development Number Name/HA-Wide Activities	General Description of Major Work Categories	Dev. Acct No.	Quantity	Total Estimated Cost		Total Actual Cost		Status of Work
				Original	Revised	Funds Obligated	Funds Expended	
FL017	Modernization of all ground floor	1470		60,000				
FL017	Floor tiles for tenant units	1460		35,000				

7. Capital Fund Program Annual Statement/Performance and Evaluation Report and Replacement Housing Factor

Annual Statement/Performance and Evaluation Report Capital Fund Program and Capital Fund Program Replacement Housing Factor (CFP/CFPRHF) Part II: Supporting Pages									
PHA Name: The Housing Authority of the city of Miami Beach			Grant Type and Number Capital Fund Program Grant No: FL14P017501-09 Replacement Housing Factor Grant No:			Federal FY of Grant: 2009			
Development Number Name/HA-Wide Activities	General Description of Major Work Categories	Dev. Acct No.	Quantity	Total Estimated Cost		Total Actual Cost		Status of Work	
				Original	Revised	Funds Obligated	Funds Expended		
FL017	Pressure wash/Repair Crack/Painting	1470		122,312					
FL017	Replacement of Toilets/Installation - Water Conservation	1460		30,294					

Annual Statement/Performance and Evaluation Report Capital Fund Program and Capital Fund Program Replacement Housing Factor (CFP/CFPRHF) Part III: Implementation Schedule			
PHA Name: The Housing Authority of the City of Miami Beach		Grant Type and Number Capital Fund Program No: FL14P017501-09 Replacement Housing Factor No:	
Federal FY of Grant: 2009		Reasons for Revised Target Dates	
Development Number Name/HA-Wide Activities	All Fund Obligated (Quarter Ending Date)	All Funds Expended (Quarter Ending Date)	

Capital Fund Program Five-Year Action Plan

Part I: Summary

PHA Name		<input type="checkbox"/> Original 5-Year Plan <input type="checkbox"/> Revision No:			
Development Number/Name/HA-Wide	Year 1	Work Statement for 2010	Work Statement for 2011	Work Statement for 2012	Work Statement for 2013
Rebecca Towers South	Annual Statement	FFY Grant: PHA FY: 2010 247,606	FFY Grant: PHA FY: 2011 247,606	FFY Grant: PHA FY: 2012 247,606	FFY Grant: PHA FY: 2013 247,606
CFP Funds Listed for 5-year planning		247,606	247,606	247,606	247,606
Replacement Housing Factor Funds					

8. Capital Fund Program Five-Year Action Plan

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, authorizing the Mayor and City Clerk to execute an Agreement with Chen & Associates for re-design, bid and award, and construction management services, in the not to exceed amount of \$239,340, for the Sunset Islands I & II Neighborhood ROW Improvement Project, to include additional stormwater infrastructure; with funding available from previously appropriated funds.

Key Intended Outcome Supported:

To Ensure Well-Designed Quality Capital Projects.

Issue:

Shall the Commission Adopt the Resolution?

Item Summary/Recommendation:

In response to Sunset Islands I & II community dissatisfaction with the scope of work, particularly the lack of stormwater improvements, numerous meetings were held with representatives of the Sunset Islands I & II Home Owners Association (HOA), with a consultant retained by the HOA, with the City consultant, and with City staff. Specific requests, above the original project scope, included new drainage structures and piping, installation of valley gutters, connections/upgrades to existing outfalls, and total road reconstruction.

Following meetings with the HOA, the Administration requested a proposal from its consultant for the re-design work necessary to accommodate the additional scope items. Negotiations over the price of this re-design work were unsuccessful.

In November 2008, the City Commission approved the issuance of a RFQ for re-design, bid and award, and construction management services in the not to exceed amount of \$90,000.

An Evaluation Committee convened on January 21, 2009 and reviewed the ten proposals received. It ranked the firm of Chen & Associates first, Schwebke-Shiskin & Associates, Inc. second, and Robayna & Associates, Inc third.

On January 28, 2009, the City Commission authorized the City Manager to negotiate with Chen & Associates and failing to negotiate and agreement with Chen & Associates, to negotiate with Schwebke-Shiskin & Associates, Inc. second, and Robayna & Associates, Inc third. The City was able to reach an agreement with Chen & Associates in the amount of \$239,340, with \$89,831 for design and bid/award services and \$149,509 for construction management services.

This proposed Agreement with Chen & Associates was taken to the March 2, 2009 CIP Oversight Committee, which recommended approval of the Agreement.

THE ADMINISTRATION RECOMMENDS ADOPTING THE RESOLUTION.

Advisory Board Recommendation:

CIPOC

Financial Information:

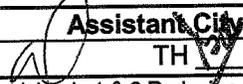
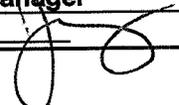
Source of Funds:		Amount	Account
 OBPI	1	40,000	302-2665-061357 Pay-As-You-Go Fund (Design)
	2	139,340	423-2665-061357 Gulf Breeze 2006 Fund (Design)
	3	60,000	Stormwater Operating Contingency Fund 427
	4		
	Total	239,340	

Financial Impact Summary:

City Clerk's Office Legislative Tracking:

Keith Mizell, ext. 6972

Sign-Offs:

Department Director	Assistant City Manager	City Manager
FHB 	TH 	JMG 

T:\AGENDA\2009\March 28\Regular\Sunset Islands 1 & 2 Redesign - Summary.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: Jorge M. Gonzalez, City Manager

DATE: March 18, 2009

SUBJECT: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN AGREEMENT WITH CHEN & ASSOCIATES FOR RE-DESIGN, BID AND AWARD, AND CONSTRUCTION MANAGEMENT SERVICES, IN THE NOT TO EXCEED AMOUNT OF \$239,340, FOR THE SUNSET ISLANDS I & II NEIGHBORHOOD RIGHT-OF-WAY IMPROVEMENT PROJECT, TO INCLUDE ADDITIONAL STORMWATER INFRASTRUCTURE, WITH FUNDING FROM PREVIOUSLY APPROPRIATED FUNDS.**

ADMINISTRATION RECOMMENDATION

Adopt the Resolution.

FUNDING

Funding is available from previously appropriated funds in the amount of \$40,000 from Pay-As-You-Go Fund 302 for design account number 302-2665-061357, \$139,340 from Gulf Breeze 2006 Fund 423 for Design account number 423-2665-061357, and \$60,000 from Stormwater Operating Contingency Fund 427.

ANALYSIS

In April 2008, several residents in the Sunset Islands I & II community expressed dissatisfaction with the scope of work in the Bayshore: Lower North Bay Road / Sunset Islands I & II ROW Improvement Project, particularly the lack of stormwater improvements. Numerous meetings were held with representatives of the Sunset Islands I & II Home Owners Association (HOA), with a consultant retained by the HOA, with the City consultant, and with City staff. Specific HOA requests, above the original project scope, included new drainage structures and piping, installation of valley gutters, connections/upgrades to existing outfalls, and total road reconstruction.

The City approved an increase to the project's capital budget to provide additional stormwater construction and stormwater contingencies funding. This was done in anticipation that the stormwater scope of the project might be expanded to accommodate the request to increase the stormwater drainage service level. This additional funding, identified as "Proposed Future Stormwater Bond" was approved as part of the Fiscal Year 2008-2009 Capital Budget for the Sunset Islands I & II ROW project, and is anticipated to accommodate all of the HOA requested improvements mentioned above.

Following meetings with the HOA, the Administration directed staff to secure a proposal from its consultant for the additional professional services that would be necessary to complete

the re-design to accommodate the additional scope items. Negotiations over the price of this work were unsuccessful.

At its September 16, 2008 meeting, the Finance and Citywide Projects Committee recommended issuing a Request for Qualifications (RFQ) for the proposed project re-design with professional services fees not to exceed \$90,000 for the re-design component. The bid and award and construction management services fees were to be separately negotiated.

On November 5, 2008, the Mayor and City Commission approved the issuance of RFQ No. 05-08/09 for Architectural, Engineering, Urban Design, and Landscape Architecture, for re-design, bid and award, and construction management services in the not to exceed amount of \$90,000, for the re-design component for Sunset Islands I & II portion of the Neighborhood Right-of-Way Improvement Project, to include additional stormwater infrastructure.

The City appointed an Evaluation Committee consisting of staff members, CIP Oversight Committee members, and residents of Sunset Islands I & II. This Committee convened on January 21, 2009 and reviewed the ten proposals received. It ranked the firm of Chen & Associates first, Schwebke-Shiskin & Associates, Inc. second, and Robayna & Associates, Inc. third.

At the January 28, 2009 Commission meeting, the City Commission authorized the City Manager or his designee to negotiate with the top ranked firm of Chen & Associates, and should the Administration not be able to negotiate an Agreement with Chen & Associates, to negotiate with the second ranked firm of Schwebke-Shiskin & Associates, Inc., and should the Administration not be able to negotiate an Agreement with Schwebke-Shiskin & Associates, Inc., authorizing the Administration to negotiate with the third ranked Firm of Robayna & Associates, Inc.

The City was able to reach an agreement with Chen & Associates in the amount of \$239,340, with \$89,831 for design and bid/award services and \$149,509 for construction management services.

This proposed Agreement with Chen & Associates was taken to the March 2, 2009 CIP Oversight Committee, which recommended approval of the Agreement.

CONCLUSION

It is recommended that a Resolution of the Mayor and City Commission of the City of Miami Beach, Florida be adopted, authorizing the Mayor and City Clerk to execute an Agreement with Chen & Associates for re-design, bid and award, and construction management services, in the not to exceed amount of \$239,340, for the Sunset Islands I & II Neighborhood ROW Improvement Project, to include additional stormwater infrastructure, with funding available from previously appropriated funds.

Attachments: Schedule A
Schedule B
Exhibit C
Schedule A.1
Schedule B.1
Schedule C

SCHEDULE A
CITY OF MIAMI BEACH, FLORIDA
SUNSET ISLANDS I & II
RIGHT OF WAY INFRASTRUCTURE IMPROVEMENT PROGRAM
SCOPE OF A/E CONSULTANT SERVICES

CONSULTANT: Chen and Associates Consulting Engineers, Inc. (the "CONSULTANT")

BACKGROUND

The scope of services for this project is limited to the Sunset Islands I & II Neighborhood Right-of-Way Improvement (the "Project"). The Project shall be implemented using the Capital Improvement Projects (CIP) Office standard Planned Progress Initiative model for Right-of-Way projects and is funded by Pay-As-You-Go Fund, Gulf Breeze 2006 Bond, and Proposed Future Stormwater Bond.

The Project provides for stormwater management and potable water distribution system upgrades as well as restoration of the neighborhood's hardscape, and streetscape consistent with the Bayshore Neighborhood Basis of Design Report (BODR), the City's Water and Stormwater Master Plans, all applicable jurisdictional regulatory requirements, and community preferences to be consistent with the City Commission December 17, 2008 RFQ approval. Sanitary sewer upgrades are not anticipated as part of the Project.

Previously, another Consultant performed a variety of forensic and community planning tasks culminating in the creation of the Bayshore BODR, which was approved by the City of Miami Beach Commission. This BODR served as the definitive Master Plan for the Project. The Consultant subsequently designed the Project and produced 100% design documents (Existing Plans) for Bid Package 8B: Bayshore – Lower North Bay Road and Sunset Islands I & II.

The BODR anticipated and the Existing Plans provided only spot drainage improvements on Sunset Islands I & II and, in response to the desire of the residents, did not attempt to reclaim privatized swales. However, the City has determined that it is in its best interest to attempt to design a stormwater system that will accommodate a 5-year 1-day storm event.

The CONSULTANT should design improvements to treat and dispose of the stormwater from a 5-year 1-day storm to the extent possible without disturbing existing swales. It is anticipated that

these improvements would include additional stormwater inlets at intersections, additional piping, and valley gutters. The water system, hardscaping, and landscaping need only be redesigned to the extent that is needed due to the new stormwater and water system. CONSULTANT shall consider the attached Exhibit C – HOA Conceptual Plan, together with the related RFQ, as a reference in developing the construction documents. In addition, water main replacements and associated fire hydrants shall be implemented in accordance with the CITY's Water Master Plan.

The CITY has contracted the services of Hazen and Sawyer, P.C. to function as PROGRAM MANAGER (PROGRAM MANAGER), and act as the CITY's agent with regard to all aspects of this scope of services. Hence, the PROGRAM MANAGER will serve as the focal point of contact with the Architectural / Engineering firm (the CONSULTANT). However, the CITY will retain contractual agreement responsibilities with the CONSULTANT.

Please note that due to the large number of projects that will be ongoing coincidentally during the Program, the CITY and PROGRAM MANAGER have developed a Program Work Plan (PWP) detailing procedures and policies for the overall ROW Program. This PWP dictates the respective responsibilities and levels of authority for all program team members. Organizational structure flowcharts and team member duties are included to establish a working understanding regarding reporting and communication relationships on the Program. The PWP includes a listing of design and construction phase deliverables from the various A/Es and Contractors, along with proposed CITY and PROGRAM MANAGER duties during the planning, design, bid, award and construction phases of the Program. One copy of the PWP will be given to the CONSULTANT, who agrees to comply with procedures set forth therein.

SCOPE OF SERVICES

The purpose of the Sunset Islands I & II ROW Improvement Project is to provide for the restoration and enhancement of streetscapes and infrastructure, consistent with existing available data, qualified decisions of applicable CITY Departments and community preferences. The proposed project shall include potable water, and storm drainage infrastructure upgrades, streetscape work with restoration and enhancement of the neighborhood's roadway, potable water, and storm drainage infrastructure as needed. At this point, sanitary sewer upgrades are not anticipated as part of the Project.

Improvements may include restoration and enhancement to the function and aesthetics of the following:

- Upgrading the stormwater drainage collection and disposal system to handle a 5-year 1-day storm event. This effort shall include all modeling efforts necessary to verify compliance with noted model requirements, and as may be required by the PWD and jurisdictional agencies to achieve a permittable design;
- Replacement of existing water mains to meet City Water Master Plan recommendations. This effort includes pipe and fire hydrant replacement designs and requisite jurisdictional permit procurement. However, hydraulic modeling efforts in support of permit applications will be provided by the PWD;
- Street reconstruction and resurfacing with 2" new asphalt (2 lifts) and new pavement markings;
- Valley gutter curb upgrades; and

The work effort shall require that all existing and proposed aboveground improvements be coordinated with existing and proposed below underground infrastructure improvements, which may include the following tasks:

- Upgrading the drainage collection system;
- Replacement of water mains, not including sanitary sewer lines; and
- Coordination with other entities, including but not limited to, Florida Power and Light Company, BellSouth, Atlantic Broadband, and others as may exist within

the public right of way.

Underground water, sewer and drainage infrastructure improvements are generally identified in: the City of Miami Beach Comprehensive Stormwater Management Program Master Plan, (March 1997), the City of Miami Beach Water System Master Plan, (November, 1994), and the Citywide Sanitary Sewer Infiltration and Inflow Mitigation Program, and in subsequent amendments to the plans and decisions of the City's Public Works Department.

Total estimated construction costs budgeted for this Bid Package approximates \$3,500,000, without a construction change order contingency that is to be held in reserve by the CITY for construction phase usage. Hence, the CONSULTANT shall be tasked with planning and designing a project to a total target construction budget of \$3,500,000. This target construction budget is funded by Pay-As-You-Go Fund, Gulf Breeze 2006 Bond, and Proposed Future Stormwater Bond.

Note that a separate Notice to Proceed is required from the CITY prior to the commencement of work on any Task.

BASIS OF SCOPE

- Revisions/Addendums to the BODR are not included;
- Pedestrian-scale street lighting is not included;
- It is assumed that the roadway will not be widened;
- Traffic studies are not included in the scope;
- The City shall provide video inspections of existing outfalls. As directed by the CITY, repairs to the existing outfalls to be made as needed and new outfalls to be installed to the extent practical within existing budget.
- Provide enhanced landscaping, development of additional; areas for planting opportunities, and new / enhanced irrigation services are not included;
- A detailed tabulation of all encroachments (hardscape and softscape) within the public right-of-way in the project area is not included; and
- Environmental Assessment Report, including Sea grass survey efforts, is not part of the scope.

TASK 1 –PLANNING SERVICES

Previously completed services. Not part of the scope.

TASK 2 –DESIGN SERVICES

The purpose of this Task is to establish requirements for the preparation of contract documents for the Project.

Note that Task 2.1 requires that the CONSULTANT perform a variety of forensic tasks to verify, to the extent practicable, existing conditions and the accuracy of base maps to be used for development of the contract drawings. Task 2.2 discusses requirements for the preparation of contract documents, inclusive of drawings, specifications and front-end documents.

Task 2.3 establishes requirements with regard to constructability reviews. Task 2.4 establishes requirements for the preparation of opinions of total probable cost by the CONSULTANT. Task 2.7 specifies requirements for review of contract documents with jurisdictional permitting agencies prior to finalization. To facilitate the implementation of a Public Information Program, the CONSULTANT shall provide electronic files of all project documents, as requested by the CITY and/or PROGRAM MANAGER for posting on the program website. The CONSULTANT shall provide the electronic files for the front-end documents, technical specifications, and construction drawings in MS-Word, AutoCAD and Adobe Acrobat file format.

Due to the large number of projects that will be ongoing coincidentally during the Program, the CITY and PROGRAM MANAGER have developed a Design Standards Manual (DSM) detailing procedures, standards and policies regarding design of all Program projects. One copy of the DSM will be provided to the CONSULTANT, who agrees to comply with all procedures set forth therein.

In addition, please note that the CONSULTANT shall submit monthly invoice requests for its services, accompanied by a design progress schedule update form as provided by the PROGRAM MANAGER. Invoices shall be prepared in a format as provided by the CITY, through the PROGRAM MANAGER. As a part of this effort, the CONSULTANT shall update and submit the schedule update form. Should the PROGRAM MANAGER determine that the CONSULTANT has fallen behind schedule; the CONSULTANT shall provide a recovery schedule that shall accelerate work to get back on schedule.

Task 2.1 - Update Existing Base Sheets: The CONSULTANT shall verify / update the information presented as existing conditions in the Existing Plans to the extent necessary to ensure that the proposed improvements do not negatively impact existing / proposed facilities.

To this end, CONSULTANT should verify that: rim and grate elevations match surrounding grades; landscaping does not conflict with existing improvements; coordinate with CMBPW & review video inspection of existing outfalls; recent improvements are properly identified, protected and coordinated with proposed work; and proposed improvements are not in conflict with existing conditions and proposed improvements.

Deliverables: - Perform forensic work as noted to update base sheets.

Schedule: - Within 30 working days after Task 2 - Design Phase Notice to Proceed.

Task 2.2 – Detailed Design: The CONSULTANT shall prepare all contract documents in compliance with DSM standards.

Technical specifications shall be prepared in conformance with Construction Specifications Institute (CSI) formats. The PROGRAM MANAGER, through the DSM, shall furnish the CONSULTANT with standard CITY specification outlines for Divisions 1, 2, 3 and 16 as noted in the DSM. In addition, for reference purposes, the City has provided copies of its standard Job Order Contract (JOC) specifications via the DSM. The CONSULTANT shall refrain from referencing or amending FDOT, or other reference standard specifications, for inclusion in the detail design documents. The CONSULTANT shall provide additional sections that the CONSULTANT may require, not already provided through the CITY standards / DSM, subject to review and comment by the CITY and/or PROGRAM MANAGER. Any supplier listings required by specifications shall include a minimum of two named suppliers and shall meet all applicable CITY and State of Florida procurement codes. Specifications shall be provided to the CONSULTANT in “Microsoft MS-Word” format. In addition, the CONSULTANT shall use the same software in all project related work. In addition, the CONSULTANT shall utilize base front-end documents provided by the CITY. The CONSULTANT shall edit accordingly to result in a project specific document. Any requirements for Supplementary General Conditions shall be subject to review and acceptance by the CITY.

The CONSULTANT shall attend monthly Design Progress Meetings with CITY and PROGRAM MANAGER staff, the selected HOA Representative and the HOA Engineer at the CIP office as scheduled by CITY staff.

For purposes of this Scope of Services, the following will be considered the minimum effort to be provided by the CONSULTANT for establishing detail design milestone submittals. Note that

CITY review procedures, and CONSULTANT responsibilities associated with such, are discussed under Task 2.3:

- The 50% design completion stage milestone shall consist of plan and profile views of all proposed funded improvements, with all applicable sections and construction details at a scale of 1-inch equals 20 feet. Note that the corresponding profile for each plan view shall be included on the same sheet as the plan view. Separate Plan and Profile sheets will not be acceptable. In addition, a small scale key map will be provided on each sheet to allow the reviewer the ability to readily identify the location of the sheet within the Project area. Prior to the preparation of the 50% design completion stage drawings, the CONSULTANT shall incorporate changes to its design based upon its underground utility verification efforts and review comments received. In addition, the CONSULTANT shall include draft technical specifications and a draft schedule of prices bid (bid form) identifying the items to be bid by the prospective contractors with the submittal. Also, this submittal shall include the CONSULTANTs "Budget" level opinion of probable cost as defined by the American Association of Cost Engineers to be consistent with the overall NTE project budget.
- The 90% design completion stage milestone shall consist of a near final construction document set including the front-end documents (general and supplemental conditions), technical specifications and construction drawings for all work proposed to be completed. The CONSULTANT shall include detailed construction sequencing restrictions for the PROGRAM MANAGER's review with this submittal. Prior to the preparation of the 90% design completion stage drawings, the CONSULTANT shall incorporate changes to its design based upon review comments received. In addition, the CONSULTANT shall provide its "Definitive" level opinion of probable cost as defined by the American Association of Cost Engineers with this submittal to be consistent with the overall NTE project budget.
- The 100% design completion stage milestone shall consist of the 90% documents updated to include all constructability and design review comments as may be provided by the CITY, PROGRAM MANAGER and/or jurisdictional

review agency. This set of documents will be used by the CONSULTANT to implement City of Miami Beach Building Department Permitting Reviews as noted in the PWP.

Deliverables: - Furnish six (6) sets each of the 50, 90 and 100 percent design completion stage documents to PROGRAM MANAGER, as applicable (three full size and three half size for each submittal). Copies to HOA Representative and HOA Engineer to be furnished by the CIP office.

- Attend design progress meetings with CITY and PROGRAM MANAGER staff, HOA Representative and HOA Engineer at the CIP office as scheduled by the CITY.

Schedule: - Complete 50 percent document submittal within 90 working days after the Task 2 – Design Phase Notice to Proceed.

- Complete 90 percent document submittal within 30 working days after receiving review comments from various City Departments on 50% submittal and completion of CDRM. Permit submittal to applicable regulatory agencies will commence upon completion of 90 percent documents.

- Complete 100 percent document submittal within 10 working days after Receipt of all comments from Regulatory Agencies.

Task 2.3 – Design / Constructability Review: To verify that the CONSULTANT is in compliance with DSM and PWP requirements, the CITY will conduct a series of design submittal reviews on all design project documents, inclusive of cost estimates at the 50 completion stage submittal. Note that the 100% design completion stage submittal will be used by the CONSULTANT to permit the project through all internal CITY reviews as noted in the PWP.

The purpose of these reviews shall be to verify that the documents are consistent with the design intent. These documents shall be furnished as bound 8-1/2-inch by 11-inch technical specifications and full-size (22-inch by 34-inch) and half size (11-inch by 17-inch) drawings as noted in the Task 2.3 deliverables. The PROGRAM MANAGER and applicable CITY

Departments shall perform reviews on these documents and provide written comments (in "Excel" spreadsheet format) back to the CONSULTANT.

Following receipt of comments by the CONSULTANT, a meeting may be scheduled between the CITY, the CONSULTANT and PROGRAM MANAGER, to discuss the intent and review of the comments. Subsequently, the CONSULTANT shall address how each comment was resolved, to the PROGRAM MANAGER, within 10 working days after the review session and/or receipt of the comments. The responses shall be in the spreadsheet format provided to the CONSULTANT. In addition, the CONSULTANT shall revise its documents to address all review comments accordingly, to the satisfaction of the CITY.

In addition, the PROGRAM MANAGER, HOA Representative and HOA Engineer will perform constructability reviews of the design documents relative to value, construction sequencing and bid format. These reviews shall be based upon 50 and 90 percent design submittals received from the CONSULTANT and shall be conducted concurrently but separately from the 50 and 90 percent design reviews noted above. These constructability review meetings shall be held with the CONSULTANT and the CITY/HOA representatives to discuss the CONSULTANT's proposed construction sequencing restrictions, and bid formats, and shall be performed by the PROGRAM MANAGER.

The CONSULTANT shall note that the CITY's / PROGRAM MANAGER's / HOA's review of the contract documents does not relieve the CONSULTANT from its responsibility to the CITY with regard to the quality and completeness of its contract documents.

- Deliverables:**
- Attend meetings with the CITY and PROGRAM MANAGER staff to review and discuss design constructability and value comments.
 - Prepare written responses to comments made during reviews.

- Schedule:**
- Complete concurrently with Design Phase schedule.

Task 2.4 – Cost Opinions: The CONSULTANT shall prepare opinions of probable construction costs for the 50 and 90% design completion stage submittals, as well as the final (100 percent) completion stage submittal. The accuracy of the cost estimate associated with the 50 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 PROGRAM MANAGER. 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 50, 90 and 100 percent completion stage cost estimates to PROGRAM MANAGER concurrently with the design submittals noted in Task 2.3.
 - Attend meetings with the CITY and PROGRAM MANAGER staff 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 Meetings

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 locations for, and notify residents of all such meetings. The CONSULTANT shall prepare draft meeting minutes and forward them to the PROGRAM MANAGER, who shall review, provide comments and distribute, accordingly. The CONSULTANT shall prepare for, attend and present its documents at one (1) CDRM. Meeting shall be scheduled at the 50% 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 provide sufficient staff at the meeting to address concerns by residents at multiple plan stations. It is anticipated that the CONSULTANT will attend Pre-CDRM meetings with CITY and PROGRAM MANAGER staffs to review the proposed format of the presentation for each planned CDRM.

Task 2.6 - Document Revisions: Based upon the input provided by the residents at the CDRM, the CONSULTANT shall incorporate necessary contract document revisions, as approved by the CITY.

Task 2.7 – Permitting Reviews: The CONSULTANT shall prepare applications and such documents and design data as may be required to procure approvals from all such governmental authorities that have jurisdiction over the Project. The CITY will pay all permit fees. The CONSULTANT shall participate in meetings, submissions, resubmissions and negotiations with such authorities. The CONSULTANT shall respond to comments by such authorities within ten (10) working days of receipt of comments unless a different time is agreed to by PROGRAM MANAGER. It is the intent of this scope of services that the CONSULTANT be the responsible party for formally transmitting and receiving permits to and from the respective jurisdictional authorities. However, since the PROGRAM MANAGER is to track and monitor progress on the preparation and review of permits and subsequent requests for information, the CONSULTANT shall copy the PROGRAM MANAGER on all permit related correspondence. This includes CONSULTANT generated minutes from meetings held with related parties. The PROGRAM MANAGER will forward copies of such documents to the CITY as appropriate. It is recognized by CITY that the time period required for obtaining permits is beyond the control of the CONSULTANT, except with regard to issues concerning the permissibility of the proposed design and the CONSULTANT's ability to respond to permitting agency requests for information in a timely manner. At the time of scope preparation, the following governmental authorities that have or may have jurisdiction over Project have been identified:

- Florida Department of Environmental Protection
- South Florida Water Management District
- Miami-Dade Department of Public Works
- Miami-Dade Department of Health and Rehabilitative Services

- Miami-Dade Department of Environmental Resource Management
- The City of Miami Beach Fire Department
- The City of Miami Beach Planning Department
- The City of Miami Beach Public Works Department

Note that the CITY's failure to identify governmental authorities that have jurisdiction over Project at this time does not relieve the CONSULTANT from the responsibility to procure all requisite permits. However, an equitable adjustment to the CONSULTANT's compensation may be negotiated if deemed appropriate by the CITY.

- Deliverables:**
- Correspond with noted jurisdictional authorities to establish permitting requirements.
 - Revise documents and respond to permitting inquiries as required.
 - Attend meetings with the HOA Representative, CITY, PROGRAM MANAGER and/or permitting agency staff as required to review, discuss and finalize permit procurement

- Schedule:**
- Complete concurrently with Design Phase schedule.

Task 2.8 – The CONSULTANTs QA/QC of Design Documents: The CONSULTANT shall establish and maintain an in-house Quality Assurance / Quality Control (QA/QC) program designed to verify and ensure the quality, clarity, completeness, constructability and biddability of its contract documents. The CITY and/or PROGRAM MANAGER, at its discretion may require that the CONSULTANT attend meetings to review the status and present results of its QA/QC efforts. Items to be addressed may include, but shall not be limited to, review of specifications by respective technical experts and a "Redi-check" type review of the documents to identify conflicts and inconsistencies between the various project disciplines.

TASK 3 –BIDDING AND AWARD SERVICES

The CONSULTANT shall assist City in bidding and award of the contract. Such assistance shall include facilitating reviews of its contract documents with applicable Procurement, Risk Management, and Legal Department representatives. In addition, the CONSULTANT shall furnish camera ready contract documents for reproduction and distribution by the City, attend pre-bid conferences, assist with the preparation of necessary addenda, attend the bid opening, and assist with the bid evaluation and recommendation of award by the City. The CONSULTANT shall provide "As-Bid" documents for use during construction.

Task 3.1 - Construction Contract Document Review: The CONSULTANT shall assist the CITY in bidding and award of each construction contract. The PROGRAM MANAGER, through the CITY, shall transmit contract documents prepared by the CONSULTANT to the CITY's Risk Management, Legal and Procurement Departments for verification of appropriate insurance, form and bonding requirements. The CONSULTANT shall assist PROGRAM MANAGER in this effort by providing (1) one electronic copy of the complete Contract Document set (drawings and specifications) and participating in meetings, submissions, resubmissions and discussions with these departments, as necessary. The CONSULTANT shall address and re-submit corrections to any CITY comments within ten calendar days of receipt of comments unless a different time schedule is agreed to by the PROGRAM MANAGER. The CONSULTANT's compensation has been based upon one meeting with these departments.

Task 3.2 - Bid Document Delivery: The CONSULTANT shall provide the PROGRAM MANAGER with reproducible, camera ready, sets of contract documents for each bid package. The CITY Procurement Department shall reproduce documents and handle the advertising, distribution, sale, maintenance of plan holder lists and other aspects of bid document delivery to prospective Bidders.

Task 3.3 - Pre-Bid Conference and Bid Opening: The PROGRAM MANAGER will conduct (1) one pre-bid conference. The CONSULTANT shall attend and participate in the pre-bid conference and bid opening as may be required.

Task 3.4 - Addenda Issuance: The CONSULTANT shall provide, through the PROGRAM MANAGER, timely responses to all inquiries received by the CITY from prospective bidders. These responses shall be prepared as written addenda, with the format for such addenda as provided to the CONSULTANT by PROGRAM MANAGER. These queries and responses shall be documented and a record of each shall be transmitted to the PROGRAM MANAGER on a

same day basis. The CONSULTANT shall prepare necessary addenda as requested by PROGRAM MANAGER. The CITY will distribute addenda to all plan holders of record accordingly.

Task 3.5 - Bid Evaluation: Within five calendar days of receipt of bids, the CITY will forward Bids to the CONSULTANT, who in turn shall evaluate bids for completeness, full responsiveness and price, including alternative prices and unit prices, and shall make a formal written recommendation to the CITY regarding the award of the contract. Non-technical bid requirements shall be evaluated by others.

This scope of services includes no allowance for the CONSULTANT's time to assist the CITY in the event of a bid protest. To the proportionate extent the CONSULTANT's services are required in the event of a bid protest, due to a direct action or lack thereof by the CONSULTANT, the CONSULTANT shall participate in such activities at no additional cost to the CITY.

Task 3.6 - Contract Award: The CONSULTANT shall provide eight (8) sets of Construction Contract Documents, inclusive of Addenda, for execution by the CITY and the successful bidder within five calendar days of request by the CITY.

Task 3.7 – As- Bid Contract Documents: After contract award and prior to the preconstruction conference, the CONSULTANT shall prepare As-Bid construction contract documents, which incorporate the following items into the construction contract documents:

- Contractor's bid submittals, including but not limited to, bid proposal, insurance, licenses, etc.
- Amend / modify front-end documents and / or technical specifications to incorporate changes made via contract addenda.
- Revise construction contract drawings to include modifications / revisions incorporated via contract addenda.

The CONSULTANT shall prepare As-Bid construction contract documents and reproduce ten (10) sets for distribution to PROGRAM MANAGER within ten (10) calendar days after City Commission approval / contract execution.

The following apply to Task 3.1 through 3.7:

- Deliverables-**
- Attend and participate in Pre-bid conferences and bid openings.
 - Respond to questions from prospective bidders and prepare Addenda for distribution by others.
 - Prepare recommendation of award letter
- Provide eight (8) sets of contract documents for contract execution
- Prepare As-Bid contract documents and reproduce ten (10) sets and forward to PROGRAM MANAGER.
- Schedule:**
- Upon receipt of Task 3 Bidding and Award Services Notice to Proceed and within 100 working days

TASK 4 –CONSTRUCTION ADMINISTRATION SERVICES

Task to be negotiated at a later date.

TASK 5 – ADDITIONAL SERVICES

Not required at this time.

TASK 6 - REIMBURSABLES

Task 6.1 – Reproduction Services: The CONSULTANT shall be reimbursed at the usual and customary rate for reproduction of reports, contract documents and miscellaneous items, as may be requested by the CITY. Unused amounts in this allowance shall be credited back to the CITY at the completion of the project.

Task 6.2 – Travel and Subsistence:

Not required at this time.

Task 6.3 – Surveying: As needed, the CONSULTANT shall arrange for and coordinate the efforts of licensed surveyors to update the topographical survey of all CITY public rights-of-way within the project limits to meet the intent of the approved project Scope. This effort shall assist with the requirements set forth in Task 2.1.

Task 6.4 - Geotechnical Evaluation:

Not required.

Task 6.5 – Underground Utility Verification: The CONSULTANT shall contract the services of an underground utility location service to perform additional vacuum extraction excavations, in an effort to better identify existing underground conditions where work is to be performed. Actual locations shall be as directed by the CONSULTANT, subject to CITY review and acceptance. Costs shall be limited to a \$3,500 not-to-exceed amount. Unused amounts shall be credited back to the CITY at the completion of the project.

Minimum Design Features to Be Shown On Drawings

The CONSULTANT shall note that the following criteria indicate the minimum design standards to be shown on drawings. The CONSULTANT is encouraged to review and recommend changes as it deems necessary, subject to the review and acceptance of the CITY and the PROGRAM MANAGER.

Paving, Grading and Drainage Plans

- Show existing grade / topography, centerline roadway, edge of pavement, back of sidewalk, top of curb, gutter flow line
- Show proposed grade along the centerline of the road at 50-ft centers, limits of road work, inlets, curb and gutter and sidewalk
- Show limits of demolition / removal
- Show limits of proposed work
- Identify all surface features of all existing and proposed work
- Identify driveway locations
- Identify proposed structures
- Identify linear footage of pipe, pipe invert elevation, diameter and material
- Proposed flow drainage / directional arrows
- Stormwater collection pipe profiles oriented on the same sheet as the plan view

Paving, Grading and Drainage Details

- Show proposed cross sections with topographical information at key locations
- Identify the following minimum information on cross sections:
 - Existing utilities
 - Proposed road slope, lane width, sidewalk width and surface features within the right-of-way
 - Road construction details for the sub-base and base and asphalt
 - Proposed utility locations
- Conflict manhole detail
- Manhole details
- Driveway replacement section
- Catch basin details
- Drainage pipe trench detail
- Restoration Details – All pipes
 - Roadway
 - Sidewalk, where applicable

- Curb and gutter, where applicable

Water Distribution Plans

General

- Identify existing utilities
- Identify trees / landscaping to remain in place
- Provide profiles oriented on the same page as the plan view

Water Distribution System

- Show location of single and double water meter boxes
- Identify fire hydrant assembly
- Identify fitting locations
- Identify limits of restrained joints
- Identify deflection limits
- Identify water sampling points
- Identify dead end blow-offs
- Identify air release valves
- Identify pipe diameter and material
- Stationing

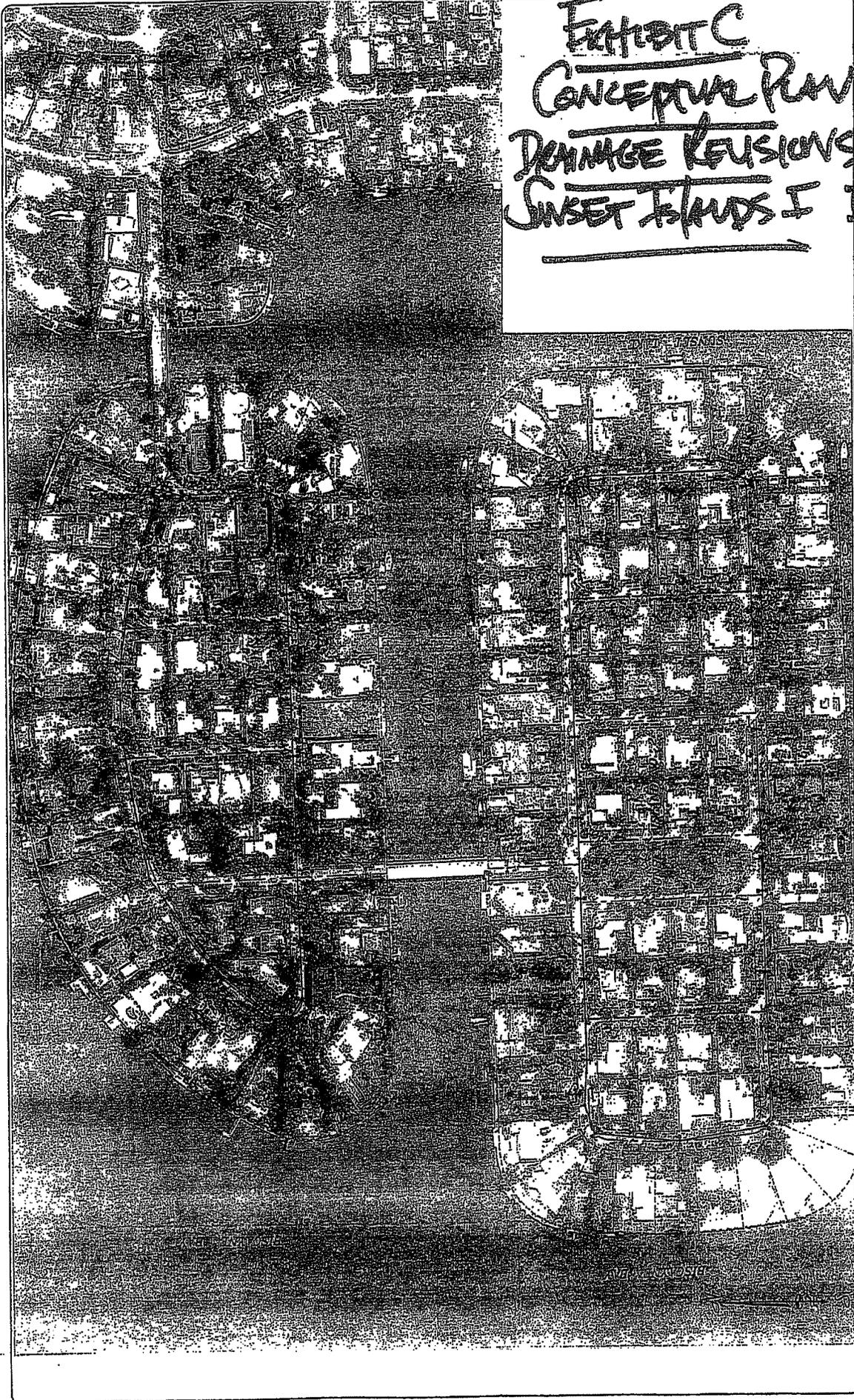
Pressure Pipe Profiles

- Show top of pipe elevation
- Identify location of air release valve at high points
- Identify vertical / horizontal deflection and/or fittings
- Identify minimum cover requirements
- Provide details of major utility crossings
 - Jack and bore, Not in Scope
 - Horizontal directional drilling, Not in Scope
 - Subaqueous crossing, Not in Scope
 - Aerial crossing, Not in Scope
 - Culvert crossing

**SCHEDULE B
CITY OF MIAMI BEACH
RIGHT OF WAY INFRASTRUCTURE PROGRAM A-E CONSULTANT
CONSULTANT'S COMPENSATION FEE SCHEDULE
Sunset Islands I & II**

TASK NO.	TASK DESCRIPTION	PROJECT DIRECTOR	PROJECT MANAGER	SR. ENGINEER	ENGINEER	ENGINEER	STAFF ENGINEER	DESIGNER	DRAFTER	CLERICAL	TOTAL HOURS	TOTAL COST
1	PLANNING SERVICES (FY 2009)										0	\$0
	TOTAL PODR PHASE											
2	DESIGN SERVICES (FY 2009)											
2.1	UPDATE EXISTING BASE SHEETS	0	0	0	0	0	14	20	0	0	34	\$2,858
2.2	PRELIMINARY DESIGN	2	24	36	0	0	96	220	160	12	450	\$45,039
2.3	DESIGN / CONSTRUCTABILITY REVIEW	6	8	0	0	0	0	0	0	8	22	\$2,518
2.4	COST OFFERING	2	8	0	0	0	20	0	0	0	30	\$3,169
2.5	COMMUNITY DESIGN REVIEW MEETING	8	8	20	0	0	0	0	0	0	36	\$4,895
2.6	DOCUMENT REVISIONS	0	0	8	0	0	8	20	45	4	77	\$5,003
2.7	PERMITTING REVIEWS	0	8	20	0	0	20	0	0	6	54	\$5,457
2.8	CONSULTANT'S QA/QC OF DESIGN DOCUMENTS	2	8	8	0	0	0	0	0	0	18	\$2,198
	TOTAL DESIGN PHASE										819	\$71,662
3	BIDDING AND AWARD SERVICES (FY 2010)											
3.1	CONSTRUCTION CONTRACT DOCUMENT REVIEW	0	2	2	8	8	8	0	0	2	22	\$2,150
3.2	BID DOCUMENT DELIVERY	0	0	0	0	0	0	0	0	0	0	\$0
3.3	PRE-BID CONFERENCE AND BID OPENING	2	0	4	0	0	0	0	0	0	6	\$847
3.4	AWARD ASSURANCE	0	0	4	4	16	0	0	0	0	24	\$2,019
3.5	BID EVALUATION	0	2	6	2	2	2	0	0	8	20	\$1,800
3.6	CONTRACT AWARD	0	2	0	0	0	0	0	0	0	2	\$290
3.7	AS-BID CONTRACT DOCUMENTS	0	0	8	8	8	0	0	0	8	24	\$2,220
	TOTAL BIDDING PHASE										100	\$9,669
4	CONSTRUCTION ADM. SERVICES (18 MONTHS)											
	TOTAL CONSTRUCTION PHASE										0	\$0
5	ADDITIONAL SERVICES											
	TOTAL ADDITIONAL SERVICES										0	\$0
6	OTHER DIRECT COSTS											
6.1	REPRODUCTION SERVICES											\$2,500
6.2	TRAVEL											\$2,500
6.3	ADDITIONAL SURVEYING											\$3,500
6.4	PROFESSIONAL EVALUATION											
6.5	UNDERGROUND UTILITY VERIFICATION (APPROX. 15)											
	TOTAL OTHER DIRECT COSTS											\$8,500
	TOTAL HOURS	22	70	114	22	176	176	260	205	50	919	\$89,831
	TOTAL FEE ESTIMATE											
	Hourly Rates (FY 2009)	\$169.82	\$140.54	\$120.63	\$101.89	\$81.98	\$60.90	\$85.49	\$62.72	\$46.85		
	Hourly Rates (FY 2010)	\$174.92	\$144.75	\$124.24	\$104.94	\$84.44	\$68.06	\$62.72	\$48.25	\$49.70		
	Hourly Rates (FY 2011)	\$180.16	\$149.03	\$127.97	\$108.09	\$86.97	\$64.61	\$90.70	\$49.70	\$49.70		

EXHIBIT C
CONCEPTUAL PLAN
DRAINAGE REVISIONS
SUNSET ISLANDS I

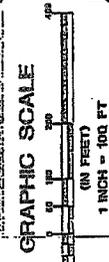


Draw. No. PD-1
 Scale: 1" = 100'
 Prepared by: SCHUBERT-SHULTZ & ASSOCIATES, INC.
 1215 G. ROAD, MIAMI, FLORIDA 33131
 Project No. 10000
 Date: 10/15/77

SUNSET ISLANDS
 CONCEPTUAL DRAINAGE IMPROVEMENT PLAN
 FOR SUNSET ISLANDS 1 AND 2
 CITY OF MIAMI BEACH, FLORIDA, SEC. 24, TWP. 52 S., RGR. 42 E

NO.	REVISIONS	DATE

THIS PLAN IS THE PROPERTY OF SCHUBERT-SHULTZ & ASSOCIATES, INC. AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF SCHUBERT-SHULTZ & ASSOCIATES, INC.



SCHEDULE A.1

CITY OF MIAMI BEACH, FLORIDA
SUNSET ISLANDS I & II
RIGHT OF WAY INFRASTRUCTURE IMPROVEMENT PROGRAM
CONSTRUCTION ADMINISTRATION SERVICES
SCOPE OF SERVICES

CONSULTANT: Chen and Associates Consulting Engineers, Inc. (the "CONSULTANT")

TASK 4 –CONSTRUCTION ADMINISTRATION SERVICES

The CONSULTANT shall perform the following tasks related to the construction administration of the Project(s). These tasks shall be performed during the duration of all construction. Due to the extensive amount of detailed procedures required to properly manage construction projects, the PROGRAM MANAGER has developed a Construction Management Manual (CMM) for the construction phase of the Infrastructure Improvement Program. This CMM augments the general program guidelines established in the Project Work Plan (PWP), as provided to the CONSULTANT by the PROGRAM MANAGER at the commencement of the Project, and provides uniform procedures and guidelines for managing the interface between the CITY, Contractor, PROGRAM MANAGER and CONSULTANT staffs.

It is anticipated that the construction timeframe for Sunset Islands I & II will be approximately **14 months**. The CONSULTANT's compensation is based upon the administration of this construction duration. Every reasonable effort will be made to stage as many areas as allowed at one time by the HOA.

Task 4.1 – Pre-Construction Conferences: The CONSULTANT shall attend one pre-construction conference. The PROGRAM MANAGER will prepare and distribute meeting minutes to all attendees and other appropriate parties. At this meeting, it is anticipated that the PROGRAM MANAGER will issue a Limited Notice to Proceed. A final Notice to Proceed shall be issued upon receipt of a final schedule and procurement of all applicable construction permits from the Contractor.

Deliverables - Attend and participate in one pre-construction conference.

Schedule - As scheduled by PROGRAM MANAGER after receipt of Task 4 Notice to Proceed.

Task 4.1B: Pre-Construction Conference with Residents: CONSULTANT shall prepare, attend

and conduct a pre-construction conference with the residents. The purpose of these meetings shall be to introduce the Consultant and Contractor to the residents, as well as have the CONSULTANT present an overview of anticipated construction sequencing, conditions to be expected, and other issues that may be of concern to residents, as either addressed at the meeting, or the pre-meeting with CITY representatives, that is to be held to review the content of the presentation with the CONSULTANT prior to the meeting. A total of two separate meetings, with corresponding pre-meetings, are anticipated in this effort.

Task 4.2 – Weekly Construction Meetings: The CONSULTANT shall attend weekly construction meetings with the Contractor(s), PROGRAM MANAGER and applicable CITY and HOA 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. In addition, the Contractor shall furnish a two-week look ahead work schedule to allow for proper coordination of necessary work efforts. These meetings shall also serve as a forum for discussion of construction issues, potential changes / conflicts and any other applicable matters. The meetings may include site visits to visually observe / address construction related concerns that may result from discussion during the construction meeting. Note that these site visits shall be separate and distinct from the “Specialty Site Visits” discussed under Task 4.6. The CONSULTANT will prepare and distribute meeting minutes to all attendees and other appropriate parties.

Deliverables - Attend and participate in weekly construction progress meetings

Schedule - Weekly throughout the project duration.

Task 4.3 – Requests for Information / Contract Document Clarification (RFIs / CDCs): The PROGRAM MANAGER will receive, log and process all RFIs / CDCs. Whenever an RFI involves the interpretation of design issues or design intent, the PROGRAM MANAGER will forward the RFI to the CONSULTANT, who shall prepare a written response in a timely matter and return it to the PROGRAM MANAGER. In addition, should certain items within the contract documents require clarification, the CONSULTANT may be requested by the PROGRAM MANAGER to prepare and forward CDCs. Note that the CITY will hold the CONSULTANT directly responsible for any impacts resulting from untimely responses.

Deliverables - Respond to those RFI's that involve design interpretations and return to PROGRAM MANAGER's office. Issue CDCs as required.

Schedule - Ongoing throughout project construction duration

Task 4.4 – Requests for Changes to Construction Cost and/or Schedule: The PROGRAM MANAGER will receive, log and review all requests for project cost and/or schedule changes from the Contractor(s). Such requests may be the result of unforeseen conditions, interferences identified by the Contractor(s) during the routine progress of work, inadvertent omissions (betterment) issues in the contract documents, permitting requirements that arise after the contract award, and/or additional improvements requested by the CITY. Regardless of the source, the PROGRAM MANAGER will evaluate the general merit of the request, as well as perform a cursory review of the potential impact of the change in terms of project cost and schedule. The PROGRAM MANAGER will also forward the request to the CONSULTANT, who shall provide a written opinion as to the merit / value of the request. It is understood that no legal claims assistance or support services are inferred by the work effort noted under this Task.

- Deliverables**
- Perform independent review of request for cost increase and/or time extension.
 - Coordinate and participate in meetings, as required, with the PROGRAM MANAGER, CITY and Contractor to resolve and/or negotiate the equitable resolution of request. Provide written opinion and / or recommendation upon request.
 - Prepare change order documentation in CITY directed format

Schedule - Ongoing throughout project construction duration

Task 4.5 – Processing of Shop Drawings: The PROGRAM MANAGER will receive, log and distribute shop drawings to the CONSULTANT for its review. The CONSULTANT shall have 14 calendar days from the time of receipt in its office, to review and return shop drawings to the PROGRAM MANAGER's office. Note that the CITY will hold the CONSULTANT directly responsible for any impacts resulting from untimely review of submittals.

Deliverables - Review Shop Drawings and return them to PROGRAM MANAGER's office.

Schedule - Ongoing throughout project construction duration.

Task 4.6 – Resident Project Representative: The CONSULTANT shall provide one qualified, full-time resident project representative to provide an adequate 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 a period of **Fourteen (14) months up to 25 hours per week** for Sunset Islands I & II. 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 part-time when the Contractor is on the job, as warranted. 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.

In general, the CONSULTANT's resident project representative shall observe the construction of the work and;

- (a) Conduct on-site observations of the work in progress to assist in determining if the provisions of the Contract Documents and permit conditions are being fulfilled and to reasonably protect the CITY, through the PROGRAM MANAGER, against defects and deficiencies in the work of the Contractor. CONSULTANT shall report, to the CITY, through the PROGRAM MANAGER, in writing, whenever it is believed that work is unsatisfactory, faulty or defective and / or does not conform to the contract documents, does not meet the requirements of inspections, tests, or has been damaged prior to final payment.
- (b) 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 PROGRAM MANAGER, against Contractor work defects and deficiencies. CONSULTANT shall advise the CITY, through the PROGRAM MANAGER, in writing, whenever work is determined to not conform to the contract documents. The CONSULTANT's observer shall attend all scheduled meeting with the Contractor.
- (c) 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.
- (d) 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.

- (e) 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.
- (f) Review materials and workmanship of the projects and report to CITY, through the PROGRAM MANAGER, any deviations from the Contract Documents that may come to the CONSULTANT's attention. Determine the acceptability of the work and materials and make recommendation to the CITY, through the PROGRAM MANAGER, to reject items not meeting the requirements of the contract documents.
- (g) Check Contractors' material certifications and samples, verifying that delivered materials match approved shop drawings.
- (h) Field observe critical points in the construction process.
- (i) 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.
- (j) CONSULTANT shall verify and sign off on all pay requisition quantities in the field. CONSULTANT shall develop a Field Measurement Form and utilize such form as verification of pay requisition items. In this effort the CONSULTANT shall advise the PROGRAM MANAGER of quantities being approved for concurrence.
- (k) Monitor that record drawing mark-ups are properly maintained by the Contractor.
- (l) 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 and other such project related correspondence as may be forwarded by the Contractor, through the PROGRAM MANAGER.

Deliverables - Provide full time resident project representation on the project
- Prepare Daily Construction Observation Forms and distribute to the PROGRAM MANAGER.

Schedule - Ongoing throughout Project.

Task 4.7 – Project Closeout: Upon receiving notice from the Contractor(s) advising the CONSULTANT that the project is substantially complete, CONSULTANT, in conjunction with appropriate CITY and PROGRAM MANAGER Staff, shall schedule and conduct an overview of the project. 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. 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 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, HOA Representative and PROGRAM MANAGER staff, shall perform a final review of the finished project. Based on successful completion of all outstanding work items by the Contractor, the CONSULTANT shall assist CITY, through the PROGRAM MANAGER, in closing out the construction contract. This shall include, but not 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 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 Program.

Task 4.8 – Warranty Administration/Post Project Services: The CONSULTANT shall assist the CITY, through the PROGRAM MANAGER, with the coordination of requested warranty work. This assistance shall be provided for a period of up to one year following the Final Completion and acceptance of the Project by the CITY, or the issuance of the Final Payment, whichever occurs latest.

In addition, the CONSULTANT shall coordinate with the Contractor as necessary to transfer record drawing markups or CAD files, which the CONSULTANT shall update the corresponding CAD files for record purposes and certify the project as complete, in accordance with all applicable jurisdictional permitting requirements.

- Deliverables** - Assist the CITY, through the PROGRAM MANAGER, with warranty work completion.
- Prepare electronic record drawings and certify project as complete per applicable jurisdictional requirements.
 - Submit five full size copies of final record drawings with applicable certifications of completion
- Schedule** - Ongoing throughout program

**SCHEDULE B.1
CITY OF MIAMI BEACH
RIGHT OF WAY INFRASTRUCTURE PROGRAM A-E CONSULTANT
CONSULTANT'S COMPENSATION FEE SCHEDULE
Sunset Islands I & II, CA & RPR**

TASK NO.	TASK DESCRIPTION	PROJECT DIRECTOR	PROJECT MANAGER	SENIOR ENGINEER	ENGINEER	STAFF ENGINEER	CONSTRUCTION INSPECTOR	DESIGNER	DRAFTER	CLERICAL	TOTAL HOURS	TOTAL COST
4	CONSTRUCTION ADM. SERVICES											
4.1	PRE-CONSTRUCTION CONFERENCE		9	12			6				27	\$3,272
4.2	BI-WEEKLY CONSTRUCTION MEETINGS WITH CONTRACTOR		14	28						8	50	\$5,951
4.3	REQUESTS FOR INFORMATION / CONTRACT DOCUMENT CLARIFICATION (RFI / CDC)		6	30				16		16	68	\$6,777
4.4	REQUESTS FOR CHANGES TO CONSTRUCTION COST AND/OR SCHEDULE		2		14	16		16		8	60	\$5,464
4.5	PROCESSING OF SHOP DRAWINGS				20	20				4	50	\$4,463
4.6	E.O.R. FIELD INSPECTION SERVICES									4	28	\$3,175
4.7	PROJECT CLOSEOUT		8	24						4	36	\$3,870
4.8	WARRANTY / ADMINISTRATION/POST PROJECT SERVICES		8	14						4	26	\$3,090
	TOTAL CONSTRUCTION ADMINISTRATION SERVICES											\$36,021
5	RESIDENT PROJECT REPRESENTATIVE (RPR) SERVICES											
5.1	RPR SERVICES (FY 2010)						1,200				1,200	\$95,580
	RPR SERVICES (FY 2011)						200				200	\$16,408
	TOTAL ADDITIONAL SERVICES											\$111,988
6	OTHER DIRECT COSTS											
6.1	CONSTRUCTION PHASE REPRODUCTION SERVICES											
	TOTAL OTHER DIRECT COSTS											
	TOTAL HOURS		53	108	58	36	1,406	32	0	52	1,745	\$149,509
	TOTAL FEE ESTIMATE											
	Hourly Rates (FY 2010)	\$174.92	\$144.75	\$124.24	\$104.94	\$84.44	\$79.65	\$98.06	\$62.72	\$48.25		
	Hourly Rates (FY 2011)	\$180.16	\$149.09	\$127.97	\$106.09	\$86.97	\$82.04	\$90.70	\$64.61	\$49.70		
	Hourly Rates (FY 2012)	\$185.57	\$153.57	\$131.81	\$111.33	\$89.58	\$84.50	\$126.65	\$68.33	\$56.94		

SCHEDULE C

CITY OF MIAMI BEACH, FLORIDA

SUNSET ISLANDS I & II

RIGHT OF WAY INFRASTRUCTURE IMPROVEMENT PROGRAM

HOURLY BILLING RATES SCHEDULE

CHEN AND ASSOCIATES CONSULTING ENGINEERS, INC.

Project Director	\$169.82
Project Manager	\$140.54
Senior Engineer	\$120.63
Engineer	\$101.89
Staff Engineer	\$81.98
Construction Inspector	\$79.65
Designer	\$85.49
Drafter	\$60.90
Clerical	\$46.85

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Condensed Title:

A resolution accepting the recommendation of the City Manager pursuant to Request For Qualifications (RFQ) No. 03-08/09, for professional Construction Engineering Inspection (CEI) services of the water mains, sanitary sewer mains, and milling and resurfacing improvements along Indian Creek Drive between 26th And 41st Streets; and authorizing the Administration to enter into negotiations with the top-ranked firm, Parsons Brinckerhoff Americas; 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, Bermello Ajamil; 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 GFB Engineering.

Key Intended Outcome Supported:

Ensure well-maintained infrastructure.
Supporting Data (Surveys, Environmental Scan, etc.): Survey indicates that 42% of residents rated storm drainage as excellent or good; 26% rated it as poor.

Issue:

Shall the City Commission approve the City Manager's recommendation?

Item Summary/Recommendation:

On December 10, 2008, the Mayor and City Commission approved the issuance of Request for Qualifications (RFQ) No. 03-08/09, for Professional Construction Engineering Inspections (CEI) Services of the water mains, sanitary sewer mains, and milling and resurfacing improvements along Indian Creek Drive between 26th and 41st Streets (the "RFQ").

On December 16, 2008, the RFQ was issued with an opening date of January 15, 2009. A Pre-proposal meeting to provide information to prospective proposers was held on January 6, 2009. BidNet sent notices to 41 prospective proposers; BidSync sent notices to 2857 prospective proposers of which 44 viewed the documentation; which resulted in the receipt of fourteen (14) proposals.

The City Manager, via Letter to Commission (LTC) No. 029-2009, appointed an Evaluation Committee (the "Committee") that convened on February 13, 2009 for "short listing" of firms for interviews. On February 18, 2009, the Committee reconvened for interviews, deliberations, and recommendations.

Based on the scores and rankings of the Committee firm members, PB Americas was selected as the top-ranked firm, Bermello Ajamil, as the second-ranked firm and GBF Engineering as the third-ranked firm based on the highest number of total points. A motion was presented by Xavier Falconi, seconded by Robert Fairless, and was unanimously approved by the Committee.

ACCEPT THE CITY MANAGER'S RECOMMENDATION.

Advisory Board Recommendation:

N/A

Financial Information:

Source of Funds:	Amount	Account	Approved
1			
OBPI	Total		

Financial Impact Summary: N/A

City Clerk's Office Legislative Tracking:

Gus Lopez, Ext: 6641

Sign-Offs:

Department Director	Assistant City Manager	City Manager
GL RCM	RCM PDW	JMG

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COMMISSION MEMORANDUM

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

FROM: Jorge M. Gonzalez, City Manager 

DATE: March 18, 2009

SUBJECT: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ACCEPTING THE RECOMMENDATION OF THE CITY MANAGER, PURSUANT TO REQUEST FOR QUALIFICATIONS (RFQ) NO. 03-08/09, FOR PROFESSIONAL CONSTRUCTION ENGINEERING AND INSPECTION (CEI) SERVICES OF THE WATER MAINS, SANITARY SEWER MAINS, AND MILLING AND RESURFACING IMPROVEMENTS ALONG INDIAN CREEK DRIVE BETWEEN 26TH AND 41ST STREETS; AND AUTHORIZING THE ADMINISTRATION TO ENTER INTO NEGOTIATIONS WITH THE TOP-RANKED FIRM, PARSONS BRINCKERHOFF AMERICAS; 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, BERMELLO AJAMIL; 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, GBF ENGINEERING.**

ADMINISTRATION RECOMMENDATION

Adopt the Resolution.

BACKGROUND

On December 10, 2008, the Mayor and City Commission approved the issuance of Request for Qualifications (RFQ) No. 03-08/09, for Professional Construction Engineering Inspection (CEI) Services of the water mains, sanitary sewer mains, and milling and resurfacing improvements along Indian Creek Drive between 26th and 41st Streets (the "RFQ").

Indian Creek Drive (SR A1A) is a Federal classified Principal Urban Arterial which falls under the jurisdiction of FDOT. Improvements along SR A1A are projects in the Metropolitan Planning Organization (MPO) 2008-12 Transportation Improvement Plan (TIP). The project scope of work consists of milling and resurfacing of the road and City requested streetscape enhancement in all intersections between 26th and 41st Streets. The project also includes pavement markings, signage, construction of bulb-outs at the intersections and minor landscaping.

Concurrently, the City is moving ahead with water distribution and sanitary sewer system replacements and upgrades along SR A1A to meet the level of service requirements for both utilities as dictated in the City's Comprehensive Plan. In the interest of minimizing construction impacts as well as conducting both projects in a consolidated timeline, the City has determined that it would be in the best interest of the public if both projects would be built simultaneously under the direction of one contractor, as opposed to having separate contracts, different contractors and separate timelines. The same approach will be applied to the engineering inspection services, for which under FDOT guidelines, is a requirement. The City will then capitalize on this to provide a unified approach to the overall inspection and construction compliance of this project.

Pursuant to the Joint Participation Agreement (JPA) executed per Resolution 2007-26694, the City was granted the authority and FDOT funding to manage the FDOT project which will be built as part of a single construction contract. Within this contract FDOT allocated funding of \$136,000 for Construction and Engineering Inspection services (CEI) and the City has budgeted \$503,000 for CEI services related to the water and sewer component. The total funding allocated for the complete oversight of the project is \$639,000. This number is an initial budgetary figure developed during the design phase as an opinion of cost pursuant to the construction plans and prior to bidding. The total amount is expected to be reduced during the negotiation process in order to align with the negotiated contract scope and actual construction values.

This scope of services for Construction Engineering and Inspection (CEI) services generally include field representation, inspection, materials sampling and testing. The selected CEI may also act as an extension of the City's staff and FDOT to coordinate the field services of the contract with the City Engineer (water main and sewer improvements) and with the Engineer of Record for FDOT (milling and resurfacing). During the negotiation process the City will ensure that services provided by the CEI will not duplicate those typically performed by the Capital Improvement Projects Office and the Public Works Department.

Pursuant to the JPA, Section 2.c entitled "General Requirements," the construction work must be awarded through a competitive bid process. The project is estimated to begin construction in late April 2009. The construction work will take approximately ten (10) months to complete. Pursuant to the JPA, the City must complete the project on or before June 30, 2010. If the project is not completed by this time, the City may request an extension for the agreement by FDOT. The City is aiming at completing this project before the 2010 Boat Show.

In summary, the JPA will enable both the City and FDOT to efficiently and effectively accomplish common objectives for the engineering, inspection, compliance, and certification of the overall Indian Creek improvements from 26th to 42nd Street. The Indian Creek Drive enhancements will result in a more pleasant experience in the Oceanfront Neighborhood for drivers and pedestrians alike and will provide residents with upgraded and more reliable water and sewer infrastructure. The CEI services will ensure proper construction oversight and certification of the milling and resurfacing of Indian Creek Drive, as well as the upgrades of the water and sewer.

RFQ PROCESS

On December 16, 2008, the RFQ was issued with an opening date of January 15, 2009. A pre-proposal meeting to provide information to prospective proposers was held on January 6, 2009. BidNet sent notices to 41 prospective proposers; BidSync sent notices to 2857 prospective proposers of which 44 viewed the documentation; which resulted in the receipt of the following fourteen (14) proposals:

EISMAN RUSSO	APCTE
SRS ENGINEERING	A2 GROUP INC.
C3TS	PARSONS BRINCKERHOFF AMERICAS
CONSULTECH	GBF ENGINEERING
NEW MILLENNIUM	DEVELOPMENT CONSULTING GROUP
PBS&J	BERMELLO AJAMIL
MARLIN ENGINEERING	KEITH & SCHNARS

The City Manager, via a Letter to Commission (LTC) No. 029-2009, appointed an Evaluation Committee (the "Committee") consisting of the following individuals:

- Rick Saltrick, Sr. Capital Projects Coordinator, CIP
- Xavier Falconi, Transportation Manager, Transportation Division
- Jose Perez, Civil Engineer III, Public Works
- Robert Dean Fairless, Miami Beach Resident, Leadership Academy
- Rosa Barco, Miami Beach Resident, Leadership Academy
- Carlota Guerrero, Miami Beach Resident, Leadership Academy

EVALUATION PROCESS

On February 13, 2009, the Committee convened to evaluate, shortlist, score and rank. The Committee proceeded without member Carlota Guerrero who was not able to attend and participate; however, a quorum was in attendance. The Committee unanimously agreed to nominate Xavier Falconi as Committee Chair. In determining the best qualified firms, the Committee discussed each company's proposal according to the criteria as set forth in the RFQ.

The Committee proceeded to shortlist the firms for interviews based on the following criteria (the Committee, unanimously agreed on shortlisting based on the total scoring rather than ranking, given the number of firms, the scores were too close to have a concise ranking); furthermore, the Committee unanimously agreed on reserving 25 points for the final scoring and ranking of interviews; thus, giving a total of 75 points to the shortlisting firms:

	Criteria	Scoring Weight
A	The experience, qualifications and (portfolio) of the Principal Firm	20 (5)
B	The experience, qualifications and (portfolio) of the Project Manager	15 (5)
C	The experience and qualifications of the professional personnel assigned to the Project Team	15 (5)
D	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	15 (5)

E	Project Implementation Strategy to comply/meet with the expedited timeframe described in this RFQ and demonstrated successful similar projects	15
F	Willingness to meet time and budget requirements as demonstrated by interview of key personnel	5
G	Certified disadvantaged business enterprise (DBE) participation Either the Prime Consultant or the sub-Consultant team may qualify for proof of DBE certification. Accepted DBE certifications include the Small Business Administration (SBA), State of Florida, or Miami-Dade County	5
H	Location	5
I	Recent, current, and projected workloads of the firms	5 (5)

The Committee unanimously agreed through a motion presented by Chairperson Xavier Falconi and seconded by Rick Saltrick to invite for interviews the seven (7) top-ranked proposers based on the total scores.

On February 18, 2009, the Committee re-convened for interviews, deliberations, and recommendations.

After interviews were conducted with the seven (7) top-ranked firms, the Committee proceeded to score and rank the proposers as follows:

RFQ 03-08-09	Rick Saltrick	Xavier Falconi	Jose Perez	Robert Dean Fairless	Rosa Barco	TOTALS	PREVIOUS TOTALS	CUMULATIVE TOTALS
PARSONS BRINCKERHOFF	24	25	21	20	24	114	327	441 (1)
BERMELLO AJAMIL	23	22	19	18	23	105	324	429 (2)
GBF ENG.	22	23	21	18	25	109	300	409 (3)
MARLIN ENG.	21	22	21	19	14	97	306	403
PBS&J	22	23	19	17	15	96	299	395
NEW MILLENNIUM	21	22	19	15	20	97	295	392
SRS ENG.	20	18	16	9	9	72	312	384

Based on the scores and rankings of the Committee members, PB Americas was selected as the top-ranked firm, Bermello Ajamil, as the second-ranked and GBF Engineering as the third ranked firm based on the highest number of total points. A motion was presented by Xavier Falconi, seconded by Robert Fairless, and was unanimously approved by the Committee.

FIRM'S PROPOSAL

Founded in 1885, **PB Americas, Inc. (PB)**, also known as Parsons Brinckerhoff, is one of the oldest continuously operating consulting engineering firms in the United States with over 13,000 employees located throughout 150 production offices worldwide. PB provides a full range of planning, engineering, architectural and construction management services for clients in the public and private sectors.

Since its inception, PB has been a part of the premier infrastructure development projects from the New York Subway System in 1900 to ongoing CEI work throughout Florida.

FLORIDA CONSTRUCTION MANAGEMENT AND INSPECTION EXPERIENCE

PB has operated in Florida for several decades, having a strong emphasis on both design and construction. Currently PB has 430 employees throughout the state working in major offices in Tampa, Miami, Orlando and Jacksonville. Satellite offices include West Palm Beach, Tallahassee and Naples. PB also has field offices supporting projects under construction.

In Florida, the construction staff of approximately 190 is currently involved on 17 projects. This staff includes construction managers, office engineers, project engineers, inspectors, schedulers, project control specialists and support personnel, making it one of the largest CEI/construction management (CM) firms in the state.

PB has performed well on task-order contracts for OOCEA, FDOT and Florida's Turnpike Enterprise. As an example, PB is currently in its third 5-year (extendable to 10-year) contract as Construction and Materials Engineering and Management Consultant (CMECM) for Florida's Turnpike Enterprise providing statewide construction management (CM) services. PB also is completing a 2nd cycle of a similar role for Orlando/Orange County Expressway Authority (OOCEA) on a miscellaneous CEI contract handling multiple assignments. PB staff work closely with the client, acting as an extension of their staff. Renewals of these long-term contracts are testimony to client satisfaction and the ability to provide successful support services.

Through PB's statewide experience, PB has developed an in-depth knowledge of state policies and procedures, Florida contractor construction methodologies, and local site conditions, enabling the firm to consistently deliver projects on schedule, within budget and designed and built in conformance with contract plans and specifications.

PROJECT MANAGER

Eduardo Rodriguez, P.E., as Senior Project Engineer (Project Manager) for the PB Team. Eduardo has 24 years' experience in the planning, design and management of a variety of transportation projects in South Florida. He spent nearly 13 years with the FDOT in increasingly responsible positions in design and construction. He understands the importance of developing and maintaining effective professional relationships with contractors, impacted business owners, and the client. His leadership abilities, as demonstrated on the SR 874 Steel Box Girder On-Ramp from Kendall Drive and SR 836 Auxiliary Lanes project for MDX, and I-95 Noise Walls and Calle Ocho projects for FDOT District 6, where a 16-inch water main was a part of the contract, will be a tremendous benefit to this contract.

Each PB Team member has the responsibility for providing the City a level of service that will meet or exceed expectation. Through in-house training, orientation and scheduled employee evaluations, the PB Team places strong emphasis on quality consciousness among its employees and subconsultants. Many of the proposed Team members have worked together on similar projects.

KEY PERSONNEL

Career highlights, availability and key qualifications of our proposed key personnel are listed below. Their resumes and proof of PE licenses/certification appear in the proposal.

WILLINGNESS TO MEET TIME AND BUDGET REQUIREMENTS

PB stated that they will place the highest priority on this project and complete it in accordance with approved plans, specifications, schedules and established budgets. PB will work together with the City of Miami Beach to provide quality CEI services, while at the same time keeping costs within budget.

LOCATION

PB maintains a production office in Miami at 7300 Corporate Center Drive, Suite 600. If needed for this contract, PB expressed a willingness to establish a field office to provide responsive service.

CURRENT AND PROJECTED WORKLOAD

The PB team selected for this contract has built-in flexibility to meet the needs of the City of Miami Beach. PB does not anticipate a conflict in projected workload.

VOLUME OF WORK PREVIOUSLY AWARDED BY THE CITY

To date, PB has not been under contract with the City of Miami Beach.

STRATEGY TO COMPLY/MEET EXPEDITED TIME FRAMES

In order to retain control of the project, the project schedule will be reviewed by the CEI and approved by City prior to the contractor starting any construction activity.

PB has staff with workable knowledge of Primavera and other scheduling programs that allows PB to monitor the contractor's schedule and compare it to actual job progress.

The activities listed on the schedule will be broken down to a level of detail sufficient to establish inspection and testing requirements and to determine the progress of the project, and the percentage of completion vs. value (cost loading) of the work in place.

Once the contractor's schedule is accepted, it will be installed in the project office for continuous monitoring by PB's Senior Project Engineer, Eduardo Rodriguez, P.E. and Contract Support Specialist, Gregory Netto, P.E.

An independent updating will be conducted based on the daily reports received from the inspectors which will provide us with "real time" status of the work and will immediately identify a lag of progress according to the baseline schedule.

As a matter of practice, the contractor will be requested to submit a two-week, look-ahead schedule at the weekly Progress Meeting. This schedule will be the basis for monitoring the contractor's quality control testing and scheduling the inspection and verification testing in the most efficient way. This schedule will be compared to the baseline schedule and will serve as the basis to discuss progress attained and work to be performed, including corrective action of any item of work falling behind schedule.

PB has experienced schedule reviewers to analyze schedules for delays, deficiencies and/or claims analysis should the need arise.

AGREEMENT

The results of the Negotiated Agreement to include total cost will be presented to the Mayor and City Commissioner at a regular scheduled City Commission meeting.

CONCLUSION

The Administration recommends that the Mayor and City Commission adopt the attached Resolution accepting the recommendation of the City Manager pursuant to Request for Qualifications (RFQ) No. 03-08/09, for Professional Construction Engineering Inspection (CEI) Services of the water mains, sanitary sewer mains, and milling and resurfacing improvements along Indian Creek Drive between 26th and 41st Streets; and authorizing the Administration to enter into negotiations with the top-ranked firm, Parsons Brinckerhoff Americas; 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, Bermello Ajamil; 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 GFB Engineering.

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ACCEPTING THE RECOMMENDATION OF THE CITY MANAGER, PURSUANT TO REQUEST FOR QUALIFICATIONS (RFQ) NO. 03-08/09, FOR PROFESSIONAL CONSTRUCTION ENGINEERING AND INSPECTION (CEI) SERVICES OF THE WATER MAINS, SANITARY SEWER MAINS, AND MILLING AND RESURFACING IMPROVEMENTS ALONG INDIAN CREEK DRIVE BETWEEN 26TH AND 41ST STREETS; AND AUTHORIZING THE ADMINISTRATION TO ENTER INTO NEGOTIATIONS WITH THE TOP-RANKED FIRM, PARSONS BRINCKERHOFF AMERICAS; 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, BERMELLO AJAMIL; 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, GBF ENGINEERING.

WHEREAS, on December 10, 2008, the Mayor and City Commission approved the issuance of Request for Qualifications (RFQ) No. 03-08/09, for Professional Construction Engineering Inspection (CEI) Services of the water mains, sanitary sewer mains, and milling and resurfacing improvements along Indian Creek drive between 26th and 41st streets (the "RFQ"); and

WHEREAS, the CEI services will ensure proper construction oversight and certification of the milling and resurfacing of Indian Creek Drive, as well as the upgrades of the water and sewer; and

WHEREAS, on December 16, 2008, the RFQ was issued with an opening date of January 15, 2009; and

WHEREAS, a pre-proposal meeting to provide information to prospective proposers was held on January 6, 2009; and

WHEREAS, BidNet sent notices to 41 prospective proposers; BidSync sent notices to 2857 prospective proposers of which 44 viewed the documentation; which resulted in the receipt of the following fourteen (14) proposals; and

WHEREAS, The City Manager, via a Letter to Commission (LTC) No. 029-2009, appointed an Evaluation Committee ("The Committee") consisting of the following individuals:

- Rick Saltrick, Sr. Capital Projects Coordinator, CIP;
- Xavier Falconi, Transportation Manager, Transportation Division;
- Jose Perez, Civil Engineer III, Public Works;
- Robert Dean Fairless, Miami Beach Resident, Leadership Academy;
- Rosa Barco, Miami Beach Resident, Leadership Academy;
- Carlota Guerrero, Miami Beach Resident, Leadership Academy; and

WHEREAS, on February 13, 2009, the Committee proceeded to shortlist the firms for interviews based on criteria set forth in the RFQ, scored and ranked the Proposers, and unanimously agreed to bring back the seven (7) top-ranked firms; and

WHEREAS, on February 18, 2009, the Committee reconvened for interviews, deliberations and recommendations; based on the scores and rankings, PB Americas was selected as the top-ranked firm, Bermello Ajamil, as the second-ranked and GBF Engineering as the third ranked firm; and

WHEREAS, the City Manager has reviewed and concurs with the Evaluation Committee's recommendation.

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 City Manager, pursuant to Request for Qualifications (RFQ) No. 03-08/09, for Professional Construction Engineering Inspection (CEI) Services of the water mains, sanitary sewer mains, and milling and resurfacing improvements along Indian Creek drive between 26th and 41st streets; and authorizing the Administration to enter into negotiations with the top-ranked firm, Parsons Brinckerhoff Americas; 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, Bermello Ajamil; 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 GFB Engineering.

PASSED AND ADOPTED THIS _____ DAY OF _____ 2009.

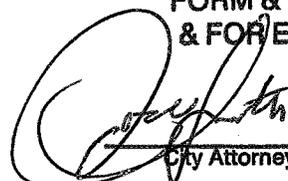
ATTEST:

CITY CLERK

MAYOR

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



City Attorney

3/9/09

Date

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